

JRPP No:	2011NTH016
DA No:	DA0454/2011
PROPOSED DEVELOPMENT:	Demolition of former soccer club house, stables and starting chute and two (2) staged construction of Harness and Greyhound Racing facilities, car parking and associated infrastructure. Lot 1 DP 217032, Part Lot 14 DP32550, Part Lot 1 DP 44224, Part Lots 4,5 & 6 DP32550, Part Lot 92 DP 259787 and Part Lots 41 & 42 DP636760, Britten Road and Jewry Street, Taminda
APPLICANT:	Kelley Covey Group Pty Limited
REPORT BY:	Tamworth Regional Council

Assessment Report and Recommendation

Application Number:	DA0454/2011
Application is for:	Demolition of former soccer club house, stables and starting chute and two (2) staged construction of Harness and Greyhound Racing facilities, car parking and associated infrastructure.

Applicants name:	Kelley Covey Group
Owners name:	Tamworth Jockey Club Tamworth Regional Council
Application lodged:	12 May 2011
Property address:	Lot 1 DP 217032, Part Lot 14 DP32550, Part Lot 1 DP 44224, Part Lots 4,5 & 6 DP32550, Part Lot 92 DP 259787 and Part Lots 41 & 42 DP636760, Britten Road and Jewry Street, Taminda
Land zoning:	Part SP3 Tourist and Part RU4 Primary Production Small Lots, Tamworth Regional LEP 2010
Value of development:	\$7million
Report author/s:	David Lewis – Development and Approvals Manager

EXECUTIVE SUMMARY:

Reason for Consideration by Joint Regional Planning Panel:

This application is referred to the Joint Regional Planning Panel (JRPP) for determination as the development application is subject to Part 3 (Regional Development) of *State Environmental Planning Policy (Major Development) 2005* as the development has a capital investment value of more than \$5 million and the Tamworth Regional Council is:

- a) The owner of a portion of land on which the proposed development is proposed to be carried out, and
- b) The Council is a party to an agreement or arrangement relating to the development

Brief Description of Proposal:

The proposed development includes the following:

- (a) Demolition of former soccer club house, stables and starting chute;
- (b) Construction of a 940m harness racing track, being 22m wide;
- (c) Construction of a 455m greyhound track, 7.5m wide;
- (d) A two storey grandstand building containing offices, boardroom, stewards room, storage, tote, bar, kitchen, toilets and public viewing areas. The building also encompasses a lift from the ground floor to the first floor;
- (e) Stabling facilities to accommodate 110 horses;
- (f) Kennelling facilities for 80 dogs;
- (g) Maintenance shed;
- (h) Track lighting;
- (i) Judges' towers with timing, broadcasting and telecommunication services; and
- (j) Sealed car parking for 328 cars.

Currently the horse and dog racing fraternities of Tamworth operate at three different locations. Once completed, the proposed development will consolidate all three clubs in one location and establish a regional racing precinct, sharing ancillary facilities such as administration area, function rooms and car parking.

The Tamworth Jockey Club is already established in this precinct. The proposed development will include additional services to the Jockey Club by way of formalised car park and the upgrade of some on-site services.

Recent Development History of the Site:

The majority of the land to be developed for harness and greyhound racing was used for many years as soccer fields for both junior and senior competitions until relocation to new fields approximately 18 months ago. A small section of the site forms part of the current Jockey Club facilities occupied by an old stable block and the 1600 metre starting chute, which will be demolished as part of the development.

Compliance with Planning Controls:

The proposal is seeking development consent for a "recreation facility (major)" as defined under Tamworth Regional Local Environmental Plan 2010 ("the LEP"). The majority of the land is zoned SP3 Tourist under the LEP and the proposed use is permitted with consent in this zone.

A small section of the site, which includes part of the proposed stables, falls within the adjoining RU4 zone. This anomaly has occurred because the zone boundary follows the existing cadastral boundary between Britten Road and the former soccer fields, rather than the actual boundary created at the time of the construction of the levee and consequent realignment of Britten Road. This anomaly creates two issues that need to be considered: the first is the need to complete statutory process to close part of Britten Road and dedicate the new section as public road; and the second matter is the prohibition under the LEP of recreation facilities (major) in the RU4 zone. The road closure matter is discussed in more detail later in this report.

