

CL22.61 Passive Open Space (Local Park) - West of Princes Highway, Berry – Draft Concept Plan and Proposed Shoalhaven Contributions Plan 2019 Amendment

HPERM Ref: D21/520686

Department: Strategic Planning
Approver: Gordon Clark, Director - City Futures

Attachments: 1. Project Sheet and Supporting Information - Draft CP Amendment - 01OREC5009 [↓](#)
2. Draft Concept Plan - Huntingdale Park Local Park [↓](#)

Reason for Report

Obtain endorsement to publicly exhibit a draft Concept Plan and associated proposed amendment to the *Shoalhaven Contributions Plan 2019 (Project 01OREC0009)*, to enable embellishment of a passive open space area west of the Princes Highway at Berry.

This proposal will provide a local park for the growing population in the area, consistent with Council's resolution of 11 May 2021 (MIN21.242).

Recommendation

That Council:

1. Endorse the Draft Concept Plan for the passive open space area between Huntingdale Park Road and Hitchcocks Lane, Berry and the associated Amendment to the *Shoalhaven Contributions Plan (CP) 2019*.
2. Publicly exhibit the draft Concept Plan and CP Amendment for a period of 28 days.
3. Advise key stakeholders, including affected and adjoining landowners, the Berry Forum and Huntingdale Park Resident Action Group, of this decision and the public exhibition arrangements.
4. Post-exhibition, receive a report considering any submissions received, as well as a final Concept Plan and CP Amendment for finalisation.

Options

1. Endorse the Draft Concept Plan and CP Amendment for public exhibition

Implications: This is the recommended option. Council endorsement will allow this long-established project to be progressed to public exhibition and, subject to community feedback, delivery. Delivery of the local park infrastructure will provide recreation opportunities within walking distance for residents in this growth area of Berry. This will also allow contributions for the park to be levied from new development south of Hitchcocks Lane.

2. Alter the Draft Concept Plan and/or CP Amendment before proceeding to public exhibition

Implications: This option is not preferred. The draft Concept Plan is informed by previous community feedback and internal feedback across Council. The timing of the public

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exhibition of the project is critical as exhibition will need to occur prior to July 2022 to avoid being tied up in the changes anticipated by the [NSW Government's Infrastructure Contributions Reforms](#).

3. Not proceed with the passive open space project

Implications: This option is not preferred. Delivery of a local park (subject to community feedback) will provide functional public open space for residents west of the Princes Highway at Berry. Should the project not proceed, collected development contribution funds would be diverted to other projects in Planning Area 1. This approach would likely not be supported by the residents of the area, given an identified need for recreation space to support growth and previous Council resolutions on the matter. In addition, should the project not proceed, the subject land area would remain underutilised.

Background

As part of the recent rezoning of land for additional future housing south of Hitchcocks Lane, Berry (Planning Proposal 029), Council resolved (in part, MIN21.242) to:

- Review the passive open space (recreational) needs of the Berry growth area;
- Update the Shoalhaven Contributions Plan 2019 to provide funding for embellishment of the passive open space area.

This is reflected in the [resolution](#) of the Development Committee on 7 April 2020 and reconfirmed in the [resolution](#) of 1 September 2020. Most recently, as part of the finalisation of the rezoning of the Hitchcocks Lane residential area in May 2021, Council resolved to (MIN21.242(5)):

Prepare and progress an amendment to the Shoalhaven Contributions Plan (CP) 2019 Project 01OREC0009 (Land acquisition for passive open space – Princes Highway, Berry) to provide embellishments to the passive open space area between Hitchcocks Lane and Huntingdale Park Road, in response to increased demand due to population growth.

Residential growth on the western edge of Berry has been planned since the late 1980s, with considerable growth occurring as part of Huntingdale Park Estate over the past decade. When complete, it is estimated that they will accommodate around 450 dwellings and 1,000 residents (with approximately 70% of the population living in Huntingdale Park Estate and 30% in the Hitchcock Lane south area). Part of the growth area south of Hitchcocks Lane (as identified in the *Shoalhaven Growth Management Strategy 2014*) was recently rezoned in November 2021.

