

Tamworth Regional LEP 2010 - Velodrome Rezoning

Proposal Title : **Tamworth Regional LEP 2010 - Velodrome Rezoning**

Proposal Summary : **This Planning Proposal seeks to rezone land at the corner of Peel and Roderick Street, Tamworth (comprising primarily the Tamworth Velodrome) to B3 Commercial Core and alter the floor space ratio to enable redevelopment of the site.**

PP Number : **PP_2017_TAMWO_001_00** Dop File No : **17/02096**

Proposal Details

Date Planning Proposal Received : **19-Jan-2017** LGA covered : **Tamworth Regional**

Region : **Northern** RPA : **Tamworth Regional Council**

State Electorate : **TAMWORTH** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Corner Peel and Roderick Street,**

Suburb : City : **Tamworth** Postcode : **2340**

Land Parcel : **Part Lot 73 DP 1107041**

Street :

Suburb : City : Postcode :

Land Parcel : **Parts of the adjoining road reserves of Roderick St and Peel St**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**

Contact Number : **0267019688**

Contact Email : **jon.stone@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Megan Purkiss**

Contact Number : **0267675506**

Contact Email : **m.purkiss@tamworth.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Tamara Prentice**

Contact Number : **0266416610**

Contact Email : **tamara.prentice@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Northern Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1.25	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	70
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.		

Supporting notes

Internal Supporting Notes :

External Supporting Notes : This Planning Proposal seeks to rezone the Tamworth Velodrome to allow for commercial development. The velodrome occupies approximately 1.25 hectares and forms part of the Bicentennial Park precinct. It is currently zoned RE1 Public Recreation. The site is opposite the Woolworths/Dan Murphy's development and is bound by Roderick Street, Peel Street and Murray Street with access currently available from Roderick Street.

The site is zoned RE1 Public Recreation with no minimum lot size or floor space ratio. The Planning Proposal aims to rezone the site to B3 Commercial Core and apply a floor space ratio of 4:1 to the site. Minor changes to the floor space ratio that applies to the road reserves of Roderick Street and Peel Street are also proposed.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Tamworth Regional LEP 2010.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.2 Caravan Parks and Manufactured Home Estates

3.4 Integrating Land Use and Transport

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

The draft New England North West Regional Plan applies to the Tamworth LGA. The New England North West Strategic Regional Land Use Plan applies to the Tamworth LGA but does not directly apply to this site.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The relevant consistency with the applicable SEPPs and 117 Direction are addressed later in this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Maps have been provided with the Planning Proposal. They show the subject site, the existing and proposed zoning and the existing and proposed floor space ratio.

Maps prepared in accordance with the Department's technical mapping standards will also be needed before a Parliamentary Counsel's opinion can be sought.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council does not specifically include a proposed time frame for public exhibition in the community consultation program outlined in the Planning Proposal. As the proposal involves public land, and is likely to cause community interest, it is considered that a 28 day public consultation period is appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal generally deals with matters that are of local significance it is considered appropriate that an authorisation to exercise its plan making delegations be

issued to Council.

Council has provided a project time line which estimates that the LEP will be ready for notification in May 2017. To ensure an adequate period to complete the proposal a 9 month time frame is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Tamworth Regional LEP 2010 was made on 21 January 2011.

Assessment Criteria

Need for planning proposal :

This Planning Proposal is required to facilitate the redevelopment of the Tamworth Velodrome for commercial purposes. The land is currently zoned RE1 Public Recreation and is part of a larger lot that includes Tamworth's Bicentennial Park, principal sporting oval and town swimming pool. Larger scale commercial development is prohibited within this zone. This proposal only applies to the Velodrome site which is generally separated from the other public facilities in the locality by the Peel River alignment and commercial properties.

Council's development strategy highlights the importance of strengthening the Tamworth CBD and wider retail hierarchy to ensure the CBD remains the commercial core of Tamworth. It also supports the expansion of the CBD to secure its prominence within the City.

