

7.4 PLANNING PROPOSAL TO INCORPORATE DESIGN EXCELLENCE PROVISIONS FOR DEVELOPMENT WITHIN THE TAMWORTH CBD

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RECOMMENDATION

That in relation to the report “Planning Proposal to Incorporate Design Excellence Provisions for Development Within the Tamworth CBD”, Council:

- (i) forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting a Gateway Determination in accordance with Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979; and*
- (ii) upon receipt of a Gateway Determination, publicly exhibit the planning proposal (if required) in accordance with the terms of the Gateway Determination.*

SUMMARY

The purpose of this report is to initiate an amendment to the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) to introduce design criteria for the assessment of future development applications within the Tamworth CBD. As Council is aware, many key sites in the CBD present opportunities for significant development, redevelopment and/or re-use. In order to achieve the vision for Tamworth CBD outlined in Blueprint 100, it is considered vital that the TRLEP contains provisions that facilitate the high-quality urban design outcomes necessary to deliver a “*strong and vibrant Tamworth City Centre*”. Through an addition to Council’s LEP, this planning proposal will require an enhanced quality of design, appearance and activation for major CBD development without any alteration to the land use table in terms of permissible uses.

COMMENTARY

Background

As Council would be aware Blueprint 100 includes the following actions relevant to the Tamworth CBD:

“2.3.1 Develop a Tamworth Town Centre precinct plan. Consider:

- Facilitating shop-top housing on Peel Street, including introducing financial incentives to make it more viable.*
- Supporting the upgrade and extension of Peel Street streetscape treatment south-eastwards towards the possible future university precinct.*
- Facilitating the relocation of car yards on Kable Avenue to a more appropriate location in the city and the development of apartments along Kable Avenue opposite Bicentennial Park.*
- Supporting the implementation of the Bicentennial Park Master Plan”.*

As Council is also aware, the Tamworth CBD is zoned “B3 Commercial Core” with the objectives of the zone being:

- to provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community;*

- *to encourage appropriate employment opportunities in accessible locations; and*
- *to maximise public transport patronage and encourage walking and cycling.*

Unfortunately, it is apparent that the zone objectives (which commenced as part of the LEP in 2010) are not particularly helpful in achieving Council's (and the community's) Blueprint vision. However, at present, any Development Application lodged within the zone must be assessed against these objectives and on this basis, there are limited grounds available to either refuse a development, or require a proponent to enhance the design, the appearance or the activation potential of the proposal. Therefore, Council's current LEP provisions will not act as an enabler to facilitate the type of development Blueprint envisages.

Council would be aware that the review of the 2010 LEP has commenced and work on the CBD precinct is underway, however, while this process will consider clauses that will more appropriately address Blueprint 100, the process to update the LEP provisions will take some significant period, so until then, Council risks being in a position to have to approve development that not deliver on Council's Blueprint objectives.

Proposal

The objective of this planning proposal is to ensure that future development within the Tamworth CBD exhibits 'design excellence' and contributes to the natural, visual and built character of this significant precinct. This LEP amendment would introduce a '*design excellence*' clause that would apply to the erection of new buildings or external alterations/additions to existing buildings. The clause would apply to all CBD properties identified as a '*Significant Urban Area*' on the LEP map, with the exception of minor development. In considering whether future development exhibits design excellence, the following matters would be taken into consideration:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain;
- (c) whether the development detrimentally impacts on view corridors;
- (d) whether the development incorporates active frontages to key streets and to pedestrian thoroughfares; and
- (e) how the development addresses the following matters:
 - (i) the suitability of the land for development;
 - (ii) existing and proposed uses and use mix;
 - (iii) heritage issues and streetscape constraints;
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form;
 - (v) bulk, massing and modulation of buildings;
 - (vi) street frontage heights;
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity;

(viii) pedestrian, cycle, vehicular and service access, circulation and requirements; and

(ix) the impact on, and any proposed improvements to, the public domain.

The above matters are proposed to be incorporated in a specific clause in TRLEP 2010 relating to the Tamworth CBD. It is acknowledged that similar urban design criteria should in some form potentially be applied to other precincts and types of development within the Region, however, noting the significance of the CBD it is considered other localities can be considered in conjunction with the Urban Design Guidelines that are currently being prepared as part of the comprehensive review of the TRLEP 2010.

It is relevant to note that the addition of this clause will not change the land use table in the TLEP, i.e., it will not affect the permissibility of any land use type that is currently permissible under current LEP provisions. However, it will require that any major development must be addressed against the provisions of the design excellence clause. It is also important to note that the operation of the clause will not relate to minor development.

(a) Policy Implications

Blueprint 100 has emphasised the need to 'activate' the CBD and improve urban design, amenity and overall liveability to encourage inner city living and the night time economy. A further objective of Blueprint 100 is to provide a mix of opportunities in the CBD for residential, tourist and commercial enterprises. This planning proposal will act as a specific enabler to achieving these outcomes.

(b) Financial Implications

Nil

(c) Legal Implications

The planning proposal will result in an amendment to Council's statutory planning instrument, TRLEP 2010. The draft planning proposal will become a matter for consideration in the development assessment process once the draft proposal commences public exhibition. It must be emphasised that the planning proposal does not change the permissibility of any land uses within the CBD – it will simply provide a tool to achieve the 'urban design' outcomes outlined in Blueprint 100.

(d) Community Consultation

Community consultation will be undertaken during public exhibition of the planning proposal if required by the Gateway determination. Targeted engagement will also be undertaken with key stakeholders such as the City Centre working Group and the Tamworth Business Chamber.

(e) Delivery Program Objective/Strategy

A Prosperous Region – P11 Support and facilitate economic development and employment opportunities.
