

**JOINT REGIONAL PLANNING PANEL
(NORTHERN REGION)**

JRPP No:	2013NTH025
DA No:	DA0191/2014
PROPOSED DEVELOPMENT:	New Hotel, Function Centre, Outdoor Gaming Area, Additions to Club Area and Extension of Existing Administration Building
PROPERTY DESCRIPTION	Lot 2, DP 815862, 58 Phillip Street, West Tamworth
APPLICANT:	Tamworth West League Club Limited
OWNER:	Tamworth West League Club Limited
REPORT BY:	Sam Lobsey, Senior Development Assessment Planner (Author) Jackie Kruger, Director Planning and Community Services (Authorising Officer)
LODGEMENT DATE:	22 October 2013
LAND ZONING:	RE2 – Private Recreation Tamworth Regional Local Environmental Plan 2010

Assessment Report and Recommendation

EXECUTIVE SUMMARY:

Reason for consideration by the Joint Regional Planning Panel:

The application has been referred to the Joint Regional Planning Panel pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 as the Capital Investment Value exceeds \$5 million and Council is a party to an agreement or arrangement relating to the development.

It is confirmed that as a result of this proposed development, Council has authorised the negotiation of the lease of Scully Park No. 2 Oval (Lot 3 DP815862), which is Council owned land, to West Tamworth League Club for the purposes of providing a football field for local rugby league competition. It is proposed that existing facilities shall be upgraded on the Scully No. 2 oval and additional seating installed. Any works that are minor may be considered as exempt development works in accordance with the State Environment Planning Policy (Infrastructure) 2009.

There is a community view that what happens to Scully No. 1 will be directly linked to Scully No. 2. West Tamworth League Club intends to use Scully No. 2 for local competition which is currently being conducted on Scully No. 1. However, any major development works on Scully No. 2 will be subject to a separate development application. Preliminary discussion regarding a grandstand development on Scully No. 2 has commenced however an application has not yet been lodged with Council.

Brief Description of Proposal:

The Development Application seeks approval for the development of a new hotel and function centre as an extension to the current West Tamworth League Club as well as an upgrade of the existing outdoor gaming area and extension to an existing administration block.

The proposed works also include the removal of Scully No. 1 football field, the demolition of part of the building on the eastern side of the current club and removal of existing spectator stands and the provision of associated parking for the proposed hotel and function centre with access from both Kent and Park Streets.

Compliance with Planning Controls:

The site is zoned RE2 - Private Recreation pursuant to the Tamworth Regional Local Environmental Plan 2010. The proposal is defined as "hotel or motel accommodation" and "function centre". Both uses are permissible in a RE2 land use zone with consent. The alterations and additions to the club and administration building are also permissible works under the umbrella of a "registered club" which is also a permissible use on the land.

Background:

31 January 2013 – Preliminary Development Application Meeting

A preliminary development application meeting was held between Council officers, West Tamworth League Club and their representatives. The purpose of the meeting was to discuss a proposal which included construction of a two storey motel with 52 rooms and a function centre with an administration centre and courtyard. A separate entry and exit would be provided to Phillip Street and an exit only to Kent Street. It was also identified that the existing administration centre located in the old squash courts building would be demolished. The site location was near the corner of Phillip and Kent Streets. Council identified the primary concerns relating to traffic flow (access/egress) and vehicular manoeuvring throughout the site.

5 July 2013 – Preliminary Development Application Meeting

The Developer informed Council they had totally redesigned the original proposal and were now developing plans for the construction of a hotel and function centre in the current location of Scully No. 1 Oval as per the current development application. It was also advised that the Developer was discussing a possible partnership with Council for the use of Scully No. 2 Oval.

Consultation:

The proposed development was notified in accordance with the Tamworth Regional Development Control Plan 2012 from 17 March 2014 to 2 April 2014. During that period forty four (44) submissions were received, eight (8) submissions supported the application. One (1) late submission objecting to the proposal was also received on the 24 April 2014. Each submission has been considered in the assessment of this application.

A copy of the submissions is attached in **ANNEXURE 1**

Referrals

Internal referrals were made to the following Council technical/specialist teams: Regional Services (Infrastructure Planning), Environment and Health, and Water Enterprises. Consideration of each response is made where relevant throughout this report.

Recommendation:

It is recommended that DA0191/2014 be approved subject to the conditions contained in **ANNEXURE 6**.

Annexures:

- Annexure 1 Submissions
- Annexure 2 Architectural Plans
- Annexure 3 Cross Section through Entry Driveway from Park Street
- Annexure 4 Concept layout for the Kent Street Access
- Annexure 5 Landscape Plans
- Annexure 6 Draft Conditions of Consent (DA0191/2014)

Description of Proposal:

The objectives of the proposal are to:

- Provide a new hotel facility comprising 53 rooms;
- Provide a new function centre facility;
- Provide new outdoor lounge and dining terraces for the existing Club;
- Improve and upgrade the existing outdoor gaming terrace;
- Provide additional car parking for hotel and function centre patrons; and
- Extend the existing administration facilities.

The development works are proposed to be staged in the following order:

Stage 1:

- Upgrade the existing outdoor gaming area within the existing area of the club.

Stage 2:

- Extend the existing administration block to provide additional office space.

Stage 3:

- Construct a new hotel facility to the east of the current club on the existing sports field (Scully Park No. 1). The hotel will be three (3) storeys, house fifty three (53) rooms and associated services areas and includes swimming pool and courtyard facilities. It will also house amenities separate to the function centre;
- Construct outdoor terrace No. 1; and
- Construct new car parking facilities for the new Hotel utilising the existing sports field.

Stage 4:

- Construct a function centre extension to the east of the current club. The function centre will comprise a flexible layout that can be separated into smaller areas should smaller functions be required. The function centre will have an outdoor terrace and a foyer and accessible male/female amenities. The function centre will also have a bar, holding kitchen, store rooms, loading bay and cellar;
- Construct outdoor terrace No. 2; and
- Construct new car parking facilities for the new function centre utilising the existing sports field.