An area for passive open space has long been identified as part of growth planning for the area, on land between Huntingdale Park Road and the unformed eastern section of Hitchcocks Lane (see **Figure 1**). This land is legally described as Part Lot 914 DP 1268409 and currently contains an ephemeral waterway and drainage infrastructure, a manmade wetland (stormwater pond), access road and grassy areas as well as areas of regrowth vegetation. The site measures approximately two (2) hectares and was dedicated to Council as open space in October 2020 as part of the final stages of the Huntingdale Park Estate subdivision (SF 9320 - DS18/1311). The land is currently zoned RE1 Public Recreation under *Shoalhaven Local Environmental Plan 2014*.

To enable recreational use of the land and provide functional embellishments in accordance with the above Council resolution and the [Shoalhaven Community Infrastructure Strategic Plan 2017](#), a draft Concept Plan for a Local Park has been prepared with preliminary (estimated) costings. This Draft Concept Plan accompanies supports the proposed amendment to the *Shoalhaven Contributions Plan (CP) 2019* (Project [01OREC0009](#)), to allow funds collected for the passive open space area to be used for the proposed embellishment of the open space (Refer to **Attachment 1**: Project Sheet and Supporting

Information). The proposed amendment also recognises the new residential area south of Hitchcocks Lane as a benefit area for the project.

