

Project Scope - Michael Kelly Rest Area, Newtown

File No: X038120

Summary

This report outlines the proposed improvements for Michael Kelly Rest Area in Newtown. Michael Kelly Rest Area has been identified as part of the parks and playgrounds improvement program.

The objective of the proposal is to provide an improved park which supports the needs of a range of local users including individuals, informal and formal community groups, as well as wildlife.

The project brief is to refurbish the park including improving access into the park, creating open and welcoming entries, improving the open grass area, providing additional seating, and associated landscape improvements.

The Draft Concept Plan was on public exhibition from 19 July 2021 to 16 August 2021. A letter was distributed in the local area and the proposal was exhibited on the City's website. The proposed works are supported by the community and the response highlighted that an upgrade of this park would increase the current use of the park.

Community feedback supports the proposal. Community suggestions will be incorporated as part of the detailed design phase where possible and additional information has been provided as requested.

Recommendation

It is resolved that Council:

- (A) endorse the scope for improvement works to Michael Kelly Rest Area as described in the subject report and shown in the Draft Concept Plan at Attachment B to the subject report for progression to relevant approvals, landowners consent, preparation of construction documentation, tender and construction; and
- (B) note the estimated project forecast as outlined in Confidential Attachment D to the subject report.

Attachments

- Attachment A.** Location Plan
- Attachment B.** Draft Concept Plan
- Attachment C.** Engagement Report
- Attachment D.** Financial Implications (Confidential)

Background

1. The City has an ongoing small parks and playgrounds improvement program. The staged program is for parks which need upgrade or enhancement works and to provide appropriate facilities for local residents.
2. Michael Kelly Rest Area is a small park located in 58 Brock Lane, Newtown - Refer Attachment A - Location Plan. The 400m² park is bound by Brock and Yaralla Lanes on three sides and is surrounded by two storey residential terrace houses and 2-3 storey brick apartment buildings. The land is owned by City of Sydney.
3. The area that includes Newtown is within the traditional homelands of the Gadigal and Wangal people, two of the 29 clan groups of the Sydney metropolitan area that are collectively referred to as the Eora Nation.
4. The part of Newtown south of King Street was part of a land granted to Nicholas Divine in 1794. The suburb was thought to originate from John Webster's New Town store which existed in the early 1800s near the Newtown Train Station.
5. The original vegetation would have likely been Blue Gum High Forest. The land was one part of a five-acre estate bought by William Bucknell in 1841. In 1871, the land was subdivided and the blocks around the park were purchased by Thomas Walker. Yaralla Street and Lane are named after the Walker family farm Yaralla Estate near Concord West. Brock and Yaralla Lanes (unnamed 20 wide) are shown on the Kettle Estate, L'Avenue Park, Newtown for sale by public auction poster 1905.
6. The former South Sydney Council built the Park in 1965. It was named after Michael Kelly 'a highly respected resident' who was associated with youth organisations and many charitable causes for the elderly and children in Newtown.
7. Brock Lane is well used by pedestrians moving between King Street and Macdonaldtown and the northern Erskineville area via Burren Street. The lanes are slow speed with people walking on the road due to the narrow footpaths.
8. The park is located in a protected south-facing gully below the Newtown ridgeline (King Street). The small park has a relaxed and informal character that reflects the neighbourhood. The park level sits lower than Yaralla Lane with a low brick masonry retaining wall on two sides, but is open to Brock Lane.
9. Significant casuarinas and a fig on the northern side and a large grevillea tree at the western end dominate and shade the park and adjacent apartments. Hedge screen shrub plantings provide protection along the southern boundary. Due to the proximity of the adjacent ground-floor apartments, residents have installed privacy screens which makes the space feel closed in.
10. The park has a low chain-link fence, park signage, timber bench seats and concrete paths and stairs around a small central turf grass area. Removal of the barbed wire fence and replacement of the boundary fence will significantly improve the resident privacy and park amenity. Residential waste bins in the parks can be an issue.
11. The park is well used for informal games, dog exercise and a quiet place to sit, but is also an important social space for the local community. Michael Kelly Rest Area is a designated dog on-leash area.