The submitted architectural plans are attached to this report as **ANNEXURE 2**.

Site Description:

West Tamworth League Club is situated in the locality of West Tamworth, approximately 430m from the New England Highway. The site is known as Lot 2, DP 815862 and the street address is 58 Phillip Street, West Tamworth. The approximate area of the site is 37,710m², with a western frontage (Phillip St) of 136m, northern frontage (Park St) of 217m, southern frontage (Kent St) of 187m and the eastern boundary (adjoining Council owned land, Scully Park No. 2 and Scully Park Pool) is 213m.

There is a gradual slope across the site falling from the north western corner towards the south eastern corner. The approximate fall of land is 10m across the site. The current functions of the site are the West Tamworth League Club which includes a sporting field known as Scully Park No. 1 with associated structures (change rooms). There are car parking spaces which are accessible from Kent, Phillip and Park Streets. The main entrance to the site for club patrons is from Phillip Street on the western frontage.

The site of the proposed hotel and function centre is adjoining the eastern side of the existing Club building and is to be located where Scully Park No. 1 is currently situated.

The site is immediately adjoined by residential lots in Park, Kent and Phillip Streets and shares a common boundary with Council owned land directly to the east of the site (Scully Park No. 2 and Scully Park Swimming Pool). Nearby commercial uses include the Caltex Service Station (Kent Street), Southgate Inn (Kent Street) and Southgate Shopping Centre (Kathleen Street). Tamworth High School is located within close proximity, adjoining Southgate Shopping Centre on Kathleen Street.



Diagram 1 - Aerial Map 58 Phillip Street, West Tamworth (West Tamworth League Club)

1. Environmental Planning and Assessment Act 1979

S79C(1)(a)(1) Any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

A preliminary site investigation was conducted in accordance with this policy to determine soil contamination status on the property. A historical study of previous land uses identifies the land to have been occupied as a sporting field since 1957 with the first club amenities being built in 1962. Prior to that the land was used by the West Tamworth League Club for recreational and commercial purposes and during World War II the site was established as an army detention camp.

Soil samples were collected from fourteen (14) locations throughout the site and the Preliminary Contamination Investigation prepared by Envirowest Consulting Pty Ltd (Reference Number R14006c, dated 14 February 2014) found no contamination on site. Council's Environmental Health Unit are satisfied with the report findings and have provided relevant conditions of consent to be included if development consent was forthcoming.

In accordance with Clause 7 of this Policy, Council is satisfied that a preliminary contamination investigation has been conducted on the land and the land is suitable for the proposed development.

State Environmental Planning Policy No. 64 - Advertising and Signage

With the exception of some existing signage which may be replaced, there are no detailed plans provided for signage as part of this application. Therefore a condition of consent shall be included as part of any forthcoming development consent requiring separate approval for any signage that is not considered to be exempt development.

Regional Environmental Plans

There are no Regional Environmental Plans that apply to the land.

Tamworth Regional Local Environmental Plan 2011 (TRLEP 2011)

The site is zoned RE2 - Private Recreation pursuant to the Tamworth Regional Local Environmental Plan 2010. The proposal is defined as "hotel or motel accommodation" and "function centre". Both uses are permissible in a RE2 land use zone with consent. The alterations and additions to the club and administration building are associated with an existing "registered club" building which is also a permissible use on the land.

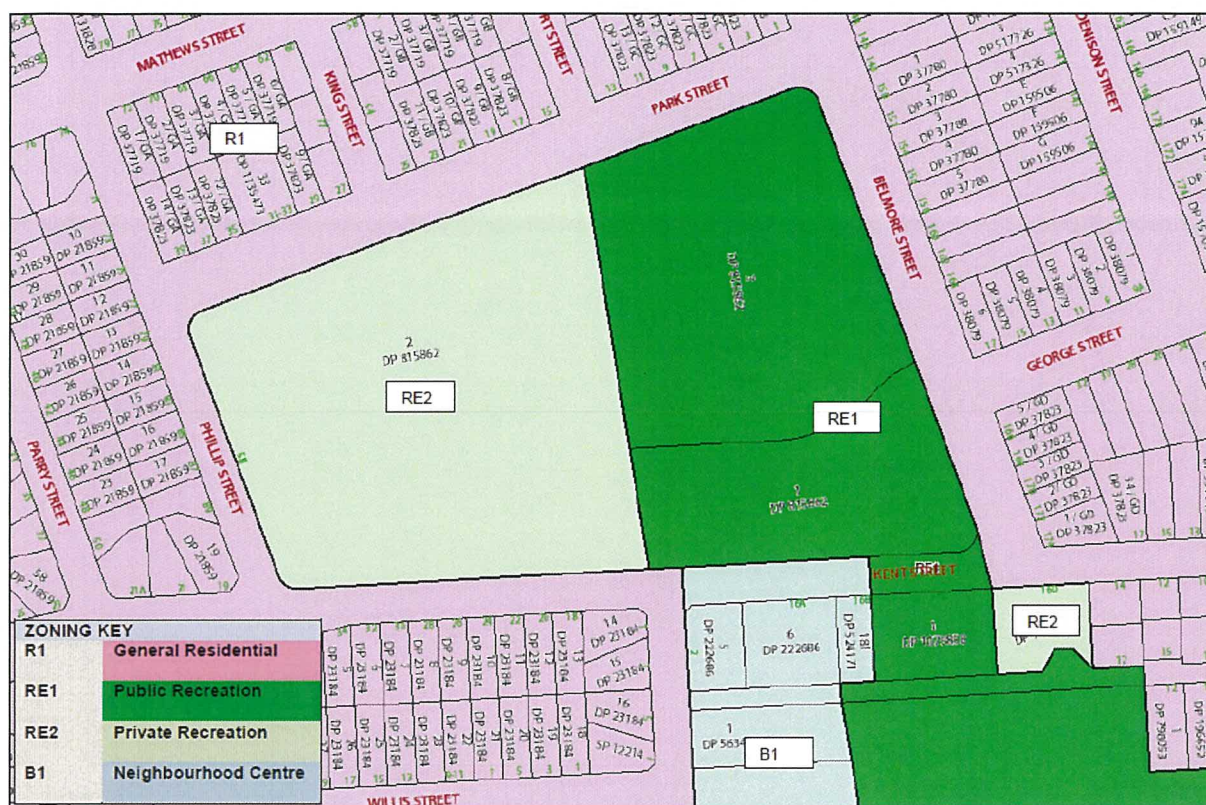


Diagram 2- Zoning Map

Tamworth Regional Section 94A (Indirect) Development Contributions Plan 2013

In accordance with the Tamworth Regional Section 94A (Indirect) Development Contributions Plan 2013 Council may levy a contribution at 1% of the development cost, where the value exceeds \$100,000. It is recommended that a condition be imposed to require that the contribution is paid prior to issue of each Construction Certificate (in accordance with the staging plan) and may be proportional according to the associated cost of each respective stage.