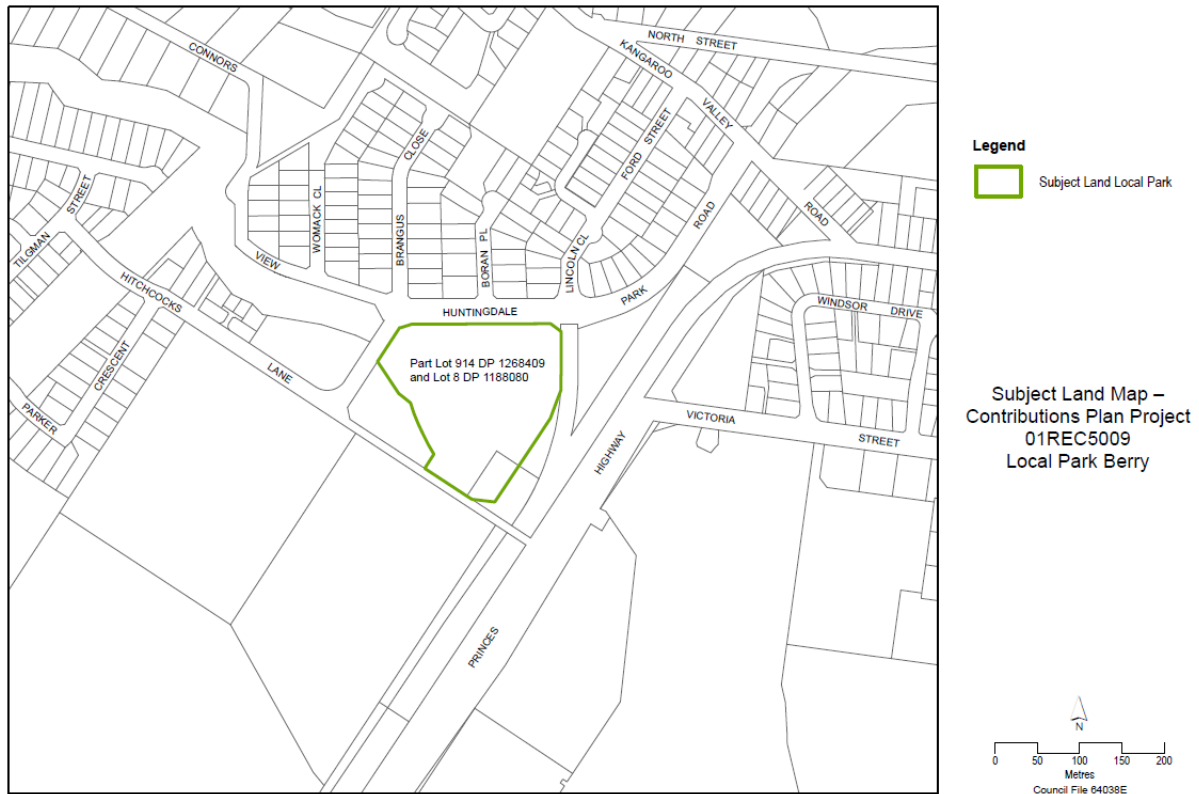


Figure 1: Subject Land Map

Proposal

Draft Concept Plan

The draft Concept Plan for a local park to meet the day-to-day recreation needs of residents west of the Princes Highway in Berry is provided as **Attachment 2**. The draft Concept Plan has been informed by community feedback received from Huntingdale Park Estate residents and during the exhibition of the Hitchcocks Lane rezoning (PP029). The main features of the proposal include:

- A playground.
- Picnic shelters and seating.
- Small car park (7 spaces including accessible space).
- Wetland viewing platform, connecting internal paths and boardwalk along eastern edge of wetland.
- Landscaping.

The Park will contain facilities and access for all levels of ability in a natural and informal setting. Views into and out of the park will be enhanced, and tree planting and landscaping will enhance the amenity of the area and provide shade. Interpretative signs will be incorporated into the park with potential artworks if budget permits. The draft Concept Plan has been costed at a high level, and the subsequent detailed design phase will refine the park design, embellishment detail, staged delivery, and costs.

Draft Amendment to Shoalhaven CP 2019 Project 01OREC0009

The *Shoalhaven Contributions Plan (CP) 2019* contains a list of projects to be funded through the collection of levies imposed on new developments that increase infrastructure

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demand in accordance with the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and associated Regulations.

Project [01OREC0009 \(land acquisition for passive open space Princes Highway Berry\)](#) in the CP was introduced along with planning controls to guide the subdivision of Huntingdale Park Estate (then named Berry Gardens) and to ensure adequate open space would be provided to address the recreational demand of new residents.

The draft Amendment to the CP Plan is provided as **Attachment 1**. The draft Amendment:

- Renames the project to 01OREC5009 for consistency with updated projects.
- Seeks to enable funds already collected from development in the area relating to 01OREC0009 to be spent on embellishment of the subject land to meet existing and future recreation demand.
- Amends the Contribution Area (Benefit Area) boundaries to fit the Huntingdale Park Estate boundary, to reflect contributions being levied from residential properties only. The rural-zoned properties south of Parker Crescent (Lots 5 and 7 DP 1115338) have been removed from the Contribution Area (see **Attachment 2**) as they do not directly benefit from the infrastructure (i.e., no nexus).
- Adds the Hitchcocks Lane (south) residential area (Part Lots 762 and 763 DP 1224932) to the contribution area, to allow funds from future development to be levied, recognising the additional recreational demand this development will place on the area. The new residential development south of Hitchcocks Lane will benefit from provision of new recreational facilities within walking distance of future residents which is important as a local park will not be provided on the development land (i.e., a nexus is clearly established).

Community Engagement

The Draft Concept Plan and proposed CP Amendment will be placed on public exhibition for a minimum of 28 days in accordance with legislative requirements.

The community will be notified of the exhibition via email notification to key stakeholders such as the Berry Forum Community Consultative Board (CCB) and Huntingdale Park Residents Action Group, as well as stakeholders registered on the 'Hitchcocks Lane Residential Area Planning Proposal (PP029)' Get Involved project webpage. Letters will be mailed to landowners within the proposed Contribution Area (for *Project 01OREC5009*).

