



Report on a Public Hearing into the
Draft Plan of Management
Suffolk Park Recreation Ground

Prepared for Byron Shire Council

PLANNERS NORTH, July 2019

COMPLIANCE AND USAGE STATEMENT

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In respect of: A Public Hearing into the Draft Plan of Management, Suffolk Park Recreation Ground

Certificate

I certify that I have prepared the content of this report and it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

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1. INTRODUCTION

Kate Singleton RPIA of PLANNERS NORTH was engaged by Byron Shire Council as an independent Chair for a Public Hearing into the Draft Plan of Management for the Suffolk Park Recreation Ground. The Public Hearing was held on Wednesday 19th June 2019 at the Cavanbah Centre, Byron Bay and commenced at 3pm.

One person was registered to make a verbal submission, however, it is noted that other attendees made comment throughout the hearing. A total of 7 people attended the hearing, all representing the Suffolk Park Community Garden. Written submissions received by Council prior to the Public Hearing have also been reviewed.

This report provides a summary of the submissions made to the Public Hearing, a summary of the written submissions made during public exhibition process and provides a response to the issues raised in both the verbal and written submissions. The report also makes recommendations to Council.

1.1 THE PUBLIC HEARING PROCESS

Section 35 of the *Local Government Act 1993* requires community land to be used and managed in accordance with:

- the Plan of Management applying to the land;
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- the provisions of the Local Government Act.

Section 36(1) requires Councils to prepare a Draft Plan of Management for community land. A Plan of Management for community land must identify the category of the land in accordance with the provisions of Section 36(3)(a).

Section 36(4) requires land to be categorised as one or more of the following:

- a) a natural area;
- b) a sports ground;
- c) a park;
- d) an area of cultural significance; or
- e) general community use.

Section 40A of the Act provides as follows:

“(1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36 (4).”

Section 47G of the *Local Government Act 1993* requires the Public Hearing to be chaired by an independent person. The person presiding at the Public Hearing must not be a Councillor or employee of the council or a person who has been a Councillor or employee at anytime during the 5 years before the date of his or her appointment.

This section also requires council to make a copy of the report available for inspection by the public no later than 4 days after it has received the report from the person presiding at the Public Hearing.

This Public Hearing was chaired by Kate Singleton of PLANNERS NORTH.

2. BACKGROUND

The Draft Plan of Management for Suffolk Park Recreation Ground was publicly exhibited for a period of 28 days. It is noted that the Plan of Management was exhibited with a Preliminary Masterplan Concept Plan attached for information purposes.

2.1 THE LAND

The land is identified as Lot 60 DP 817888, No. 46 Beech Drive, Suffolk Park. The land is owned by Byron Shire Council and zoned RE1 Public Recreation in accordance with the provisions of Byron Local Environmental Plan 2014 (BLEP14).

As detailed in the report to Council's Ordinary Meeting on 28 March 2019, the background to the Suffolk Park Recreation Grounds is described as follows:

Background to Suffolk Park Recreation Grounds

In 2001, Council undertook a feasibility study to provide much needed sporting fields for the Suffolk Park community. Through this study it became apparent that land available to Council to provide sporting fields within Suffolk Park was inadequate. In order to progress the provision of these much needed facilities, Council approached the Department of Education with a view to investigating whether it would be interested in making part or the whole of its land at Suffolk Park available to Council for the provision of sporting fields.

A Deed of Licence was executed on 1 April 2004 for a term of five years with two (2) options of renewal. This Deed of Licence was due for termination on 31 December 2018, with no more options available under the Deed for extension. The annual licence fees are \$1.00 per year if demanded.

In June 2016, Council was advised by the Department of Education of their intended disposal of Lot 60 DP817888, land of which Council held significant formal and informal interest. Formal interest included licenced tenure over part Lot 60 DP817888..., with built infrastructure including an access road, sports field, cricket nets, park shelters, car park and associated infrastructure.

With significant community support, representations from Council were made to the Department of Education to acquire the land for Community use. Council entered into negotiations for the purchase of the land, December 2016 (Res 16-587).

Final settlement from the Department of Education occurred 23 June 2017.

A condition of purchase was that the land be classified as Community Land under Byron the LEP.

2.2 THE PROPOSED PLAN OF MANAGEMENT

The proposed Plan of Management seeks to categorise land as "General Community Use" and detail the purposes and activities identified as appropriate for the subject land.

The core objectives for management of community land characterised as general community use are provided below.

