

## Planning and Assessment

IRF20/86

### Gateway determination reports

<b>LGA</b>	Nambucca Valley Council
<b>PPA</b>	To reclassify Lot 482 DP 700681 South Arm Road, South Arm from community land to operational land to support the development of the Bowraville Sporting Hub
<b>NAME</b>	Bowraville Sporting Hub
<b>NUMBER</b>	PP_2020_NAMBU_001_00
<b>LEP TO BE AMENDED</b>	Nambucca Local Environmental Plan 2010
<b>ADDRESS</b>	South Arm Road, South Arm
<b>DESCRIPTION</b>	Lot 482 DP 700681
<b>RECEIVED</b>	09 January 2020
<b>FILE NO.</b>	IRF20/86
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

Council is the owner of Lot 482 DP 700681 which is known as Hennessy Tape Reserve. It is intended that a major sporting and community precinct be established on the Reserve which includes a range of new and upgraded sporting facilities and supporting infrastructure.

To enable a land swap with adjoining Lot 481 DP 700681 owned by the Bowraville Recreation Club to facilitate the transfer of land for construction of a new licensed sporting club, it is proposed to reclassify Hennessy Tape Reserve from community to operational land and extinguish any implied Public Reserve status.

It is proposed that the entire lot be reclassified to provide Council with the flexibility to accommodate any changes to the project as it progresses. Once the project is complete, Council has indicated that it intends to return the land not used as part of the development to a community classification.

### 1.2 Site description

Hennessy Tape Reserve is approximately 22 hectares in area and presently contains a golf course plus a range of sporting facilities such as an oval, netball/basketball court, skate park, bike track and swimming holes in South Creek (Figures 1 and 2).