The proposal documents will be available for viewing on the Council website, on the 'Documents on Exhibition' webpage, as well as the 'Get Involved' engagement platform. Feedback will be invited through these web-based platforms, as well as via post and email.

Policy Implications

The draft Concept Plan provides recreation space for a growth area in accordance with the *Shoalhaven Community Infrastructure Strategic Plan (CISP)* (Ross Planning 2017). The design is in line with the 'Local Recreation Park' classification and aims to provide a range of recreational and family-friendly facilities for the local residents. The design seeks to encourage active lifestyles (encouraging walking and play) as well as provide space for reflection/relaxation in a natural setting. Car parks are not usually a feature of local parks because they are designed for people living within the neighbourhood who are within walking distance of the park (i.e., unlikely to draw external visitors like district parks such as nearby Boongaree). Whilst it is expected that most residents will walk to the park, the community have requested parking as there is no adjacent on-street parking on Huntingdale Park Road. As such, a small car park is included in the draft concept design.

Part 7 of the *EP&A Act* enables Council, other consent authorities and accredited certifiers, via the *Shoalhaven Contributions Plan 2019*, to levy development contributions for the

provision of community infrastructure generated as a consequence of that development. The draft Amendment has been prepared in accordance with the requirements of the *EP&A Act* and associated regulations.

Financial Implications

The draft Concept Plan for embellishment of the park is costed at \$1,521,332 (refer to **Attachment 1** for itemised estimates). Development contributions levied for Project 01OREC0009 already collected from Huntingdale Park Estate development amount to \$1,240,750.12. The remaining cost (balance) to deliver the project is \$280,581.38.

For most projects identified in CP, the contribution project rate is calculated by dividing the project estimate cost (in this case the remaining project cost) by the total future ETs (Equivalent Tenements e.g., households). The total anticipated ETs for the contribution area is estimated at 457 with 34% (157) being future development (66% of the development in the contributions area has already been delivered). Considering the remaining cost to deliver the project of \$280,581.38 and 157 future ETs, a contribution rate of \$1,787.14 per ET is proposed for future development.

The external shared user paths that are proposed around the subject land do not form part of the proposed contributions project and will not be funded by development contributions levies.

Risk Implications

The proposal is considered low risk as it seeks to deliver a playground and other local park facilities to a growing population in accordance with adopted plans and strategies. In addition, the draft design has been informed by previous community feedback.

However, a delay to the timing of the amendment to the Contributions Plan could trigger the earlier than planned transition to a new standard instrument contributions plan which is a likely outcome of the NSW Government's [Infrastructure Contributions Reforms](#). It is expected that should the project progress to finalisation (considering feedback or changes as a result of public exhibition) by July 2022, then the risk of the project being adversely affected by state-wide contributions reforms is appropriately mitigated.

The Infrastructure Contributions Reforms is also being delivered in stages which suggests that local development contributions levies relating to social and recreation infrastructure may be altered in future years. This could mean that the IPART Essential Works List may apply from 2024, resulting in these forms of infrastructure needing funding through alternative mechanisms (e.g., rate revenue, special rates, grants, planning agreements). It is therefore important for this amendment to progress in a timely manner, noting that the CP project is existing and development contributions funding has already been collected from existing development to provide public open space to meet development demand.

Shoalhaven Contributions Plan

Project Sheet

All changes are shown highlighted (additions) or highlighted ~~striketrough~~ (deletions).

Project Code	01OREC50009
Project Area/ Project Category	Area 1 / Passive Recreation
Location	Berry
Description	Land acquisition Embellishment for passive open space (west of the Princes Highway, Berry).
Strategy	To provide new and embellished passive open space to meet user needs associated with future development demand.
Project Estimate	\$1,023,400.00 in Nov 2004 Total Cost: \$1,521,332.00 in Dec 2021 Balance: \$280,581.38 in Dec 2021
Indexed Estimate	\$1,645,574.37 \$280,581.38
Apportionment	The apportionment related to the balance is 100% to development.
Nexus	The project is critical to provide public open space that meets current and future user requirements for outdoor recreational and social activity.
Supporting Information	This project is described in Shoalhaven DCP Chapter N3 Berry Residential Subdivision. See also following page/s
Land Acquisition Estimate	\$1,023,400.00 in Nov 2004 Nil
Timing	2022-2026