Draft Concept Plan

12. A draft concept plan was developed for the works and community consultation was undertaken (refer Attachment B).
13. The draft concept plan sets the overall layout. The key principles are:
 - (a) Provide an accessible, welcoming, and safe park for the community and visitors.
 - (b) Protect the original parks elements and sensitively respond to the informal park character.
 - (c) Retain the eclectic tree mix and mature trees.
 - (d) Maintain the flexible park uses with an open turf grass area for informal games and passive recreation.
 - (e) Improve park amenity and encourage social interaction with a range of seating opportunities and park furniture.
 - (f) Use simple, robust, high quality materials which reflect the local neighbourhood character.
14. The proposal includes the following works:
 - (a) Entry improvements and a new kerb ramp to improve access into the park.
 - (b) Relocated seats to reduce noise issues and a new low brick seating wall.
 - (c) A new painted fence to improve privacy and improve the park amenity.
 - (d) New brick or sandstone paving.
 - (e) Retaining wall replacement and repairs.
 - (f) Improved turf grass area and new shrub and groundcover plantings.
 - (g) Additional seats and new water fountain (bubbler) with dog bowl.
15. In response to the public consultation, the following will be investigated and incorporated where possible in the detailed design as noted on Attachment C:
 - (a) Selective tree pruning and ongoing management of trees to replace and establish some deciduous trees to increase the amount of sun in the park.
 - (b) Additional consultation with residents and owners in the adjacent ground floor units to help refine the fence design to maintain sunlight and views into the park.
 - (c) The installation of a garbage bin with dog poo bags.
 - (d) The provision of a table size chessboard will be investigated.

16. The following tree management and planting is proposed as part of the park works:
 - (a) Retain and protect 10 existing trees and planting within the reserve.
 - (b) The removal of two small trees with poor health due to overshadowing.
 - (c) The installation of 5 new native palm trees to improve the park amenity and contribute to the draft Greening Sydney Strategy tree canopy targets.
 - (d) Preparation of an Aboricultural Impact Assessment and Tree Protection Plan to inform the detailed design and ensure appropriate construction methodology.
17. A Review of Environmental Factors (REF) will be lodged for the works in accordance with the Environmental Planning Assessment Act 1979 and the State Environmental Planning Policy Infrastructure 2007.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

18. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 6 - Vibrant Local Communities and Economies - this project will provide an improved open space infrastructure which meets the needs of a wide variety of user groups and provides opportunities for social interaction.
 - (b) Direction 9 - Sustainable Development, Renewal and Design - this project is part of a wider program of ongoing renewal of small parks across the local government area; it will provide improved quality of open space infrastructure.
19. The Green Sydney Strategy establishes targets to increase greening and tree canopy in the City. It includes strategic directions to ensure we distribute quality greening fairly across the city so that everyone shares the benefits provided by greening. This project aligns with the following directions and objectives:
 - (a) Direction 3 – Cool and calm spaces. Two key issues facing most of the city's residents relate to high urban heat and impacts on physical and mental health.

Greening for All

- (b) Action 4 – Distribute greening equitably. The strategy target is to establish 30 per cent canopy cover, within an area of around 1.6 kilometres to provide key heat and health benefits. The target percentage cover for pocket parks is 70 percent and the existing tree canopy coverage exceeds this target. The proposal includes the installation of five additional native palms trees to contribute to meeting the Greening Sydney Strategy canopy targets.
- (c) Action 5 – Provide fair access to quality green space. This project will improve access in the park and provide an improved open space infrastructure to meet the needs of a wide variety of users.

- (d) Action 6 – Adapt for climate. This project will provide additional landscape planting and reduce the hard surface areas to reduce heat and increase water infiltration. Furniture and materials will be refurbished or recycled where possible.

Cool Calm Spaces

- (e) Action 8 – Cool the hot spots. Cool streets improve the walkability and liveability of our city. The project will enhance and improve the amenity and usability of an important and well used small park. The tree canopy and planting has been maintained or increased.
- (f) Action 9 – Calm green spaces. The proposed refurbishment provides a range of spaces including an open turf grass area for passive recreation, bench seats and social gatherings.