In relation to the prohibition issue, it is proposed to use the flexible zone boundaries provision under Clause 5.3 of the LEP, which states:

5.3 Development near zone boundaries

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.*
- (3) *This clause does not apply to:*

- (a) *land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*
 - (ab) *land in Zone RU6 Transition, or*
 - (b) *land within the coastal zone, or*
 - (c) *land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
- (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) *This clause does not prescribe a development standard that may be varied under this Plan.*

All of the affected section of the stables building falls within the 20 metre allowance provided in clause 5.3(2). Use of this clause to allow the stable building to be constructed in this area is not inconsistent with the development allowed in either the SP3 or RU 4 zones and is compatible with land use planning for this area. The area of RU4 land occupied by part of the stables complex is relatively small (approximately 500m²) and, being enclosed by the flood levee, it will be clearly seen as part of the development site and not part of the greater extent of RU4 land to the north.

Integrated Development:

Although it was initially believed that the application was Integrated Development pursuant to the provisions of Section 88 of the Water Management Act 2000, The NSW Office of Water have advised Council that it considers that, as no works are occurring within 40 metres of a river or water course, no such assessment or approval is required.

Consultation:

The development application was exhibited and notified for public comment for a period of 35 days from 21 May 2011. One submission was received from a member of the public. A copy of the submission is shown at Annexure 1.

Recommendation:

It is recommended that development application DA0454/2011 be approved subject to the conditions of consent contained in Annexure 3.

Annexures:

Annexure 1	Public Submission
Annexure 2	Agency responses
Annexure 3	Draft Conditions

EVALUATION OF DEVELOPMENT APPLICATION

1 Proposal

The development application involves demolition of current structures on the site, and construction of racing infrastructure and facilities in two (2) stages, as described in the Statement of Environmental Effects, as follows:

Stage One (1)

- 1.1. Demolition and/or removal of:
 - Former soccer clubhouse/amenities, goal posts, lighting, fencing and irrigation system ;
 - Existing sewer and water infrastructure from Jewry Street to the toilet block; and
 - Existing stables and associated yard fencing located in the Tamworth Jockey Club land at the south eastern extent of the site.
- 1.2 Earthworks
 - General clean up and levelling;
 - Excavation for the internal water storage/detention basin;
 - Approximately 15 500m³ of cut to fill material is required for the overall design, including track embankments, with all expected to be gained from the site earthworks.
- 1.3 Harness Track
 - Construction of 940m track and related earthworks, retaining wall and drainage;
 - Installation of irrigation to the track and surrounding grounds;
 - Rails and fencing.
- 1.4 Grandstand
 - Construction of Grandstand and related access paths.
- 1.5 Other structures
 - Building of the stables, equipment shed, judges tower;
 - Provision of all related services including drainage and run off collection.
- 1.6 Upgrade of part of Britten Road
 - Provision of barricades and signage.
- 1.7 Car parking
 - Sealed car parking for 328 cars; and
 - 300 space overflow car parking
- 1.8 Landscaping and fencing
 - Grass seeding and tree planting to parts of the site including embankments, patrons lawn area, car park areas and Jewry Street frontage;
 - Fencing to the Jewry Street frontage, 2.4m high, and other perimeter fencing.

Stage Two (2)

- 2.1 Greyhound track earthworks, lure rails and fences;
- 2.2 Kennels and associated infrastructure

And all other site works required to complete the development.

2 Site Description

The 14 hectare development site is irregular in shape with frontage to Britten Road and Jewry Street, and is located approximately 1.5kms from the Tamworth CBD area. The site encompasses the former “Federation Park” soccer fields, an unused section of the Britten Road reserve and part of the existing Tamworth Jockey Club site.

The land comprises Lot 1 DP 217032, Part Lot 14 DP32550, Part Lot 1 DP 44224, Part Lots 4,5 & 6 DP32550, Part Lot 92 DP 259787 and Part Lots 41 & 42 DP636760.