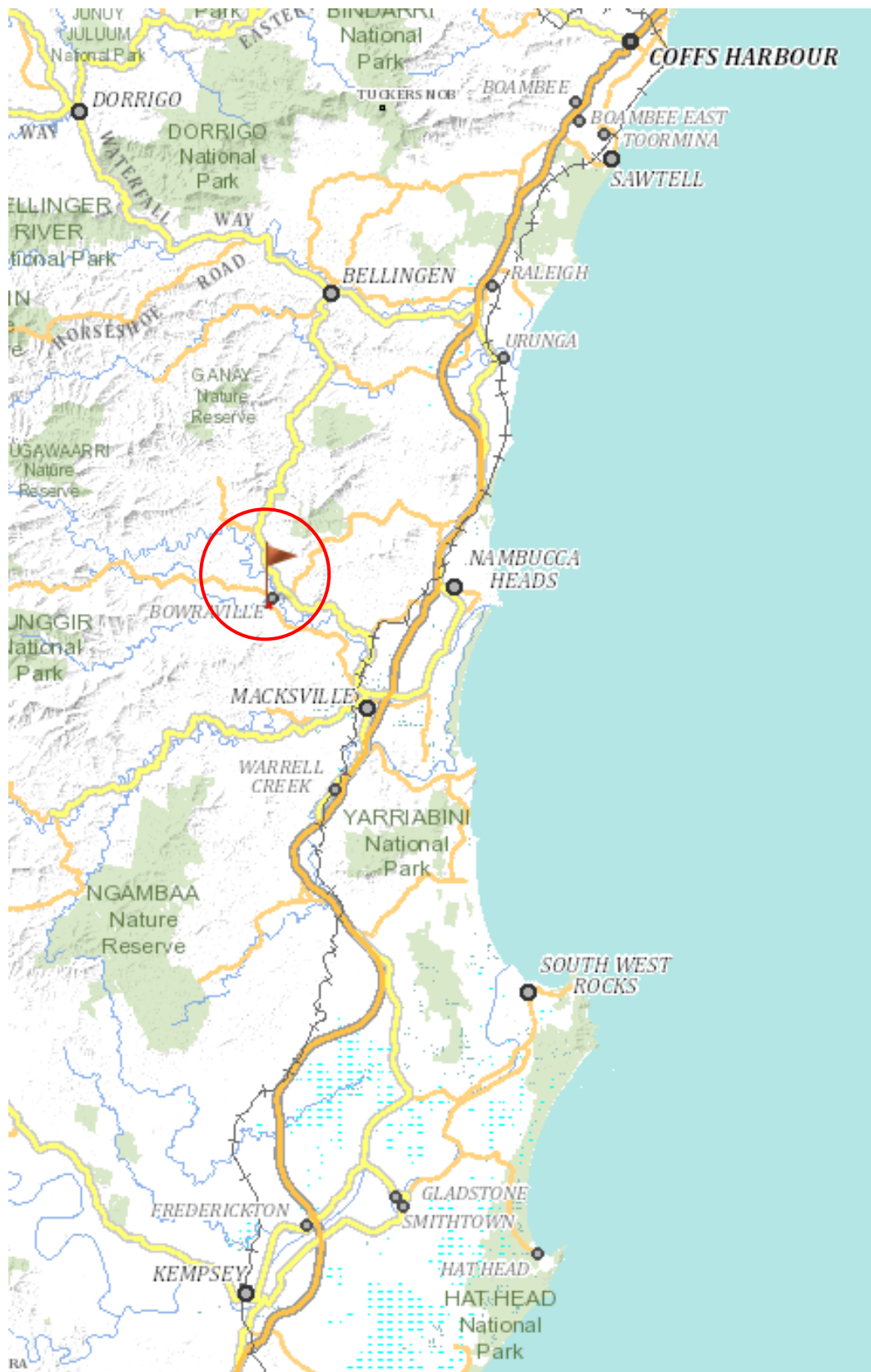


Figure 1: Locality Map (Source: SixMaps)



Figure 2: Site Map (Source: NSW Legislation)

### 1.3 Existing planning controls

Pursuant to the Nambucca LEP 2010, the land is zoned RE2 Private Recreation (Figure 3). There are no planning controls proposed to be amended by this planning proposal, other than the classification.