Section 79C(1)(a)(i) any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft environmental planning instruments applicable to the proposal.

S79C(1)(a)(iii) Any development control plan

Tamworth Regional Development Control Plan 2011 – Commercial Development Controls

Building Setbacks

All building setbacks proposed for this development meet the National Construction Code (former Building Code of Australia) requirements.

Height

The proposed building height does not exceed the Obstacle Height limitation of 45 metres set in the TRLEP 2010. There is no issue in this regard.

Outdoor Lighting

If development consent was forthcoming, a condition of consent is recommended to ensure any outdoor lighting complies with AS4282 *Control of Obtrusive Effects of Outdoor Lighting*.

Outdoor Signage

The development application does not propose any new signage and therefore is not a consideration as part of this application. Any new signage that is not considered to be exempt development shall be subject to a separate development application.

Design

The colour and material schedule provided in the statement of environmental effects is considered suitable and will be compatible with the existing building and vegetation on the subject site.

Utilities and Services

Council's Water Enterprises and Regional Services Directorates have reviewed the proposal and provided comments in regards to utilities and services and suggest relevant conditions of consent to ensure adequate stormwater, sewer and water services are provided.

Traffic and Access

The original proposal did not include an access to the site from Park Street, however, during the preliminary discussions and the initial assessment of the Development Application, Council requested that the Applicant consider an additional driveway on Park Street to provide for improved on site vehicle movements and to assist vehicle disbursement after major events.

The Applicant amended the plans to include this additional driveway and Council considers this to be a positive initiative. Prior to modifying the plans, the applicant had raised the concern that the additional driveway would cause headlight glare to those residents located directly opposite the new driveway. As part of the additional information provided to Council, the Applicant has provided an assessment on the potential headlight glare. The following comments are considered will help reduce the potential headlight glare on adjoining properties:

- The new car park is located in the centre of the site and will be located away from the boundaries of the site (minimum 40 metres from Park Street and Kent Street);
- The perimeter of the existing site contains shrubs and trees which were previously planted for the purpose of screening vehicles. This, along with additional planting will continue to screen some of the headlight glare and also act in the dispersion of vehicle noise;
- The raised ground along the northern boundary acts as a shield to headlight glare into neighbouring properties;
- With the additional driveway in Park Street, this will effectively minimise any headlight glare or noise impacts on Kent Street by one half;
- The proposed driveway on Park Street has been designed to be located on the boundary line between the two properties located directly adjacent, so that lights will not directly face into the front windows of adjoining residence;
- A cross section through the proposed driveway on Park Street shows that due to the distance and height levels between the driveway and neighbouring residences a low headlight - beam car will not affect the neighbouring residences. The submitted Cross Section Plan is attached in **ANNEXURE 3**; and
- The Applicant has offered to further improve screening from headlights and traffic in addition to existing trees and shrubs in front of up to three (3) residences immediately opposite the proposed driveway exit, if required by Council and the dwelling owners.

Whilst the low beam headlight glare is considered to be minimal, the affect of bus headlights when exiting the site onto Park Street could have some impact. Council is satisfied with the submitted landscaping plans which include new tree and shrub plantings around the proposed driveway and car park areas and will not require additional screening on either the

Park or Kent Street boundaries. It is recommended that the Club review this with adjoining landowners at the completion of the development works to determine whether further landscaping or other forms of screening methods should be installed.

Based on Council's assessment of the Traffic Impact Study, it is expected that some queuing along Kent Street will occur in peak periods as a result of this development and it is therefore recommended that a right turn bay be installed by line marking as shown in the concept layout for the Kent Street Access to the West Tamworth League Club which is attached in **ANNEXURE 4**.

Swept turning paths have been provided to show bus/coach movement in forward motion throughout the site (entering at Kent Street and exiting at Park Street). Bus parking and drop-off spaces are provided parallel to the kerb/footpath on the eastern side of the proposed hotel and function centre. Based on the vehicle direction movements identified on the submitted plans, Council will recommend a condition of consent be included which requires the installation of directional signage to ensure that buses do not enter the site from Park Street and that all vehicles drive to the front of the hotel and function centre in a north to south direction.

Provided the development is conducted in accordance with development consent, approved plans and relevant conditions of consent, it is considered that the new development will operate with adequate traffic management measures in place and that the impact on surrounding streets and nearby residences will be minimal.

Parking

The applicant has provided a Traffic Impact Assessment Report, prepared by Thompson Stanbury Associates. The consultant indicated they had undertaken a parking demand survey based on surveys in May 2013. The survey relied on responses by patrons on their method of transportation to the club.

36% said they were a "Car driver" and 50% said they were a "car passenger". Other responses were:

- 6% dropped off
- 2% taxi
- 3% walk
- 3% club bus

While a survey was submitted to support a reduction in peak parking requirements, it has not been considered in this assessment as the rates applied in the DCP are already achieved in the proposal. The survey did not include any indication of actual numbers of car spaces occupied at the club during the survey period.

Council's DCP does include the consideration of surveys of "clubs in similar localities". The following approach was taken based on existing parking numbers on the site and what would be required for the new development.

