

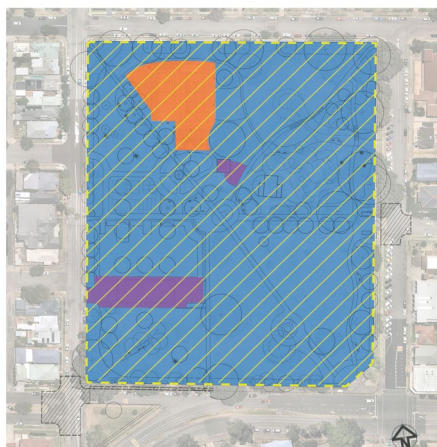
PUBLIC HEARING AND SUBMISSIONS REPORT FOR PROPOSED RECATEGORISATION OF GREGSON PARK

FINAL REPORT

2 NOVEMBER 2021

Categorisation of Gregson Park

-  Park
-  Sportground
-  General Community Use
-  Area of Cultural Significance



CITY OF NEWCASTLE

PUBLIC HEARING AND SUBMISSIONS REPORT
FOR PROPOSED RECATEGORISATION OF
GREGSON PARK

FINAL REPORT

2 NOVEMBER 2021

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1 INTRODUCTION

1.1 Purpose of this report

The purpose of this report is to convey to City of Newcastle the submissions made in relation to a public hearing held on Thursday 16 September 2021 regarding the proposed recategorisation of parts of Gregson Park in Hamilton.

This report has been prepared under Section 40A of the *Local Government Act 1993*.

1.2 Background to the public hearing

Gregson Park is included in the *Heritage Places Strategic Plan and Plans of Management 2000* (amended 2014). Categorisation of the community land comprising Gregson Park was done as part of preparation of the Heritage Places Plans of Management.

In 2020 City of Newcastle began community engagement for and preparation of a Masterplan for Gregson Park to improve spaces and facilities in the park to meet changed community needs.

The Draft Masterplan includes changes to some park spaces and facilities which require recategorisation of parts of Gregson Park. These changes are addressed in the *Draft Heritage Places Plan of Management – Gregson Park Hamilton 2021* which was placed on public exhibition with the Draft Masterplan between 25 August and 6 October 2021.

A public hearing is required under Section 40A of the *Local Government Act 1993* to receive community submissions about categorising or recategorising community land. Under the Act the public hearing must be chaired by an independent facilitator. The public hearing was held on Thursday 16 September 2021.

1.3 Land covered by this report

Gregson Park and its surrounds are shown in Figure 1.

Figure 1 Location of Gregson Park



1.4 This report

The remainder of this report presents the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and categorisation of community land, and submissions regarding the proposed recategorisation of Gregson Park. The submissions comprise verbal submissions made at the public hearing held on 16 September 2021, and written submissions received by Council between Wednesday 25 August and Wednesday 6 October 2021.

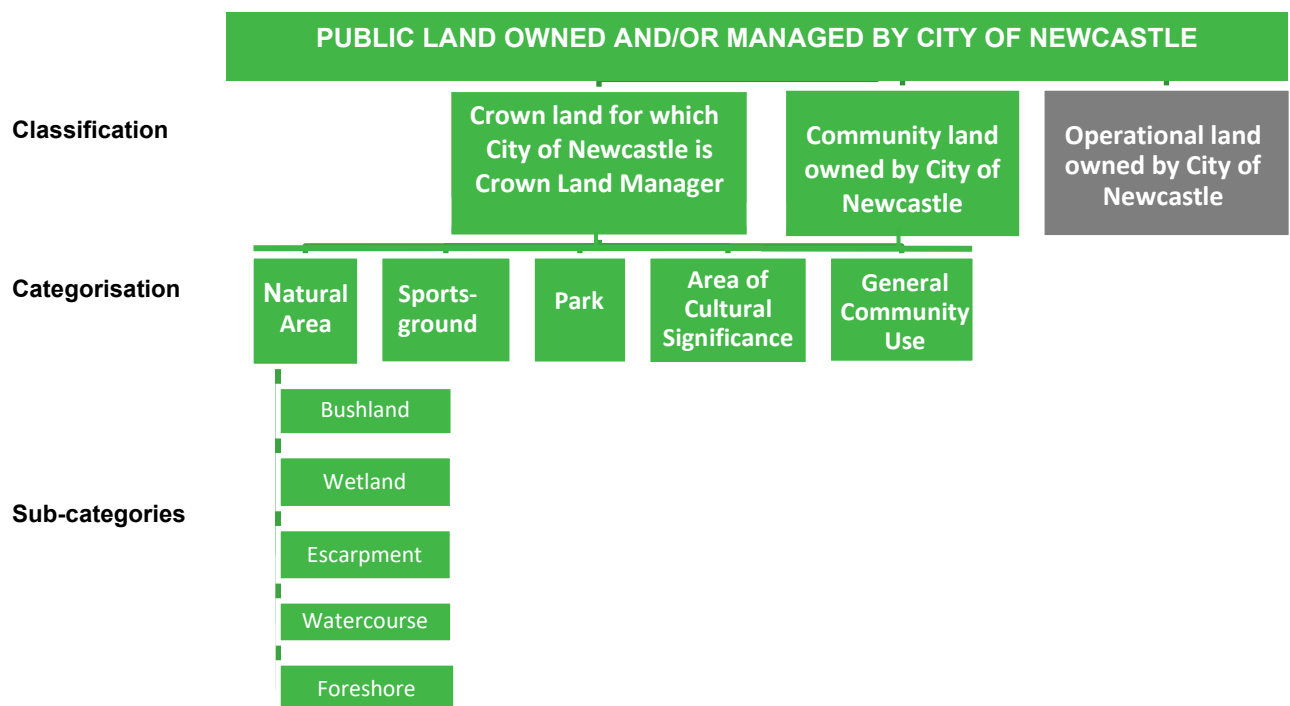
2 PLANNING CONTEXT

2.1 What is community land?

The *Local Government Act 1993* sets out a range of requirements for the management of public land that City of Newcastle is legally bound to adhere to.

