

REPORT HYMAN PARK PUBLIC HEARING

**PROPOSED RECLASSIFICATION
OF COMMUNITY LAND TO
OPERATIONAL LAND
AT
HYMAN PARK
SOUTH TAMWORTH NSW**

***PUBLIC HEARING HELD 18 JULY 2018
AT TAMWORTH COMMUNITY CENTRE
HERITAGE ROOM, DARLING STREET, TAMWORTH***

**REPORT TO TAMWORTH REGIONAL COUNCIL ON THE PUBLIC HEARING
INTO THE PROPOSED RECLASSIFICATION OF COMMUNITY LAND
TO OPERATIONAL LAND FOR THE EASTERN SECTION OF HYMAN PARK
HELD 18 JULY 2018**

**PART-LOT 39, SECTION F, DP 20599
25A ROBERT STREET, SOUTH TAMWORTH NSW**

**IN ACCORDANCE WITH PROVISIONS OF SECTION 29 OF THE
LOCAL GOVERNMENT ACT 1993**

**CHAIRPERSON
MR CHRIS PRATT**

Version #	Date	Changed By	Description
A	15/08/2018	Andrew Spicer	Preliminary Draft
B	24/08/2018	Andrew Spicer	Formatting
C	4/09/2018	Andrew Spicer	Inclusion of Chairperson's Findings
Final	18/09/2018	Chris Pratt	Approval & Sign-Off

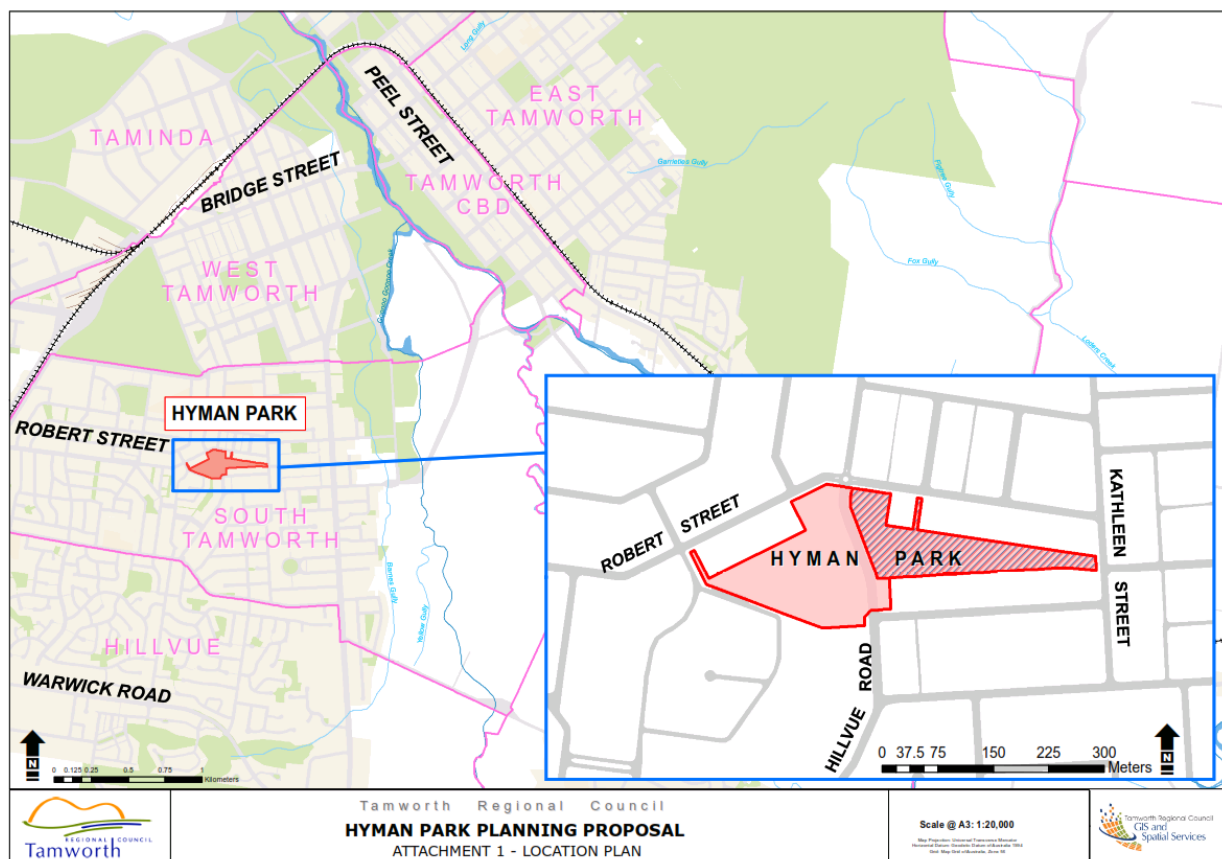
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1. INTRODUCTION

This report relates to a proposal by Tamworth Regional Council (Council) to change the classification of land for the section of Hyman Park to the east of Hillvue Road in South Tamworth NSW. The land is identified as Part-Lot 39, Section F in Deposited Plan 20599 located at 25A Robert Street, South Tamworth NSW.