A Council controlled stormwater detention basin is located on the eastern corner of the lot. The property is bounded to the north and north west by the Taminda Levee. At the time of construction of the levee, Britten Road was relocated to the top of the levee structure. The northern or river side of

the levee is part of the Tamworth floodplain and contains Wallamore Anabranch and the Peel River. Immediately to the west of the site is the existing Tamworth Jockey Club, with its track and various buildings and infrastructure.

The locality contains a mix of industrial and commercial premises. A Bunnings outlet is the closest of these premises to the site and is located on the opposite side of Jewry Street. Jewry Street forms part of a major entrance point to Tamworth, and the City's main industrial area known as Taminda, and links the two major arterial routes of Manilla Road and Oxley Highway. As a result, the site is within a high vehicular traffic area and, due to its significant frontage to Jewry Street and the elevated Britten Road, it is highly visible to motorists on these routes.

Diagram 1 – Locality Plan

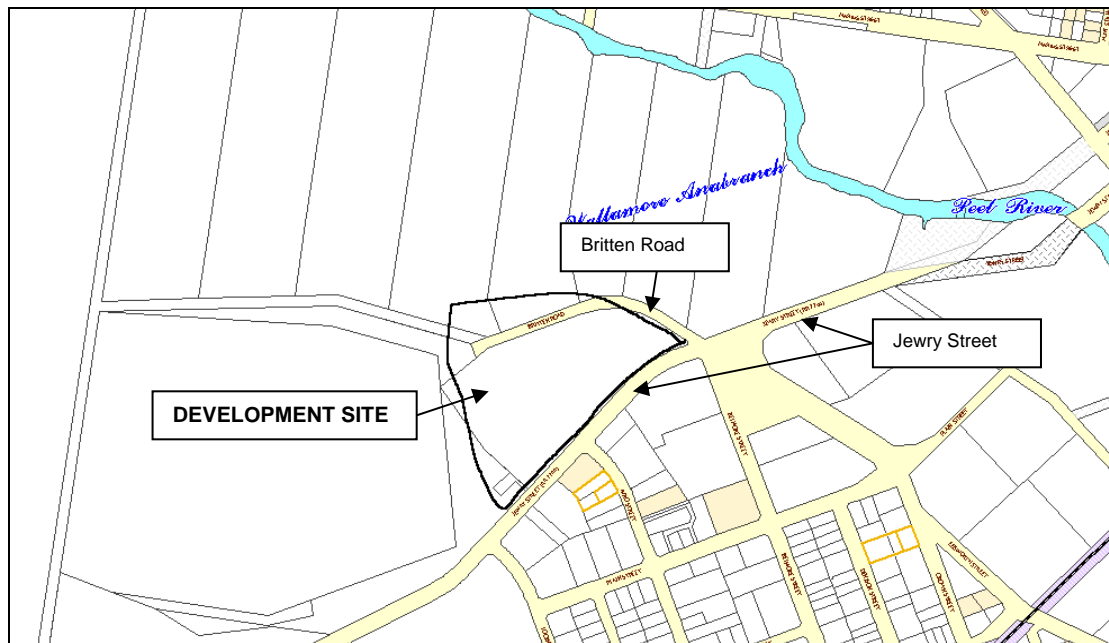


Diagram 2 – Aerial Image



3 Referrals

The application was referred to the Roads and Traffic Authority and the NSW Office of Water. Responses from the agencies are included as Annexure 2 and the matters raised are considered in the relevant sections of the report.

4 *Environmental Planning and Assessment Act 1979*

S79C(1)(a)(i) any environmental planning instrument.

State Environmental Planning Policies:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)

Clause 7 of the SEPP requires the consent authority to consider whether or not the land is contaminated, and if it is, whether the proposed land use is compatible with the level and nature of the contamination, or if the site is suitable for that use after remediation.

The site history investigation indicates a long term use (more than 50 years) as playing fields, with no related activities that are indicators of potential site contamination. Demolition of the existing small scale buildings will be required to comply with industry standards for removal and disposal of any asbestos material if encountered.

Regional Environmental Plans:

There are no regional environmental plans that apply to this development or the subject land.