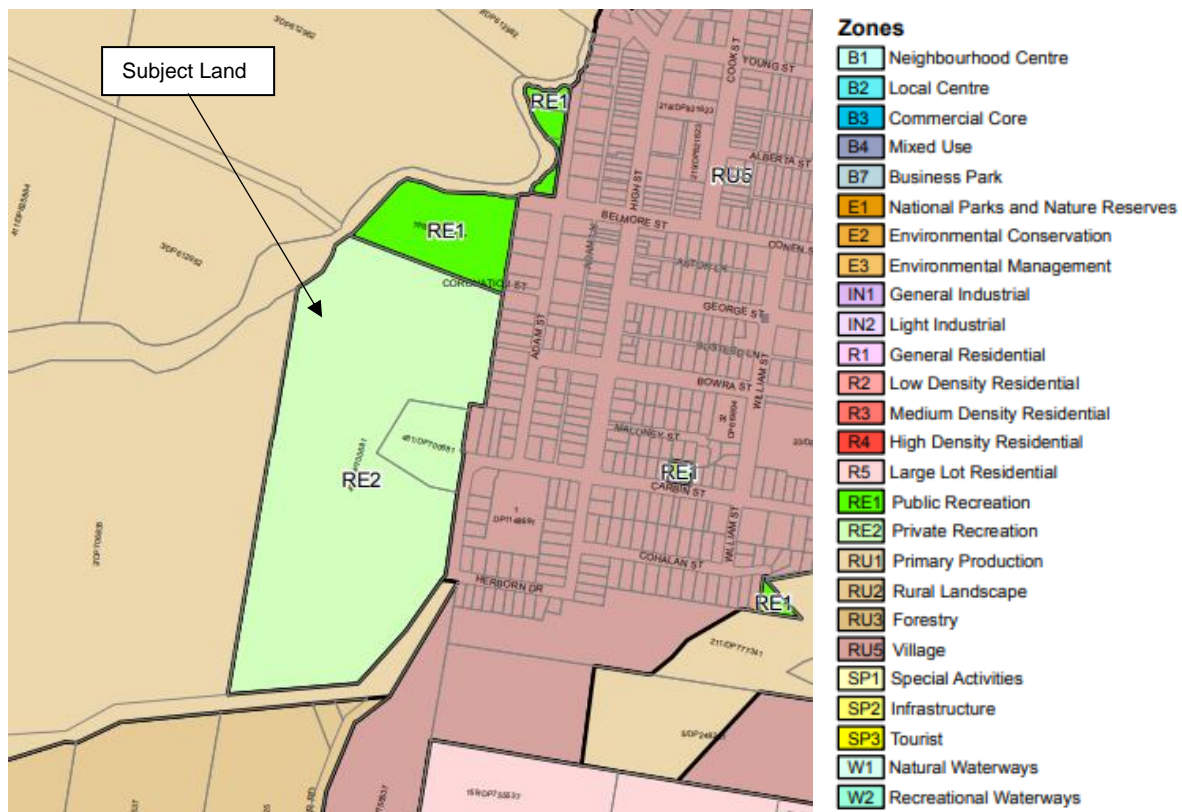


Figure 3: Extract of Land Zoning Map (Source: NSW Legislation)

#### 1.4 Surrounding area

Hennessey Tape Reserve is located to the west of Bowraville village which contains a range of residential development and local services such as schools, shops, churches and clubs. The Bowraville Pre- School and South Creek are located to the north of the site, and rural land used for agricultural pursuits to the west and to the south. The Reserve surrounds the Bowraville Recreation Club on three sides. The southern and south-eastern portion of the land has frontage to South Arm Road and Coronation Street in the north-east (Figure 2).

#### 1.4 Summary of recommendation

It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the planning proposal will provide flexibility to help deliver a community-focused project;
- the planning proposal will facilitate the development of the land as a major sporting and community precinct in Bowraville;
- the planning proposal will not have a long term impact on the availability of community land in Bowraville;
- the planning proposal is consistent with the North Coast Regional Plan 2036; and
- the planning proposal responds to the aspirations of the Nambucca Shire Community Strategic Plan 2027.

It is recommended that this planning proposal be supported with conditions

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The objective of the planning proposal is to amend the Nambucca LEP 2010 to allow the transfer of land to the Bowraville Sporting Inc., an incorporated body established to be responsible for the sporting hub. The planning proposal also aims to allow for the design and location of the sporting hub facilities to be refined without the impediments of a land classification.

The objectives and intended outcomes of the planning proposal are adequately described and do not require amendment prior to community consultation.

### **2.2 Explanation of provisions**

The amendments proposed to the Nambucca LEP 2010 to achieve the intended outcomes are to:

- Amend Schedule 4 – Classification and Reclassification of Public Land Part 2 Land Classified or Reclassified as Operational Land – Interests Changed to include Lot 482 DP 700681 from community land to operational land.

The explanation of provisions is adequately described and does not require amendment prior to community consultation.

### **2.3 Mapping**

The planning proposal includes a map which adequately identifies the land subject to the proposed reclassification. No changes to the Nambucca LEP 2010 maps are required for this planning proposal.

## **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is not the result of any strategic study or report. The Bowraville Connections project identified the need to refurbish the existing recreational club, and this idea has been expanded to a major sporting and community precinct for the land.