Currently, the site has 504 Spaces. This figure includes the 52 spaces which are located underneath stands on the eastern boundary of the site and will be available once the stands are removed as proposed.

When applying the parking rate in Council's DCP the following outcome applies for the new development:

Motel	= 57 Spaces	(1 per room plus 1 per 2 employees)
Function room	= 93 spaces	(600m/ 6.5)
Additional Club Area	= 150 spaces	(598/4)
Total = 299		

Offset against this is the surplus contained in a recently constructed multi deck car park which is 129 spaces. This reduces the additional onsite car parking requirement to 170 spaces. Therefore the total number of spaces which are required to be located on the site at the completion of the proposed development works is 674 spaces (504 + 170).

The proposed number of car parking spaces across the entire site is 653 spaces, plus five (5) bus parking spaces (three (3) accessible from Phillip Street and two (2) in front of the new hotel and function centre accessible from Kent Street). This means a minor shortfall of 21 spaces. (674 minus 653). It is the staff recommendation that despite this minor shortfall, the number of parking spaces is acceptable and should be supported because of the overlap of uses between the motel and conference facilities. Other relevant factors are:

- The club provides a courtesy bus which already operates and is used frequently. This service is expected to continue;
- The site is accessible for small vehicles from Kent, Park and Phillip Streets providing easy access to patrons, depending on their reasons for visiting the club complex;
- Two on-site taxi stands will provide additional services for an alternative means of transport; and
- 5 spaces are provided on site for coach parking.

Landscaping

The applicant has provided landscape plans which are considered to be satisfactory and therefore a condition of consent shall be included to ensure the landscape works are carried in accordance with those plans. The submitted landscape plans are attached in **ANNEXURE 5**.

Section 79C (1) (a) (iiia) any planning agreement

There are no planning agreements applicable to the proposal.

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

Natural Environment

The majority of the existing landscaping which consists of trees, small shrubs and ground cover around the perimeter of the site is proposed to be maintained. The site will be landscaped in accordance with the submitted plans and details. This will soften the impact of the proposed development on its surrounds and the natural environment. New plantings will embellish the landscape and quality of the site.

Built Environment

The proposed buildings are well set back from the site boundaries (40 metres approximate minimum) and will not cause privacy, noise or overshadowing impacts on adjoining residential commercial or recreational properties.

Economic and Social Impact

Many of the submissions refer to the potential economic and social impact on the Tamworth region as a result of this development. The proposed development is not envisaged to have any adverse economic impacts on the current operating capacity of the site or adjoining land uses, it is likely to create employment opportunities during the development works and during the occupation of the new uses. Comments made in the submissions which relate to the social and economic impacts on Tamworth city and local business are discussed in the submissions section of this report.

Cumulative Impacts

Based on the compliance with the Tamworth Regional Local Environmental Plan 2010, The Tamworth Regional Development Control Plan 2010 and provided the recommended conditions of consent are applied, it is considered that the proposed development will not create any cumulative impacts on the subject site or adjoining properties.

S79C(1)(c) The suitability of the site for the development

The existing West Tamworth League Club has occupied the subject site for many years and has become well established within the Tamworth area. The proposed hotel and function centre is designed to provide additional facilities to the existing club and the position of the new works, which is in the location of Scully No. 1, is considered appropriate for the purposes of adequate internal site layout and design. All comments made in the submissions relating to the removal of Scully No. 1 are addressed in the next section of this report. The development works are considered to be suitable for the subject site and are unlikely to impact on the surrounding locality.

S79C(1)(d) Any submissions

In response to the public exhibition period of the development application, forty four (44) submissions were received, eight (8) submissions are in support of the application. One (1) late submission objecting to the proposal was received on the 24 April 2014. Council has conducted a review of each submission and identified the key issues raised. The following comments are provided:

- *Loss of the Scully No. 1 Football Field*
- *Impact on Tamworth's Rugby League Heritage*
- *Concern regarding the site location of the Hotel/Function Centre on Scully No. 1*
- *Scully No. 1 should be upgraded to a proper stadium*
- *Previous use was for community sporting purposes and should remain*

The majority of the submissions objecting to the proposal raise the concern that the development relies on the removal of the existing Scully Park No. 1 football field and the loss to further green space areas with the Tamworth city. One submission states:

"nobody has a problem with the West Tamworth League Club building a Motel..but not if it means destroying a premier part of Tamworth's sporting history and culture..."

These sentiments are echoed throughout the submissions, where the final on-site location of the proposed hotel and function centre has been questioned:

"people do not want this development to proceed on the chosen site"

"it appears that not enough consideration was done to the Kent, Phillips Street idea (previously proposed location)"

"surely it (the hotel) could be built on the corner of Phillip and Kent Streets where there is already cement and bitumen"

Council has undertaken an assessment of the development works proposed by the Applicant as lodged with this Development Application, therefore any plans which were part of preliminary discussions or alternative suggestions made by the public to re-develop the site are not for consideration as part of this assessment.

Notwithstanding, the location of the development on the corner of Phillip and Kent Streets as previously mentioned in this report was reviewed by Council during preliminary discussions. Council considered the proposal for a development in that location to have significant issues relating to traffic flow movements and the internal site layout. The West

Tamworth League Club opted not to choose this location in their final plans to be submitted to Council.

The matter involving the loss of the existing football field, is considered to be relevant to the wider public interest. Further comments on this aspect of the submission is provided under Section 79C(1)(e).

The planning assessment of this application has focused on the compliance with the relevant planning legislation, site functionality in terms of vehicular movements and the potential impacts on both the surrounding natural and built environments. In this regard, it is considered that whilst the proposed development is to be situated in the position of the existing Scully No. 1 Oval, it suitably achieves the planning objectives.

➤ *Social and Economic Impact*

In many of the submissions, the potential impacts on the social and economic environments are raised and that the removal of the football field for the purposes of developing a hotel and function centre will have negative impacts on the Tamworth business and sporting community.

