

ITEM NO. 5

FILE NO: PSC2015-01000/538
TRIM REF NO: PSC2015-01301

PLANNING PROPOSAL - BOOMERANG PARK

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal at **(ATTACHMENT 1)** to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.
- 2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the *Environmental Planning and Assessment Act 1979* with a request for a Gateway Determination.

BACKGROUND

The purpose of this report is to obtain Council's endorsement to submit the Planning Proposal at **(ATTACHMENT 1)** to the Department of Planning & Environment requesting a Gateway determination.

Subject land:	Part Lot 1 DP 1018979, 17E Irrawang Street, Raymond Terrace [see Locality Plan at (ATTACHMENT 2)]
Proponent:	Port Stephens Council (Facilities & Services Group)
Proposed changes:	Reclassify the subject land from 'Community' to 'Operational' Land; and Rezone the subject land from RE1 Public Recreation to R2 Low Density Residential
Area of land:	4.5 hectares (the total area of the park is 21.6 hectares)
Potential lot yield:	Approximately 46 lots

The Planning Proposal seeks to reclassify 4.5 hectares of Council owned land within Boomerang Park from 'community' land to 'operational' land pursuant to Clause 30 of the *NSW Local Government Act 1993*, and rezone the land from RE1 Public Recreation to R2 Low Density Residential pursuant to *Port Stephens Local Environmental Plan 2013* (PSLEP 2013) to allow the land to be developed for residential purposes.

The rezoning and reclassification has resulted from a resolution by Port Stephens Council on 25 November 2014 to adopt the Boomerang Park Masterplan and initiate the process to rezone and reclassify 4.5ha of the park to enable future residential development as identified in the adopted Masterplan.

The land forms part of Boomerang Park, which was first dedicated as a Public Reserve in 1837, following the preparation of a survey for the township of Raymond Terrace. This reserve was subsequently dedicated in September 1892 as a Recreation Reserve. The reserve became known as 'Boomerang Park' in 1914.

Boomerang Park currently accommodates the Raymond Terrace Senior Citizens Centre, the Raymond Terrace Before and After School Care (both fronting Irrawang Street) the Port Stephens All Breeds Dog Obedience Canine Club (fronting Kangaroo Street) and public amenities. A water tower is located in the centre of the park, on land owned by the Hunter Water Corporation. These uses are not within the area of the park proposed for residential development and will not be impacted by the proposal.

The part of the park proposed to be rezoned and reclassified (the site) has an area of 4.5 hectares and is of a triangular configuration [see Locality Plan at **(ATTACHMENT 2)**]. The site is predominately grassed and contains a small number of mature trees. The site is bounded by parkland to the west, mature trees to the northeast, by an historic (heritage listed) cemetery to the east and fronts Elizabeth Avenue to the South. On the opposite side of Elizabeth Avenue, is an established residential area zoned R2 Low Density Residential. The proposed residential zone is a logical extension to this adjoining zone.

The proposal seeks to accommodate residential development on land within close proximity to existing services and is not required for its current use as a public reserve. The proponent has advised that the site is no longer required for public recreation purposes as it is surplus to the community's needs. In accordance with the NSW Department of Planning and Environment, which recommends a standard of 2.83 hectares of open space per 1,000 residents, there is sufficient public open space within the Raymond Terrace Planning District, even with the proposed removal of 4.5ha of Boomerang Park. Currently, there is 16.94 hectares per 1,000 residents which will be reduced to 16.6 hectares per 1,000 residents should the planning proposal proceed.

As identified in the planning proposal at (**ATTACHMENT 1**), the following additional investigations will be required post Department of Planning Gateway determination, including:

- Preliminary contamination assessment in accordance with SEPP 55.
- Additional heritage information.
- Further threatened species assessment.

It is considered that the planning proposal has sufficient merit to proceed to gateway on the basis that the additional information will be submitted post-gateway. The planning proposal will not be exhibited until the additional information is provided.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	10,500	Stage 1 Rezoning fees. The cost of processing this planning proposal will be covered by Rezoning Fees, in accordance with Council's Fees & Charges.

The future sale of land associated with the rezoning has the potential to yield approximately \$1.7m to Council, subject to the planning proposal proceeding and future land sales.

LEGAL, POLICY AND RISK IMPLICATIONS

The Planning Proposal will be processed in accordance with the plan making procedures in the *Environmental Planning and Assessment Act 1979*, the *Local Government Act 1993* and the Department of Planning's Practice Note PN 09-003

(12 June 2009) *Classification and reclassification of public land through a local environmental plan.*

A fact sheet outlining the process for rezoning and reclassification of land can be found at **(ATTACHMENT 3)**.