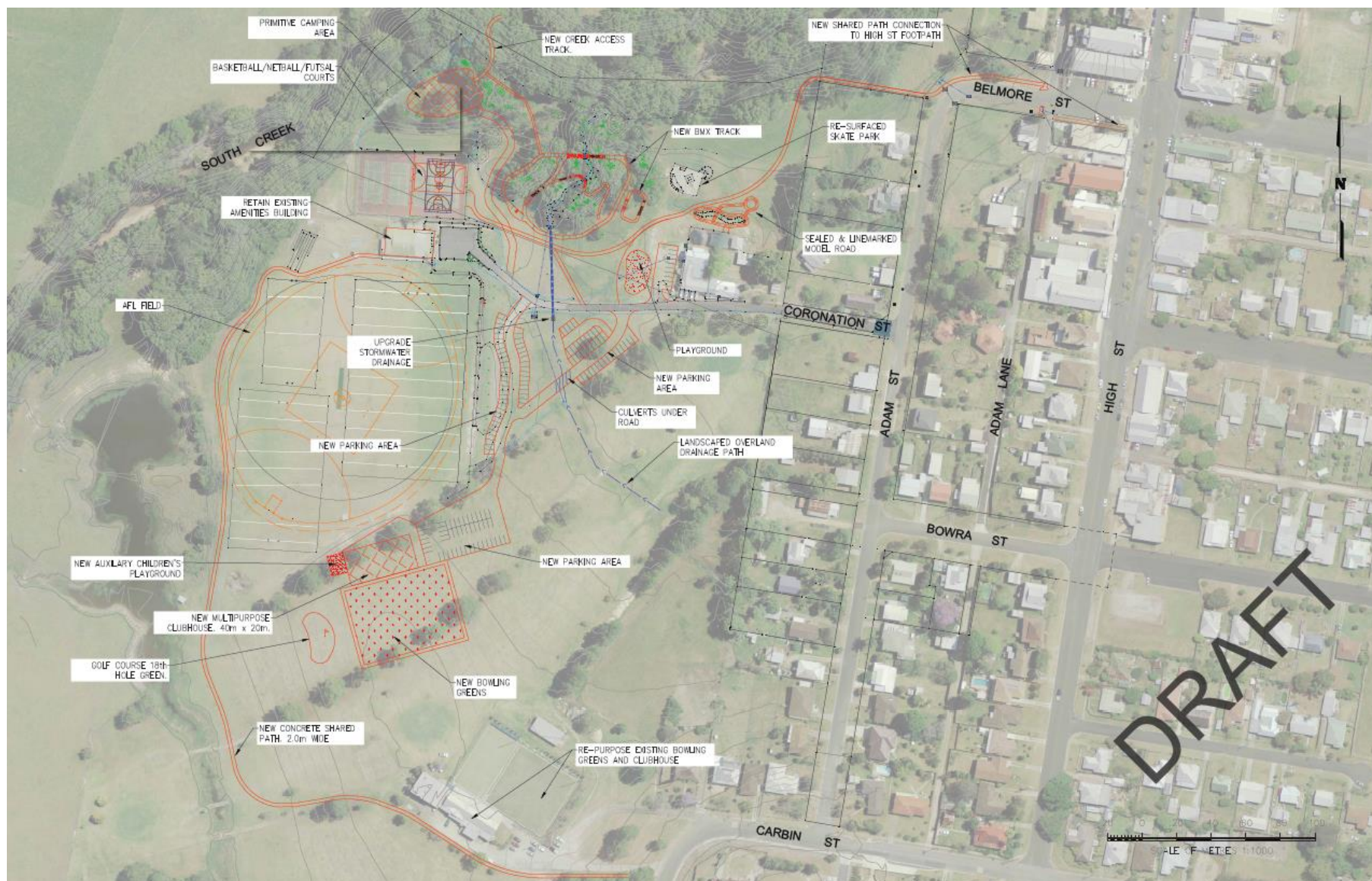
As part of the project, a new licenced sporting club is to be built and an incorporated body, Bowraville Sporting Inc., has been established to be responsible for its operation.

A land swap is proposed to facilitate the new sporting club with some of the adjoining Lot 481 DP 700681 owned by the Bowraville Recreation Club to be transferred to Council in return for Council transferring part of Lot 482 DP 700681 to Bowraville Sporting Inc.

To enable the land swap to occur, it is necessary to reclassify Lot 482 DP 700681 from community land to operational land and extinguish its implied Public Reserve status. The entire lot is to be reclassified to provide Council with the flexibility to accommodate any changes to the project as it progresses.

The concept plan for the sporting hub contained in the Agenda of the Ordinary Council Meeting on 26 September 2019 (Figure 4) shows a range of facilities including a BMX track, an AFL ground, children's playgrounds, skate park and multi-use courts. It also includes the repurposing or upgrade of existing facilities and new supporting infrastructure such as carparking, shared paths, landscaping and drainage. Some of these works have already been completed.





## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

The planning proposal does not contain any matters of State or regional significance.

### **4.2 Regional / District**

The North Coast Regional Plan 2036 is relevant to the planning proposal as follows:

#### **Direction 8: Promote the Growth of Tourism**

One of the opportunities for the North Coast identified by this Direction is to build on the reputation as a host of major sporting events and cultural festivals. The planning proposal aligns with this Direction because it will help to facilitate the delivery of a major sporting hub which aims to attract a range of regional sporting and community events.