Figure 1: Hyman Park Location Plan



The land was the subject of a subdivision process to formalise the road reserve for Hillvue Road which traverses the park. It was intended that this would also create a separate parcel (referred to as Lot 2) that would be listed in *Schedule 4* of the *Tamworth Regional Local Environmental Plan 2010* should the reclassification proceed.

However, the requisitions required by NSW Land Registry Services include that Council provide evidence that proposed Lot 2 has already been reclassified to operational land. As the creation of the lot was to facilitate the reclassification a 'Catch 22' scenario had arisen. An alternative path forward has been formulated whereby Part-Lot 39 may be reclassified via the listing *Schedule 4* accompanied by a *Land Reclassification (Part Lots) Map* to identify the site.

The report includes the results of the public hearing arranged by the Council for the proposed reclassification. Mr Chris Pratt, of planning consultancy *Planning Resolutions* based on the North Coast of NSW, was the facilitator of the hearing.

2. LAND CLASSIFICATION

Under the NSW *Local Government Act 1993* all public land must be classified as either *community* or *operational*. The Act defines public land as:

"Public land means any land (including a public reserve) vested in or under the control of the Council, but does not include:

- (a) a public road; or*
- (b) land to which the Crown Lands Act 1989 applies; or*
- (c) a common; or*
- (d) land subject to the Trustees of Schools of Arts Enabling Act 1902; or*
- (e) a regional park under the National Parks and Wildlife Act 1974."*

The NSW Department of Local Government *Practice Note No.1, May 2000*, relating to public land management states:

*All public land must be classified by Council as either "**community**" or "**operational**". The main effect of classification is to restrict the alienation and use of land. Operational land has no special restrictions other than those that may apply to any piece of land.*

Community land is different. Classification as community land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as a trust deed, or dedication under Section 94 [now S.7.11] of the Environmental Planning and Assessment Act, 1979). This gives rise to the restrictions in the Act, intended to preserve the qualities of the land. Community land:

- cannot be sold;*
- cannot be leased, licenced or any other estate granted over the land for more than 21 years; and*
- must have a plan of management prepared for it.*

3. RECLASSIFICATION OF PUBLIC LAND

The *Local Government Act 1993* provides that reclassification of land from community to operational may be undertaken:

1. by a local environmental plan (LEP); or
2. by resolution, but only if certain conditions are met.

Section 30 of the *Local Government Act 1993* relates to reclassification of community land as operational and provides as follows:

30(1) A local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:

- (a) any reservations that except land out of a Crown grant relating to the land; and
 - (b) reservations of minerals (within the meaning of the Crown Lands Act 1989).
- (2) A provision referred to in sub-section (1) has effect according to its tenor, but only if the Governor has, before the making of the local environmental plan, approved of the provision.

4. THE PROPOSAL

Tamworth Regional Council has proposed the reclassification of the subject land at Hyman Park by a Planning Proposal (LEP) from community land to operational land and removal of public reserve status from the land. Hyman Park is owned in its entirety by Tamworth Regional Council.

TABLE A - Land Description

Lot	Section	Deposited Plan (DP)	Address
Part-Lot 39	F	20599	25A Robert Street South Tamworth NSW 2340

Council proposes to reclassify the site through the Local Environmental Plan (LEP) process. The proposal also seeks to remove the public reserve status from the portion of land subject to reclassification. Accordingly, Council has prepared a Planning Proposal under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

Council referred the Planning Proposal to the NSW Department of Planning and Environment and *Gateway Determination PP_2018_TAMWO_001_00* was issued on 2 February 2018, subject to conditions to be met prior to exhibition. Council undertook the requisite analysis and received advice on 27 March 2018 that the revised Planning Proposal may proceed to public exhibition and public hearing phases.

The Planning Proposal was placed on public exhibition from Monday, 9 April 2018 to Wednesday 9 May 2018 and 12 submissions were received during the public exhibition period. There were concerns expressed about the loss of open space and potential impacts of future development but there were also a number of submissions expressing qualified or full support for the proposal.

5. DESCRIPTION AND USE

The Council Planning Proposal identifies the subject land as follows:

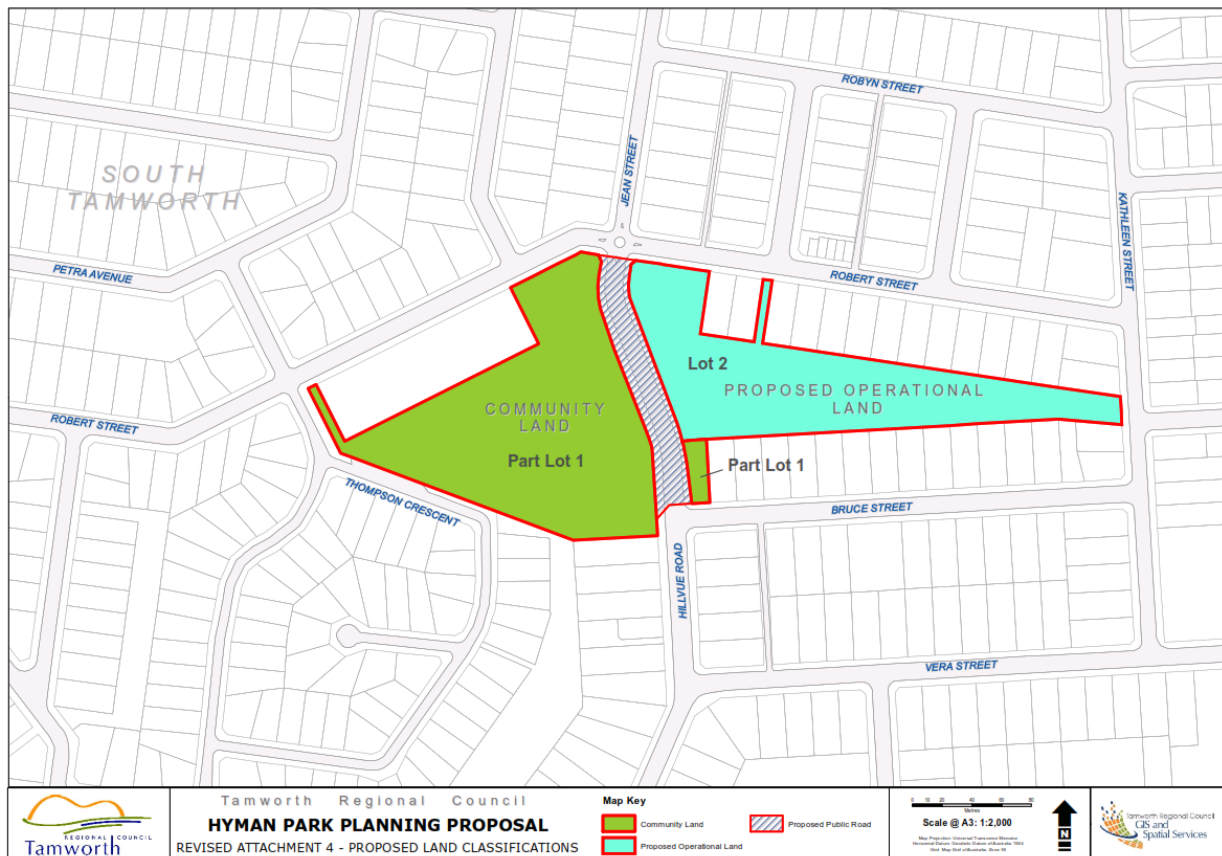
Part-Lot 39, Section F in Deposited Plan 20599 located at 25A Robert Street, South Tamworth NSW

The proposal affects a section of Hyman Park lying to the east of Hillvue Road. This land is approximately 1.66ha in size. The land to the west of Hillvue Road is not affected by the planning proposal.

Hyman Park is identified as a 'Reserve for Park, Recreation & Drainage' on DP 20599. The deposited plan was registered in 1947, whereupon Hyman Park came into Council's ownership.

A Land Registry Services Title Search of 12 January 2018 confirms that ‘the land within is public reserve’. The search also lists two parties with interests in Hyman Park. These are in the form of lease arrangements to the Scout Association of Australia (Boy Scout Hall) and the Girl Guides Association of NSW (Girl Guides Hall). Neither the site of the Boy Scout Hall nor Girl Guides Hall is subject to this proposal and will remain classified as community land.

Figure 2: Proposed Land Classifications



The western section of Hyman Park has been the focus of significant investment especially in recent years. Consequently, this section is well embellished with play equipment, shade structures, neighbourhood sports facilities and tree planting. This embellished area has been subject to some anti-social behaviour leading Council to install CCTV cameras recently.

The land to the east of Hillvue Road, which is subject to the proposed reclassification, is significantly less embellished. There are a number of mature trees providing shade and some habitat. Council has not carried out further planting and maintenance consists of lawn mowing.

Figure 3: Hyman Park Photos - 19 December 2017



Western Section



Eastern Section

Should the land be reclassified to Operational status, Council will be in a position to negotiate the sale or long term lease of the site with the stated objective of providing community uses on the land. It is not proposed to change the zoning of the land from the current *RE1 – Public Recreation* zone or amend any other planning provisions under the *TRLEP 2010*. Council has previously received approaches relating to the potential for a medical centre or fire station on the site, however, neither has progressed beyond enquiry stage.

6. PUBLIC HEARING

Where there is a proposal to reclassify community land to operational land, *Section 29* of the *Local Government Act 1993* provides that Council must arrange a public hearing. *Section 47G* of the *Local Government Act 1993* provides:

47G Public hearings

- (1) *In this section, **public hearing** means any public hearing required to be arranged under this Part.*
- (2) *The person presiding at a public hearing must not be:*
 - (a) *a councillor or employee of the council holding the public hearing; or*
 - (b) *a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.*
- (3) *Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.*

In accordance with the above provisions, Chris Pratt, of the planning consultancy *Planning Resolutions* based on the North Coast of NSW, was appointed to preside at the public hearing. This document comprises the signed report of the public hearing in accordance with the requirements of *Section 29* of the *Local Government Act 1993*.

The overall implementation of the public hearing was undertaken by Council staff including the hiring and set up of the venue. The notice of the public hearing was provided by Council in the local newspaper on the three consecutive Saturday editions leading up to the hearing.

Refer to Figure 4 on the following page.

Figure 4: Newspaper Advertisement (Council Proof)

NOTICE OF PUBLIC HEARING

HYMAN PARK PLANNING PROPOSAL RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND

The Hyman Park Planning Proposal was publicly exhibited in April-May 2018. The next step in the process is to hold a Public Hearing regarding the proposed reclassification of land. The proposed amendment to the *Tamworth Regional Local Environmental Plan 2010* affects a section of Hyman Park located to the east of Hillvue Road. The subject land is referred to as Lot 2 and is 1.66 hectares in size. Hyman Park is located approximately three kilometres southwest of the Tamworth CBD.

