

Tamworth LEP 2010 Amendment No 4 - Rezone Lot 1 DP 803644, 89 Marius Street, Tamworth, from IN1 General Industrial to B4 Mixed Use.

Proposal Title : **Tamworth LEP 2010 Amendment No 4 - Rezone Lot 1 DP 803644, 89 Marius Street, Tamworth, from IN1 General Industrial to B4 Mixed Use.**

Proposal Summary : **To rezone Lot 1 DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Use.**

PP Number : **PP_2012_TAMWO_001_00** Dop File No : **12/09271**

Proposal Details

Date Planning Proposal Received : **28-May-2012** LGA covered : **Tamworth Regional**

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

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

LEP Type : **Spot Rezoning**

Location Details

Street : **89 Marius Street**

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

Land Parcel : **Lot 1, DP 803644**

Street : **8 O'Connell Street**

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

Land Parcel : **Lot 1, DP 70023**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**

Contact Number : **0267019688**

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

RPA Contact Details

Contact Name : **Geneveive Harrison**

Contact Number : **0267675533**

Contact Email : **g.harrison@tamworth.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1.30	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	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 :

External Supporting Notes : **Council is seeking to amend the Tamworth Regional Local Environmental Plan 2010 to rezone Lot 1 DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Use.**

In association with the rezoning, the Planning Proposal also seeks to:

- 1. apply a Floor Space Ratio of 1:1 to the site; and**
- 2. exclude Lot 1 DP 803644, 89 Marius Street, and Lot 1 DP 70023, 8 O'Connell Street (vehicle access serving the site) from Clause 7.4 Development in Zone B1 and B4 of Tamworth Regional LEP 2010 to permit retail premises having a gross floor space of over 2500m2 to be located on the site.**

The site has an area of 1.3ha.

Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed in relation to the proposed rezoning and the exclusion of the land from Clause 7.4 of Tamworth Regional LEP 2010.**

While the proposed introduction of a 1:1 floor space ratio to Lot 1 DP 803644, 89 Marius Street, is detailed in Council's covering letter, Council report and submitted maps, it is not currently addressed within the Planning Proposal document. While the intent of this matter

is sufficiently detailed within the submitted documents for consideration under section 56 of the Environmental Planning and Assessment Act, 1979, if the proposal proceeds, the Planning Proposal document should be amended to address this issue prior to public exhibition.

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

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

Comment : **The Planning Proposal provides an explanation of the intended provisions to achieve its objective in relation to the rezoning and the exclusion of the land from Clause 7.4 of Tamworth Regional LEP 2010.**

As discussed above, the intended provisions to facilitate the introduction of a 1:1 floor space ratio to Lot 1 DP 803644, 89 Marius Street, are detailed in some of submitted documents but not within the Planning Proposal document. If the proposal proceeds, the Planning Proposal document should be amended to address this issue prior to public exhibition.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones
3.4 Integrating Land Use and Transport**

* 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 44—Koala Habitat Protection
SEPP No 55—Remediation of Land**

e) List any other matters that need to be considered : **The New England North West draft Strategic Regional Land Use Plan was publicly exhibited in early 2012 and applies to the Tamworth Regional LGA.**

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 and the New England North West draft Strategic Regional Land Use Plan.**

The inconsistencies with relevant section 117 Directions and the Tamworth Regional Development Strategy 2008 are considered to be of minor significance and are discussed below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal will amend the Tamworth Regional LEP 2010 Land Zoning Map (LZN_004C) and the Floor Space Ratio Map (FSR_004C). Maps showing the proposed amendments are attached to this report and are considered to be adequate.**

It is noted that the submitted Planning Proposal Location Map does not identify Lot 1 DP 70023, 8 O'Connell Street, Tamworth, which is proposed to be affected under the Planning Proposal by its exclusion from Clause 7.4 of Tamworth Regional LEP 2010. If the proposal proceeds, the Planning Proposal map should be amended to address this issue prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Planning Proposal indicates that adjoining land holders and any affected community organisations will be notified and invited to comment. Notice will also be given in the local newspaper and online.**

While the Planning Proposal is generally 'low impact' in nature, as it is not considered to be totally consistent with the existing adopted strategic framework, an exhibition period of 28 days is recommended.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

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 site is currently owned and operated as a Telstra depot and is due to be sold as it has become surplus to Telstra's needs. It has been historically zoned industrial to reflect its existing use rather than any strategic intent for the site to be developed more intensively for industrial purposes. Council now considers that the land is not an appropriate site for industrial redevelopment due to its proximity to adjoining residential dwellings, a child care centre, a nursing home and light commercial uses. Council is seeking to rezone the land to B4 Mixed Use Zone to be consistent with the nature of the area and the zoning of adjoining properties.

