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## **Purpose of Report**

This purpose of this report is to provide Council with updated information on the current and future land use zoning for the Albury Showground site. This has been prepared in response to the recent Albury Showground Master Plan 2018. The report proposes that the Albury Showground site be rezoned from R1 *General Residential* Zone to RE2 *Private Recreation* Zone.

## **Background**

The Albury Showground site is Crown Land managed by the Albury Showground Crown Land Manager (formerly the Albury Showground Trust) and has a land area of approximately 22 hectares.

During investigations of a compliance matter in 2017, it was identified that the land is currently zoned R1 *General Residential*, and that the ongoing activities and operations at the Albury Showground are not consistent with the objectives of this zone. The R1 General Residential zone objectives are aimed at encouraging residential and compatible uses and protecting the amenity of residents. The historic uses of this site would generally be considered inconsistent with these zone objectives.

At the same time, the Albury Showground Trust (as they were known as at the time) advised that they were considering undertaking a major review of their site and had sought funding to facilitate this review. In consultation with NSW Crown Lands and AlburyCity, it was agreed that the review would include the preparation of a Master Plan to identify the activities and land uses that support the long term viability of the site. This would also give consideration to the zoning of the land and permissible activities under the *Albury Local Environmental Plan 2010* (ALEP 2010).

After funding was received, @Leisure consultants were appointed by the Albury Showground Crown Land Manager in November 2017 to prepare the Master Plan. The Albury Showground Master Plan 2018 was recently finalised following a public exhibition period. The Master Plan was presented to Council at the meeting of 17 December 2018, where it was received and noted. The Master Plan provides a preferred vision and agreed direction for the site based on the current demand and condition of facilities.

The Master Plan will guide the future management, use and development of the site, and be an important tool in attracting much needed capital investment in asset renewal and new facilities. Rezoning also provides the surety and incentive to invest in the required infrastructure as identified.

## Issues

### Albury Showground Master Plan 2018

The Albury Showground Master Plan 2018 was developed to guide the future management and development of the site. The Master Plan provides an holistic strategic approach for future use, redevelopment and marketing of the whole site.

The scope of works for the development of the Master Plan include:

- A site investigation and visit to other related open spaces;
- Building condition audit by Etch Architects;
- A review of a wide range of policies and plans;
- Review of population projections, and demand for recreation and sporting activities;
- Approximately 50 telephone and face-to-face interviews with user groups, peak bodies, local sports clubs, Council officers, stakeholders and related organisations;
- Assessment of the strengths and weaknesses of the site;
- Consideration of a range of options for the future of the site;
- Preparation of preliminary directions for discussion with key stakeholders; and
- Preparation of a draft master plan.

The key issues facing this site are:

- Aging infrastructure;
- Layout, lack of prominence and access to the site;
- Site conditions;
- Sustainability of current uses and management;
- Development of harness racing;
- Caravanning and camping; and
- Marketing and information.

The Master Plan includes a range of recommendations:

#### Management

- Introduce a more commercial business model;
- Redesign the entrances, car parking and traffic management;
- Update the occupancy agreements of existing tenants; and
- Continue to install separate utility meters, seek funds for energy efficient and water saving fittings, install solar power and water harvesting devices.

#### Site Purpose

- Develop the site to provide a unique event precinct with accommodation, and enhance the position of the track as a harness racing and training venue;
- Provide a dedicated zone to support Showground activities and other uses; and
- Seek rezoning to enable the site purpose to be recognised in the zoning of the land.

#### Asset Renewal

- Redevelop the Stables zone;
- Demolish derelict and functionally obsolete buildings and sheds.
- Redevelop selected Show buildings and add a large events building;
- Prepare an asset management and improvement plan for remaining buildings;
- Develop the south of the site for a community park, overflow car park and dog club area; and
- Undertake site improvement and landscape works.

The Master Plan was developed in consultation with key stakeholders and community representatives, NSW Crown Lands and AlburyCity.

On 17 December 2018, the Albury Showground Master Plan 2018 was presented to Council where it was received and noted.