One concern in many of the submissions relates to the removal of a football ground which is renowned as one of the best fields in country NSW and has been host to a number of preseason fixtures for the NRL, A-League and Super Rugby competitions:

“To eliminate the best rugby league field in an area stretching from Singleton to Moree to Tenterfield would seem a backward step for sport and sport participants in that region”

In the submissions it is considered there will be an economic impact on existing local businesses and the Tamworth economy as a direct result of the removal of Scully Park No. 1. It is perceived in some submissions that this will result in a net loss to the Tamworth economy and the loss of a great tourism opportunity. Whilst the consideration of Scully No. 2 redevelopment is not part of this application, the West Tamworth League Club has begun discussions with Council to provide a brand new football facility capable of hosting such events.

The other economic impact area of concern is on the local hotel/motel operators who may be affected. An argument has been put forward explaining the average occupancy rate for 26 existing motels in total is less than 50%. Based on these figures, it has been questioned as to whether Tamworth has a demand for a new hotel in the locality. There are also concerns that other hotels in the area which are not subsidised by other income streams would be placed in a distinct competitive disadvantage and therefore result in potential financial hardship for current motel operators, and therefore impacting on many existing family owned small hotels/motels in and around West and South Tamworth.

The argument that this proposed hotel facility alone will have a negative impact on the local market is not relevant to this application. The ability of one hotel to compete in the market is influenced by many other factors including room standards, tariffs, standard of service/location, quality of facilities and the number of rooms available for large groups. The proposed hotel room represents the first of its kind in Tamworth being part of a registered club complex with associated conference facilities and entertainment venues. In this respect it is not competing with highway located motels and will fill a need for alternative accommodation facilities in Tamworth.

- *Traffic Impacts*
- *Infrastructure Impacts*
- *Impact on the Locality*

Concerns have been raised in the submissions that this development will only further contribute to an increasing level of traffic congestion on the surrounding streets as a result of the range of mixed uses in the locality (i.e. Southgate Shopping Centre, Tamworth High School, and Scully Park Pool). The submissions have indicated that the intersection at Kathleen and Kent Streets has suffered as a result of the increased traffic using Coles Southgate. Both the intersection and the road surfaces leading to it have broken up and additional development in the area will cause more deterioration.

The original proposal was referred to the Tamworth Regional Local Traffic Committee to consider the likely impacts of the development on the surrounding street networks. The Committee's advice in relation to this matter was:

- Kent Street access will be problematic as the primary access (no stopping required which will impact on residents).
- In light of the above point, it was recommended to relocate the primary access to Park Street.

These matters were discussed with the Applicant. It was noted that, while Park Street has a wide carriageway and could accommodate increased traffic, there would be an impact on residences if all traffic were to be directed there. Also, because Kent Street connects with the New England Highway, visitors and guests of the club and hotel would be better directed to the existing Kent Street driveway rather than trying to find Park Street.

Safety concerns have been raised in the submissions, particularly where vehicles are entering and exiting the premises from Kent Street. In order to improve traffic flow movement in and out of the site and improve pedestrian and vehicle safety during peak periods works in Kent Street outside the existing gate entrance are recommended as shown on the plan prepared by Council Infrastructure Planning Division, which is attached in **ANNEXURE 4**.

Council acknowledges that the traffic movements along Kent Street can be at times busy in nature and has taken this into consideration when assessing the likely impact as a result of the proposed entrance and exit for the new hotel and function centre. As identified in Annexure 4, the right turn bay which will be a requirement shall be properly line marked to ensure there is adequate space available for other vehicles to pass on the road. 'No Stopping' signs will also be placed on the northern side of Kent Street adjoining the subject land to ensure that no vehicles park on that side of the road.

- *Bulk and Scale and Visual Impact*
- *Loss of Views*

The potential interruption of views across the site and its impact on the residential amenity of the area has been reviewed. In a few submissions, it was argued that houses came first and the development is considered to be out of character with the nature of the surrounding area. Council's assessment of the plans considers the height of the new building to be consistent with the club premises and is not considered unreasonable.

There are no building height controls within TRDCP 2010 for commercial development on this site, however in accordance with the Obstacle Height Limitation of TRLEP 2010; the maximum height limit of 45m is complied with in this instance. Furthermore, the proposed structure is just above the maximum height requirement for a two storey residential dwelling (10m) being 10.5m from the natural ground level to the ridgeline of the hotel roof.

In regards to the visual impact from adjoining properties, Council is satisfied that through consistent building heights, suitable colours and materials, setbacks and appropriate use of landscaping treatments the proposal is unlikely to impact on adjoining and neighbouring properties. Landscaping is proposed to soften the built form and the car parking areas to the east of the hotel and function centre development.

It is also considered that given the position of the new development is on the lower side of the existing club and in the middle of the subject site with a setback of approximately 40 metres to Park Street and 66 metres to Kent Street, the overall height of the new building will not unreasonable affect views across the site.

➤ *Noise Impacts & Disturbances and unsociable patterns of behaviour*

There are concerns with the location and impact of this development which is already a substantial commercial enterprise in the middle of an equally substantial residential area that is already impacted by increasing commercial activities (many of which are accessed via Kent Street). Some submissions indicate that additional demand on the site will create additional unsociable disturbance to the residential locality. Council is satisfied the West Tamworth Leagues Club will continue to operate as they currently do and monitor noise or disruptions to adjoining residences. The following condition of consent shall be included:

- *The applicant shall take all responsible measures to ensure that the use of the land permitted by this consent does not cause injury to the amenity of the neighbourhood by reason of noise, unruly behaviour, disruptions to pedestrian activity, excessive lighting or the like. In this regard such measures shall include but not be limited to:*
 - *Security arrangements*
 - *Noise Control*
 - *Site Lighting; and*
 - *Waste/Waste disposal*

➤ *Micro Climate Impacts*

One submission raises concern that by replacing Scully No. 1 with a very large commercial building and the potential development works on Scully No. 2, this will change the microclimate of this immediate area, raising temperature and increasing solar reflection. Council accepts that the landscaping proposed is adequate and that there is a sufficient amount of tree planting and landscaping throughout the car parking area and surrounding the proposed building which should minimise any potential impacts on the micro climate of the immediate area.