The Local Government Act requires that all public land owned by Council must be classified as 'community' or 'operational' land (Section 26). Gregson Park is community land owned by City of Newcastle.

Figure 2 Classification and categorisation of community land



Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes deemed fit by Council such as those that it may want to restrict public access to (for example a works depot), may be used for commercial purposes, be leased for a longer period of time, and can be sold.

2.2 What are the categories of community land?

The *Local Government Act 1993* requires that all land owned by the Council which is classified as community land be categorised.

As shown in Figure 3, community land may be categorised as one or more of the following under Section 36(4):

- ☐ a natural area.
- ☐ a sportsground.
- ☐ a park.
- ☐ an area of cultural significance.
- ☐ general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- ☐ bushland.
- ☐ wetland.
- ☐ escarpment.
- ☐ watercourse.
- ☐ foreshore.
- ☐ a category prescribed by the regulations.

2.3 What are the guidelines for categorising community land?

Guidelines for categorising community land as a particular category are in Clauses 102 to 111 of the *Local Government (General) Regulation 2021*.

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note stated:

"Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision."

Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children's play equipment in another. Council is able to categorise land as part 'Natural Area – Bushland' and part 'Park'. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community."

2.4 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply to it under the Local Government Act. The core objectives outline the approach to management of the land covered by the particular category. The core objectives for each category of community land are set out in Sections 36E to 36N of the *Local Government Act 1993*.

2.5 Guidelines and core objectives for categories of community land considered for Gregson Park

The guidelines and core objectives for the current and proposed categories of Park, Sportsground, General Community Use and Area of Cultural Significance which apply to Gregson Park are in Table 1.

Table 1 Guidelines and core objectives for current and proposed categories of community land in Gregson Park

Category	Guidelines	Core objectives
Park	Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> - encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities - provide for passive recreational activities or pastimes and for the casual playing of games - improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
Sports-ground	If the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	<ul style="list-style-type: none"> - encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games, and - ensure that such activities are managed having regard to any adverse impact on nearby residences.
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<ul style="list-style-type: none"> - 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 in relation to: <ul style="list-style-type: none"> - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. - 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).
Area of Cultural Significance	<p>Land should be categorised as an area of cultural significance under section 36(4) of the Act if the land is—</p> <p>(a) an area of Aboriginal significance, because the land—</p>	(1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present

Category	Guidelines	Core objectives
	<ul style="list-style-type: none"> (i) has been declared an Aboriginal place under section 84 of the <i>National Parks and Wildlife Act 1974</i>, or (ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or (iii) is of significance or interest because of Aboriginal associations, or (iv) displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or (v) is associated with Aboriginal stories, or (vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or (b) an area of aesthetic significance, by virtue of— <ul style="list-style-type: none"> (i) having strong visual or sensory appeal or cohesion, or (ii) including a significant landmark, or (iii) having creative or technical qualities, such as architectural excellence, or (c) an area of archaeological significance, because the area contains— <ul style="list-style-type: none"> (i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or (ii) any other deposit, object or material that relates to the settlement of the land, or (d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or (e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or (f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons. 	<p>or future generations by the active use of conservation methods.</p> <ul style="list-style-type: none"> (2) Those conservation methods may include any or all of the following methods— <ul style="list-style-type: none"> (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material, (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state, (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact), (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land. (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

2.6 Plans of Management for community land

Council must prepare a Plan of Management for community land (Section 36(1)).

Community land is required to be used and managed according to a Plan of Management applying to the land (Section 35).

Among the requirements of the Local Government Act for the contents of a Plan of Management for community land are:

- ☐ categorisation of the land
- ☐ core objectives for management of the land.

2.7 Public hearings

2.7.1 Why hold a public hearing?

A public hearing is required under Section 40A of the *Local Government Act 1993* if:

- ☐ a Plan of Management proposes to categorise (that is, the Plan has not been previously been prepared and adopted by Council, or has not categorised community land) the public land covered by the Plan of Management
- ☐ a Plan of Management proposes to re-categorise (changing the adopted category) the public land covered by the Plan of Management

Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.

2.7.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed categorisation of community land.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- a) A Councillor or employee of the Council holding the public hearing.
- 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.

2.7.3 What happens after the public hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than four days after it has received the final report from the person presiding at the public hearing.

The public hearing report will be presented to Council for its information when it considers adopting the *Heritage Places Plan of Management – Gregson Park Hamilton 2021*.

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3 PROPOSED RECATEGORISATION OF GREGSON PARK

3.1 Images of Gregson Park

Gregson Park in Hamilton is shown in Figure 3.

Figure 3 Images of Gregson Park



View of the park to the playground (centre left) and the maintenance building (centre right)



Flower beds



Tennis courts



Former bowling greens



Heritage gates

3.2 Current categorisation of Gregson Park

Gregson Park is managed by City of Newcastle under the *Heritage Places Strategic Plan and Plans of Management 2000* (amended 2014).

Gregson Park is currently categorised in the *Heritage Places Strategic Plan and Plans of Management 2000* (amended 2014) as:

- ❑ **Park** – playground
- ❑ **Sportsground** – tennis courts, clubhouse
- ❑ **General Community Use** – former bowling clubhouse and two greens
- ❑ **Area of Cultural Significance** – remainder of the park. Gregson Park is a locally significant landscape heritage item under the Newcastle Local Environmental Plan 2012. Several locally listed built and landscape items are situated in the park.

