

Tamworth Regional LEP 2010 Amendment No 5 - Rezoning of North Tamworth Tennis Courts, 59-73 Piper Street, Tamworth

MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.39	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	6	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **No meetings or other communications have been held with Registered Lobbyists in regards to this Planning Proposal.**

Supporting notes

Internal Supporting Notes :

The intention of this Planning Proposal is to rezone part of the North Tamworth Tennis Courts and associated playground (part of Lot 12, DP 1076924) to enable the redevelopment of the site for residential purposes. The western end of the site (1955m2) will be retained in the RE1 Public Recreation Zone for a public playground. The Planning Proposal also proposes to change the minimum lot size for the area being rezoned for residential purposes to 600m2. Approximately 6 residential lots could be created on the land.

Council has requested they be delegated the functions of the Minister under section 59 of the Environmental Planning and Assessment Act 1979. Due to the minor nature of the Planning Proposal and its consistency with all relevant strategic documents, this request is supported.

The subject site is owned by Council and is classified as 'operational' land. No reclassification of the site is required.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes for the Planning Proposal are adequately expressed in relation to the proposed rezoning and the alteration of the minimum lot size to facilitate the subdivision and redevelopment of the site for residential purposes.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides an adequate explanation of the intended provisions to achieve its objectives.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **6.2 Reserving Land for Public Purposes**

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified? **SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
SEPP No 6—Number of Storeys in a Building
SEPP No 21—Caravan Parks
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 36—Manufactured Home Estates
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Temporary Structures and Places of Public Entertainment) 2007
SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered : **The New England North West Strategic Regional Land Use Plan (SRLUP) applies to the Tamworth Regional LGA. This Planning Proposal is consistent with the SRLUP.**

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

If No, explain : **The Planning Proposal is considered to be consistent with all relevant SEPPs, section 117 Directions and the New England North West Strategic Regional Land Use Plan except in relation to section 117 Direction 6.2 Reserving Land for Public Purposes. This inconsistency is considered to be of minor significance and is discussed below.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal includes appropriate mapping showing the subject site, the proposed zoning and the proposed minimum lot size.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Community consultation has been proposed in this Planning Proposal by way of formal notification of adjoining landholders, newspaper advertisements and online exhibition via Council's website. No timeframe has been proposed for the consultation but due to the minor nature of the proposal it is considered appropriate that an exhibition period of 14 days be adopted.**

Additional Director General's requirements

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

If Yes, reasons :

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Overall adequacy of the proposal

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

If No, comment : **The Planning Proposal is considered to be adequate and has been prepared in accordance with the guide to preparing LEPs. Council has included a Project Timeline within the Planning Proposal. It indicates a 6 month timeframe with completion by August 2013. This is considered appropriate given the nature of the Planning Proposal.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Tamworth Regional LEP 2010 is a Standard Instrument LEP that was notified on 21 January 2011.**

Assessment Criteria

Need for planning proposal : **The North Tamworth Tennis Courts have not been used or maintained since 2008. The adjoining playground is small and in need of redevelopment. Council has considered the potential redevelopment of the site and resolved to rezone, subdivide and to sell part of the site. Part of the site will be retained as public open space with the existing playground facilities relocated to this area. The proposed rezoning to R1 General Residential is consistent with the surrounding locality and would provide an appropriate opportunity to redevelop the site.**

Consistency with strategic planning framework : **The Planning Proposal is considered to be consistent with all relevant SEPPs.**

The New England North West Strategic Regional Land Use Plan applies to the site. The Planning Proposal is considered to be consistent with the provisions of this Plan.

The Tamworth Regional Development Strategy was prepared by Council and approved by the Director General in April 2008. The Planning Proposal is considered to be consistent with this Strategy.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions, except in relation to Direction 6.2 Reserving Land for Public Purposes. The inconsistency arises as the Planning Proposal seeks to reduce the area of land zoned for public purposes and Council has not yet obtained the approval of the Director General. This inconsistency is considered to be of minor significance as the land has been unused and in a state of disrepair for a number of years and adequate alternate open space and recreational facilities are available in the locality.

Environmental social economic impacts : **The Planning Proposal considers the environmental, social and economic impacts associated with the proposed amendment to the LEP and identifies no adverse impact. The Planning Proposal concludes there will be a minimal but positive social and economic impact due to the proposed zoning and lot size changes. Due to the existing nature of the site, Council has identified that it is highly unlikely that any critical habitat, threatened species, populations and ecological communities are located on the land.**

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

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

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

If no, provide reasons : **The Planning Proposal should proceed given the positive social and economic impact it will have.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover_Letter_2013_03_15.pdf	Proposal Covering Letter	Yes
Planning_Proposal_2013_03_20.pdf	Proposal	Yes
Minutes_of_Report_to_Council_2013_03_12pdf.pdf	Proposal	Yes
Report_to_Council_201303_12.pdf	Proposal	Yes
Statement_of_Council's_Interest.pdf	Proposal	Yes
Proposed_Zoning_and_Lot_size_Maps.pdf	Map	Yes
Aerial_Photo_1.pdf	Photograph	Yes
Aerial_Photo_2.pdf	Photograph	Yes

Planning Team Recommendation

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

S.117 directions: **6.2 Reserving Land for Public Purposes**

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 14 days; and

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(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. No consultation with Government agencies is required.

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

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway Determination.

5. The Director General, or his delegate, approve the inconsistency with section 117 Direction 6.2 Reserving Land for Public Purposes as a matter of minor significance.

5. Council be issued with a 'Written Authorisation to Exercise Delegation' to make this plan.

Supporting Reasons :

The Planning Proposal should proceed as it aims to facilitate the redevelopment of an underutilised area of public open space with adequate open space and recreation facilities still available to service the needs of residents of the area.

Signature:



Printed Name:

Craig Diss

Date:

22/3/2013