The aim of the amendment is to reclassify this section of Hyman Park from Community to Operational Land to provide for future community uses on the site. The proposal also seeks to remove the Public Reserve status from the land.

Pursuant to Section 29 of the Local Government Act 1993, a **Public Hearing** in relation to the proposed land reclassification will take place on **Wednesday, 18 July 2018 from 2.00pm to 4.00pm** at:-

* Tamworth Community Centre, Heritage Room, Darling Street, Tamworth

Interested community members are encouraged to attend the Public Hearing. The Hearing provides the opportunity for members of the public to raise issues relating to the proposed reclassification of land.

Should you have any enquiries about the proposed amendment, please contact Council's Senior Strategic Planner, Andrew Spicer on (02) 6767 5522.

The public hearing was held at the Tamworth Community Centre, Heritage Room, Darling Street, Tamworth, on Wednesday 18 July 2018, commencing at 2.00pm. The hearing proceedings included:

- Call to Order by the Chairperson;
- Council Welcome;
- Chairperson' General Statement, Reading of Notice and Statement of Purpose;
- Statement from the Public; and
- Concluding remarks and comments by the Chairperson.

Prior to the hearing there were 12 submissions received by the Council. With the appointment of an independent Chairperson a public hearing provides an opportunity for a person independent from the Council to consider the submissions and provide an independent report for consideration by the Council. The appointed chairperson at the public hearing may not be a person who has been a Councillor or employee of Tamworth Regional Council at any time during the five years before the date of the hearing (*S.47G[2] Local Government Act 1993*).

This report provides conclusions and recommendations arising from the public hearing on the proposed reclassification. The proceedings of the hearing were recorded and a transcript of the recording has been prepared.

7. REPRESENTATIONS TO PUBLIC HEARING

There were two oral presentations made to the public hearing and one of these persons provided their speaking notes as a written submission.

8. MINUTES OF THE HEARING

CALL TO ORDER (CHAIRPERSON)

The Chairperson called the meeting to order at 2.00pm and called on Andrew Spicer to provide a welcome and introduction to the Public Hearing.

WELCOME AND INTRODUCTION OF HEARING FACILITATOR AND STAFF (ANDREW SPICER)

Tamworth Regional Council officer, Andrew Spicer, acknowledged the traditional custodians of the land and paid respects to elders past and present.

Mr Spicer welcomed the members of the public and Cr Jim Maxwell and thanked them for attending the hearing. Mr Spicer provided advice on the location of emergency exits/amenities of the building. Those present were requested to sign-on using the register sheet if they had not already done so. Mr Spicer acknowledged the Council staff present and their roles, and introduced the hearing facilitator, Mr Chris Pratt.

Mr Spicer advised that this meeting is a formal hearing, held in accordance with *Section 29 of the Local Government Act 1993*, and that a recording device would be used to assist the taking of minutes.

GENERAL STATEMENT (CHAIRPERSON)

The Chairperson again stated that an audio recording device would be used to assist with note-taking for the minutes of the public hearing. The Chairperson then read the following general statement of the public hearing:

"This is a public hearing to consider the proposed amendment to the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010). This public hearing is in accordance with Section 29 of the Local Government Act 1993."

"A final decision on this proposed amendment to the TRLEP 2010 is yet to be made. That decision will ultimately be made by the Department of Planning and Environment, and will take into consideration matters raised at this Hearing."

READING OF HEARING NOTICE AND STATEMENT OF PURPOSE

The Chairperson read the notice and purpose of the public hearing for the record:

"The Public Hearing is to commence at 2.00pm and finish by 4.00pm in the Tamworth Community Centre, Heritage Room, Darling Street, Tamworth."

The proposed amendment (land reclassification) to the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) is identified as follows:

- *The reclassification of land at Part-Lot 32, Section F in Deposited Plan 20599 being Hyman Park, 25A Robert Street, South Tamworth, from Community Land to Operational Land.*

Note: the subject land is identified as 'Lot 2' in the mapping associated with the proposal including the maps on display at this hearing. Lot 2 was being created by subdivision to formalise a road reserve for Hillvue Road, which runs through Hyman Park.

- *The purpose of the proposed reclassification from Community to Operational Land is to provide the opportunity for potential future community uses on the land. This could include Council selling the land or being more able to enter into complex lease arrangements."*

DISCLOSURE OF INTEREST OR POLITICAL DONATION

The Chairperson requested those present to declare an interest in the land being discussed (such as being a party to a lease agreement), or who have made any political donations.

Ms Helen Leamon, as Region Manager, Northwest Inland Region of the Girl Guides Australia, declared an interest on behalf of the Girl Guides, who hold a lease over a section of land at Hyman Park. This section is not subject to the proposed reclassification but is located directly adjacent to the subject land.

OPEN UP TO COMMENTS AND OPINIONS FROM THE PUBLIC

Before opening up the floor to the public, the Chairperson asked if anyone needed clarification of what the proposal is and confirmed that the community members present were well aware what the planning proposal is about. Mr Pratt then invited the community members to address the Hearing and voice their opinions and/or provide statements.