Local Environmental Plans:

Tamworth Regional Local Environmental Plan 2010 (TRLEP)

The proposal is defined as a “recreation facility (major)” under Tamworth Regional Local Environmental Plan 2010, as follows:

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.

The majority of the land is zoned SP3 Tourist under the LEP and the proposed use is permitted with consent in this zone.

A small section of the site, which includes part of the proposed stables, falls within the adjoining RU4 zone. The prohibition of *recreation facility (major)* under the RU4 zone is discussed previously in this report and can be overcome by the application of Clause 5.3 of the LEP (flexible zone boundaries).

The objectives of the SP3 zone are:

- (a) *To provide for a variety of tourist-oriented development and related uses.*
- (b) *To facilitate development that recognises the unique characteristics of the nationally and regionally significant tourist precincts that are the Australian Equine Livestock and Events Centre (AELEC) and the Tamworth Regional Racing Precinct.*

The proposed development is consistent with these objectives by consolidating gallop, harness and greyhound racing into a single facility and providing a regional centre for the continuation and growth of these sports.

S79C(1)(a)(ii) Provisions of any draft environmental planning instrument.

There are no draft environmental planning instruments that apply to the site or development proposal.

S79C(1)(a)(iii) Provisions of any Development Control Plan.

Tamworth Regional Development Control Plan 2010 (TRDCP)

There are no specific controls in TRDCP that relate to development of recreation facilities. The general matters for consideration, that are not dealt with elsewhere in this report, are:

Water Supply

The existing water main that extends from Jewry Street into the former soccer fields and currently services the jockey club will be terminated and a new main will be constructed by Council along Britten Road to the jockey club entrance. A new water service will need to be connected to the main by the developer. The size of the service will depend on the hydraulic design to suit fire fighting and other requirements for the proposed use.

Sewer

The existing sewer main to the soccer fields will be terminated and a new sewer constructed to connect with Council's main in Jewry Street. The sewer from the new development is not able to be drained by gravity to the connection point, requiring a new private pump station to be installed within the site with a new rising main to be extended to the point of connection with Council's gravity main.

External Lighting

Council requires all developments to control external lighting so that there is no significant impacts on occupants of adjoining properties, on motorists, or the level of "sky glow" experienced by the Siding Springs Observatory near Coonabarabran. The applicant has provided a lighting design statement which addresses these factors and the requirements of the respective Australian Standards, including AS4282 - *Control of Obtrusive Effects of Outdoor Lighting*. In certifying that the proposal will meet the identified standards, the consultant includes a stipulation that the development incorporate the particular lighting type, as nominated in the current design, and that 4.5 metre high screen planting be provided along the Jewry Street boundary.

Landscaping and visual appearance

Appendix J, submitted with the Statement of Environmental Effects, includes a landscaping plan showing details of plantings and treatments for the various sectors of the site. The elements of the landscaping design are:

- provision of large grassed areas and shade trees for patrons;
- grassing of all embankments and drainage swales (1 in 5 batters or less for mowing);
- steeper banks to be covered with a geo-fabric, mulched and planted with shrubs;
- shade trees to be planted in the formal car park area (some existing trees to be retained);
- perimeter planting with trees and shrubs, including screen planting on the Jewry Street frontage.

The Jewry Street frontage includes a retaining wall, approximately 300 metres long, adjacent to the property boundary. The wall supports the banked harness racing track and it will have a maximum height of 1200mm. On top of the wall will be a 1200mm high sight screen fence which extends the entire circumference of the harness racing track.

The external appearance of the retaining wall and the fence have been the subject of a number of discussions with the applicant to consider options for screening or treatment of these structures to reduce their visual impact. The outcome of these discussions is:

- native shrubs and trees will be planted along the length of the retaining wall to provide a 2.5 metre wide screen to the wall and fence;
- a 2.4 metre high chain mesh fence, black in colour, will be installed approximately 2.5 metres from the wall;
- additional panelling will be fixed to the outside of the metal fence which will be finished in a colour to match the “split face” block retaining wall;
- the final colour for the wall and fence panelling will be chosen following further consultation with Council;
- the block wall will also incorporate a feature pattern to provide additional relief;
- the security fencing and additional lighting will prevent vandalism and increase passive surveillance in this area.