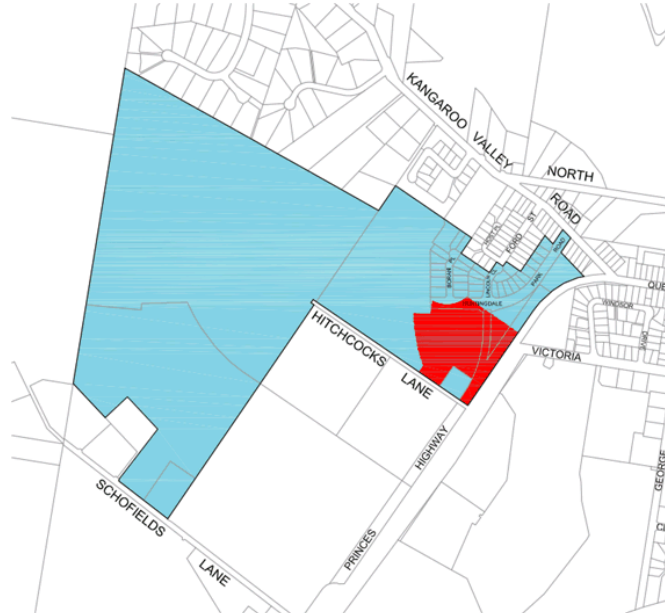
Contribution Rate

Financial Year	Contribution Rate Type	Contribution Rate	Existing ET/M2/SP	Future ET/M2/SP	Total ET/M2/SP
2021	Equivalent Tenement	\$4,784.16 \$1,787.14	300	354 157	354 457

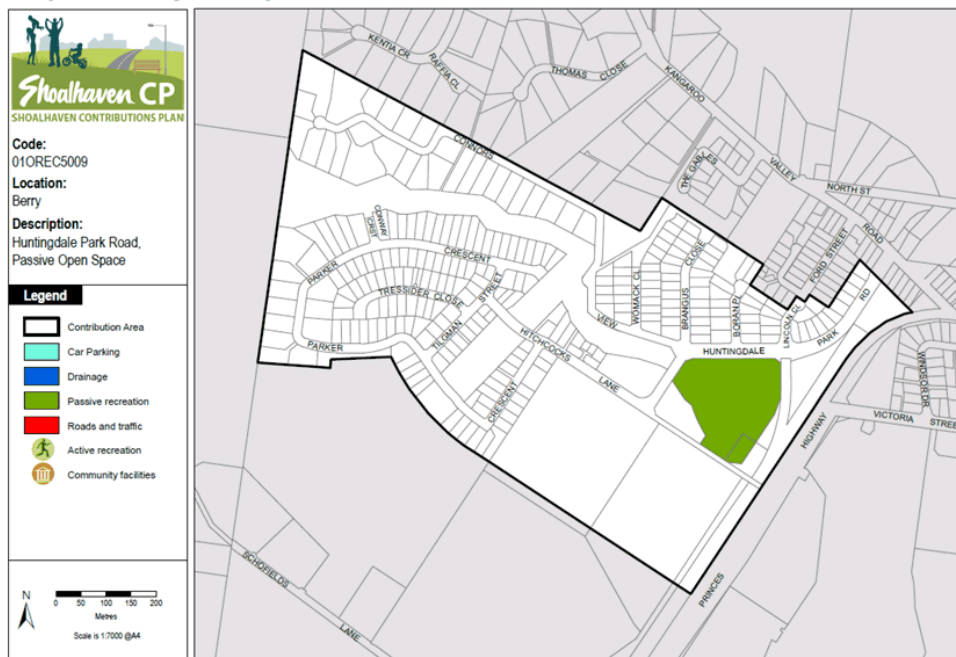


Shoalhaven Contributions Plan

Existing Project Map



Proposed Project Map



Shoalhaven Contributions Plan

Supporting Information

All changes are shown highlighted (additions) or highlighted ~~strikethrough~~-(deletions).