Organisational Impact

- 20. This upgrade will provide an improved park amenity for residents and other community members visiting the park. The repair of old assets represents a removal/mitigation of risk to the City. The assets will require ongoing maintenance.

Risks

- 21. Risks of not implementing this scope of works could result in failure to meet community expectations.

Social / Cultural / Community

- 22. Michael Kelly rest area is part of a significant network of well-loved parks around Newtown. Improving access and seating / shade amenity offering within the park represents an investment in this community, providing opportunities for people of different ages and abilities to use the park alongside each other.

Environmental

- 23. Enhancement of planting is consistent with the Urban Ecology Strategic Action Plan and Urban Tree Canopy objectives.

Financial Implications

- 24. There are sufficient funds in the current year capital budget and future year forward estimate. Current cost estimates and financial implications are detailed in Confidential Attachment D.

Relevant Legislation

- 25. Local Government Act 1993 - Section 10A provides that a Council may close to the public so much of its meeting as comprises information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 26. Attachment D to the subject report contains confidential commercial information which if disclosed, would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

27. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its rate payers.
28. Environmental Planning and Assessment Act 1979.
29. State Environmental Planning Policy Infrastructure 2007.
30. Sydney Local Environmental Plan 2012.
31. Disability Discrimination Act 1992.
32. Companion Animals Act 1998

Critical Dates / Time Frames

33. Current Program Dates
 - (a) Council Approval of Concept Design November 2021
 - (b) Detailed Design December 2021 - May 2022
 - (c) Tender June 2022
 - (d) Construction Start October 2022
 - (e) Completion June 2023

Options

34. Proceed with progression of improvement works as outlined in this report including relevant approvals, preparation of construction documentation, tender and construction.
35. Project does not proceed - this option is not recommended as the current condition of the existing retaining walls has several associated risks and compliance issues.

Public Consultation

36. Community consultation was undertaken as a two-part process: pre-consultation/early engagement and public consultation/exhibition. For a detailed description of the consultation process and findings refer to Attachment C.
37. A pre-consultation notification letter/email was issued to residents. Four submissions were received during the pre-consultation period. The purpose of the early community consultation was to seek input from the community about how they use the park and how could it be improved. The key community comments and ideas which helped inform the Draft Concept Plan are:
 - (a) The park is well used for informal games, dog exercise and a quiet place to sit and is an important social space for the local community.

- (b) People would like to see the turf grass area retained and improved for passive recreation.
 - (c) The large casuarina trees constantly shed needles and overshadow the park and adjacent apartments which reduces amenity, use and enjoyment of the space.
 - (d) The barbed wire boundary fence impacts on the park amenity and reduces privacy to the adjacent residents.
 - (e) People would like to see the turf grass area retained and improved for passive recreation, more seating and better access into the park for everyone.
 - (f) Bins and dog poo bags should be included. Waste Services have recommended bins not be installed in the park as it will increase illegal dumping of bulky furniture and household waste. The park is mostly used by the surrounding residents who can use their household bin service.
 - (g) The inclusion of a community garden. Investigation undertaken while developing the Draft Concept Plan found a community garden is not feasible due to the small park size and amount of shade.
38. The public consultation/exhibition of the draft concept plan involved the following:
- (a) Letters advertising the online feedback portal were distributed to the Newtown area (within a 500metre radius around the site). Approximately 523 invitations were distributed.
 - (b) A webpage on SydneyYourSay showing the plans for the consultation from 19 July 2021 to 16 August 2021. 66 individual users viewed the page.
 - (c) An online Zoom consultation feedback session was held in the park from 5.00-6.00pm on Wednesday 28 July 2021. Council staff were available to answer questions and obtain feedback about the proposed draft concept plan. Respondents were also encouraged view the plans and provide feedback on the Have You Say website. One person attended the session.
39. There were six submissions received during the consultation feedback. This included submissions via an online feedback form, post and the Sydney Your Say email address.
40. The proposed works are supported by the community and the responses highlighted that an upgrade to this park would increase the current use of this park. A summary and response to consultation feedback received are outlined in Attachment C - Engagement Report.

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