#### Albury Showground Ongoing Uses and Activities

In late 2017 concerns were raised with Council regarding the ongoing activities occurring on the Showground site. In particular, the concerns related to overnight camping and use of the site by caravans and recreational vehicles.

A report was prepared and provided to the Planning and Development Committee on 18 September 2017 with an overview of circumstances relating to the Albury Showground involving ongoing activities at the site, in particular use of the site for overnight accommodation. There were concerns with the use of the site for overnight accommodation based on the standard of facilities, existing approved operators in the locality and legality of the use on this site. This form of development is currently prohibited under the current land use zone applying to the site as previously outlined in this report.

An investigation of the records pertaining to the Albury Showground site confirmed that the use of Part Lot 30 DP 1011904 as a Caravan Park/Camping Ground had not been licenced or approved and would be prohibited on the site under the current land use zoning.

The Showground Trust requested that Council take no further compliance/enforcement action until the completion of a proposed Master Plan, and provided supporting documentation and submissions for this request. A request to rezone the Albury Showground from Blueprint Planning was also received on 11 August 2017 (Attachment 1).

The Planning and Development Committee resolved to recommend that Council:

- Defer compliance action with regards to the use of the Albury Showground site for overnight accommodation not associated with the Showground activities or events for a period of up to 12 months, pending the outcomes of the proposed Albury Showground Master Plan; and*
- The continued provision of overnight accommodation on the Albury Showground site is subject to the following requirements:*
  - A maximum of five sites in the designated area being used or occupied at any time;*

- ii. *The length of the stay for an occupant for any single period is limited to a maximum of four nights;*
- iii. *All sites are to be serviced by a reticulated water supply, toilets and refuse disposal facilities;*
- iv. *All sites are to be located within 90 metres of a fire hydrant;*
- v. *No caravan, recreational vehicle or tent is to be located closer than 6 metres to any other caravan, vehicle or tent; and*
- vi. *Unoccupied caravans, campervans or tents are not to be allowed to remain in the designated area for more than 24 hours.*

This recommendation was endorsed by Council at its meeting of 25 September 2017.

The site has continued to be used for overnight accommodation since this time, generally in accordance with the requirements outlined in Councils resolution above.

The Master Plan wasn't completed within the 12 month timeframe specified in the above resolution, and a further extension was granted by Council until such time as the Master Plan and associated matters had been finalised.

The matter was further discussed and considered by Council at its meeting of 26 February 2018. At this meeting Council resolved:

*In response to the written request on behalf of the Albury Showground Trust dated 11 August 2017, prepare a Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 regarding the rezoning of the Albury Showground, 836 Mate Street, North Albury (Lot 30 DP1011904, Lot 1068 DP753326, Lot 7060 DP1023469, Lot A DP160741, Lot 112 DP827167, Lot 34 DP1011904, Lot 1 DP1065427 and Lot 1DP726146) from R1 General Residential Zone to RE2 Private Recreation Zone under the Albury Local Environmental Plan 2010, with the Planning Proposal prepared and reported to the Planning and Development Committee within six months for further consideration in preparation for a request for a Gateway Determination to the Minister for Planning under Section 56 of the Environmental Planning and Assessment Act 1979.*

Preparation of the Planning Proposal was deferred awaiting the finalisation of the Master Plan.

#### Planning Considerations

The site is currently zoned R1 *General Residential* under the ALEP 2010 which provides the following objectives:

#### Zone R1 General Residential

1. *Objectives of zone*
  - *To provide for the housing needs of the community.*
  - *To provide for a variety of housing types and densities.*
  - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To encourage affordable housing.*
- *To encourage medium density housing that is designed to achieve a high standard of amenity.*

The range of uses permitted in this zone is restrictive and does not recognise the existing or potential suitable uses identified in the Albury Showground Master Plan 2018.

Prior to adoption of ALEP 2010, the land, the subject of this proposal, was zoned 'Living Area' under previous planning instruments. These planning instruments and zones were merits based, and consequently, were capable of accommodating a multitude of different non-residential land use activities. The transition to the state-wide LEP template culminating in the gazettal of ALEP 2010 is more specific and prescribed. This has resulted in non-residential land use activities being more restricted on the subject land (via the R1 *General Residential* zone).