Transcript of Statement by Ms Helen Leamon, Region Manager for North West Inland, Girl Guides Australia:

Ms Leamon: "I am Helen Leamon, Region Manager for the North West Inland Girl Guides Australia. Tamworth's Girl Guide Hall is on the edge of the area (identified as Lot 2 on the map – eastern side of the road). We use that side of Hyman Park for unstructured play. It is known to teachers (I am an ex-teacher as well) that unstructured play helps children develop their minds as well as skills and girl guiding is mainly an outdoor movement. Our backyard (Girl Guides Hall) has an electricity line that goes through it so it is not really the best yard for playing lots of games - putting things over the top of your house! Whereas we can do lots of unstructured things and we use Hyman Park. Now it is not just us that use Hyman Park. We see dog people going through and we see children coming home from school going along there as well, which is what I am going to ask about now as well. If that goes ahead, is there some way that we, it is very unsafe to cross the road with very young girls, is there some way can have a pedestrian island or something on the road. I know that was one of the reasons they didn't go ahead with the cycle track, was they didn't want to do that. But the safety of children from St Edwards (Infants) School and South Tamworth (Public) School, as well as the Girl Guides, we really need something to get us to Hyman Park backwards and forwards."

Chairperson: "This is your opportunity to really say what you would like to see and then I will report on that to Council, and then they can decide whether that or some other alternative arrangement may be suitable. So you are talking about the eastern side that you use?"

Ms Leamon: "We use the eastern side because of the safety issue of crossing the road. The unit is not that big at the moment but when we had 20 girls it was very difficult to get them from one side of the road to the other with the traffic that comes along there (Hillvue Road), it is really, really busy, and so our thing will be that if we are going to do unstructured play over in the park (the western side of Hyman Park - Lot 1) we would be really close to the road too because it is mainly structured equipment over there. I feel we would need some way of going across."

Chairperson: "So do you use the structured equipment across the road?"

Ms Leamon: "We only go across maybe once a year to the bicycle place (bike safety area) and we struggle. We wear (safety) vests and all sorts of things to get across the road. It is a real struggle to get across the road because we are there when it is very busy with people coming home in the late afternoon (traffic)."

Chairperson: "So you use the park immediately adjacent to the (Girl Guides Hall)?"

Ms Leamon: "We use the part of the park we are talking about nearly every week. We use it for mainly unstructured play not the structured play that's on the other side. We use the trees with ropes, make 'spider webs' and things out of them as well – climbing ladders and things out in that area. If we get the climbing wall, the park is there because we can't use it near electricity."

Chairperson: "So you have got a climbing wall?"

Ms Leamon: "No, we don't own one but we do have someone who brings theirs."

Chairperson: "Okay, and that's set up in the park is it?"

Ms Leamon: "That's one thing. The other thing probably is South Tamworth is a fairly rough area in town and we often have vandalism and sometimes get graffiti and whatever else. If there are more people there are those kids come more, like we have had a robbery just down the road. Will there be CCTV cameras on both sides of the road not just on the structured Hyman Park (Lot 1)? That is probably the other we thought of."

Chairperson: "So you would like to see security cameras on both sides. Right. So you mentioned about the children using that access way of an afternoon."

Ms Leamon: "Yes, the children who walk from Tamworth South and St Edwards, there are no crossings to go down across Hillvue Road. There is the roundabout, which means you can't cross at the roundabout really, that's not safe. So children are crossing the road and some kids are playing in Hyman Park in the structured side before they get to their house. So they need that area too. We have rescued kids sometimes. One of the Leaders has been outside and rescued kids from nearly being hit."

Chairperson: "So they are heading from the primary school, across the road."

Ms Leamon: "Yes, there is a catholic infants school and a primary school just up from there."

Chairperson: "Right, and they are heading east along the park or in all sorts of directions?"

Ms Leamon: "They are coming from their schools to their homes. Yes, so they could be coming from I don't know, north?"

Mr Spicer: "So I think you mean they are coming from the school, trying to cross Hillvue Road and making their way down to Kathleen Street."

Ms Leamon: "Yes, trying to cross Hillvue Road, and if there was an island there it would make it safer. The other thing is, more so if it was a medical centre, and I know you can't say what it could be, but the parking for parents. If we get crowded, our parents sometimes are probably illegally parking in Hyman Park. That parking is really hard for Scouts and Guides - already take up all that area. I suppose if it is a medical centre it would be closed by the time it gets to there. "

Chairperson: "So what's the time of your main operation?"

Ms Leamon: "We start at 4.30pm and go to 6.30pm one night. We also have other things in our Guide Hall as well. The other night is 5.00pm to 7.00pm. So it is around that time - letting the children off is the busiest time. But the Scouts and the Guides have very similar times so now we park along (Hillvue Road) right up to Robert Street, parents are parking along both sides. So if there are more buildings there it is probably going to be more difficult finding parks. It is just something to think about – the parking situation that is there. All the people around the corner in Bruce Street, I think it is, they wouldn't want everybody parking down there, which is I guess they will have to if it gets more crowded. That's the main thing. Yes."

Chairperson: "Great, thanks very much."

