

Reclassification and rezoning of part of Boomerang Park, Raymond Terrace

Proposal Title : **Reclassification and rezoning of part of Boomerang Park, Raymond Terrace**

Proposal Summary : **The planning proposal seeks to reclassify and rezone a 4.5 hectare part of Boomerang Park at Raymond Terrace.**

The proposed reclassification would change the classification of the land under the Local Government Act 1993 from community land to operational land.

The proposed rezoning would change the current RE1 Public Recreation zone to R2 Low Density Residential in the Port Stephens LEP 2013.

Council has resolved, despite the uses permissible in the R2 zone, to limit the potential redevelopment of the site to seniors housing.

PP Number : **PP_2015_PORTS_008_00** **Dop File No :** **15/11919**

Proposal Details

Date Planning Proposal Received :	24-Sep-2015	LGA covered :	Port Stephens
Region :	Hunter	RPA :	Port Stephens Council
State Electorate :	PORT STEPHENS	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	17E Irrawang Street		
Suburb :	City :	Raymond Terrace	Postcode : 2324
Land Parcel :	Part lot 1 DP 1018979		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Sarah Connell**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : No

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

SITE DESCRIPTION

Boomerang Park is situated approximately 250 m from the central business district of Raymond Terrace. Council states the park is 21.6 hectares of which a 4.5 hectare portion forms the subject site. Refer Tab Map.

The site is generally flat and largely cleared with some mature trees across the site and along its perimeter. It is surrounded by parkland to the north, east and west, with Elizabeth Avenue and dwellings to the south.

A golf course is located further to the north and a historic cemetery further the east. A water tower, senior citizen's centre and after school care facility are all located to the west within the broader park's grounds.

COMMUNITY INTEREST

There has been substantial community interest in this proposal. It has also been frequently covered by local media.

Correspondence received by the Minister and the Department has been from community members and the community action group who have requested that the Gateway not support the progression of the proposal.

Issues raised generally include:

- lack of transparency/ consultation in the earlier masterplanning process which provides the justification for the planning proposal;
- disagreement with Council's rationale for selling the park ie the site is not underutilised and opinion that it would be more utilised if Council had not historically neglected it;
- opinion that the park is needed for community health and to support the continued growth of Raymond Terrace for future generations;
- statements about the site's historic social connection with the community being the

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location held for several key events (eg agricultural shows, troop training, Federation and Armistice celebrations);

- impacts on ecology, koala habitat, view loss, linkage to the nearby historic cemetery;
- lack of alternative council owned sites considered for sale;
- potential for precedent for sites elsewhere in the local government area; and
- inconsistency with the Plan of Management prepared with the community in 2000.

Specifically its position that the sale of land should not be considered as a future management option for the site.

DATE RECEIVED

The proposal was first received on 4 August 2015. Additional information was requested on 12 August 2015. This information was provided to the Department on 24 September 2015.

DOCUMENTS RECEIVED

Council has submitted its planning proposal, an earlier planning proposal prepared by de Witt Consulting, and documentation regarding heritage impacts (quarry and mature trees).

The Council planning proposal (with the Port Stephens Council logo) forms the subject of this assessment and is to be considered by the Gateway. The de Witt Consulting proposal has not been made public on the LEP tracking system to avoid the potential for confusion.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The Statement of Objectives is consistent with the Department's "Guide to Preparing Planning Proposals". It states that the land is to be reclassified from "community" to "operational" and would rezone the site from RE1 Public Recreation to R2 Low Density Residential.

However, contrary to the PP as submitted, the elected Council also resolved to limit the future development of the proposed R2 site to solely seniors housing. As such, the actual intended outcome, seniors housing, is not reflected in the PP or supporting Council report.

Should the Gateway support the proposal, Council should update the Statement of Objectives to reflect the seniors housing outcome sought by the elected Council.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The Explanation of Provisions is consistent with the Department's "Guide to Preparing Planning Proposals". It details the LEP and LEP map changes that would be required to enable the Statement of Objectives outcomes.