Council has identified a shortage of vacant commercially zoned land within the CBD and determined that the rezoning of this site will encourage future employment generation and contribute to economic growth of Tamworth as a Regional Service Centre.

In addition to providing further commercial land, the Planning Proposal will also support the work undertaken by Council with regards to providing for sporting facilities within Tamworth.

Over a number of years Council has developed a range of significant assets including high quality sporting, equine and entertainment facilities all within one 'major facilities precinct' approximately 5km from the Tamworth CBD. The size and quality of these facilities has attracted many significant national and state level events to the region and positively contributes to the region economically and socially. In 2014 Council adopted a 'Precinct Master plan' for a 'Northern Inland Centre for Excellence'. The master plan focuses on the strategic development and integration of sporting facilities.

The master plan identifies opportunities to raise capital funding through the sale of existing sports facilities including the Velodrome, Athletics Complex and Federation Park (formerly soccer fields but now disused open space that was once identified as a potential Racing Precinct). The master plan proposes that this capital could then be leveraged against identified funding opportunities at a State (Rebuilding NSW) and Federal level (National Stronger Regions Fund). The State Government Funding was announced in Tamworth on 28 Jan 2017. The sale of the three sporting assets would then facilitate the development of cycling facilities (to replace the velodrome), athletics complex, a synthetic sports field, and extensions to existing sporting facilities.

Council has advised that the land does not require reclassification or removal of any reserve status or interests on the title as it is currently classified as 'operational' and the public reserve status was removed on 1st March, 2002.

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by providing a significant increase in B3 Commercial Core zoned land adjoining the existing Tamworth CBD. It will also enable Council to sell the land and direct the revenue towards the further development of the regional sporting precinct.

Signature:



Printed Name:

Craig Dyer

Date:

2/2/17

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report and Resolution - 13 December 2016.pdf	Proposal	Yes
Servicing Map - Part Lot 73 DP 1107041 Corner Peel and Roderick Street,pdf	Map	Yes
2017-02-01 Planning Team report.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.2 Caravan Parks and Manufactured Home Estates
 3.4 Integrating Land Use and Transport
 6.2 Reserving Land for Public Purposes

Additional Information : **1. The planning proposal is to be amended prior to exhibition to detail its inconsistency with section 117 direction 6.2 Reserving Land for Public Purposes**

2. Consultation is required with the Roads and Maritime Services under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

 (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. That an authorisation to exercise delegation be issued to Council; and

7. That the Secretary's delegate determine that the inconsistencies with s117 Directions 3.2 Caravan Parks and Manufactured Home Estates and 6.2 Reserving land for Public Purposes are justified as being of minor significance.

Supporting Reasons : **This Planning Proposal will enable the development of the land for commercial purposes**

reservations of land for public purposes without the approval of the Secretary of the Department of Planning. It is considered that this inconsistency is of minor significance due to Council's support as the relevant public authority and because of the significant strategic planning undertaken by Council into the future provision of sporting facilities within the City and the minimal use that the facility currently attracts. The planning proposal should be updated prior to community consultation to reflect this inconsistency.

Environmental social
economic impacts :

The site is highly disturbed and is unlikely to hold any significant environmental value in terms of habitat, ecological communities or the like. It is unlikely that there is any Aboriginal Cultural Heritage associated with the site due to its long term development and use as a velodrome as well as the disturbance caused by the construction of the levee nearby. No further assessment of Aboriginal Cultural Heritage is required for this Planning Proposal.

The subject site is located behind the Peel River Levee bank and as such is not considered to be flood prone.

The land is not bushfire prone.

The Tamworth Traffic Study prepared in 2012 determined that the intersection adjacent to the site at Scott Road, Peel Street and Murray Street will see an increase in traffic, however does not require upgrading due to the existing dual lane roundabout. Council has indicated in the Planning Proposal that it will continue to liaise with Roads and Maritime Services in regard to the future access to the site and traffic volumes that may be potentially generated from a future commercial use. It is considered that formal consultation prior to the public exhibition of this Planning Proposal is appropriate.