#### **Direction 14: Provide Great Places to Live and Work**

This Direction identifies that most communities have a vision for their local area, and that local precinct planning can be used to deliver the vision. The proposed reclassification forms part of a larger Bowraville Connections and Nambucca Valley Connected program which has been awarded funding through various state programs. The planning proposal is consistent with this Direction because will help to deliver the vision for the site which has been a collaborative process with the local community.

#### **Direction 15: Development Health, Safe Socially Engaged and Well Connected Communities**

This Direction nominates that North Coast communities enjoy the outdoors and being active, and that it is critical that urban environments enable this lifestyle. The planning proposal is consistent with this Direction because it will help deliver a project that encourages an active community and facilitates improved connections from the village centre as shared pathway comprises part of the proposed work.

#### **Direction 16: Collaborate and Partner with Aboriginal Communities**

This Direction identifies that consultation processes on future land use planning should ensure that Aboriginal people have their interests and responsibilities acknowledged, respected and considered through the planning process. The planning proposal is consistent with this Direction as planning for the sporting hub involved extensive collaboration with the Aboriginal community to ensure that the facilities met community needs.

### **4.3 Local**

The following aspirations of the Nambucca Shire Community Strategic Plan 2027 are applicable to the planning proposal:

#### **Aspiration 3: Living Well**

This Aspiration identifies that social cohesion of the Nambucca Valley Communities should be underpinned by a wide range of cultural, sporting and recreational opportunities and that meeting places will be provided across the shire to support an inclusive community.

Its also states that the Nambucca Valley will have a variety of safe and well maintained sporting and recreational areas to the meet the needs of all age groups in the community.

#### Aspiration 4: Promoting Prosperity

This Aspiration identifies that the Shire's infrastructure must reliably support the needs of the community and facilitate a prosperous economy and promote future economic growth.

The planning proposal aligns with Aspirations 3 and 4 as it will help deliver a major sporting and community facility which aims to remove barriers, increase social interaction, improve health and wellbeing and reduce unemployment.

#### **4.4 Section 9.1 Ministerial Directions**

The proposal is consistent with the relevant section 9.1 Directions, except for those discussed below:

##### Direction 2.3 Heritage Conservation

The planning proposal is inconsistent with this Direction as it does not contain specific provisions to facilitate the conservation of the Aboriginal places of heritage significance identified on the land. It is recommended that the Gateway determination require consultation with the Bowraville Local Aboriginal Lands Council and Regional NSW – Heritage Division to confirm the suitability of the proposal.

##### Direction 4.3 Flood Prone Land

The planning proposal is inconsistent with this Direction because it does not include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). The inconsistency is considered to be of minor significance and will be addressed at the development application stage or through a review of environmental factors, if required.

##### Direction 4.4 Planning for Bushfire Protection

The planning proposal is potentially inconsistent with this Direction as it applies to land that is bush fire prone. The Direction provides that the Council must consult with the Commissioner of the NSW Rural Fire Service (RFS). Consultation with the RFS is required after a Gateway Determination is issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

##### Direction 6.2 Reserving Land for Public Purposes

The planning proposal is inconsistent with this Direction as it reduces land identified for public purposes without the approval of the Secretary through reclassification of the land from community to operational. The inconsistency is considered to be of minor significance as there will be no decrease to the area of land available in Bowraville for recreational purposes and it is intended to return a proportion of the land to a community classification at the end of the project.

#### **4.5 State environmental planning policies (SEPPs)**

The planning proposal is considered to be consistent with all relevant SEPPs.

While clause 6 of SEPP 55 is not strictly applicable, as no change in zoning is involved, Council has indicated that the land does not have a history of potentially contaminating land uses, having been used predominately as a golf course.



## 5. SITE-SPECIFIC ASSESSMENT

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### 5.1 Social

The planning proposal will facilitate further development of the sporting hub which is anticipated to have a number of social benefits including the removal of barriers, increased social interaction, improved health and wellbeing and reduced unemployment.

Council has advised that the Dropping Off the Edge report (Jesuit Social Services and Catholic Social Services Australia, 2015) identifies Bowraville to be one of the most disadvantaged communities in NSW. As such, the progressive development of a major facility which embraces the community's love of sport is an important social initiative.