However, the explanation of provisions needs to be updated to reflect the seniors housing outcome sought, if the proposal is supported by the Gateway. This would clarify matters for the community and should include detailing the mechanism proposed to limit the future development of the site to seniors housing. Discussion should also be provided about whether the mechanism used to limit the site could be changed, and the circumstances by which this could occur. It should be clear that, should the seniors housing restriction be removed, then the site could be developed for any of the permitted uses in the R2 Low Density Residential zone.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Further discussion on this is provided in the "Consistency with the Strategic Framework" section of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping provided is adequate for the purposes of consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has not nominated a specific length of time for consultation although its project timeline indicates approximately a month.

Given the level of community interested anticipated in this proposal, a minimum of 28 days is recommended should the Gateway support the proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

SECRETARY'S ADDITIONAL REQUIREMENTS FOR RECLASSIFICATION PROPOSALS

The Planning Proposal provides details in response to the relevant matters outlined in the Department's "A guide to preparing local environmental plans".

Council has also included the information required to be exhibited when proposing to reclassify land as specified in the Department's Practice Note (PN 09-003) "Classification and reclassification of public land through a local environmental plan". This assessment should be updated to reflect the seniors housing outcome sought for the site.

PROJECT TIMELINE

Council has indicated that it would take 6 months to have the plan with the Department for finalisation. This is considered ambitious. Should the Gateway support the progression of the proposal, a 12 month completion timeframe is recommended. This would provide adequate time for LEP drafting and finalisation, while also providing an adequate buffer for any delays.

PLAN-MAKING DELEGATION

Council has not requested plan-making delegation for this proposal. Given that the land is owned by Council and is to be sold as well as noting the level of community interest, it is recommended that plan-making delegation not be given should the Gateway support the proposal.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The adopted masterplan identifies the potential residential rezoning and sale of the site, subject to further investigations. The PP is presumably the product of these investigations. It nominates an R2 zone for the site because it is an infill site and R2 applies to the land adjoining to the south. All assessment and consideration contained in the PP is based on this R2 outcome. Council's resolution however restricts the R2 permitted uses to only seniors housing. For clarity the PP should be updated to reflect this outcome.

The resolution raises questions regarding the suitability of the proposed R2 zoning and whether alternatives are more appropriate. An alternative zone such as RE2 Private Recreation and seniors housing as an additional permitted use (APU) would still provide for seniors housing while ensuring a recreation outcome for the site should it not be developed for this use.

Notwithstanding this, it is also unclear how the seniors housing outcome would be implemented. At this stage, the resolution provides the only detail and states that Council "register a restriction/ covenant on the use of the land". How this covenant would be applied, details on how it could be changed, whether Council wants specific types of seniors housing (eg residential care facility or over 55s), and how this will be enforced over time, are not known. Further consideration is required.

As it stands, the proposal has attracted substantial community interest and coverage in local media. The PP itself notes the "significant concern and opposition to the rezoning" experienced during the masterplanning process. Community member correspondence has generally criticised the planning process to date for this site, citing lack of transparency and lack of engagement as being key issues, in addition to the broader range of matters already discussed (refer to the "internal notes" section of this report).

The Department has considered these matters and does not consider them to be so substantial as to render the proposal inadequate for consideration by the Gateway. However, the PP requires rework before community consultation could occur.

General matters requiring rework should the Gateway support the proposal include:

Its content needs to be reviewed given the Council resolution and further consideration is required into the mechanism to be used to limit the development of the site to seniors housing. This should also include looking more broadly at using an APU approach and alternative zones which may be more supported by the community should seniors housing not develop on the site.

Given the level of community interest, information should be provided in the PP regarding;

- the consideration and feasibility of alternatives ie other options for raising finance for

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park upgrades (such as selling alternative sites, existing Council funds, sale of other parts of the park, etc),

- identifying which of the masterplan facilities would be specifically funded from the sale and why those facilities,

- how a seniors housing development would integrate with the surrounding land (eg cemetery), types of seniors housing envisaged, etc.