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

3. SUBMISSIONS DURING EXHIBITION OF DRAFT PLAN OF MANAGEMENT

The Draft Plan of Management was publicly exhibited for a period of 28 days. A total of 11 written submissions were received in relation to the public exhibition of the Draft Plan of Management. The issues raised in these submissions are summarised as follows:

Issue 1 General Support for Draft Plan of Management

- *Fully support proposed Plan of Management. Area required urgent attention and repair to enable safe and useable spaces for children to play.*
- *Under-supply of play equipment in Byron Shire, particularly in this part of the Shire.*

Issue 2 Pump Track

- *Support for the pump track shown on the Masterplan Concept Plans. A pump track would offer another dimension of activity for young, active people.*
- *Pump track requires more specific detail and should be separated between older and younger children. Recommended separate tracks for older and younger children to avoid issues such as those that presently occur at the skate park.*
- *Norther Rivers Dirty Wheels Mountain Bike Club Inc. fully supports a professionally designed pump track facility. These facilities are idea for urban park plans as they offer a healthy lifestyle activity suitable for many ages and abilities. Facility would provide an opportunity for social engagement. NRDW is a not-for-profit community group formed in 2012 and has approx. 240 members including many from Byron Shire. Currently operate and maintain mountain biking facilities within Richmond Valley Shire and Ballina Shire.*

Issue 3 Community Garden

Comments from Community Garden:

- *Bike track is too close to the garden.*
- *Garden should be a tranquil place.*
- *A dense vegetation barrier could separate the two areas.*
- *Trees to the north have the potential to grow twice their present height, shading most of the garden area in winter.*
- *Gardens need to be extended further south.*
- *Desire for garden to be larger than it is indicated in the draft plan.*
- *Would like a small greenhouse.*
- *Some raised garden beds for elderly and disabled gardeners.*
- *Would rather the barbecue area was further away from the community garden.*
- *A simple but functional workshop / educational / cooking facility would be beneficial.*

Issue 4 Other

- *Support for nature play indicated in the Masterplan Concept Plans.*
- *Support for exercise station indicated in the Masterplan Concept Plans.*

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- *Would be good to have a covered space for shade and shelter for gatherings and meetings.*
- *Support for new paths which meander and connect to Pepper Bush Street.*
- *Support for paths through the forest.*
- *Bush track will need to be formalised to ensure issues such as snakes are not problematic.*

Comment:

As previously noted, the Masterplan Concept Plans were provided for information purposes only with the exhibited draft Plan of Management and do not form part of the plan.

The comments above relate to the Masterplan Concept Plans and not the content of the Draft Plan of Management. In this regard, it is recommended that further consultation be undertaken with identified stakeholders prior to the adoption of any masterplan for the subject site.

Recommendation

That Council identify and engage with relevant stakeholders in relation to the masterplan process.



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4. PUBLIC HEARING

The Public Hearing was held on Wednesday 19th June 2019 at the Cavanbah Centre, Byron Bay. The Public Hearing commenced at 3pm.

4.1 ATTENDEES

The following attendees were present at the Public Hearing:

- Micah Kemp
- Santiago Chacra
- Hernan Saez
- Tee Miller
- Craig Scanlan
- Cleis Pearce
- Matius Romani

Byron Shire Council Staff

- Darren McAllister

4.2 VERBAL SUBMISSIONS

The following attendees registered to make verbal submissions to the public hearing:

- Craig Scanlan – on behalf of Suffolk Park Community Gardens

The issues raised in the verbal submissions are provided as follows.

- The question was raised as to the closeness of the proposed pump track to the Community Garden. It was questioned as to how set in stone the pump track is and who put it forward for consideration.

Note: Council officer replied that the facilities were identified in landscape architect concept masterplans which do not form part of the PoM.

- Schools have classes at the Community Gardens. It is a space for all the community and the bike track appears to extend into the area where the community garden presently sits.
- Concern from neighbours in relation to bike track and the behaviour of people it may attract.
- The barbeque area should be better sited to enable more interactive community events.
- Question as to whether the community gardens should be seeking more written submissions from people with concerns.

Note: it was explained that the written submission already received on behalf of the community garden representatives was adequate in addition to the verbal submissions at the meeting.

- Question regarding whether presence at public meeting had greater weight than a written submission.

Note: Response that all submissions were considered.

- The meeting concluded with agreement that further consultation would be undertaken at the appropriate stages.

5. CONCLUSION

The public hearing and exhibition process identified issues primarily associated with the detailed master planning for the Suffolk Park Recreation Ground. It is recommended that further community consultation be undertaken during the master planning stage.

It is concluded that this consultation will address the issues raised in the written and verbal submissions.

PLANNERS NORTH



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PARTNERSHIP PRINCIPAL