➤ *Impacts on Property Value*

One submission indicated that excessive noise and lighting from traffic would lead to a decrease in property value. There is no evidence to suggest the proposed development will impact on the market value of adjoining properties.

The following matters raised in the submissions, while not for consideration in the assessment of this development application, are provided and commented on to assist with giving context:

- *Construction of No. 2 Oval Ground and Stadium*
- *Lease arrangement between Council and West Tamworth League Club*

It is confirmed that in relation to this proposed development, Council has authorised the negotiation of the lease of Scully Park No. 2 Oval (Lot 3 DP 815862) to West Tamworth League Club for the purposes of providing a football field. Recent discussions with West Management suggests that Scully No. 2 playing field will be upgraded and a grandstand is being considered which will include seating for 700 spectators, new changes rooms and other facilities.

A number of the submissions consider the re-development of Scully No. 2 relevant to this Development Application. Any proposed works on that site which are not exempt development will be assessed under a separate development application.

➤ *Council setting a Precedence for removing parks and valuable green space*

The development site is privately owned land and therefore the removal of this oval is not relevant to the discussion about the removal of public space. In any case, for public recreation areas, Council has an overall plan to manage parks across the Local Government Area based on a hierarchy according to their status as either regional, local or neighbourhood facilities.

➤ *Criticism of WTLC Board*

Concerns raised relating to the current West Tamworth League Club Board Members is not a matter for consideration in the assessment of this development proposal

➤ *Ratepayers subsidising a well funded club*

Concerns raised relating to rate payers subsidising the West Tamworth League Club is not a matter for consideration in the assessment of this development proposal.

There were eight (8) submissions which were received that supported the proposed development. The following points are a summary of the key issues raised in those submissions:

- The proposed development allows the club to diversify its core business;
- It will be an asset to Tamworth increasing tourism, greater function facilities, new accommodation options and employment opportunities;
- The proposed development is ideal for visiting sporting groups;
- The proposed development is considered to be a perfect venue to hold seminars, clinics, holiday camps; and
- Up until now having all these facilities in the one location has been unheard of in Tamworth.

S79C(1)(e) The public interest

The majority of the submissions raise concerns about the loss of an “iconic” sporting venue and its association with the rugby league history of Tamworth. Some of the submissions comment on the high value of the playing surface itself and the lack of an equivalent facility in Tamworth.

These issues are more relevant to the “public interest” consideration rather than the assessment of the specific environmental or economic impacts of the proposal. However, when considering the “public interest” there needs to be a broad focus and an assessment that considers whether or not the issues raised relate to the broader community or just to a relatively narrow cross-section.

In this case, while there is certainly opposition from people associated with the past use of Scully No. 1 and there has been some media coverage generated from within the rugby league sector, it is not evident that the submissions received represent a broad community view that the development should not proceed.

West League Club has acknowledged concerns relating to the loss of Scully No. 1 Oval and have begun discussions for a redevelopment of Scully No. 2 (Council owned land) to construct a football field and associated grandstand in order to continue to host local sporting competitions and national league exhibition matches, such as the NRL and A-League preseason fixtures.

The other area of community interest as identified in the submissions relates to the construction of Scully No. 1 by a group of volunteers who were committed to providing a suitable playing surface for rugby league in Tamworth. This focuses on the local historic

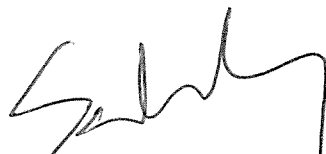
value of the venue which is considered by many members of the community as one of Tamworth's most iconic sporting venues.

Many of the submissions addressing one or both of these areas of concern relating to the removal of Scully No. 1, disapprove of the Board of the West Tamworth League Club whom they don't believe are acting for the benefits of the community by submitting this proposal. The Applicant has noted that the proposal is in the interest of the public as the proposed works will improve the financial viability of the Club, a charitable community based organisation. The Applicant has stated that the proposed development will provide spaces that can be used by the local community, local community organisations and sports groups. The new facilities will also bring visitors to the area to benefit local businesses.

2. Recommendation

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000. The assessment of the proposed development has demonstrated that it is considered satisfactory against the relevant clauses of the Tamworth Regional Local Environmental Plan 2010 and provisions of the Tamworth Development Control Plan 2010. The documents submitted with the application have been reviewed and considered suitable by relevant departments within Council.

It is recommended that DA0191/2014 be approved subject to the proposed conditions contained in **Annexure No. 6**.



Sam Lobsey
Senior Development Assessment Planner

Jackie Kruger
Director, Planning and Community Services

Date: 08 May 2014

Annexure 6 – Proposed Conditions of Consent (DA0191/2014)

In accordance with section 89(1)(b) of the Environmental Planning and Assessment Act 1979, the concurrence of the applicant be sought with respect to the following conditions:

Prior to Work Commencing (All Stages)

1. Pursuant to section 68 of the Local Government Act 1993, the following approvals must be obtained:
 - a) Carry out water supply work;
 - b) Carry out sewer work;
 - c) Carry out stormwater work; and
 - d) A trade waste agreement.
2. The approved development which is the subject of this development consent must not be commenced until:
 - (a) A construction certificate for the building works contained with each respective stage of the development has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
 - (b) The person having the benefit of the development consent has;
 - (i) Appointed a Principal Certifying Authority for the building work, and
 - (ii) Notified the Principal Certifying that the person will carry out the building work as an owner-builder, if that is the case, and;
 - (c) The principal certifying authority has, no later than 2 days before the building work commences;
 - (i) Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
 - (i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
 - (ii) Notified the Principal Certifying Authority of any such appointment, and
 - (iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (iv) Give at least 2 days notice to the council of the persons intention to commence the erection of the building.
3. Sediment and erosion control measures that will minimise damage to and avoid pollution of the environment must be installed prior to the commencement of any construction.
4. A Traffic Management Plan detailing how movements in and out of the site during construction will be adequately managed so as not to adversely impact the safe operation of the road network and pedestrian thoroughfares shall be submitted to Council for approval.