Transcript of Statement by Juanita Doody, resident – 12 Bruce Street, South Tamworth:

Ms Doody: "Hi. I'm Juanita Doody. I am a resident that backs on to the reserve (Hyman Park - Lot 2).

Chairperson: "Would you like to come up to the front a bit more so we can pick you up on the recording. That would be great. By all means take a seat, let's keep it less formal."

Ms Doody: "My kids and my family have lived in that area for 15 years in Bruce Street and before that in Vera Street so I have grown up in that area. My husband and I had written a letter to the Council so we got a letter in kind to talk about this meeting. I guess our concern is the way it's going to reshape that whole area if something is allowed to be changed and reclassified if that land is not recreational. I realise that Council has some decisions to make depending on who is asked about the land but our kids use it regularly to go out and kick the ball or whatever. There were many people we've said before who use the park access to walk through. In a day and age when mental health is a big issue and there are tracts of land already set apart in different subdivisions, South Tamworth doesn't have a lot of land that is accessible like that. It's great to have the structured park on one side but that side also is valuable and if maintenance is an issue our suggestion would be to modify it a little bit like, I think it is in one of the other streets between Edgeroy and Vera Street, has been grassed, trees and it has been really nicely developed in my life time it has actually been developed nicely but doesn't need a lot of maintenance but it's a great walk through, it is a great ride through, it provides that little

bit of tranquillity and sanctity outside all that 'busyness'. Our concern is if that green space is reallocated that is not going to be able to find other green spaces, not just to develop but more so as a space even as a walk through, whether it's done as an arbor, which we've seen in Toowoomba, some beautiful spaces have been done like that, whether it's just someone can sit there, people can walk their dogs through there. The nature and the shape of how it would change concerns us.

One because the safety aspect and how it would impact on that whole traffic management area because not only do the Scouts and, both halls are used quite regularly for different things as well, the parking along there is difficult as it is. In peak hour when I'm going for a walk, even to cross that road whether it is to go to the park or up to a friend's place through that sort of rabbit warren of streets, it is very, very likely that if there is other things that people have to come to that are busy, the parking is going to be an issue for that whole, even as it is St Edwards school that has a lack of parking. So a lot of that would have to be really looked at properly and all I can see is that it is going to be a big change for how that whole area is seen. We decided to settle there, my husband and I after I moved away from Vera Street and we'd come back to that nice area because it is a beautiful area.

A lot of East Tamworth spaces, there are skate parks and areas around that are maintained well, and Hyman Park on the other side where the structures are has been beautifully done up but having just a free space is great and whether there are more trees put in place, grass trees, drought resistant sort of things, a space for people to be able to access I think is terribly important and at the moment all I can see is that the future plans at this point time are going to greatly impact on the congestion and safety of that area. Yes, we've already said, okay some areas are rough, I think Tamworth is just growing so much that we are going to have elements of that everywhere but I think the management of that area is going to be more of an issue if things are allowed to be changed and built on. So that's our concern, is that, while green spaces are I understand a management problem, maybe there can be a partnership entered into even with perhaps another club to help like they've done with the other park, I can't now recall exactly which street it's in."

Chairperson: "Do we know the park, or?"

Mr Spicer: "I believe it's between Florida Street and (Begonia Street off Vera Street).

Mrs Doody: "Altona, it might be Altona Park. I went there the other day before we wrote the letter to Council. Yes it's in there. It's beautiful, it was a big open space with burrs and things like that and now it's beautiful. And it's not a big area but it's enough, like my son, because our business is in Edgeroy Street, so to go from there to there he can go through that space and enjoy it, and I just think if we rob ourselves of those areas that have been there for a long time that cannot be you know, you won't find that space again, and I realise there are other spaces that perhaps can be relooked at as well. But yeah that's our concern, that taking away that valuable recreation space that doesn't have to have structured equipment in it to make it pleasant and, just something to empty your mind with when you walk through is just beautiful. That's one of the main reasons that we moved to that area is because of the way that whole area is structured. So, I think, yeah that's...."

Chairperson: "So this other park, it's a transition sort of park rather than, so it's a through area."

Mrs Doody: "Yeah. So you can go out and throw a frisbee or you can, you know the other park is beautiful, I'm really, really encouraged by what Council has done with that park but it serves a different purpose. Sometimes structured things are good but having another space can also just allow groups, not only the Scouts but others to have, you know, you can have a picnic there, or you can have a free play, a little bit of a kick around, and it's just a nice, there are many people that walk their dogs through there, which is lot safer than the two other streets around it, because Robert Street, Bruce Street and Vera Street are now very congested thoroughfares on many parts of the, you know, day or week. Because it's just a main, they're main roads that go from point A to point B, so just having that really, you know, nice mental space to be able to just chill out. The native birds are attracted to the trees that have been growing there for quite a while. It would just greatly impact, I think, and change that whole area. There are a lot of families with kids around that just who also, you know, just access that piece of the park, even if it's riding their bike through it or something. There's pushbikes and dogs and all that sort of thing. Even if there is just the occasional bench seating or a little bit of an arbor, which could be a little bit gravelled, a little bit like that Altona Park – Altona Park is a good example. In Toowoomba they've managed to utilise a lot of spaces that make it a little bit shadier, not necessarily just with trees but just the way that they've allocated, doesn't mean a lot of maintenance of mowing then as well for Council if that's an issue for that as well. Yeah. Thank you."