Under ALEP 2010 a Showground is defined as a 'Recreation Facility (Major)':

***recreation facility (major)*** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

A 'Recreation Facility (Major)' is currently prohibited under R1 *General Residential* however the use for a Showground and related activities has been occurring on the site prior to the gazettal of ALEP 2010, and in fact prior to the need to obtain approval for use as a Showground (which occurred in 1957 with the gazettal of the City of Albury Planning Scheme). This means that the continued use of the site for a Showground and related activities can continue on the site utilising what is known as 'Existing Use' provisions under the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The provisions of the EP&A Act 1979 allow existing uses to continue operating without the need for further approval to be obtained from Council, provided that the nature of the use remains the same as that which existed at the time it become prohibited or required consent.

In addition to existing use provisions, further consideration was given to the type of activities and uses that would normally be associated with or ancillary to that existing use. Such uses would include, but not be limited to:

- Albury Show and similar scale of events (such as Monster Trucks, Caravan and Camping/4WD shows) including ancillary activities such as overnight camping for people involved in the undertaking of the event occurring on-site;
- Use of buildings and facilities for gymnasiums, club meeting and functions rooms and other community and recreational/sporting based uses;
- Trotting track and stables (including races and training);
- Administration Office use related to the Showground use; and
- Temporary camping in accordance with agreements with the Showman's Guild.

In regards to the R1 *General Residential* Zone under ALEP 2010, development for the purpose of camping grounds and/or caravan parks is prohibited in this zone. The definition of 'Camping Ground' and 'Caravan Park' are as follows:

***camping ground*** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

***caravan park*** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

A search of Council's records determined that there is an "Approval to Operate a Caravan and Camping Ground" under the Local Government Act on Part Lot 34 DP 1011904, which is land on which the Albury Central Tourist Park (286 North Street, North Albury) is located.

#### Planning Proposal

The Planning Proposal seeks to facilitate the current use of the site by way of rezoning. This is supported by the analysis and assessment of the site, and the recommendations documented in the Albury Showground Master Plan 2018. Having undertaken an assessment internally, it is concluded that the rezoning of the site has substantial planning merit and is not considered unreasonable.

In terms of allowing accommodation options such as camping grounds and/or a caravan park, it is recognised that the rezoning of this site would be fitting as these options are not readily available in central Albury. This is giving consideration to the centralised location, accommodation options associated with events on the site and the level of amenity provided.

Given the above, the site is proposed to be re-zoned to RE2 *Private Recreation* under the ALEP 2010:

#### Zone RE2 Private Recreation

1. *Objectives of zone*
  - *To enable land to be used for private open space or recreational purposes.*
  - *To provide a range of recreational settings and activities and compatible land uses.*
  - *To protect and enhance the natural environment for recreational purposes.*
  - *To offer opportunities for tourism development.*
  - *To allow for alternative uses of open space areas for community purposes compatible with surrounding areas.*
2. *Permitted without consent*  
*Environmental protection works*
3. *Permitted with consent*  
*Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Environmental facilities; Flood mitigation works; Function centres; Hotel or motel accommodation; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major);*

*Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Serviced apartments; Signage; Water recreation structures*

4. *Prohibited*

*Any development not specified in item 2 or 3*

This zone is generally intended to cover a wide range of recreation areas and facilities on land that is privately owned or managed. The use of facilities for development on this land may be open to the general public or restricted.

The Planning Proposal is included with this report for Councillors reference and information as Attachment 2.