5. A sign is to be erected in a prominent position on the work site, the subject of this consent stating:
- Unauthorized entry to the work site is prohibited
 - The name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours
 - The name, address and phone number of the PCA by the owner

The sign is to be removed when the work has been completed.

6. Toilet facilities are to be provided, prior to the commencement of work, at or in the vicinity of the work site. Facilities are to be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a standard flushing toilet, and must be connected to;

- a public sewer,
- if connection to a public sewer is not practicable, then the toilet is to be connected to an accredited sewage management facility approved by the council,
- if connection to a public sewer or an accredited sewage management facility is not practicable, then connection to some other sewage management facility approved by the council is required.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Prior to the Release of a Construction Certificate (All Stages)

7. a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act* 1979 and the Tamworth Regional Council Section 94A Development Contributions Plan 2013, **\$120,000** shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development and may be proportioned according to the identified stage and the associated cost of each respective stage.
- b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_{\text{PY}} = \frac{\text{\$C}_{\text{DC}} \times \text{CPI}_{\text{PY}}}{\text{CPI}_{\text{DC}}}$$

Where:

- \\$C_{PY}** Is the amount of the contribution at the date of Payment
- \\$C_{DC}** Is the amount of the contribution as set out in this development consent
- CPI_{PY}** Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
- CPI_{DC}** Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

- c) The monetary contributions shall be paid to Council Prior to the issue of each respective Construction Certificate where the development is for building work:

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au <<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

8. A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the Local Water Supply Authority) prior to the issue of an Occupation Certificate. Council requires the works described in Condition No. 39 to be completed prior to issue of a Compliance Certificate.

All contribution payments must be made and any design information submitted for the approval of Council prior to issue of a Construction Certificate.

Headworks

The following water and sewer headworks contributions are applicable to each Stage of the development.

Water

Stage 1 – alterations to outdoor gaming	= Nil
Stage 2 – Administration extension	= \$1,623
Stage 3 – Hotel including Outdoor Terrace	= \$100,100
Stage 4 – Function centre including outdoor terrace	= \$34,719

Sewer

Stage 1 – alterations to outdoor gaming	= Nil
Stage 2 – Administration extension	= \$995
Stage 3 – Hotel including Outdoor Terrace	= \$47,063
Stage 4 – Function centre including outdoor terrace	= \$23,437

Note: The above headworks contributions have been adopted under the 2013/2014 Council Annual Operation Plan. Revised rates adopted in subsequent Annual Operation Plans will apply to Headworks Contributions paid in later financial years

General (All Stages)

9. Development shall take place in accordance with the attached endorsed plans:
- a) Architectural Plans prepared by Nicholas Associates Architects, Project No's 1515G:13 and 1515H:13, Drawing No's:
 - DAD1.01, Revision D dated 12 February 2014 (Staging Plan)
 - DAD1.02, Revision C dated 12 February 2014
 - DAD1.03, Revision C dated 12 February 2014
 - DAD1.04, Revision C dated 12 February 2014
 - DAD1.05, Revision B dated 12 February 2014
 - DAD1.06, Revision C dated 12 February 2014
 - DAD1.07, Revision C dated 11 February 2014
 - DAD1.09, Revision D dated 10 March 2014
 - DAD1.11, Revision B dated 12 February 2014
 - DAD1.12, Revision A dated 15 October 2013
 - DAD1.13, Revision C dated 12 February 2014
 - b) Landscape Plans prepared by Site Image Landscape Architects, Job No. SS13-2666, Sheet No's 10.00, 10.01 and 10.04, Issue D & Sheet No. 10.02, Issue B & Sheet No. 10.03, Issue C all dated 8 April 2014;

- c) Asbestos Management Report prepared by Envirowest Consulting Pty Ltd, Ref No. R14006amp, dated 29 January 2014;
 - d) Preliminary Contamination Investigation prepared by Envirowest Consulting Pty Ltd, Ref No. R14006c, dated 14 February 2014;
10. Any proposed signage that is not exempt development shall be subject to a separate Development Application and be approved prior to erection or placement in position.
 11. All building work must be carried out in accordance with the provisions of the National Construction Code and comply with the requirements of the Premise Standards.
 12. The swimming pool is to comply with the provisions of the Swimming Pools Act 1992 and Regulations.
 13. To ensure safety, all demolition work shall be carried out in accordance with WorkCover Authority requirements and Australian Standard 2601 - The Demolition of Structures.
 14. The development must be carried out in accordance with the Development Application and accompanying plans (including any amendments made in red), drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
 15. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.
 16. The external colours and materials shall be generally in accordance with the Indicative External Colours and Materials Schedule provided on page 17 of the Statement of Environmental Effects prepared by Nicholas Associates Architects, Project No 1515GH SEE, Revision C dated 12 February 2014.

Roads and Drainage Conditions (All Stages)

External Roadworks

17. A channelised right turn lane shall be installed on Kent Street at the entrance to the development as shown conceptually on Council Drawing Number 772-0.00A (attached). The line marking shall be designed to satisfy Austroads design standards for a 40km/h road environment and be referred to the Tamworth Regional Local Traffic Committee for review and recommendation to Council prior to issue of a Construction Certificate

Stormwater

18. An on-site stormwater detention system shall be provided to control all post developed flows to pre-developed flows (natural flows as determined by TRC Guidelines 3.6.5) across the range of 1 in 1 year ARI to 1 in 10 year ARI events for the entire site, with the maximum discharge from the detention system for a 1 in 10 year ARI no greater than 0.40m³/s. The discharge from the stormwater detention system is to be directed via a new stormwater pipe to the existing stormwater kerb inlet pit (in the DN900 line) at the corner of Kent and Belmore Streets. Detailed plans and calculations shall be provided to Council for approval prior to issuing a Section 68 approval.
19. All major flows shall be directed to the Kent Street road reserve so as not to impact any adjoining properties.