Further information is required regarding Council's desired level of open space provision. If Council has not gone through a needs analysis process like that outlined in the Department's "Recreation and open space planning guidelines for local government" (2010), then Council should clearly explain the level of open space (specifically park land) that it intends to maintain for the community. If Council uses a numeric standard, then showing how this compares with other regional local government areas and the Raymond Terrace district would assist Council in making the case for change to the community.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Port Stephens Local Environmental Plan 2013 commenced in February 2014.

Assessment Criteria

Need for planning proposal :

The planning proposal seeks to rezone and reclassify a 4.5 ha part of Boomerang Park (21.6 ha) so that the parcel of land may be sold. The funds raised are to then assist in funding upgrade works to the broader park, consistent with Council's adopted Boomerang Park Masterplan.

Council justifies the PP by asserting that the land is underutilised and that there is sufficient open space in Raymond Terrace should the land be sold. The proposed R2 zoning is justified by Council because it would be an extension of the R2 zoned land to the south. No justification is provided for restricting the future development of the site to seniors housing component. This should be included in the PP.

Neither the Regional Strategy nor the Department's Open Space guideline contain requirements for the type or size of park land that a council should maintain. The NSW Office of Local Government has confirmed that a council may propose a different use for its land, provided this occurs by way of the statutory process (ie the process Council has initiated with this PP).

On this basis, the level of open space (park land) provided in Raymond Terrace at Boomerang Park is considered to be a matter for Council and the community to resolve. This may occur through the rezoning process.

Consistency with
strategic planning
framework :

LOWER HUNTER REGIONAL STRATEGY

The Lower Hunter Regional Strategy supports the continued growth of existing centres. The proposal aligns with this outcome. It would provide infill housing (seniors housing) in Raymond Terrace - a major regional centre in the Strategy. In doing so, it would help achieve the Strategy's dwelling targets for Raymond Terrace. It would also increase housing diversity and in turn housing choice (albeit for seniors only), another outcome sought in the Strategy.

There is limited guidance in the Strategy regarding open space, park land and community facilities. While there is general recognition that higher order centres (such as Raymond Terrace) will continue to grow and provide a greater concentration of functions to the community, the level of provision of these functions (such as park land) is not specified. This is a matter for individual councils to determine based on local needs.

RECREATION AND OPEN SPACE PLANNING GUIDELINES FOR LOCAL GOVERNMENT (DP&E 2010)

These guidelines were prepared to assist councils in the broad consideration of open space and recreation needs across their LGAs when preparing community strategic plans.

Essentially the guide sets out a process that councils may follow to evaluate open space provision, engage the local community, and determine the types and standards of open space that are to be provided into the future.

The guide specifically states that it is not intended to be a directive or used as a reference against which a new LEP (a PP) will be assessed, except to the extent that it has informed community strategic plans (which are a consideration when assessing a PP).

The guide refers to the practices of establishing a standard for open space based on population and specifically states that the 'fixed' standard of 2.83 ha of open space per 1,000 people is no longer relevant to open space planning. Despite this comment in the guide, this standard is referred to in the PP and is used to justify the rezoning. The regional office has raised this matter with Council, and it is considered that this reference should be removed from the PP. Council should instead either include details of the needs analysis undertaken or if a open space numeric standard (specifically park land) is being used, then detail the level Council intends to provide and why.

INTEGRATED STRATEGIC PLAN (PORT STEPHENS 2022)

It is unclear whether Port Stephens 2022 is the current version of Council's community strategic plan. A Port Stephens 2023 plan was adopted in May of this year. This should be clarified and the PP updated accordingly.

Council advises that the PP is consistent with the community strategic plan because it would provide for a range of lot sizes and housing types to respond to demographic needs and affordability.

This needs to be updated to reflect Council's resolution that the site is only to be developed for seniors housing. Consideration of how the provision of seniors housing aligns with the community strategic plan needs to be included in the PP.

There is no discussion regarding how the improved park facilities or the loss of park land aligns with the community strategic plan. This should be included.