Albury 2030

Relevant themes and outcomes identified in Albury 2030 include:

*A Growing Economy*

*Outcome 1.1 – Increase visitors to Albury and the surrounding region:*

- *1.1.1 – Promote tourism and enhance the Albury Wodonga region as a destination of choice – through a collaborative approach between all stakeholders and interest groups.*
- *1.1.3 – Further develop and strengthen the City's visitor product and infrastructure. Ensure its effective marketing and promotion.*
- *1.1.5 – Understand the benefits of the visitor economy to the region*
- *1.1.7 – Enhance the capacity of businesses to support the delivery of quality tourism, sport and business events, experiences and outcomes.*

*Outcome 1.2 – Improve visitor and residents' experiences:*

- *1.2.6 – Promote and provide high quality visitor information and services across Albury's public access facilities.*
- *1.2.8 – Ensure venues and facilities attract visitation and improve the lifestyle offer of the city.*

*Outcome 1.5 – Promote Albury for industry and business*

- *1.5.5 – Support and promote business and business opportunities across all sectors to continue to foster economic diversity.*

Two Cities One Community Strategic Plan

The relevant goals and actions identified in the Two Cities One Community Strategic Plan include:

*Our Economy*

- *1.2 – We are a destination that offers a variety of experiences, attractions and events.*

Strategies and Legislation

A Planning Proposal is overseen by the provisions of the following:

- *Albury Land Use Strategy 2004;*
- *Albury Local Environmental Plan 2010;*

- *Albury Development Control Plan 2010; and*
- *Environmental Planning and Assessment Act 1979.*

#### Gateway Process

Once the Planning Proposal is considered satisfactory, it shall be forwarded to Council for endorsement, before being forwarded (including any supporting information, GIS data, or request for delegation) to the NSW Department of Planning and Environment requesting a 'Gateway Determination' be issued (including any delegated plan-making powers).

A Community Engagement Plan has been prepared by Council staff in support of the Planning Proposal.

The Minister for Planning (or delegate) then decides whether the Planning Proposal can proceed (with or without variation), and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames.

Council's strategic planning team have confirmed with the Department of Planning that the Minister for Lands approval or consent is not required for the Planning Proposal to proceed or be considered. Formal consultation with NSW Crown Lands is required as part of the Gateway Determination. It is not anticipated that there will be any concerns raised given the active participation and support for the Master Plan by NSW Crown Lands.

#### Community Impact

As the subject site is currently zoned R1 *General Residential*, rezoning the land to RE2 *Private Recreation* is consistent with the predominant current use of the site which in turn will allow for the continued uses and additional caravan park/camping ground use that was previously prohibited. This is both logical and beneficial to the community in the future.

A Community Engagement Plan has been included with this meeting report as there are formal requirements for consultation and public exhibition as part of the Planning Proposal.

#### Financial Impact

Council doesn't own or manage the land and no financial impacts have been identified with the proposed rezoning other than the minor costs associated with Planning Proposals.

#### Environmental Impact

The site is predominantly developed with scattered trees and grassed areas remaining. The rezoning of the site does not propose to remove or create additional impacts on vegetation or the environment across the site.

#### Staffing and Communication Issues

None identified.

#### **Risk**



- Business Risk – None identified.
- Corporate Risk – Council resolved to prepare a Planning Proposal once the Albury Showground Master Plan 2018 was finalised. AlburyCity facilitated the Master Plan development and provided support and funding. There is an expectation that due to this involvement, Council will support the Planning Proposal. The Planning Proposal has been prepared to support the outcomes of the Master Plan.
- WHS and Public Risk – None identified.
- Delivery Program Risk – The proposed rezoning will assist in facilitating the recommendations identified in the Albury Showground Master Plan 2018. The Planning Proposal will place additional demand on existing Strategic Planning resources but this will be coordinated and managed over the coming months.

## **Community Engagement**

Council has been working with the Albury Showground Crown Land Manager to identify and investigate long term options for the site. This has culminated in the development of a Master Plan for Albury Showground. This was developed in consultation with key stakeholders and community representatives.

Promotion of the public exhibition of the Draft Master Plan by the Land Manager included written notification to all stakeholders and surrounding residents, general media and online promotion via the @Leisure website.

AlburyCity has assisted by promoting the exhibition of the Draft Master Plan via the Have a Say section of its website to encourage broader community input.

This Planning Proposal will be exhibited in accordance with the requirements of Schedule 1, Clause 4 of the EP&A Act 1979, the NSW Department of Planning and Environment: A Guide to Preparing Local Environmental Plans (December 2018), and any conditions of the Gateway Determination (to be issued).