Chairperson: "Thank you. Is there nothing more you would like to add?"

Ms Leamon: "I was going to say if the mowing, if that part is the issue, the Girl Guides have an area out at Kootingal and we have the community service come and do it, would that be a way that, I know that they, you know who I mean (said to Mr Spicer), it's a community service, and they actually were mowing our, the lawn at the Guide Hall at one stage."

Mr Spicer: "I don't know the answer to your question, I'm sorry."

Ms Doody: "Altona Park is managed like that. With friends, it says 'Friends of Altona Park' in conjunction with Council, and that was also what I thought was a good way forward, if that's a bit of an issue with maintenance of that sort of thing. It could be put to the community, a particular group or an area to say would you like to help redevelop that as an arbor type cum, you know transition sort of park, if that's the terminology."

Chairperson: "We might go and have a look at that (Altona Park) on the way, after we leave here. Thanks. Is there anything else you would like to add, or do you think you've finished?"

REGISTRATION OF DETAILS AND OPINION FOR THE RECORD

The Chairperson advised that any person in attendance, whether they spoke or not, could submit a written statement prior to leaving the hearing.

Ms Helen Leamon, Region Manager for Girl Guides Australia, also provided a written copy of her statement regarding the Planning Proposal, as follows:

Written Statement by Ms Helen Leamon, Region Manager for North West Inland, Girl Guides Australia:

Hello. I am Helen Leamon, Region Manager for Girl Guides Australia. Tamworth's Girl Guide Hall is on the edge of Hyman Park. We are very thankful Tamworth Regional Council is not touching the land that the Girl Guide hall is on but the Girl Guides have always used this part of Hyman Park for activities.

Spending time outside plays a really important part in children's health and development. Guiding has always been a great way to get girls outside. Now with children spending more time indoors, getting girls outside is more important than ever.

Unstructured play is as important as structured play. West Hyman Park (Lot 1). This develops the mind.

Guiding Traditions is a big part of Girl Guides and many Tamworth adults could tell you of the wonderful times they have had in this part of Hyman Park - the Brownie Revels, the planting of the trees, practising putting up bell tents.

Today our girls love playing games and activities in the freedom of this open space. Our Girl Guide Leaders take the girls outside nearly every week. Ball games are safer, there are trees for rope bridges, the climbing wall can be put up.

Hillvue Road is very busy and it is difficult to cross. If we lose this park we would like to see a pedestrian crossing or pedestrian island placed in this area so the Leaders can take the girls into the other part of the park.

Parking is already a problem for Girl Guides and Scout parents. If there were other buildings along here our parents would have difficulty picking their children up safely. It is our responsibility as Leaders to make sure that children are safe at all times and we have a rule that girls must leave the hall with an adult.

Security lighting would need to be improved as we are concerned that the poor behaviour that we already see in this area may escalate. We would hope that CCTV cameras would be used.

Green areas are very important to keep in towns as we need the oxygen from the trees, the birds that visit when they blossom and the joy of being able to be outside but not in structured play and sport areas. The Girl Guides would like access to these trees and it has been stated that the tree areas will be kept.

When reading the submission, I noticed that one of the green areas in this area is Scully Park, but is this area going to stay? All other green areas tend to be sporting fields with some of them not having access for Public use such as Scully Park 2, Chillingworth Oval and the golf course.

My question is: Would there be a safety crossing for children to get to the park, and would improved security lighting and CCTV cameras be on both sides of the street?

CLOSURE

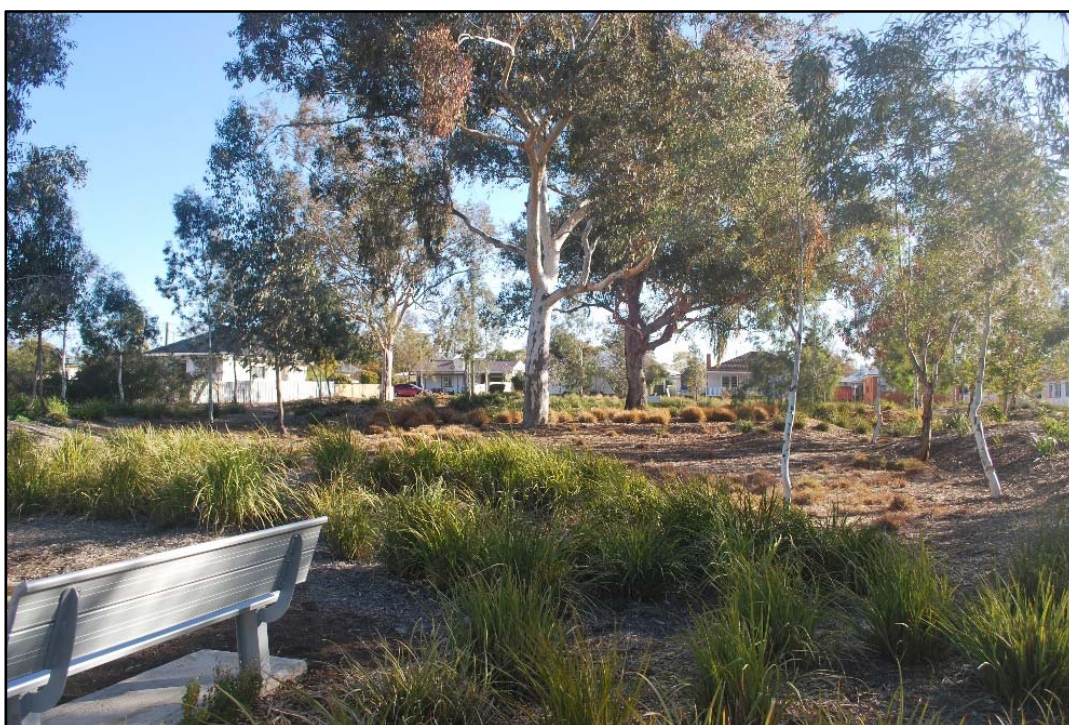
The Chairperson advised that the process from here is that a report from this meeting goes to the Council for determination, and that decision of Council is then sent to the NSW Department of Planning and Environment to make the final decision.