Practice Note PN 09-003 (12 June 2009) Classification and reclassification of public land through a local environmental plan

The purpose of PN09-003 is to provide guidance on how to classify or reclassify public land through a local environmental plan.

In accordance with the practice note, Council must provide a Statement of Interest when the planning proposal is exhibited. The Statement of Interest seeks to:

- a) Identify land owned by Council proposed to be reclassified; and
- b) Allow the community the opportunity to assess the proposal with a full appreciation of all relevant information.

A copy of the Statement of Interest can be found at Attachment 8 to the Planning Proposal at **(ATTACHMENT 1)**.

Local Government Act 1993

Reclassification of the site from 'community' to 'operational' land under the Local Government Act 1993 will allow Council to sell the land.

The proposed reclassification is to be the subject of a public hearing pursuant to section 29 of the *Local Government Act 1993 and PN09-003*.

In accordance with the relevant legislation, the public hearing will be held **after** the exhibition period.

Section 117 Ministerial Direction 6.2 – Reserving Land for Public Purposes

This Direction requires the approval of the Director-General of the Department of Planning and Environment to remove the reservation of land for a public purpose. The reclassification of the subject land from community land to operational land will involve the revocation of the public reserve status of the subject land.

The proponent has advised that the removal of 4.5ha of open space will have a minimal overall impact on the provision of open space in the Raymond Terrace Planning District. There is currently 16.94ha of open space /1000 residents, and the proposal will reduce this to 16.6ha/1000 residents. This exceeds the NSW Department of Planning and Environment recommendations of 2.83 hectares of open space per 1000 residents

Port Stephens Local Environmental Plan 2013

The objectives of this planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Amend Part 2 Land classified, or reclassified, as operational land—interests changed, Schedule 4 Classification and reclassification of public land to include part of Lot 1 DP 1018979, 17E Irrawang Street, Raymond Terrace (**ATTACHMENT 2**) shows the part of the park that is subject to the reclassification.
- Amend Land Zoning Map Sheet LZN_002C for part of Lot 1 DP 1018979 from RE1 Public Recreation to R2 Low Density Residential.
- Amend Lot Size Map Sheet LSZ_002C from no minimum lot size to 500m².
- Amend Height of Building Map Sheet HOB_002C – from no maximum building height to 9 metres.

Heritage

Boomerang Park, including the former stone quarry and mature tree planting, is listed under Schedule 5 of the PSLEP 2013 as an item of Environmental Heritage. Further investigations, post-Gateway, are required and include the establishment of curtilage requirements to the former stone quarry and identification of significant trees for retention, in conjunction with an Arborist report.

An Aboriginal Heritage Information Management Systems web service search was undertaken over the subject land. No Aboriginal sites or places have been recorded in or near the subject land. Consultation with the Worimi Local Aboriginal Land Council will be undertaken following a gateway determination.

It is considered that there is sufficient justification for the planning proposal to proceed to gateway on the basis that the additional information will be submitted post-gateway. The planning proposal will not be exhibited until the additional information is provided.

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy identifies Raymond Terrace as a Major Regional Centre and projects 300 new dwellings in Raymond Terrace through infill development.

A key component of the LHRS is ensuring that most new development is located in close proximity to major centres and employment lands, maximising access to services and employment opportunities.

The planning proposal is consistent with the Strategy, as it will contribute to achieving the projected infill dwelling projections set for Raymond Terrace in an area that is close to employment opportunities and services.

The Lower Hunter over the next 20 years: A Discussion Paper

The Lower Hunter over the next 20 years: A Discussion Paper aims to facilitate discussion to feed into the development of a new Lower Hunter Regional Strategy. This Discussion Paper provides guiding planning principles for the Lower Hunter, such as providing a diversity of housing choices for different budgets and lifestyles. This planning proposal is considered to be consistent with those applicable planning

principles listed in this Paper as a diverse range of housing types are permitted in the R2 Zone.

Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022) which states that Council should provide for a range of lot sizes and housing types to respond to demographic needs and affordability. The proposal will potentially add approximately 40 lots to the residential stock in Raymond Terrace.

Port Stephens Planning Strategy (PSPS)

The Planning Proposal is consistent with the directions adopted by the PSPS. The PSPS identifies Raymond Terrace as a Regional Centre that serves the needs of the wider LGA. It is an area of projected population growth, from 13,346 people in 2009 to 21,380 people in 2031. The Strategy identifies potential growth by infill development in the area encompassing Raymond Terrace – Heatherbrae – Nelsons Plains of 800 dwellings during the period 2011 – 2036. The proposed reclassification and rezoning will therefore provide infill residential development opportunities in accordance with the Strategy.

