

SA18.237 Proposed Pump Track at Jerry Bailey Oval, Shoalhaven Heads - Community Consultation Outcomes and Next Steps

HPERM Ref: D18/290897

Group: Finance Corporate & Community Services Group
Section: Recreation Community & Culture

Attachments:

1. Request for BMX Pump Track - Shoalhaven Heads Community Forum
2. Proposed Plans for BMX Pump Track - Shoalhaven Heads Community Forum
3. Proposed Activation Strategy for BMX Pump Track - Shoalhaven Heads Community Forum
4. Summary of Submissions
5. Summary of Survey Responses
6. Behaviour Mapping Outcomes

Purpose / Summary

The purpose of this report is to inform Council of the Shoalhaven Heads Community Forum's proposal to construct a BMX Pump Track on Jerry Bailey Oval, Shoalhaven Heads and to provide a summary of the community consultation outcomes and to recommend a way forward.

Recommendation (Item to be determined under delegated authority)

That Council supports the proposal by Shoalhaven Heads Community Forum to construct a BMX Pump Track on Jerry Bailey Oval, Shoalhaven Heads, subject to Shoalhaven Heads Community Forum supplying Council with:

1. Revised Activation Strategy to include a five-year plan for activating the BMX Pump Track;
2. Evaluation Criteria as per Council's Policy; and
3. Confirmation that they have secured donations and in-kind contributions to fund and deliver the project.

Options

1. Council supports the proposal for the Shoalhaven Heads Community Forum to implement a local BMX Pump Track at Jerry Bailey Oval, Shoalhaven Heads, per the proposal and revised plans, which can be viewed in Attachment 1 and Attachment 2.

Implications: This is the preferred option as the proposal is generally consistent with Council's Policy, and community consultation undertaken by Council staff has indicated that majority of the community are in support of the proposal.

2. Adopt an alternative solution to support the proposal and provide a monetary contribution of \$7,000.

Implications: Council does not have any funds available in the BMX budget in order to provide a monetary contribution of \$7,000. Council would need to identify an alternative budget source if they are to adopt this option.

3. Adopt an alternative solution to not support the proposal.

Implications: Whilst there have been objections in relation to the proposal from the Save Jerry Bailey Oval Inc and other submitters, the community consultation outcomes have indicated majority support for the proposal.

Background

On 8 December 2016, the Shoalhaven Heads Community Forum sent a proposal to Shoalhaven City Council for the construction of an asphalt pump track to be constructed on Jerry Bailey Oval, Shoalhaven Heads. The proposal was assessed against Council's Provision of Local Area BMX Circuits Policy, where it was determined that the proposal was inconsistent with the Policy, predominantly due to the use of asphalt material.

On 7 June 2017 the Shoalhaven Heads Community Forum presented the proposal to the Shoalhaven Sports Board, where it was resolved (SB17.9, D17/88428) to:

“Support in principle the proposed Heads pump track and look forward to seeing this project go ahead.”

On 8 March 2018 the Shoalhaven Heads Community Forum submitted a request for a revised BMX Pump Track proposal, taking into consideration Council's previous comments relating to the asphalt material. The revised proposal was for an unsealed pump track to be constructed on Jerry Bailey Oval, Shoalhaven Heads. A copy is provided at **Attachment 1**. The plans for this proposal were forwarded to Council on 2 June 2018. A copy of the plans for the unsealed pump track is provided at **Attachment 2**. As per Council's Policy, the Shoalhaven Heads Community Forum also provided an Activation Strategy on 17 September 2018 for the proposed BMX Pump Track which outlines how they plan to fund the development of the proposal, as well as how to ensure that it remains well used. The Activation Strategy is provided at **Attachment 3**.

Policy Considerations

Council's Policy Provision of Local Area BMX Circuits specifies the requirements in considering a BMX Pump Track in terms of eligibility, site selection criteria and construction guidelines.

The proposed BMX Pump Track is generally consistent with the site selection criteria and construction guidelines. It is noted that the information submitted by the Shoalhaven Heads Community Forum does not include evaluation criteria, and the activation strategy submitted is not a 5-year strategy. If Council resolve to support the proposed BMX Pump Track, this information will need to be provided as a condition of support.