The current categorisation of Gregson Park is shown in Figure 4.

Figure 4 Current categorisation of Gregson Park



Source: *Heritage Places Strategic Plan and Plans of Management 2000* (amended 2014)

3.3 Proposed recategorisation of Gregson Park

City of Newcastle has prepared the Draft Gregson Park Masterplan (Phillips Marler, July 2021) as shown in Figure 5, and the *Draft Heritage Places Plan of Management – Gregson Park Hamilton 2021*, both of which were on public exhibition for comment from Wednesday 25 August to 6 October 2021.

Figure 5 Vision - Draft Gregson Park Masterplan

Vision - Draft Gregson Park Masterplan



LEGEND

- (A) Enhanced James Street entry and Cannon setting with floral garden beds
 - (B) New inclusive play space with nature play, water feature and formal and informal seating and native garden with small yarning circle. Maddies bench to be retained and relocated in play space.
 - (C) New swale, footbridges & wetland area for water detention
 - (D) Tree protection area - ground cover planting
 - (E) Transformed decorative garden beds with mixed rose bed planting
 - (F) Central path with enhanced Fountain setting and seating
 - (G) Seating steps to raised former Bowling Green area with integrated accessible ramp
 - (H) New open shelter - picnic, markets and event space, with provision of picnic settings and BBQs
 - (I) Informal Picnic area & passive recreation area, glasshouse removal subject to heritage assessment
 - (J) Event and maintenance vehicle access with removable bollards
 - (K) Re-aligned path
 - (L) Enhanced Tudor Street entry with floral garden beds
 - (M) Re-aligned path with seating opportunities
 - (N) New tree planting
 - (O) Upgraded existing amenities building
 - (P) New Kiosk - Adaptive re-use of maintenance building, subject to relocation of maintenance building
 - (Q) New halfcourt
 - (R) Re-surfaced tennis courts, possible multicourt linemarkings subject to outcomes of Tennis Strategy Plan, hit-wall, outdoor fitness equipment suitable for all ages & small shade structure with seating
 - (S) New accessible pathway
 - (T) Potential Community Garden with raised beds, subject to agreed community ownership
 - (U) New stormwater tank under former Bowling Green
 - (V) Opportunity for underground stormwater tank, subject to further investigation
 - (W) Widened park entry and path
1. Investigate pedestrian crossing improvements considering kerb blisters and road narrowing and road surface treatments
2. Investigate lighting upgrade & improvements including feature lighting and lighting strategy



The proposed changes to parts of Gregson Park shown in the Draft Gregson Park Masterplan and which was considered at the public hearing will require recategorisation of some parts of the park to reflect the Draft Masterplan, as shown in Figure 6 and explained in Table 2 below.

Figure 6 Proposed recategorisation of Gregson Park



The proposed changes in categorisation are explained in Table 2.

Table 2 Current and proposed categories of community land in Gregson Park

Category of community land	Current categorisation 2000	Proposed recategorisation 2021
Sportsground	Two tennis courts and clubhouse	Two tennis courts, new basketball half-court, hit wall
General Community Use	Two bowling greens, clubhouse and part of the park	New kiosk in adaptive use of maintenance building with an outdoor seating area New open shelter for picnics, markets, events
Park	Playground	Remainder of the park
Area of Cultural Significance	Remainder of the park	Applies to the whole park as an item of local heritage significance
	<i>Source:</i> <i>Heritage Places Plan of Management 2000 (amended 2014)</i>	<i>Sources:</i> <ul style="list-style-type: none"> - <i>Draft Heritage Places Plan of Management – Gregson Park Hamilton 2021</i> - <i>Draft Gregson Park Masterplan</i>

4 THE PUBLIC HEARING

4.1 Advertising and notification

4.1.1 Public notification and exhibition requirements

Section 38 of the *Local Government Act 1993* states that Councils must give “public notice” of a draft Plan of Management, and the length of time that it must be on public exhibition and for submissions to be made. The public notice contents are set out in Section 705 of the Act.

4.1.2 Online notification

Council notified the community of the online public hearing on its website <https://newcastle.nsw.gov.au/have-your-say/projects/gregson-park-masterplan> and on its public notice webpage <https://newcastle.nsw.gov.au/council/news/public-notice> from Wednesday 25 August to Wednesday 6 October 2021.

A background information document explaining the proposed categorisation and the public hearing, and an online submission form, were also provided on the project page.

4.1.3 Other notification methods

Council also promoted the public hearing and the invitation to make a submission about the Draft Gregson Park Masterplan and proposed amendments to the *Draft Heritage Places Plan of Management – Gregson Park Hamilton 2021* by:

- ☐ placing eight signs onsite
- ☐ letterbox drop to 1,000 nearby properties on 25 August 2021
- ☐ emailing 36 key stakeholders
- ☐ emailing Community Engagement e-newsletter to 2,384 subscribers on 27 August and 29 September 2021
- ☐ emailing City e-news (monthly) to 2,573 subscribers on 3 September 2021.

4.2 Public hearing arrangements

The public hearing for the proposed recategorisation of Gregson Park was scheduled on Thursday 16 September 2021 from 6:00pm to 7:30pm as an audio-visual conference using Microsoft Teams due to COVID-19 public gathering restrictions.

Community members could join the public hearing online or call in by telephone. Registrations prior to the hearing were requested before 12 noon on Thursday 16 September 2021.

Nine community members and one Councillor registered to attend the public hearing.

4.3 Attendance at the public hearing

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing. Ms Hoy has not been a Councillor or employee of City of Newcastle at any time.