Boomerang Park Plan of Management

The Boomerang Park Plan of Management was adopted in November 2000. The POM provides a framework to enable decisions in regards to the site to be made on a consistent and equitable basis.

The vision for Boomerang Park, as outlined in the POM, is as follows:

“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”.

The Boomerang Park Masterplan seeks to facilitate the provision of new infrastructure and facilities that will contribute to the ongoing development, improvement and increased use of the park, in accordance with the vision.

The Boomerang Park Plan of Management will need to be updated to reflect the changes to Boomerang Park. The POM would cease to apply to the site as POMs do not apply to operational land.

Boomerang Park Masterplan

The Boomerang Park Masterplan was adopted by Council on 25 November 2014 and sets the proposed layout and form of the park and facilities. It seeks to enable greater community use and enjoyment of the park by expanding the opportunities for formal and informal use, at a range of scales.

The Masterplan identifies one parcel of land within the Park that is proposed to be further investigated for future reclassification and rezoning. The planning proposal is consistent with Council's resolution of 25 November 2014.

Draft Raymond Terrace & Heatherbrae Strategy 2015-2031

The draft Raymond Terrace & Heatherbrae Strategy was endorsed for public exhibition by Council at its meeting on 26 May 2015. The draft Strategy seeks to implement a quantity to quality approach to public open space, which recognises the limited operating budgets of regional Councils and the significant amount of public open space that they are required to maintain. With regards to Boomerang Park, the draft strategy includes the following Action:

Action No. 25 - Implementation of the Boomerang Park Masterplan which includes quality paths, play equipment, etc. This is subject to securing appropriate funding.

The Planning Proposal is consistent with the draft strategy, which is reflective of Council's endorsement of the Boomerang Park Masterplan.

It is noted that the draft Raymond Terrace and Heatherbrae Strategy will be placed on public exhibition in July 2015.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that community are dissatisfied with the planning proposal process and outcome.	Low	Ensure adequate consultation is undertaken with the community and stakeholders in accordance with established policy and guidelines.	Yes
There is a risk that the land is required for recreation purposes.	Low	Council's Facilities & Services Group have advised that the site is surplus to the recreation needs of the community in accordance with the Department of Planning and Environment standards.	Yes
There is a risk that there is a perceived conflict of interest between Council as the proponent and Council as the consent authority.	Low	Ensure planning proposal is processed in accordance with the <i>Local Government Act 1993</i> , the <i>Environmental Planning and Assessment Act 1979</i> and LEP Practice Note PN09-003.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Additional housing in Raymond Terrace will have a positive economic impact consistent with Council's strategic plans in this area.

The planning proposal and future development of 4.5 hectares of Boomerang Park could provide significant social benefits, such as opportunities to provide a diversity of dwelling stock that would respond to housing affordability in Raymond Terrace.

During the preparation of the Boomerang Park Masterplan, significant concern and opposition to the rezoning was raised. Further information on Council's approach to consult with the community is outlined in the following sections.

The proposed residential use of the site is unlikely to have a significant impact on the environment.

A preliminary assessment of the ecological values of Boomerang Park and potential impacts of the proposed reclassification and rezoning has been undertaken. The area proposed to be developed for residential purposes is predominately cleared of vegetation, although approximately 86 native and exotic trees would potentially be removed, with some minor impacts expected to a number of threatened species and their habitats.

There is sufficient habitat for a range of native plant and animal species to be maintained or enhanced within Boomerang Park, provided that it is managed in accordance with the adopted Masterplan. Overall, the proposed residential development is considered to have relatively minor ecological impacts and to be of low risk to the values the park or adjacent areas, however these initial assumptions should be further examined through additional ecological surveys and assessments.

It is considered that the preliminary ecological investigations provide a sufficient level of detail for a gateway determination to be made. However, should the planning proposal be supported by the gateway, further ecological investigations will be required to more accurately determine the ecological impacts of the planning proposal.

CONSULTATION

Community consultation will be undertaken in accordance with the gateway determination. However, given the community's concern about the proposal, Council intends to undertake additional community consultation to that required by the 'gateway', including information sessions to provide further detailed response to the community during the exhibition period.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building 116 Adelaide Street, Raymond Terrace.
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace.
- Tomaree Library, Town Centre Circuit, Salamander Bay.
- Medowie Community Centre, Cnr of Medowie and Ferodale Streets, Medowie.

The planning proposal will also be available on Council's website.

In accordance with the *Local Government Act* – a Public Hearing is required for the reclassification of the site and will take place following the exhibition period, as legislated.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Planning Proposal - Boomerang Park. (Provided under separate cover)
- 2) Locality Plan. (Provided under separate cover)
- 3) Fact Sheet - Rezoning and Reclassification of Land. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.