Project Code	01OREC0009
Project Name	Land Acquisition Embellishment for Passive Open Space (west of the Princes Highway, Berry)
Project Status	Project not completed

Estimated Project Cost Breakdown as at ~~November 2004~~ December 2021

Acquisition costs

Area (m ²)	Rate per m ²	Estimated Cost
34,000	\$30.10	\$1,023,400

Embellishment Costs as at December 2021

Item	Description	Qty	Unit	Rate	Amount
1	General				
1.1	General Site Establishment	1	item	\$12,000	\$12,000
1.2	Design and Project Management	1	item	\$89,000	\$89,000
1.3	Prepare and implement Site Specific & Environmental Management Plan	1	item	\$12,000	\$12,000
2	Clearing and Earthworks				
2.1	Miscellaneous landscape preparation – weeds, removal of weeds, dead tree pruning of trees etc.	1	item	\$50,000	\$50,000
2.2	Subgrade to desired levels. Utilise spoil on site if feasible.	1	item	\$8,000	\$8,000
3	Civil Works				
3.1	Construct Carpark (368m ²)	1	m ²	\$160,000	\$160,000
3.2	Concrete path around playground	192	m ²	\$165	\$31,680
3.3	Concrete path from carpark	66	m ²	\$165	\$10,890
3.4	Tracks sealed	433	m ²	\$165	\$71,445
4	Park Landscape Items				
4.1	Boardwalk	106	m ²	\$950	\$100,700
4.2	Construct footbridge	1	item	\$40,000	\$40,000
4.3	Viewing platform works	1	item	\$30,000	\$30,000
4.4	Supply and install seats	5	item	\$2,000	\$10,000



Shoalhaven Contributions Plan

4.5	Supply and install playground	1	item	\$250,000	\$250,000
4.6	Supply and install shade for playground	1	item	\$25,000	\$25,000
4.7	Supply and install fencing for playground and carpark	198	m	\$230	\$45,540
4.8	Supply and install fitness stations	1	item	\$25,000	\$25,000
4.9	Supply and install bin enclosures	3	item	\$3,000	\$9,000
4.10	Supply and install picnic shelter	2	item	\$25,000	\$50,000
4.11	Community Space Works miscellaneous landscape works	1	item	\$40,000	\$40,000
4.12	Signage	1	item	\$30,000	\$30,000
4.13	Miscellaneous landscape works – restoration, planning etc (TBC)	1	rate	\$70,000	\$70,000
5	TOTAL				\$1,170,255
6	Contingency 30%				\$351,077
7	GRAND TOTAL				\$1,521,332
8	Contributions collected to date				\$1,240,750.12
9	Balance (contributions to be collected) – 100% apportioned to development				\$280,581.38

Benefit Area(s) Assumptions

The area to benefit from the provision of passive open space between Hitchcocks Lane and Huntingdale Park Road is the local residential catchment of Huntingdale Park. This area has grown in population over the past decade and will continue to grow with new land release south of Hitchcocks Lane. The project will provide recreational space and local park embellishments within walking distance of residents living in west of the Princes Highway at Berry (e.g. Huntingdale Park Estate and the new residential area south of Hitchcocks Lane).

Apportionment Assumptions

~~*This project is apportioned 100% to development, therefore existing development is not included in the project page calculation.~~

This project is apportioned 100% to development within the contributions area.