PORT STEPHENS PLANNING STRATEGY (PSPS)

Council states the PSPS identifies Raymond Terrace as growing through infill development. It asserts that this PP would provide for this outcome.

The Department notes that this site is not specifically identified in the Strategy. However,

the Strategy broadly notes residential growth in Raymond Terrace will likely occur through infill development.

BOOMERANG PARK PLAN OF MANAGEMENT (PoM)

The Boomerang Park PoM was adopted in November 2000.

Council notes that the Boomerang Park Masterplan seeks to facilitate the vision of the PoM. This vision is described by Council as being "to provide public open space that enables a wide range of recreational, cultural, conservational, educational and community based activities to be undertaken in a manner that adds to the scenic and social attributes of the Raymond Terrace planning district".

Council also states that should the reclassification occur then the PoM would cease to apply to the site. The Boomerang Park PoM would then need to be updated.

The Department is aware that the interpretation/ application of the PoM is one of the contentious components of this PP. Opponents of the proposal highlight the policy statement in the PoM which states that "the sale of the land or part thereof should not be considered as a management option for the future of the site." In other words, it is asserted that this PP conflicts with the PoM.

Council has recently (29 October 2015) publically stated that the PoM is to be reviewed. Consideration of the relationship between and timing of this review and the PP should be given.

NSW Office of Local Government (OLG) which has broad oversight of council activities (such as land management) undertaken under the Local Government Act 1993. OLG indicates that council may propose a different purpose for its land provided it follows a statutory process to change it. Further, that should the site be reclassified, then the PoM would need to be updated as the PoM would no longer apply to the site.

Given this advice, the Department does not raise issue with the perceived conflict between the PoM and the PP.

While OLG does not have an approval role in relation to council reclassification proposals, consultation with OLG is recommended given its broad role of overseeing council responsibilities undertaken under the LG Act 1993.

BOOMERANG PARK MASTERPLAN

Council states that the masterplan was adopted in 25 November 2014 and sets the proposed layout and form of the park and facilities. The masterplan identifies this site to be further investigated for future reclassification and rezoning. Council states the PP is consistent with the 25 November 2014 Council resolution.

The Department concurs with this conclusion. The 25 November 2014 resolution which adopted the masterplan also instructed the Council to initiate the reclassification and rezoning process for this site. Further, the adopted masterplan identifies the site as being a possible rezoning site for residential, subject to further investigation.

Of note in the report considered by Council when the masterplan was adopted is a funding strategy table that details how the money raised from the sale of the site would be spent. It is recommended that this information, and the justification for prioritising certain facilities identified on the masterplan ahead of others, should be included in the PP material so the community may understand what the PP would facilitate.

DRAFT RAYMOND TERRACE & HEATHERBRAE STRATEGY (2015-2031)

Council states the PP is consistent with this draft Strategy, and that the draft Strategy seeks to implement the adopted Boomerang Park Masterplan.

The Department notes the draft Strategy seeks to implement the masterplan. The PP is considered to be consistent with the draft strategy.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

Council needs to update its SEPP consideration to reflect Council's intention to limit the development of the site to seniors housing.

SEPP 44 Koala Habitat Protection - Council states the PP is consistent with its Comprehensive Koala Plan of Management. It considers the development of the 4.5 ha site unlikely to sever corridors or significantly restrict movement.

The Department notes that the site is not mapped as containing koala habitat on Council's Koala Habitat Planning Map. However, community correspondence suggests that koalas may traverse the site and the adjoining vegetated areas.

The potential impacts on koalas can be examined as part of the further ecological assessment that Council intends to undertake post-Gateway. Following this assessment, Council should consider the proposal against the Comprehensive Koala Plan of Management's 'Performance Criteria for Rezoning Requests'. This information should be included in the PP prior to consultation.

SEPP 55 Remediation of Land - Council indicates that it intends to undertake a preliminary contamination assessment post-Gateway in order to satisfy SEPP 55 requirements.

SECTION 117 DIRECTIONS

Council needs to update the PP's section on s117 directions to reflect Council's intention to limit the development of the site to seniors housing.