The Chairperson thanked everyone for their attendance and declared the meeting closed at 2.29pm.

Meeting closed: 2.29pm

Following the public hearing a site inspection of Altona Park in Florida Street was undertaken by the Hearing Chairperson, Chris Pratt, and Council's Senior Strategic Planner, Andrew Spicer.

Figure 5: Altona Park Photo - 18 July 2018



9. FINDINGS OF THE CHAIRPERSON

The submissions provided by Ms Leamon and Ms Doody provide compelling evidence that parts of the eastern side of Hyman Park are utilised and valued by the community. The nearby Altona Park provides an excellent example of how the area could be enhanced to both achieve a pleasant and safe thoroughfare from Kathleen Street to the western area of Hyman Park, as well as providing a small area for unstructured play adjacent to the Girl Guides Hall for use by the Guides and others.

Properly embellished, like Altona Park, the area can be developed so that the safety of the area is enhanced via a combination of large trees with understory plantings and occasional seating. This will attract a greater use of the area, improving safety and encouraging adjoining property owners to open their properties to the open space. Such changes are evident at Altona Park.

Therefore, an area approximately 30 metres wide should remain as community land along the southern boundary of the eastern part of Hyman Park. This also preserves the significant trees in this eastern part of Hyman Park. It is noted that the eastern end onto Kathleen Street is only about 19 metres wide and therefore the northern boundary of the retained community land will need to be transitioned so to prevent an acute angled portion on the operational land. The recommended revised operational area is about 7000m².

Alternatively, the above values could be achieved by incorporating open areas into the development of the proposed operational area. That is, open areas adjacent to the Girls Guides Hall and the through access between Kathleen Street and the western side of Hyman Park. However, this does not provide the community with the expected protections under the *Local Government Act 1993* to ensure the land is reserved for community use by future Councils. Therefore, the utilised and valued areas should be retained as community land. It would be ideal that the development of the recommended operational land will face on and enhance the value of the retained community land with opportunities for shared car-parking and surveillance.

Therefore, based on the information available at the time of the public hearing and the outcomes of the hearing, it is concluded that an area of approximately 30 metres wide should remain as community land along the southern boundary of the subject area. The remaining section of Hyman Park lying to the east of Hillvue Road can be reclassified from Community to Operational status and the public reserve status can also be removed from this section of land.

Refer to Figure 6 on the following page.

Figure 6: Recommended Revised Operational Area



The issues raised regarding the crossing of Hillvue Road should be referred to the relevant Divisions of Council for consideration in collaboration with relevant stakeholders such as the Girl Guides, Boy Scouts, schools and the Local Traffic Committee.

10. RECOMMENDATION

Council proceed with the reclassification of the site mapped on Figure 6 in this report from community land to operational land under the provisions of the *NSW Local Government Act 1993*.

Chris Pratt
Hearing Chairperson

Date: 18 September 2018

APPENDIX – ATTENDANCE REGISTER

PUBLIC HEARING

WEDNESDAY 18 JULY 2018 – 2.00PM TO 4.00PM

HYMAN PARK PLANNING PROPOSAL (SF8528)

PROPOSED RECLASSIFICATION OF LAND FROM COMMUNITY LAND TO OPERATIONAL LAND

TAMWORTH COMMUNITY CENTRE – HERITAGE ROOM

ATTENDANCE SHEET

NAME	Contact details: So that information can be supplied to you (e-mail, post or phone)	Organisation (if applicable)	Do you intend to speak at today? (Yes / No)	Signature
Helen Leamon	helen.leamon@tamworth.gov.uk	Girl Guides	Yes	H Leamon
Tim Maxwell	Tamworth Regional Council (TRC)	Councillor	—	Tim Maxwell
Juanita Dooly	doolstop@iprimus.com.au 0429 623374	Resident	Yes	J Dooly
Chris Pratt	Hearing Chairperson	Independent Facilitator	As Chairperson	Chris Pratt
Lucy Walker	per (02) 6767 5522	TRC	—	Lucy Walker
Nathan Bortlett	"	TRC	—	Nathan Bortlett
Megan Parkers	"	TRC	—	Megan Parkers
Andrew Spicer	"	TRC	—	Andrew Spicer
Kerry McMahon	"	TRC	—	Kerry McMahon
Register endorsed by:				
Name: Andrew Spicer	Position: Senior Strategic Planner	Date: 18/7/2018	Sign: [Signature]	