Rachel McConkey (Recreation Planning Co-ordinator), Renee Read (Recreation Planner) and Natalie D'Arcy (Community Engagement Co-ordinator) represented City of Newcastle, providing information and answering questions on Council's behalf during the public hearing.

Julie Marler, Principal Landscape Architect from Phillips Marler, attended to answer any questions about the Draft Gregson Park Masterplan.

Eight community members and one Councillor attended the online public hearing.

4.4 The public hearing

Ms Hoy opened the public hearing at 6:05pm.

Ms Hoy explained the purpose of the public hearing, the legislative basis for categorisation and recategorisation of community land, and the requirement for public hearings, based on the background information document provided online.

Rachel McConkey explained the background to and reasons for Council proposing to recategorise Gregson Park.

The question that the Chair asked people attending the hearing to address is:

Do you agree or not with the proposal to recategorise parts of Gregson Park as Park, Sportsground, General Community Use, and Area of Cultural Significance as shown on Page 6 of the *Heritage Places Plan of Management – Gregson Park Hamilton* (August 2021) and Figure 5 of the background information document?

Why or why not?

The content of submissions which are relevant to the proposed recategorisation are outlined in more detail in Section 5 of this report. Other comments and questions were noted but are outside the scope of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 7:00pm.

4.5 Submissions

Submissions about the proposed recategorisation of Gregson Park could be made:

- ☐ **via the online submission form** on the City of Newcastle's Have Your Say page <https://newcastle.nsw.gov.au/have-your-say/projects/gregson-park-masterplan> from **Wednesday 25 August to Wednesday 6 October 2021**
- ☐ **verbally at the public hearing**
- ☐ **in writing to Council until Wednesday 6 October 2021** by:
 - post to: Chief Executive Officer, City of Newcastle, PO Box 489, Newcastle NSW 2300 with the subject line: *Draft Gregson Park Masterplan and Draft Heritage Places Plan of Management – Gregson Park Hamilton 2021*.

Eight community members attended the public hearing, and online submissions responding to the proposed recategorisation via Have Your Say and email were received from 170 people.

5 CONSIDERATION OF SUBMISSIONS

5.1 Introduction

Verbal and written submissions relating to the proposed recategorisation of Gregson Park are set out below, according to:

- verbal submissions to the public hearing and Council's response
- other topics raised at the public hearing outside the scope of recategorisation and the public hearing
- written submissions about the proposed recategorisation.

5.2 Public hearing submissions

5.2.1 Submissions about recategorisation

Table 3 Verbal submissions to the public hearing about recategorisation

Submissions		Council/Chair response
General support	No problems with the categorisation.	Noted
Support Area of Cultural Significance over whole park	Pleased to see the larger heritage significant overlay over the entire park	Noted
Query about gardeners storage in the Park category	Does the Park category prevent the construction of any building such as amenities, storage that would support a function happening in the park? The removal of the current gardeners shed and the glasshouse/greenhouse that has been taken of the plan. If that meant the gardeners didn't have enough storage space in the park would the categorisation of the Park area prevent building another storage area for the gardeners?	Gardeners' storage would support the Park category. Council would assess the need for storage space and whether it is worthwhile taking up park space. Council would look at the location, the need for additional storage in the park, and whether existing amenities could be extended.
Support change to the Sportsground category	It makes sense to do the Sportsground categorisation	
	I can see why the footprint of the tennis courts is changed.	Noted

Submissions		Council/Chair response
Query about changes to tennis clubhouse permissible in Sportsground category	The tennis courts and clubhouse aren't changing in terms of categorisation. Does categorisation as Sportsground have any impact on rebuilding or changing the footprint of the tennis clubhouse? Once that clubhouse was allowed to be built. Does the categorisation as Sportsground impact on the demolition, rebuilding, movement, expansion of the tennis clubhouse which would be on the footprint of the Sportsground category?	The Masterplan is indicating removal of the tennis clubhouse and replacing it with a shade shelter. The Sportsground categorisation would not prevent any associated structures for a sportsground.
Support for General Community Use for potential lease areas	Support foresight/forethought to potential community use lease areas in the future, subject to thinking about the footprints of those areas	
Support for General Community Use to Park over former bowling club	The change in the categorisation in the south-west corner [General Community Use to Park] makes complete sense to get rid of the legacy of the pre-bowling club lease.	Noted
Query about commercial use permitted in various categories	<p>On the before and after plan, provision of new amenities and the potential future kiosk has not changed in the category listing. That assumes that any area as Park can be modified to add leasehold or other catering or kiosk facilities in the future. Does the category 'Park' allow anything else to be developed in there? It is not designated as culturally significant area. The current amenities block and Council workshed will be modified, so it is just General Community Use. The categorisation doesn't identify the maintenance building and kiosk as separate category.</p> <p>Does that prevent future commercialisation elsewhere in the park? For example, could someone put a childcare centre in the corner where the bowling club was demolished and removed? Could the kiosk be expanded to make it a pay per use gym facility? Is there any way the categorisation limits or prohibits certain commercial activities happening in the park?</p> <p>Happy with the plan if only the kiosk and shelter are identified for commercial use.</p>	<p>The intention is to identify any building or place in the park where a lease or licence would be issued (apart from one-off events) which are the maintenance building and the large shelter.</p> <p>Commercial activities would take place only in the General Community Use category.</p>

5.2.2 Submissions outside the scope of the public hearing and recategorisation

Submissions made at the public hearing which are not related to the proposed recategorisation or are relevant to the proposed amendments to the *Draft Heritage Places Plan of Management – Gregson Park Hamilton 2021* are listed below but are outside the scope of this report. Such submissions and comments include:

- ☐ It's an excellent park at the moment and it will be even better with the signalled improvements.
- ☐ Interested in the proposed detail of the tennis court and court area in terms of screening, heights, areas involved. How large is the area west of the tennis courts for the climbing wall and basketball so they don't distract/conflict with tennis?
- ☐ Concern about loss of the tennis clubhouse, which is important for tennis players.
- ☐ The tennis clubhouse stores items for court maintenance. Has storage been considered for incorporation in the shade structure?
- ☐ Will there be some acknowledgement of the history of the tennis club (photos, trophies) in the shelter?
- ☐ Hamilton Baptist Church have used the park extensively over the years for Carols in the Park. The new public area where the bowling green is not the area that has been used for big crowds and events. Carols attracted a couple of thousand people in the corner between the tennis courts and between Steel Street, with a hired stage and public address system. The church wants a place to hold carols.
- ☐ Three large trees are proposed in front of the new large shelter [at N on the Masterplan]. There is no provision for a large grassed open area in front of the shelter, which would be ideal. The old figs will die out over time.
- ☐ What are the plans for resurfacing of the tennis courts with an appropriate surface? The tennis club has historically been responsible for resurfacing of the tennis courts. The tennis club would appreciate financial assistance for resurfacing the courts.
- ☐ Is a wall adjacent to the tennis courts to hit balls against part of the plan?
- ☐ A community garden is important for local people to contribute to. The community garden is a wonderful opportunity, especially in COVID times.
- ☐ Will there be storage/a shed for garden maintenance (rakes etc.) close to the community garden?
- ☐ Will there be some seating in the playground?
- ☐ The half basketball court is brilliant, and will be popular. A full basketball court may take up space? Is there any chance of another half basketball court?
- ☐ The Masterplan shows the garden bed near the ANZAC statue is going.

5.3 Written submissions about the proposed recategorisation

Visitors to Council's Gregson Park project page <https://newcastle.nsw.gov.au/have-your-say/projects/gregson-park-masterplan> during the public exhibition of the Draft Masterplan and Draft Heritage Places Plan of Management – Gregson Park Hamilton (August 2021) were invited to comment on the following question:

Do you agree or not with the proposal to re-categorise parts of Gregson Park as Park, Sportsground, General Community Use, and Area of Cultural Significance as shown on Page 6 of the Heritage Places Plan of Management – Gregson Park Hamilton (August 2021)?

The level of agreement with the proposed re-categorisation is shown in Table 4.

Table 4 Level of agreement with proposal for re-categorisation

Response	No. responses	% of responses
Yes	94	55%
Don't know	42	25%
No	34	20%
TOTAL RESPONSES	170	100%

From Table 4 it appears that support for the proposed re-categorisation generally outweighs a don't know/neutral position and not supporting the proposed re-categorisation.

However, the level of support for the proposed re-categorisation must be treated with caution because:

- ☐ many people giving reason(s) for their responses referred to the Draft Masterplan proposals and not the re-categorisation
- ☐ some people who indicated 'Don't know' stated they were not clear about the implications of the re-categorisation "Not sure of the consequences of me selecting?", "I am not sure what the current zoning is", and/or had not read the background information document provided on the project page.

Comments from the Gregson Park Masterplan online survey which directly relate to the proposed re-categorisation are listed below.

Table 5 Comments about the proposed re-categorisation

Submissions	Assessment
Support for re-categorisation – general	
Agree with the re-categorisation of the park	Noted
Zoning Reclassification: the new zones makes sense & should allow for future needs so well done.	Noted
The categories signify the important aspects of interest and value in the park	Noted
It's appropriate	Noted
Makes logical sense	Noted
All of these areas are important.	Noted
I agree that all these categories are useful to the parks longevity.	Noted
This will reflect the primary use of the park and highlight it being a multi-purpose space.	Noted
I think there is adequate consideration of the heritage component, cultural history while increasing flexibility of the park's use.	Noted

Submissions	Assessment
There are a variety spaces that benefit the community.	Noted
I like the idea of mixed use. I like the idea of more variety of activity to encourage community to use it and feel safe if there are other activities going on.	Noted
Sensible zonings that allow a good range of activities.	Noted
I understand it is now time for some changes in making ten park a more activated community space - if this requires changes to some if the zonings I am happy with that	Noted
The multi-use modernisation will provide motivations for access by increased numbers of community members, families, the arts and recreational uses.	Noted
It should have a wide number of uses, there's room to cater for the listed uses	Noted
Consistent with overall proposed Masterplan.	Noted
Consistent with the intent of the Draft Masterplan	Noted
This is necessary if the Vision and Draft Masterplan for Gregson Park is to be realized, and allows for the park to be developed in accord with best practice and to better meet the community's changing and future needs .	Noted
Personally, I believe that rebranding these sectors of the park will allow for further understanding of the sites possible usage.	Noted
If it helps justify spending for particular purposes then yeah go for it.	Noted
I'm not sure of full implications, but generally support the concepts.	Noted
Support for Area of Cultural Significance category	
Very happy to see the heritage overlay encompassing the entire park and specific items.	Noted
very important to keep a Heritage flavour there.	Noted
I do like some part being designated area of cultural significance and maybe more could be added to this.	An overlay of the Area of Cultural Significance category is proposed over all of Gregson Park
I particularly would like the cultural significance to take priority as this is Awabakal land that Gregson Park is built on. We need to be considering the swampland as being a major source of food for the Awabakal people and the Awabakal language needs to be clearly supported in the signage as well as the bush tucker selected	Noted
I think the entire park should be designed as a cultural resource. All of the proposed activities described in the masterplan are part of our culture.	Noted
Need to show indigenous and environmental heritages of area	Noted