Building design

The two storey grandstand is the dominant new building in the proposed racing precinct. The building will contain covered track viewing areas, function and meeting rooms, patrons’ food service areas and administration facilities.

The structure will include a number of curved roof sections and masonry and coloured metal wall panels. The applicant has provided a colour board for the major building components which indicates the masonry and wall panels in muted earth tones, the metal roofing to be off-white (“surfmist”) and the metal rails and posts to be black. The stables and other smaller buildings in the complex will adopt the same design theme. This design and colour scheme is considered acceptable.

S79C(1)(a)(iia) Provisions of any Planning Agreement.

There are no Planning Agreements which apply to the site or development proposal.

S79C(1)(a)(iv) Any matters prescribed by the Regulations

There are no prescribed matters which apply to the development.

S79C(1)(b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Traffic Impact and Management

A traffic impact statement has been prepared by the applicant to examine the impact of the development on the existing road network, particularly the intersection of Britten Road and Jewry Street.

The traffic impact assessment concludes that the traffic generated from the development will not coincide with peak traffic flows on the adjoining road system. The existing jockey club will continue to be the largest contributor to traffic from the racing precinct and additional traffic arising from the harness and greyhound racing events will not contribute significant vehicle numbers to the road system. As stated in the parking assessment above, TAB betting arrangements do not permit the three racing codes to hold concurrent meetings and therefore the largest annual event will be the existing TJC Tamworth Cup meeting. The existing road system and roundabout at the Britten Road/Jewry Street intersection has adequate capacity to accommodate the additional flows from the harness and greyhound racing events.

The main entrance to the development will be from Britten Road. Internal driveways will connect to the two formal car parking areas, stables and kennel facilities. Access to the overflow parking area to the north of the levee will also be from Britten Road. To prevent parking on Britten Road (on top of the levee) it is proposed to install regulatory “No Stopping” controls. As a further measure to protect

the structural integrity of the levee batters from vehicle traffic, the applicant has agreed that bollards will be installed along the southern side of Britten Road.

Waste Management

Solid waste collection will occur under the existing arrangements for the TJC. Liquid waste from amenities and other facilities will be connected to the Council sewerage system. Where it is proposed to discharge trade waste to the Council's sewer, either from the stables or grandstand kitchen facilities, it will be necessary for the proponent to enter into a Trade Waste Agreement with Council's Water Enterprises Directorate and install approved treatment equipment prior to occupation of the development.

Water Quality

Roof water and overland stormwater flows from the track areas and grassed areas within the site will be collected through a system of pipes and open grassed swales and directed to stormwater harvesting dam for reuse within the grounds. Overflows from the dam will be directed to Council's existing detention basin adjoining the north east corner of the development site, prior to discharge to the Wallamore Anabranh. Drainage from the sealed car park areas will be collected in sumps and piped through the base of the levee to the floodplain area.

Gross pollutant traps will be installed to prevent water-borne litter from entering the natural drainage system.

Stormwater management

As described above, the proposed dam will collect stormwater from the majority of the site for reuse. However in major flood events there will be periods when the overflows from this dam will not be able to discharge into Council's detention dam because of the hydraulic pressure caused by the volume and level of water in the dam at the particular time.

To overcome this problem a solution has been identified with the applicant involving provision of additional stormwater detention storage capacity within the harness and greyhound racing infield area. Preliminary investigations by Council and the applicant have confirmed the feasibility of this proposal and identified that sufficient storage is available for the 1 in 100 year storm event. Part of this investigation also confirmed that there would be no impact (relating to the detention of stormwater) on the existing nearby buildings in Jewry Street. The proposed conditions of consent include requirements for detailed survey and design to be completed prior to commencement of construction works.

Flora and Fauna

A specialist flora and fauna impact assessment has been completed for the site which identifies the existence of a number of native and exotic trees species on the site. However, the assessment has not identified any impacts on threatened or vulnerable species as listed in the *Threatened Species Conservation Act 1995*, *Fisheries Management 1994*, or the *Environmental Protection and Biodiversity Conservation Act 1999*.