The formal public exhibition process will be based on the Stakeholder Engagement Plan which has been included with this report and is provided as Attachment 3 for the reference and information of Councillors.

The Stakeholder Engagement Plan includes provision for the following activities:

- Notification letters dispatched to landowners and other key stakeholders identified as being directly affected by the Planning Proposal prior to exhibition commencement;
- Public Notice published in the Border Mail;

- Static displays containing all exhibition material for viewing purposes in the foyer of the Council Administration Building, LibraryMuseum, and Lavington Library;
- All exhibition material being made available on the AlburyCity website as well as the ability to lodge online enquiries and/or submissions by email;
- Community information session;
- Consultation and discussion with relevant Government Agency representatives; and
- Strategic Planning staff available (on demand or by appointment) to assist with any enquiries relating to the Planning Proposal.

## **Options**

1. Endorse the Planning Proposal to rezone the subject land from R1 to RE2 and forward this Planning Proposal to the NSW Department of Planning and Environment seeking a Gateway Determination; or
2. Take no further action with regards to the Planning Proposal and the proposed amendment.

In this instance, it is recommended that Council proceed with Option 1 for the reasons outlined in this report.

## **Conclusion**

Having undertaken an assessment of the merits of a Planning Proposal to rezone the subject site, it is concluded that development of the site for the current use and proposed uses as outlined in the Albury Showground Master Plan 2018 has substantial planning merit.

The Planning Proposal will facilitate outcomes and long-term objectives of the Master Plan. Site circumstances in this instance are unique (i.e. the history of the site uses and current uses proximity to existing industrial, supporting infrastructure and buffers to existing/future residential) to suggest that outcomes sought can be accommodated without impact on residential amenity, these same circumstances are unlikely to occur elsewhere to an extent that would warrant a similar change in zoning.

Most importantly, it is strongly considered that progression of a Planning Proposal and outcomes sought will have a positive impact with respect to mitigating current and potential future land uses. It is reiterated that the site is currently in an R1 *General Residential* zone which generally applies to land where a broad variety of housing types, including 'dwelling houses,' 'multi-dwelling housing,' 'residential flat buildings,' 'boarding houses' and 'seniors housing' are appropriate. The zone also includes additional uses that provide facilities or services to residents, including neighbourhood shops, community facilities, child care centres and respite day care centres. It is recognised that a change in zoning to RE2 *Private Recreation* will facilitate the Master Plan outcomes and in turn will benefit the site and community.

For these reasons, it is recommended that Council endorse the tabled Planning Proposal and seek NSW Department of Planning and Environment authority to progress the proposal as an amendment to ALEP 2010, pursuant to Part 3 of the EP&A Act 1979 as a 'delegated planning proposal'.

## **Recommendation**

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That Council:

- a. Endorse the Planning Proposal and forward it to the Minister for Planning seeking an Amendment to the ALEP 2010 and request that a Gateway Determination be issued, including the delegation of Plan making powers, so as to enable the public exhibition of the Planning Proposal pursuant to the EP&A Act 1979;
- b. Upon receipt of a Gateway Determination under Section 3.34 of the EP&A Act 1979, Council place the Planning Proposal and any supporting material on public exhibition pursuant to any requirements of the Gateway Determination and Schedule 1, clause 4 of the EP&A Act 1979; and
- c. Should no objections be received, furnish a copy of this report and other relevant information to the NSW Department of Planning and Environment and/or NSW Parliamentary Counsels Office, in accordance with the EP&A Act 1979, and request the Minister for Planning (or a delegate on their behalf) undertake the appropriate actions to secure the making of the amendment to the ALEP 2010.

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## **Attachments**

1. Request for rezoning of Albury Showground - Blueprint Planning - 11 August 2017 (DOC19/12381).
2. Planning Proposal – Rezoning of Albury Showground (DOC19/20995).
3. AlburyCity Stakeholder Engagement Plan - Albury Showground Planning Proposal (DOC19/16203).

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