Submissions	Assessment
We must acknowledge the traditional custodians of this land and pay our respects to what was once theirs. A yarning circle is a great idea, even plaques with historical information and stories would be great too.	Noted
White man 'heritage' ain't no heritage	Noted
It also allows for the recognition of cultural significance and potential LGBTIQ+ inclusivity that may have otherwise gone unnoticed.	Noted
Neutral /don't know	
Not bothered either way.	Noted
I don't know if this is the best use of the area	Noted
I am ambivalent to the change, provided it avoids restructuring any part of the public's common areas to become available for private development.	Gregson Park is community land owned by City of Newcastle. Private development of community land is not permitted.
Support for expanding the Sportsground category	
Because it doesn't allow enough area for sports, and the identified area is tennis courts which advantages the sport of tennis which is not especially popular.	Noted
Purely from a Sports point of view I believe the space and community can benefit greatly from an increased and modernised sports capacity. More should be added however and not removed or altered.	Noted
Yes, I think that is fine. However, subject to my comments above, there should be an orange space [Sportsground category] for the tennis club house.	Noted
Don't support Sportsground category	
I object to the categorisation of Sportsground. The 2 tennis courts are fine, just need some repairs. I object to further sports infrastructure and object to the hard surfaces the proposed sports facilities would require. I believe that hitting walls and half courts could and should be part of an upgrade of the District Park facility in Broadmeadow.	Noted
I do agree with most, however there are many sports grounds all over in close proximity the grounds at Lambton for example, so I do think Gregson Park should be for families and small children and the elderly ONLY. Thank you	Noted
Areas of the Park should not be recategorised as Sportsground. There are many sports areas nearby.	Noted
Disagree with location of General Community Use category	
I just think the location of the community space may have a more appropriate location to service the needs of parents with young children playing in the play area	Noted

Submissions	Assessment
Don't support recategorisation in general	
The danger of zoning the park into precincts is that it loses its cohesion. Each section of the park needs to be designed so that it integrates seamlessly with the adjacent areas and the park functions as a cohesive whole.	Categorisation of community land is required under the <i>Local Government Act 1993</i>
I believe the park will be well planned and executed. As such, I think these areas will be distinct and it will be unnecessary to formally categorise parts of the park.	Categorisation of community land is required under the <i>Local Government Act 1993</i>
The whole park can be used for many general uses. I see the categorising of the park into different uses as unnecessary red tape.	Categorisation of community land is required under the <i>Local Government Act 1993</i>

Other written submissions on the Draft Gregson Park Masterplan and Draft *Heritage Places Plan of Management – Gregson Park Hamilton 2021* are addressed in a separate Community Engagement Report prepared by Creative Ingredient.

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6 RECOMMENDATIONS

6.1 Consideration of submissions

The written and verbal submissions regarding the proposed recategorisation of Gregson Park have been carefully considered and assessed below.

The proposed recategorisation of Gregson Park is intended to reflect the Final Masterplan for Gregson Park.

Many submissions to the Draft Masterplan and Draft Plan of Management, and to the public hearing, suggested changes to the footprints of various facilities and spaces within Gregson Park. In particular, the community supported retaining the tennis clubhouse and the tennis courts in their existing position rather than replacing the tennis clubhouse with a shade shelter and shifting the tennis courts north as had been shown on the publicly exhibited Draft Masterplan (Figure 5).

The final Masterplan (Figure 8 next page) shows the tennis clubhouse and the tennis courts in their existing position, and a new multi-use half-court with double-sided hit wall and seating to the south of the tennis courts. The relationship of the final Masterplan to the Sportsground categorisation is shown in Figure 7 below.

Figure 7 Current and proposed Sportsground categorisation

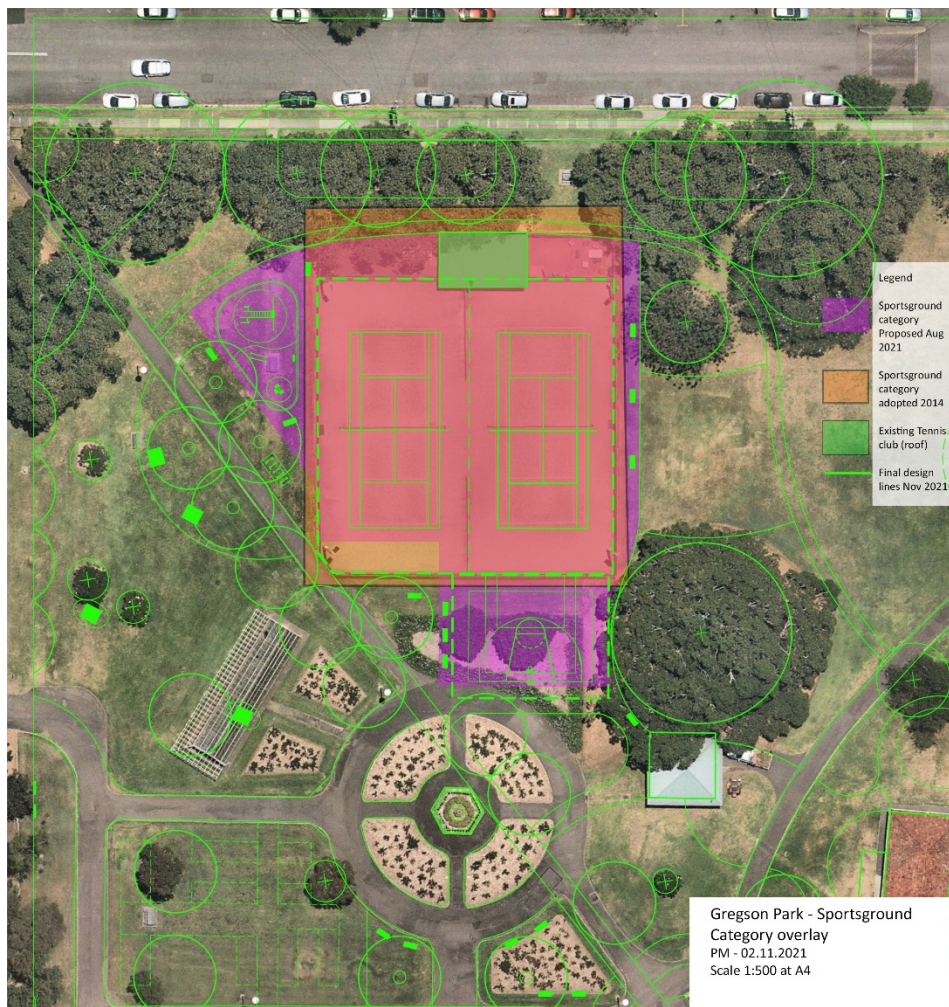
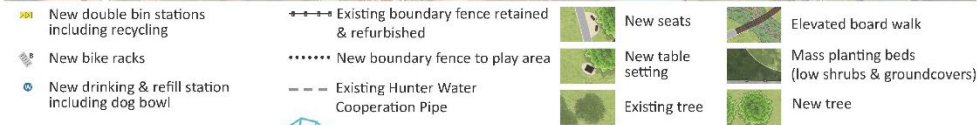