01OREC5009 Contributions Area	Huntingdale Park Estate	Hitchcocks Lane Release Area
Existing ETs	300	0
Future ETs	14	143
Total ETs	314	143



Shoalhaven Contributions Plan

ET credits*	*300	0
Total Future ETs	157	

NOTES:

- contributions have been collected for existing development
- assume 10% of total lots developed as dual occupancies
- existing medium density developments included

Development Contributions estimated as at December 2021

01OREC00115 Benefit Area	Existing Lots	Potential Single Detached Dwellings	Potential Medium Density Dwellings	Estimated Capacity (Total)	Benefit Area Cost	2004 2020 Contribution per ET
Dwellings	11*	294	105	407	\$1,023,400	\$2,890.96
ETs	11*	294	63	365		

Actual Project Cost/Estimated Project Cost

Project not completed.

History of Amendment to this Project

None applicable.

This project supersedes the following inactive projects:

- 01AREC0007

Draft amendment December 2021 – Funds collected for acquisition reallocated to embellishment of the passive open space area. Hitchcocks Lane (south) residential area included in Contributions Area.

Other Relevant Information

History of Project - Berry Gardens Estate

In anticipation of development in the area west of Berry, Council prepared Development Control Plan (DCP) No. 70 to guide development outcomes of the Berry Gardens/Huntingdale Park Estate. This DCP came into effect on 25 June 1998, and identified the need for the provision of certain facilities to ensure that residential amenity standards would be achieved and that the environmental quality of the area would not be compromised. The controls of DCP No. 70 have now been incorporated into Chapter N3 of the Shoalhaven DCP 2014. The provision of public open space within the Estate forms part of the existing approval for residential development over the major part of project area.