2.3 Heritage Conservation - further investigation is required before consistency with this direction can be determined. The direction requires a PP to facilitate the conservation of heritage items, places, buildings, aboriginal objects and places (clause 4).

Council indicates that the former stone quarry and mature tree planting are heritage items listed in the LEP which may be affected by the proposal and intends to investigate management options further. It is not aware of the site containing aboriginal heritage values or items, however it intends to consult with the Worimi Local Aboriginal Land Council.

Council needs to expand its consideration of potential heritage impacts. The Department is aware of community concerns raised regarding impacts on the nearby Pioneer Hill cemetery and the potential loss of a site with historical cultural significance.

The current Boomerang Park Plan of Management identifies the site as having cultural significance. The PoM notes that the park has been used for the training of troops for the Boer War and World War 2, as well as being the location of various community celebrations (Federation, Armistice and the Bicentennial). Consideration needs to also be given to these matters in the PP.

The PP's consistency with this direction can be reconsidered following this work. The PP s117 direction assessment should be updated to reflect this position.

4.1 Acid Sulfate Soils - the PP is inconsistent because no acid sulfate soils (ASS) study is proposed. Contrary to the advice contained in the PP, the site is mapped as having class 5 ASS and as an intensification of use is proposed, the direction requires a study to be prepared (clause 6).

The Department considers this inconsistency to be of minor significance (subclause 8b). Class 5 is not significant in terms of ASS class and any future development application for the site would need to satisfy clause 7.1 Acid Sulfate Soils in the PS LEP 2013. Under these

circumstances, an ASS study is not considered necessary. The Secretary should agree to the inconsistency. The PP s117 direction assessment should be updated accordingly.

4.4 Planning for Bushfire Protection - consistency can be determined following consultation with RFS. Council notes the land is bushfire prone and intends to consult with RFS as required by the direction (clause 4). The PP s117 direction assessment should be updated to reflect this position.

6.2 Reserving Land for Public Purposes - consistency with this direction can be determined following agency and community consultation. The direction requires the agreement of the Secretary where a zone or reservation of public land is proposed (clause 4). The PP s117 direction assessment should be updated to reflect this position.

Environmental social
economic impacts :

ENVIRONMENTAL

Council identifies potential environmental impacts to be ecology and heritage. Further studies are proposed to evaluate impacts in these areas. In addition, a preliminary contamination assessment is proposed, as well as consultation with the Rural Fire Service, Hunter Water Corporation, Office of Environment and Heritage, and the Worimi Local Aboriginal Land Council.

The Department supports the assessments and consultation proposed. The ecology study should also examine potential koala impacts. Similarly, further consideration needs to be given to potential impacts on Pioneer Cemetery and the cultural significance of the site (given the community activities undertaken there in the past). Impacts on views may also need to be considered, given the size and location of the site.

While ordinarily a development application or development control plan matter, Council should provide further detail in the PP regarding how development of the site would be managed. This would assist community members in visualising potential impacts and understanding how concerns about access, view corridors, vegetation and site interface would be managed in the context of the surrounding park and neighboring residential.

SOCIAL

The Department is aware that this PP has attracted substantial community interest. Effectively, the community is being asked to give up 4.5 ha of park land in return for certain park upgrades occurring. Some will consider the upgrades to the park (and broader masterplan) as being a good outcome for the community, while others may argue that these upgrades should occur (or have occurred already) consistent with the PoM prepared with the community back in the year 2000, without selling the site.

The Department, while supporting the progression of the PP, has identified additional information which needs to be included in the planning proposal. Much of it is to provide the community with a better understanding of why Council is seeking to rezone/ reclassify the land and what the implications of this outcome would be. It is also about Council better demonstrating the case for change.

If the Gateway supports the PP, the rezoning process provides community members with the opportunity to have input on what is proposed. This includes a formal exhibition period and a separate public hearing which is chaired by an independent facilitator. Council may then change the proposal in response to community concerns and the report prepared by the independent facilitator, before seeking to have the plan made by the Minister.