Figure 8 Final Gregson Park Masterplan



- LEGEND**
- (A) Enhanced James Street entry and Cannon setting with floral garden beds
 - (B) New inclusive play space with nature play, water feature, shade, formal and informal seating and native garden with small yarning circle. 'Maddies bench' to be retained and relocated in play space.
 - (C) New swale, footbridges & wetland area for water detention
 - (D) Tree protection area- ground cover planting
 - (E) Transformed decorative garden beds with mixed rose bed planting
 - (F) Central path with enhanced Fountain setting and seating
 - (G) Seating steps to raised former Bowling Green area with integrated accessible ramp
 - (H) New open shelter & gravel area- picnic, markets, events and community space for multiple uses such as Bocce and Yoga. Provision of picnic settings and BBQs
 - (I) Informal Picnic area & passive recreation area, glasshouse removal subject to heritage assessment
 - (J) Event and maintenance vehicle access with removable bollards
 - (K) Re-aligned path
 - (L) Enhanced Tudor Street entry with floral garden beds
 - (M) Re-aligned path with seating opportunities
 - (N) New tree planting
 - (O) Upgraded existing amenities building providing disabled access and facilities
 - (P) Potential new Kiosk- Adaptive re-use of maintenance building, subject to relocation of maintenance building
 - (Q) New multi-use halfcourt with double sided hit-wall & seating
 - (R) Retention of Tennis Clubhouse and tennis courts. Future renewal of Clubhouse and possible multicourt line markings subject to outcomes of City Wide Tennis Strategy.
 - (S) Outdoor fitness equipment suitable for all ages, bike racks & seating
 - (T) New accessible pathway
 - (U) Potential Community Garden with raised beds, subject to agreed community ownership
 - (V) New stormwater tank under former Bowling Green
 - (W) Opportunity for underground stormwater tank, subject to further investigation
 - (X) Widened park entry and path
1. Investigate pedestrian crossing improvements to and from the park
2. Investigate LED path and play space flood lighting and improvements including feature lighting in accordance with a lighting strategy

It is understood that the multi-use half-court is mostly within the proposed change to the footprint of the Sportsground category which was considered at the public hearing and placed on public exhibition for comment. The multi-use half-court extends 1.5 metres south of the Sportsground category considered at the public hearing into the Park category, but as the extended area comprises a safety runoff area from the multi-use court this is a use consistent with the informal recreation purpose of the Park category.

The small, mostly rectangular area comprising the southern section of the western tennis court was not included in the Sportsground footprint which was considered at the public hearing and publicly exhibited, but as it is currently categorised as Sportsground (refer to Figure 4) the adopted Sportsground category should be retained for this small, mostly rectangular area.

Submissions supported the proposed recategorisations in general to allow a range of spaces and activities in the park to meet community needs. The Area of Cultural Significance category was supported as an 'overlay' applying to the whole park.

Submissions about the proposed expansion of the area categorised as Sportsground were evenly split. Some people supported more area in the park for sport and retention of the tennis clubhouse. Opponents to expanding the Sportsground category gave reasons including to retain only the two tennis courts, sports facilities were more appropriate in other nearby parks, and Gregson Park should be for informal use only. Community engagement supported tennis remaining in Gregson Park and the proposed multi-use hardcourt and hit wall, so the expansion to the Sportsground category is recommended.

One person objected to the proposed location of the community space/shelter in the south-west corner of the park (proposed to be categorised as General Community Use), saying it should have a more appropriate location to service the needs of parents with young children playing in the play area. It would be difficult to locate a shelter of the proposed size near the play area without disrupting other elements and features of the park. The new open shelter is better located in the south-west corner of the park to accommodate larger community gatherings.