The proposal is deemed to comply with the eligibility, site selection criteria, and construction guidelines outlined in the policy.

Other Considerations

Native Title

Jerry Bailey Oval is Crown Land in which Council is the Crown Land Manager. Any works undertaken on Crown Land must be assessed against Native Title, which Council's Native Title Manager completes. This proposal was referred to the Native Title Manager to assess the potential impacts of the proposal on Native Title. The assessment deemed:

- Construction and operation of the BMX Pump Track is consistent with the Reserve purpose, being public recreation;

- The proposed BMX track does not fall within the definition of “public works”, as it is not a fixture or major earth work and could be removed if required; and
- Under Subdivision J of the *Native Title Act 1993*, the non-extinguishment principal will apply and no notification to native title parties is required.

Aboriginal Land Claim

Jerry Bailey Oval is subject to an existing Aboriginal Land Claim (ALC), being the 2017 blanket claim. The reserve was lawfully utilised for recreation prior to the land claim and on the date the claim was lodged. The proposal does not modify the use of the site for public recreation, in accordance with the Reserve purpose.

Review of Environmental Factors

A Review of Environmental Factors (REF) has been completed for the proposed BMX Pump Track by Council's Environmental Officer. The REF determined:

- The impact is considered acceptable considering the nature and purpose of the impact and benefits it would provide;
- The impact would only affect a small number of people in opposition to the facility, whilst the facility would benefit the whole of the community;
- The impact is unlikely to result in a threat to the health and safety of individuals or the community;
- An assessment of the statutory matters of consideration reveals no potential medium or high adverse impacts;
- All identified potential negligible or low adverse impacts are considered acceptable considering the need for the activity; and
- The proposed activity is unlikely to have a significant effect on threatened species or endangered ecological communities.

Community Engagement

In considering the proposal from the Shoalhaven Heads Community Forum, Council undertook community consultation on the proposed BMX Pump Track between 22 August and 7 September 2018 (inclusive). During this time, a Get Involved page was established which allowed community members to view the submitted documents, make a submission on the proposal and complete a survey. The community consultation period was advertised in the local newspaper (Heads News), with supplementary letters sent to the Community Consultative Body and other community groups, door knocks to adjacent properties, and social media posts on Council's Facebook page.

During the community consultation period, a total of 15 submissions were received from 14 individuals. Each submission received has been summarised and responded to in **Attachment 4**. Copies of the submissions will be available in the Councillors' Room prior to the Strategy and Assets Committee Meeting. From these submissions, 9 were in opposition to the proposal and 6 were in support. The themes of the submissions in opposition to the proposal were as follows:

- No evidence to suggest the need for the track, the demographic of the locality does not warrant it, and existing facilities at Jerry Bailey Oval are under-utilised.
- Destruction of open space that is used for activities and the nearby vegetation.
- Proximity to residential land use and impact to residents including acoustic, dust, amenity and other impact.

- There is a current lack of parking options and there will be increased parking and traffic issues as a result of the facility.
- The pump track will provide a space for adolescents to gather of evenings.

During the community consultation period, the survey was completed by 263 people, 161 of whom reside in Shoalhaven Heads. The survey results revealed a converse outcome to the written submissions received. A total of 81% of the survey participants currently use or visit Jerry Bailey Oval, with 91% believing the Shoalhaven Heads community would use and benefit from a pump track. A total of 82% of participants would either use the pump track themselves or have someone in their household who would use it. Of the survey participants who are not residents of Shoalhaven Heads, 89% would travel there to use the pump track. A full summary of the survey results is included in **Attachment 5**.

In addition, the *South Coast Register* published an article on the proposal on 1 September 2018 which contained a poll, asking “Do you think in general the local community will benefit from a BMX Pump Track at Jerry Bailey Oval?”. As of 17 September 2018, 86.23% voted “Yes” and 13.77% voted “No”.

Council staff conducted a door knock of the houses directly affected by the proposal on Wagin Street and Woolstencraft Street, Shoalhaven Heads during the community consultation period (5 September 2018). This door knock was aimed at raising awareness of the proposal and ensuring that nearby residents had the opportunity to be involved in the community consultation. It was noted that all of the residents spoken to had knowledge of the proposal, and many had either completed the survey or sent a submission to Council.