Parking

20. All parking areas, shall be designed to comply with Australian Standard 2890.1-2004 'Off-street car parking'
21. To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS1158.3.1 Pedestrian Area (Category P) Lighting shall be provided to all off-street parking areas. The lighting installed must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

Vehicular Access and Egress

22. The new vehicle crossover (including layback) on Park Street shall be designed to comply with the requirements of AS2890.1-2004 "Off-Street Car Parking" for a Class 2 facility and constructed in accordance with Council's Engineering Guidelines for Subdivisions and Developments, at the location shown on the drawings provided with the Development Application and shall comply with the following:-
 - (i) The alignment of each driveway across the verge shall be at right angles to Park Street;
 - (ii) The driveway shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense;
 - (iii) The driveway shall be sealed and finished in trafficable brick, reinforced concrete or asphaltic concrete and be of adequate thickness to accommodate the heavy vehicle loading (buses);
 - (iv) The driveway shall be provided with a non-slip finish; and
 - (v) The Street verge adjacent to either side of the driveway shall be established with turf and finished flush with the new crossover.

During Construction or Works (All Stages)

General

23. Erosion and sediment control facilities shall be provided and maintained to avoid damage to and/or pollution of the environment during construction.
24. The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Infrastructure Planning Division.
25. If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Infrastructure Planning Division is required.
26. Any damage caused to Council infrastructure during in, on or under the road reserves immediately adjacent to the site shall be rectified by the owner or builder to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
27. Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday 7.00am to 5.00pm;

Saturday 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

28. The developer shall be responsible to instruct and control his sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
29. The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and driveway access and in the interest of traffic safety and convenience in accordance with Australian Standard 2890.
30. All parking and loading bays shall be permanently marked out on the pavement surface with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of on-site parking and loading/unloading facilities in accordance with Australian Standard 2890.

Inspections

31. Inspections are required to be carried out by Council for works as specified below:-
 - (i) Prior to the pouring of any concrete for the new vehicle layback and/or crossover in the Park Street road reserve.

Please note that Council requires a minimum of 48 hours notice for inspections.

Asbestos

32. The removal or demolition of structures containing asbestos containing materials must be carried out in accordance with the "Asbestos Management Plan Ref:R14006amp, dated 29 January 2014, prepared by "Envirowest Consulting Pty Ltd".

Contamination

33. If any potential contamination is uncovered, then work is to stop immediately. Contact is to be made with Council's Environmental Health Unit to determine a course of action with regard to the assessment of the potential contaminants and their remediation.

External Lighting

34. All external lighting shall be designed and installed in accordance with Australian Standard AS4282 - The Control of the Obtrusive Effects of Outdoor Lighting to avoid light spill and prevent contribution to sky glow.

Prior to the Release of an Occupation Certificate (All Stages)

35. The occupation or use of the whole or any part of a new building must not commence unless any occupation certificate has been issued in relation to the building or part.
36. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to the issue of a final occupation certificate for the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.
37. All works relevant to each stage as required by these conditions of consent shall be complete.

38. To ensure that the required fire safety measures are provided in accordance with the building's use and operate in accordance with the appropriate standards, the owner must cause a copy of a Fire Safety Certificate to be given to the Council and the Commissioner of the NSW Fire Brigades prior to occupation in relation to the fire safety measures required by the Building Code of Australia.
39. A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the Local Water Supply Authority) prior to the issue of an Occupation Certificate. Council requires the following works where relevant to each respective stage, to be completed prior to issue of a Compliance Certificate.

Water

- A single water service is to be provided to the lot
- The 200mm water service from Park Street to the existing Football Field is to be disconnected from the main in Park Street and all associated valving within the Road Reserve is to be removed
- Any redundant water service connections to the lot are to be removed and disconnected from the main
- If the existing water service requires upsizing then the service is to be removed and disconnected from the water main
- Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments
- Work on live water mains is to be undertaken by Council at full cost to the developer

Sewer

- A single sewer service to be provided to the lot
- The existing sewer main across the Football Field (and under the proposed Hotel/Function Centre) shall become a 'private' line for the developers use and the point of connection to Council's sewerage system shall be the manhole (MH1650) within the site adjacent to the eastern property boundary.
- Any proposed stormwater detention storage area shall be clear of the sewer manhole (MH1650) or the sewer manhole shall be relocated in an easterly direction clear of the stormwater detention storage area
- Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments
- Work on live sewer mains is to be undertaken by Council at full cost to the developer

Ongoing Requirements

40. The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.
41. Vehicles shall be loaded or unloaded standing wholly within the premises and within loadings designated on the submitted plans, or as otherwise provided in accordance with the conditions of this consent, to ensure that the proposed development does not give rise to street loading or unloading operations with consequent accident potential and reduction in road efficiency.
42. All vehicle movements into and out of the premises shall be in a forward direction.

43. To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking area, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access respectively and under no circumstances are such areas to be used for the storage of goods or waste material.
44. The internal drainage system (including the detention system) shall be adequately maintained.
45. The swimming pool is to comply at all times with the provisions of the Swimming Pools Act 1992 and Regulations.
46. The landscaped area of the development is to be maintained at all times.
47. Offensive noise should not be generated from the continuing operation of this development activity. Offensive noise is defined in the *Protection of the Environment Operations Act 1997* as noise that by reason of its level, nature, character or quality, or the time at which the noise is made can be considered offensive or unreasonably interferes with the comfort or repose of a person who is outside of the premises from which the noise is emitted.

The applicant shall take all responsible measures to ensure that the use of the land permitted by this consent does not cause injury to the amenity of the neighbourhood by reason of noise, unruly behaviour, disruptions to pedestrian activity, excessive lighting or the like. In this regard such measures shall include but not be limited to:

- a) Security arrangements
- b) Noise Control
- c) Site Lighting
- d) Waste/Waste disposal

48. Where Council receives any complaints that can be substantiated in regards to vehicle headlight glare from the new driveway on Park Street, the proponent of the land will be required to consult with those properties affected to determine whether any suitable screening methods are required to be installed.

Advisory Note

49. The installation of the vehicle crossing is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle crossing is the responsibility of the adjoining owner in accordance with section 142 of the Roads Act 1993.