A number of immature native trees and Canary Island Date Palms are proposed to be removed or relocated as part of the development. The palms follow the old alignment of Britten Road and are listed in Council's Significant Tree Register. In recent years, their condition has deteriorated due to drainage problems that have arisen after the construction of the Taminda Levee. In their present location they also conflict with the construction of the proposed car park for the development. After considerable investigation of relocation options, Council's Horticulture Division have agreed to relocation of the palms to Council's mature tree nursery until a suitable civic location can be identified.

Context and Setting

The development adjoins the existing Tamworth Jockey Club which contains a heritage listed grandstand. The new building will be approximately 300 metres from the TJC building and will be sufficiently visually separated from the heritage item so that there will be no impact on its setting or heritage context.

Other nearby land uses include the extensive Taminda industrial area to the south and the new playing fields constructed in the flood plain area to the south-east.

The proposed development fits well within this setting and complements the existing Tamworth Jockey Club by consolidating the three racing codes and their infrastructure in the one locality.

Economic Impact

The economic benefits of the Regional Racing Precinct have been well documented. The project is a significant component of Council's Taminda Revitalisation Strategy. Relocation of both the existing greyhound track and harness racing facility in Showground Road will make available a significant parcel of well-located industrial land. The new racing precinct will enable the existing racing fraternity to come together and share facilities and consolidate their activities in modern facilities that reflect the latest industry racing standards.

During the construction phase there will be benefits in employment in the earthmoving and building trades. This has flow-on benefits to the local and regional construction industry.

Cumulative Impacts

The cumulative impacts have been considered in the context of additional traffic, stormwater drainage management, and water quality in the adjoining floodplain. There have been no outcomes identified that result in an unacceptable cumulative impact related to any of these issues.

S79C(1)(c) The Suitability of the Site for the Development

The site does not present any significant constraints in the construction or operation of the development. The land has minimal slope, no significant vegetation and is a suitable shape to allow the positioning of the major functional components of the development, including the 940 metre harness racing track and 455 metre greyhound racing track.

S79C(1)(d) Any Submissions Made in Accordance with the Act or Regulations

One submission was received in response to the public exhibition and notification of the application. The submission raises concern about the construction impacts of the proposal on the horse training facilities used in the adjoining jockey club grounds. Dust nuisance during bulk earthwork operations is the particular issue identified in the submission.

All earthworks have the potential to cause an airborne dust impact if adequate construction management measures are not put in place. The applicant has described measures for dust control in section 7.3.8 of the Statement of Environmental Effects, including the use of water carts, designation and control of vehicle access routes and monitoring of conditions to avoid construction during adverse weather.

The implementation of a Construction Management Plan is proposed to be included as a requirement in the conditions of consent.

S79C(1)(e) The Public Interest

Submissions made by the public and public authorities have been addressed in the preceding sections of the report. The public interest has been considered throughout the assessment of this development application and it is considered that the positive determination of this application will

not be against the public interest subject to the implementation of the recommended conditions of consent.

CONCLUSION:

The principal matters for consideration that have been identified in the assessment of the subject development relate to the need for careful stormwater management to avoid localised flooding impacts and to ensure there are no adverse impacts on downstream water quality. As part of the assessment process there has been considerable attention given to these potential impacts and there is now a satisfactory level of information to indicate that adequate mitigation measures can be put in place as part of the detailed design and construction of the development.

Another important issue is the treatment of the Jewry Street frontage of the development where a large retaining wall and trackside fence will be constructed. Again, significant discussion has occurred between Council officers and the applicant to arrive at an acceptable choice of materials and landscaping design to mitigate the visual impact of this aspect of the development.

The concerns raised in the public submission about potential construction impacts on the existing horse training operation in the adjoining jockey club have also been taken into consideration and this matter will be addressed in the recommended conditions of consent requiring a Construction Management Plan to be submitted to Council for approval prior to commencement of bulk earthworks.

It is recommended that Development Application No 0454/2011, for demolition of a former soccer club house, stables and starting chute and two (2) staged construction of Harness and Greyhound Racing facilities, car parking and associated infrastructure, on land adjoining Britten Road and Jewry Street, Taminda, be approved subject to the Conditions of Consent in Annexure 3.