Review of Project September 2020 – December 2021 – Hitchcocks Lane Subdivision



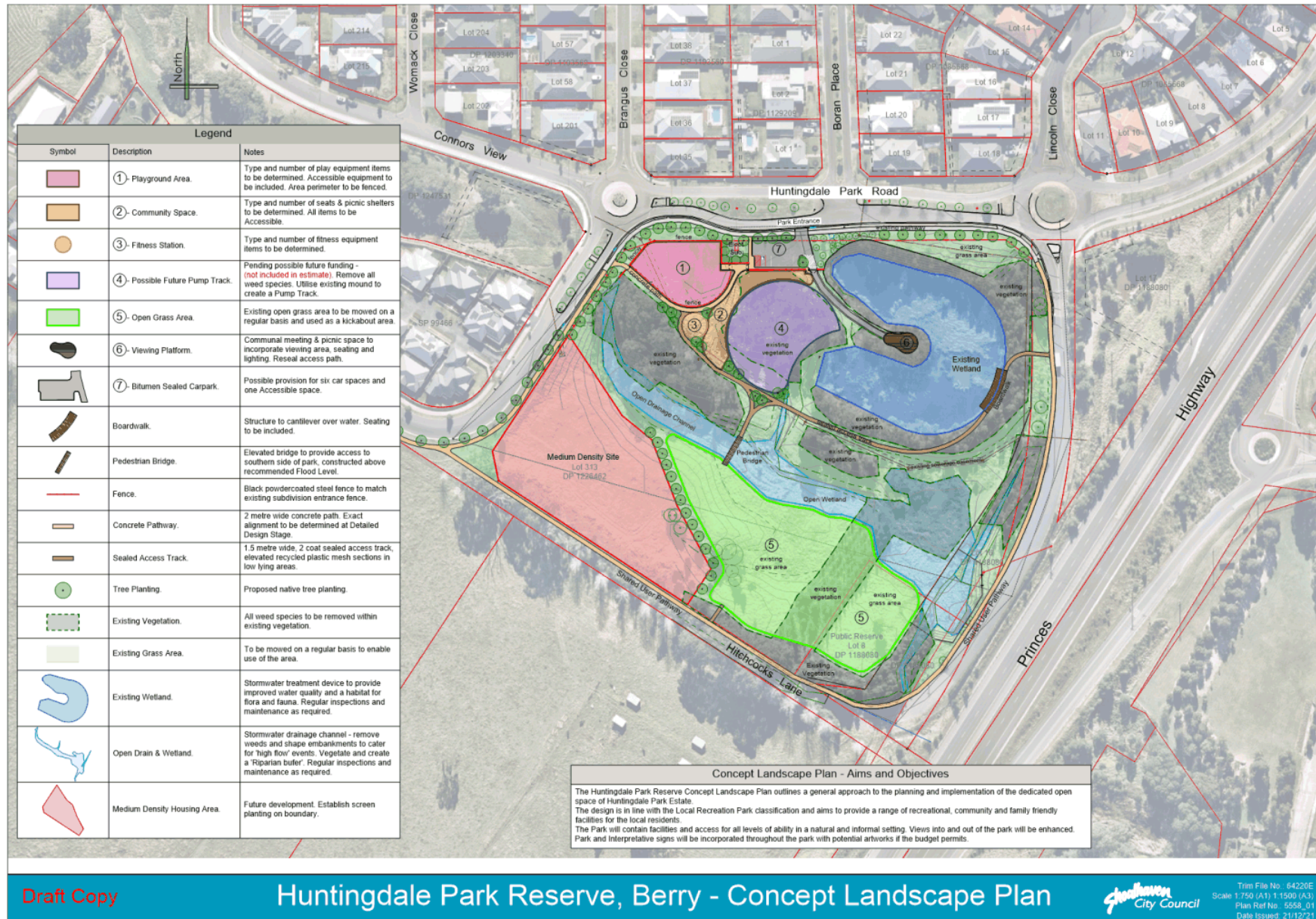
Shoalhaven Contributions Plan

As part of the assessment of Planning Proposal 029 to rezone land south of Hitchcocks Lane to allow for residential development, the passive open space needs of the area was reviewed and this project updated to reflect the local recreation needs of the community west of the Princes Highway at Berry.

The total number of ETs (households) for the area is estimated at 457. Of these, 300 ETs are existing (Huntingdale Park Estate) with a further 157 ETs to be delivered (as part of the Hitchcocks Lane South development and additional infill development in Huntingdale Park Estate). As of December 2021, \$1,240,750.12 of contribution funds have been collected for the project. The delivery of the project has been costed at \$1,521,332. The balance of contributions is \$280,581.38 is to be collected from future development in the benefit area.

Note: Contribution rates are adjusted annually on 1 July to reflect annual changes to the Consumer Price Index. These rates are adjusted in accordance with the indexation formula detailed in the Contributions Plan 2019.





Place / Area Conceptual Images



Playground Area.



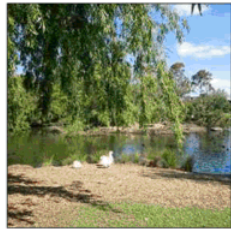
Community Space.



Fitness Station.



Sealed Access Track.



Nature Space.



Wetland.



Viewing Platform.

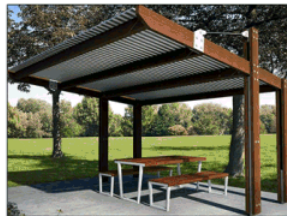


Boardwalk.



Pedestrian Bridge to Open Grass Area.

Park Furniture



Landmark - Longreach Shelter.



Street Furniture Australia - 'Mail' table setting with end access for accessible seating (AS1428.2).



Street Furniture Australia - 'Mail' seat with arm rests.

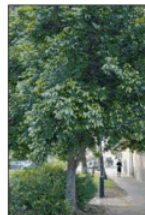


Street Furniture Australia - 240lt Bin Enclosure.

Typical Native Planting



Tristanopsis 'Luscious'



Glochidion ferdinandi



Callistemon species



Melaleuca species



Syzygium species



Lomandra 'species'



Grevillea species

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Huntingdale Park Reserve, Berry - Concept Design Palette

Shoalhaven
City Council

Trim File No. 642205
Plan Ref No. 5958_02
Date Issued: 21/12/21