The project aims to be inclusive, accessible, introduce new sports and encourage participation. It was subject to extensive community consultation to ensure that it met the needs of the community and that the design addressed local history and Aboriginal culture.

There is approximately 40 hectares of Council managed land within Bowraville village (Figure 5), and around 4 hectares of this land has an operational classification. The remainder has a community classification.

The planning proposal aims to reclassify 22 hectares of community land which represents 61% of the community classified land in Bowraville. The intention is to allow for the design and location of the sporting hub facilities to be refined without the impediments of a land classification. It will also allow for a land swap to enable construction of a new sporting club.

It is recognised that the planning proposal seeks to reclassify a significant proportion of Bowraville's community classified land. However, in the long term there will be negligible impact to the availability of community land because the proposal involves a land swap, and it is intended that at the completion of the project, the parts of the land not required for the new facility will be re-classified as community land.



Figure 5: Open Space in Bowraville (Source: Planning Proposal)

## **5.2 Environmental**

There will be no negative environmental impacts as a consequence of the planning proposal as the land has been and will continue to be used for recreational purposes. Any environmental impacts will be considered at the development application stage or through a review of environmental factors, if required.

## **5.3 Economic**

Council has indicated that the Socio-Economic Indexes for Areas (Australian Bureau of Statistics, 2011) lists the Local Government Area (LGA) in the Top 10 for disadvantage in income, education and employment.

The sporting hub is anticipated to have positive economic impacts as it will provide the LGA with a high standard facility that accommodates a range of sports. Funds will be injected into the community initially through construction work and supply of materials, grounds upgrade and the start-up of new sports and later through participation and tourism and ongoing management and operations.

## **5.4 Infrastructure**

Council has indicated that the necessary infrastructure is available to the site. It is noted that the project also includes the provision of new supporting infrastructure such as carparking, shared paths, landscaping and drainage.

# **6. CONSULTATION**

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## **6.1 Community**

Council nominate that the planning proposal will be exhibited for a period of 28 days. Community consultation will include an advertisement in the local newspaper, on Council's website and notification to adjoining landowners.

In accordance with the Department's Practice Note 16-001 Classification and reclassification of public land through a local environmental plan, a 28 day community consultation period is required for this planning proposal.

A public hearing will also be required to be held in accordance with Section 29(1) of the Local Government Act 1993.

## **6.2 Agencies**

Council has not identified who they intend to consult with, except for the Rural Fire Service, which is a requirement of 9.1 Direction 4.4 Planning for Bushfire Protection.

Council has indicated that a number of State agencies have an interest in the Bowraville Connections and/or Nambucca Valley Connected program including Family and Community Services, Regional NSW (formally Premier and Cabinet) and Department of Planning, Industry and Environment – Fisheries. However, it is not considered necessary that all of these agencies be consulted with respect to the planning proposal.

It is recommended that in addition to the Rural Fire Service, that consultation should occur with Bowraville Local Aboriginal Lands Council and Regional NSW (Heritage Division) because Council has identified that there are items of Aboriginal significance located near to, and on the subject site.



## **7. TIME FRAME**

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The timeframe nominated for the Planning proposal by Council is six months. Given that a public meeting must be held pursuant to clause 29 of the Local Government Act 1993 and the Governor's approval must be obtained for the reclassification, nine months is considered to be a more practical and appropriate timeframe.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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As the Governor's approval is required to remove the public reserve status of part of the land, Council cannot be authorised to be the local plan making authority.

## **9. CONCLUSION**

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It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the planning proposal will provide flexibility to help deliver a community-focused project;
- the planning proposal will facilitate the development of the land as a major sporting and community precinct in Bowraville;
- the planning proposal will not have a long term impact on the availability of community land in Bowraville;
- the planning proposal is consistent with the North Coast Regional Plan 2036; and
- the planning proposal responds to the objectives of the Nambucca Shire Council Community Strategic Plan 2027.

It is recommended that this planning proposal be supported with conditions.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:


1. agree that any inconsistencies with section 9.1 Directions 2.3 Heritage Conservation, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are minor or justified; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - Bowraville Local Aboriginal Lands Council
  - Regional NSW (Heritage Division)
  - Rural Fire Service

The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.

3. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



24/01/2020

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3/02/2020

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