The subject lands are serviced by road, water, sewer, electricity and telecommunications infrastructure. It is likely that upgrades to this infrastructure will be required depending on the nature of future development on the site. These referrals will need to be undertaken during any development application process.

It is considered unlikely that the site is contaminated due to its previous uses. The site was previously the Prince of Wales Oval, being dedicated for the purposes of Public Recreation and Athletics Ground. The velodrome was constructed on the land in 1993/1994. Further investigation into potential land contamination if required can appropriately be undertaken at the development application stage.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **9 months** Delegation : **RPA**
LEP :

Public Authority **Transport for NSW - Roads and Maritime Services**
Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Consistency with
strategic planning
framework :

REGIONAL STRATEGIES

The Draft New England North West Regional Plan applies to the Tamworth LGA and identifies Tamworth as a Regional City. This Planning Proposal is considered to be consistent with this Draft Plan as it implements 'Action 4.1.1 - Work with Tamworth and Armidale Regional Councils to provide opportunities to increase jobs, services and housing'. The proposed redevelopment of the Velodrome for commercial development will not only create jobs but the flow on effect of the capital raised by Council will deliver improved sporting facilities and services to the region.

The proposal is also consistent with 'Action 4.4.1 - Encourage retail and commercial uses in main streets and town centres to enhance the vitality and viability of these areas' as it increases the amount of commercial zoned land adjacent to the existing Tamworth CBD.

The New England North West Strategic Regional Land Use Plan (SRLUP) applies to the Tamworth LGA. The SRLUP does not specifically address the site or the demand for commercial land or sporting facilities. It is considered that the Planning Proposal is not inconsistent with the SRLUP as it promotes job growth and community well being.

LOCAL PLANNING STRATEGIES

The Planning Proposal is consistent with the intent of the Tamworth Regional Development Strategy (TRDS). Although the TRDS does not identify this particular site for expansion of the CBD, it does identify adjoining land as having potential future commercial growth and development. This site is considered to be a natural, logical and minor extension of the adjoining land identified in the strategy for the CBD extension, and when developed, will play an important anchor and gateway role for the south east entry to the CBD. The expansion of the commercial zone to this land is also considered consistent with the strategic directions and actions of the TRDS in relation to future employment opportunities and potential economic development. The strategic directions and actions relating to lands within the Commercial Core of the Tamworth CBD include:

- Ensure planning policy facilitates and supports business development; by
- Protecting and enhancing the Tamworth Central Business District"; and
- Investigate the expansion of the commercial core.

While it is noted that the 4:1 floor space ratio is higher than the directly adjoining B3 lands, this is considered satisfactory in this instance to provide sufficient flexibility to facilitate an appropriate development on this gateway site.

STATE ENVIRONMENTAL PLANNING POLICIES

The Planning Proposal is considered to be consistent with all applicable State Environmental Planning Policies (SEPP), including SEPP 55 - Remediation of Land. The site is not considered likely to be contaminated due to the current and previous use.

SECTION 117 DIRECTIONS

The Planning Proposal is considered to be consistent with all relevant section 117 Directions, except in relation to 3.2 Caravan Parks and Manufactured Home Estates and 6.2 Reserving Land for Public Purposes as discussed below.

3.2 Caravan Parks and Manufactured Home Estates

This Direction applies as caravan parks are a permissible land use in the RE1 Public Recreation zone and the change in zone will remove a provision that permits development for the purposes of a caravan park to be carried out on land. The inconsistency with this Direction is considered to be of minor significance due the current use of the land and its location adjacent to the CBD making any future use of the site as a caravan park highly unlikely.

6.2 Reserving Land for Public Purposes

This Direction applies as the Planning Proposal will reduce existing zonings or