

7.7 HYMAN PARK PLANNING PROPOSAL – FILE NO SF8529

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Andrew Spicer, Senior Strategic Planner
Reference: Item 7.2 to Ordinary Council 12 September 2017 -
Minute No 278/17

3 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Hyman Park Planning Proposal”, Council:

- (i) support the proposal to reclassify part of Lot 39, Section F, DP 20599 from Community to Operational Land;*
- (ii) forward the planning proposal to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979 to exhibit the planning proposal;*
- (iii) request that the Minister for Planning and Environment exercise the plan making powers under Section 73A of the Environmental Planning and Assessment Act 1979 to amend the Tamworth Regional Local Environmental Plan 2010;*
- (iv) upon receipt of a Gateway Determination in relation to the planning proposal, publicly exhibit the proposal; and*
- (v) authorise Council to subdivide the subject land to create a parcel of land that can be identified in Schedule 4 of the Tamworth Regional Local Environmental Plan 2010, to effect the reclassification and create a road reserve to formalise the route of Hillvue Road through Hyman Park.*

SUMMARY

The purpose of this report is to seek a resolution of Council to amend the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*, in relation to the parcel of land identified as part of Lot 39, Section F, in Deposited Plan 20599. The land is owned by Tamworth Regional Council (Council) and identified as Hyman Park, 25A Robert Street, South Tamworth. The land is designated as public reserve and has Community Classification under the *TRLEP 2010*. The proposal aims to reclassify the eastern part of the land from Community Land to Operational Land to provide for future community uses of the site.

COMMENTARY

Hyman Park is located in South Tamworth, as shown on the **ATTACHED** map, refer **ANNEXURE 1**. Pursuant to the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*, the park is currently classified as Community Land. The park has an area of approximately 4.17 hectares and is bisected by Hillvue Road, which does not have an associated road reserve and is technically part of the park.

Hyman Park was provided for in DP 205599 for Public Garden and Recreation Space, circa 1947. The land was vested in Council by notification in the *Government Gazette*, 13 November 1987, pursuant to Section 340C of the *Local Government Act 1919*.

The section of the land to the west of Hillvue Road is approximately 2.13ha and has been and remains a focus for investment and embellishment by Council. This site incorporates the road safety bike park, an extensive playground with shade structure,

picnic shelters, and other related recreational facilities, including the site of the Boy Scout Hall. This section of Hyman Park is not subject to the planning proposal and there are no plans to change planning provisions under the *TRLEP 2010* or undertake changes to this land aside from continued investment to maximise the recreational value of the park.

However, the section of the park to the east has not been embellished to any significant degree aside from some tree planting toward the Kathleen Street end of the site. It is this area that is the focus of the planning proposal. The current conditions of Hyman Park are represented in the **ATTACHED** map, refer **ANNEXURE 2**.

Council has been approached by two organisations in 2017, who have expressed an interest in locating facilities on the eastern portion of Hyman Park as described above. The first is the Tamworth Aboriginal Medical Service who identified the site as having potential for the construction of a substantial medical centre. The approach was reported to Council on 12 September 2017, where it was resolved to undertake community consultation to gauge the community's sentiment regarding the medical centre. A media release and letterbox drop of adjacent residents advising of future consultation was undertaken at that time.

Since then, Fire and Rescue NSW have also expressed an interest in locating a fire station on the site independent of the proposed medical centre. At this stage co-locating the two facilities on the site appears to be a viable option.

Both of the proposals are built for purpose 'state of the art' facilities that would involve significant investment in the construction of the facilities (\$10 million approx.) and ongoing employment potential. It should be noted that neither of these proposals have progressed past concept stage and are only possible future uses.

Having received these approaches, Council recognises that reclassifying this section of Hyman Park may be a prudent course of action to facilitate these or other community uses on the site in future. No other amendments to planning provisions are proposed meaning that the land will remain with the *RE1 – Public Recreation* zone with no minimum lot size restrictions. Retaining the *RE1* zone emphasises Council's intention that the land be used for community purposes in future as opposed to, say, business or residential uses.

Because there is no land classification map in the *TRLEP 2010* a 'Part-Lot' description is not a suitable description of reclassified land in Schedule 4 of the *TRLEP 2010*. Consequently, it is proposed to subdivide the land in conjunction with the Planning Proposal process to facilitate the reclassification. It is also proposed to use this subdivision process to formally establish the road reserve for Hillvue Road though Hyman Park. The proposed layout of the land following subdivision and reclassification is represented in the **ATTACHED** map, refer to **ANNEXURE 3**.

As the land is owned by Council, a Public Hearing will be required as part of the consultation process and a Gateway Determination will specify the full range of consultation requirements.

(a) Policy Implications

Nil

(b) Financial Implications

It is considered that the potential benefits to the community significantly outweigh the administrative cost of undertaking the planning proposal. The potential future sale of land may provide funding options for further embellishment of Hyman Park to the west of Hillvue Road.

(c) Legal Implications

An amendment of the *Tamworth Regional Local Environmental Plan 2010*, will change the legal status of the affected land and Council's ability to sell or otherwise deal in the land.

(d) Community Consultation

As described in this report, a media release was issued and letterbox drop of adjacent residents undertaken regarding future consultation about a potential Aboriginal Medical Centre was undertaken in September 2017.

Preliminary consultation has been undertaken with both the Tamworth Aboriginal Medical Service and Fire and Rescue NSW regarding the interests they have expressed in the land.

Community consultation requirements will be specified by a Gateway Determination and will include a Public Hearing.

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MOTION

Moved Cr Rodda/Cr Tickle

That in relation to the report "Hyman Park Planning Proposal", Council:

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- (iii) request that the Minister for Planning and Environment exercise the planmaking powers under Section 73A of the Environmental Planning and Assessment Act 1979 to amend the Tamworth Regional Local Environmental Plan 2010;
- (iv) upon receipt of a Gateway Determination in relation to the planning proposal, publicly exhibit the proposal; and
- (v) authorise Council to subdivide the subject land to create a parcel of land that can be identified in Schedule 4 of the Tamworth Regional Local Environmental Plan 2010, to effect the reclassification and create a road reserve to formalise the route of Hillvue Road through Hyman Park.

426/17 RESOLVED