Behaviour mapping was conducted by Council staff over four site visits at Jerry Bailey Oval to determine how the space is currently used, and the levels of passive surveillance provided by these users. It was noted that the site of the proposed pump track was only observed to be used occasionally by people passing through the oval or walking their dogs. The amount of people using the oval in general would provide adequate passive surveillance to the facility. It is noted that the findings of the behaviour mapping are limited due to the mid-week timing. A summary of the behaviour mapping is provided at **Attachment 6**.

Community Groups

A number of community groups and organisations separately organised their own petitions in relation to the proposed BMX Pump Track. The outcomes of these are outlined below. It should be noted that whilst these have been identified in this report, the petitions were not considered as formal submissions, with the exception of the Shoalhaven Heads Public School which was identified as a single submission.

Shoalhaven Heads Community Forum

The Shoalhaven Heads Community Forum organised a petition in support of the proposed BMX Pump Track, which had 972 signatures. This petition was undertaken prior to Council conducting the community consultation period.

The Shoalhaven Heads Community Forum have also held several community meetings and drop-in sessions to determine community support and volunteers for fundraising, planning and construction of the track. Flyers and newsletters with information on the proposal were distributed by the Shoalhaven Heads Community Forum around the community.

The “Shoalhaven Heads” Facebook page created an online poll, seeking feedback on “Are you in favour of the construction of the BMX Pump Track on Jerry Bailey Oval?”. This poll received a 90% vote of “Yes” and a 10% vote of “No” as of 7 September 2018.

Save Jerry Bailey Oval Inc.

Save Jerry Bailey Oval Inc. organised a petition in opposition to the proposed BMX Pump Track, which had 118 signatures. This petition was undertaken prior to Council conducting the community consultation period.

As part of this campaign, the group distributed flyers around the community with information on why the proposal should not go ahead, as well as providing numerous submissions to Council providing reasons why they oppose the construction of the track.

Shoalhaven Heads Public School

The Shoalhaven Heads Public School have a petition in support of the proposed BMX Pump Track, which has 175 signatures from staff and students. In 2017, the school had approximately 195 students enrolled from years K-6.

Policy Implications

As described above, the proposal has been assessed against Council’s *Provision of Local Area BMX Circuits* Policy and is considered to be generally in accordance with the Policy.

Financial Implications

Council’s Policy specifies that a maximum Council contribution of up to \$7,000 can be provided however it is noted that the BMX Budget was not replenished this Financial Year, therefore there are no available funds for this project. Alternatively, Council could provide in-kind contributions through the provision of soil for the proposal, if suitable excess soil is available.

The proposed pump track at Jerry Bailey Oval is a community lead project, being pursued by the Shoalhaven Heads Community Forum. The Shoalhaven Heads Community Forum have received a \$10,000 grant to assist with the initial design and survey. It is proposed to complete the project by sourcing further grant funding, donations and in-kind assistance.

Below is a breakdown and estimate of costs, provided by the Shoalhaven Heads Community Forum, which is described in more detail in **Attachment 3**.

Item	Estimated cost	Funding source
Site Survey	Not specified	Completed by LBG at no cost
Initial design and construction supervision	\$10,000	Funded by \$10,000 grant received from Gareth Ward
Soil/clay/gravel	\$20,000	Proposed to be sourced as in-kind donations from Environmental and Natural Resource Solutions
Civil construction and equipment	\$30,000 - \$40,000	Proposed to be provided as in-kind donations from local contractors
Labour	\$10,000 - \$15,000	Proposed to be provided as in-kind works by local volunteers
Landscaping	Not specified	-Pending \$7,000 Council contribution as per the Policy. -Donations and in-kind support from businesses and volunteer groups

Conclusion

The proposed BMX Pump Track generally is in accordance with the Provision of Local Area BMX Circuits Policy. Community consultation undertaken by Council staff has indicated that the majority of the community are in support of the track, with a high percentage of residents and visitors indicating that they will frequently use the track. It is recommended that Council support the proposal by Shoalhaven Heads Community Forum.

It is noted that many of the proposed in-kind works and donations identified by the Shoalhaven Heads Community Forum do not appear to have been confirmed. Council must ensure that the Shoalhaven Heads Community Forum has the capacity to fully deliver the project prior to formal approval.