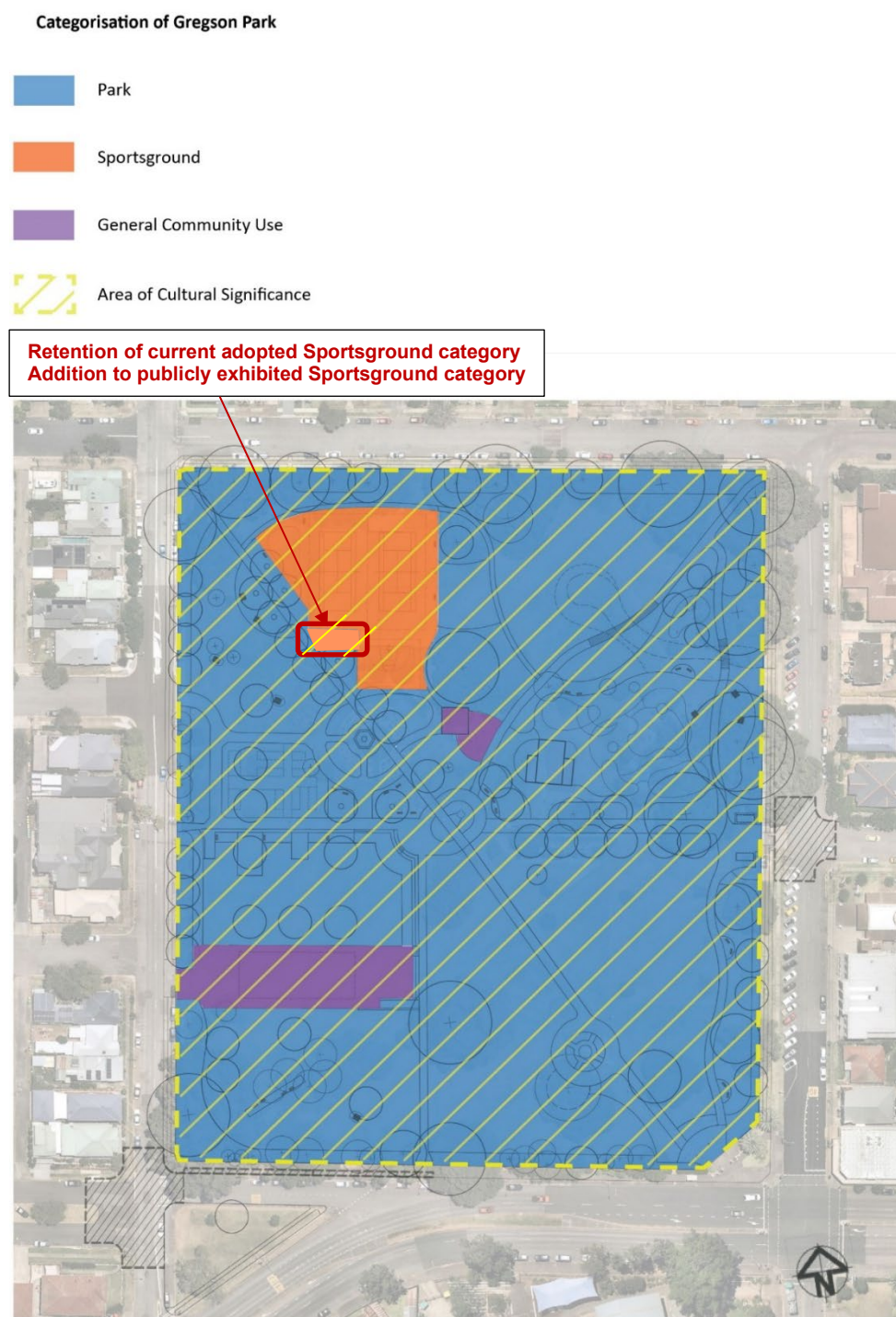
Three submissions objected to dividing the park into categories/zones as the cohesion of the park would be lost, and it is unnecessary 'red tape'. However categorisation of community land is required under the *Local Government Act 1993*.

6.2 Recommendations

Based on the representations to the public hearing on 16 September 2021 and written submissions made to Council by 6 October 2021, my recommendations to City of Newcastle are that Council:

1. Note the verbal and written submissions made in Section 5.
2. Recategorise Gregson Park as publicly exhibited in August to October 2021, with the minor change of retaining the adopted Sportsground category over the southern section of the western tennis court. Refer to Figure 9.

Figure 9 Recommended recategorisation of Gregson Park



6.2 Adoption of proposed recategorisation

This public hearing report will be presented to Council for its information as part of its approval of the proposed recategorisation of Gregson Park.

Section 114 of the *Local Government (General) Regulation 2021* states that if Council receives any submission objecting to the proposed categorisation of land, and the Council adopts the categorisation without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the categorisation must state the Council's reasons for categorising the relevant land in the manner that gave rise to the objection. Refer to Section 6.1 for the objections to the proposed recategorisation.

If Council intends to adopt the proposed recategorisation, it must state the reasons why it did not make changes to categorisation in response to any objections received in its resolution to adopt the categorisation.

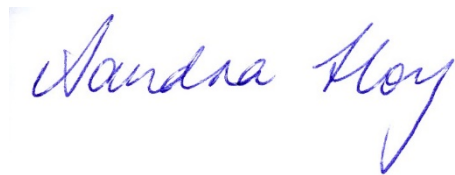
If Council adopts the proposed recategorisation of Gregson Park, Council will update the *Draft Heritage Places Plan of Management – Gregson Park Hamilton 2021* and its Land Register to reflect the recategorisation.

If Council decides to alter the proposed recategorisation of Gregson Park from the existing adopted categories or the categories and boundaries considered at the public hearing, Council must hold a further public hearing (Section 40A(3) of the *Local Government Act 1993*).

6.3 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public at a location within the area of the Council. It is recommended that Council:

- ☐ send a copy of the public hearing report to the people who registered and/or attended the public hearing and/or made a written submission.
- ☐ keep a copy of the public hearing report for inspection at:
 - Council's Customer Service Centres
 - Newcastle City Library, Laman Street, Newcastle
 - Hamilton Branch Library, 45 James Street, Hamilton.
- ☐ post an electronic copy of the public hearing report on Council's website.



Sandy Hoy
Director
Parkland Planners

2 November 2021

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