ECONOMIC

Council considers that the sale of the site would generate approximately \$1.7M. This money would then be used to invest in the park (pathways, seating, men's shed, skate park, planting etc). These upgrade works may help generate employment.

The development of the site for seniors housing would also generate employment and may increase demand for goods and services in Raymond Terrace through the additional

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resident population.

Overall, it is considered that the PP (through the subsequent sale and redevelopment of the site) is likely to have a positive economic impact.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **Refer to the "Need for the planning proposal" section of this report.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The regional office has consulted with the Department's Developer Contributions team and it is considered that requiring funding towards State infrastructure is not appropriate in this instance.**

Documents

Document File Name	DocumentType Name	Is Public
Request for Gateway Determination (cover letter).pdf	Proposal Covering Letter	Yes
Council Report.pdf	Proposal Covering Letter	Yes
Council Minutes.pdf	Proposal Covering Letter	Yes
Boomerang Park Planning Proposal.pdf	Proposal	Yes
Heritage Letter 13 July 2015.pdf	Study	Yes
Covering Letter Statement of Heritage Impact.pdf	Study	Yes
Statement of Heritage Impact.pdf	Study	Yes
Boomerang Park Proposal Report (de Witt Consulting).pdf	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : The planning proposal should be supported on the basis that the following conditions are to apply:

1. the planning proposal is to be updated to reflect the seniors housing outcome resolved by Council. This should include, but is not limited to, updating the following:
 - (a) the Statement of Objectives;
 - (b) the Explanation of Provisions - including details regarding the mechanism proposed to be used to limit the future development of the site, the circumstances by which the restriction could be changed or removed, and the LEP definition of seniors housing;
 - (c) the justification for the proposal; and
 - (d) the Statement of Council's Intent (Attachment 8 of the submitted planning proposal).
2. the planning proposal is to include additional information to further support Council's justification for the planning proposal, including its consideration of:
 - (a) alternative mechanisms for limiting the future residential development of the site to seniors housing;
 - (b) alternative options for the funding of park upgrades such as the sale of alternative sites (including within Boomerang Park), existing Council funds, grants, etc; and
 - (c) any open space (park land) needs analysis undertaken which identified the land as being surplus, or if a numeric standard is being used to determine the type/ level of park lands provided, details of the standard being used by Council. Council is to remove all references to the 'NSW State standard' of 2.83 ha/ 1000 people.
3. Council is to confirm that the planning proposal:
 - (a) refers to Council's current Community Strategic Plan. The assessment of the proposal's consistency with the plan should include how the seniors housing outcome, loss of park land and broader park upgrades align with the plan;
 - (b) satisfies the requirements of clause 6 of SEPP 55 Remediation of Land;
 - (c) adequately addresses visual impacts, impacts on Pioneer Cemetery and the cultural significance of the site; and
 - (d) demonstrates methods or design principles with which a future seniors housing development would be integrated into the surrounding park land and nearby residential area.
4. Council is to expand the proposed ecology assessment to include considering the impacts on koalas and assess the proposal against the Comprehensive Koala Plan of Management's performance criteria for rezonings.
5. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013).
6. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:

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- Rural Fire Service
- Hunter Water Corporation
- Office of Local Government
- Worimi Aboriginal Land Council

The agencies are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. This should occur prior to community consultation.

7. Following agency consultation and the completion of any studies, Council should update its assessment of consistency with SEPPs 44 Koala Habitat Protection and 55 Remediation of Land and section 117 directions 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection. The agreement of the Secretary is required for direction 6.2 Reserving Land for Public Purposes.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

The covering letter to Council should note that:

- Council consider including an explanatory note in the exhibition package explaining the purpose of the community consultation, steps in the plan-making process, and the relationship between the documents included in the exhibition package;

- the Secretary has agreed to the inconsistency with s117 direction 4.1 Acid Sulfate Soils; and

- plan-making delegation is not given to Council.

Supporting Reasons : per report

Signature:



Printed Name:

KOFLAHERTY

Date:

30-10-15