The Planning Proposal process is the only means available to alter the zoning of the land and the development controls applying to the site.

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Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs.

While no Regional Strategies apply to the Tamworth Regional LGA, the New England North West draft Strategic Regional Land Use Plan was publicly exhibited for comment in early 2012. The Planning Proposal is considered to be consistent with the provisions of the draft Regional Land Use Plan.

The Tamworth Regional Development Strategy was prepared by Council and approved by the Director General in April 2008. The subject site is not specifically discussed or identified but adjoins an 'enterprise corridor' in the strategy. The Strategy states "Encourage the area north of the CBD on Peel Street/Bligh Street and O'Connell Street, ... as the City's enterprise corridors." The site is therefore not identified within the enterprise corridor and is considered to be inconsistent with the strategy. This inconsistency is however considered to be of minor significance due to its location adjoining the corridor and because of its historical nature and use as employment lands.

The proposed floor space ratio of 1:1 and the exclusion of the land from Clause 7.4 of Tamworth Regional LEP 2010 are not considered to be inconsistent with Council's adopted strategy as:

- Under Tamworth Regional LEP 2010 no industrial land has a floor space ratio. It is however considered appropriate that a floor space ratio of 1:1 be applied to the Lot 1 DP 803644, 89 Marius Street, to ensure that any future development is compatible with the character of the area and is consistent with the controls applying to the other adjoining B4 zoned land; and
- Clause 7.4 of Tamworth Regional LEP 2010 restricts business, office and certain retail premises from locating in the B1 Neighbourhood Centre or B4 Mixed Use Zones if the premises have a gross floor area exceeding 2500m². The objective of the clause is to maintain the primacy of the CBD for major business, office and retail premises. Exclusion of Lot 1 DP 803644, 89 Marius Street, and Lot 1 DP 70023, 8 O'Connell Street, from Clause 7.4 is considered as satisfactory in this instance due to: its location adjoining the existing enterprise corridor; its relatively close proximity to the CBD; and the opportunity it will provide for a new major business to establish in the town (compared to the difficulties such a business would have in finding a site of this size in the already developed and fragmented CBD).

The Planning Proposal is considered to be consistent with all applicable s117 Directions, except in relation to 1.1 Business and Industrial Zones as discussed below.

1.1 Business and Industrial Zones

Whilst being an existing employment area, the proposal is considered to be inconsistent with this Direction as it does not retain the area and location of an existing industrial zone. This is considered to be of minor significance given:

- the large quantity of available land zoned for industrial purposes in the LGA;
- the small size of the subject site (1.3ha); and
- it would not be appropriate to redevelop the site for more intensive industrial purposes due to potential land use conflict with adjoining uses such as residential dwellings, a child care centre and a nursing home.

Environmental social economic impacts :

The Planning Proposal considers the environmental, social and economic impacts associated with the amendment and identifies no adverse impact. The Planning Proposal concludes that a positive social and economic impact is expected with the rezoning and change in floor space ratio standards due to increased employment generating opportunities and economic impetus for growth in the town.

There are no known critical habitats, threatened species, ecological communities or their habitats on the site. The site is not flood prone or prone to bushfire. The site has frontage to two local roads but is in the vicinity of Peel Street (MR63) which is a classified road. It is likely that redevelopment of this site will have implications on the intersection with Peel

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Street and consultation with the Roads and Maritime Service is appropriate. A traffic impact assessment is included in the Planning Proposal. A contamination assessment report has also been prepared for the site and is included in the Planning Proposal. The contamination report validates work that was undertaken in 2007 to remove underground storage tanks, contaminated soil and a wash-bay catchbasin. The report confirms that areas of known contamination have been suitably remediated to a standard suitable for commercial/industrial uses. As this is the likely future use of the land it is considered that the works undertaken are satisfactory. However, if the site is to be developed for other uses, such as residential, further site investigation and remediation would be required as identified in the contamination report at Development Application stage.

Assessment Process

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

Timeframe to make **9 Month** Delegation : **DG**
LEP :

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

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

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

If no, provide reasons :

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **Resubmission is recommended once the Planning Proposal document has been amended to include the proposed 1:1 floor space ratio for Lot 1 DP 803644, 89 Marius Street, and the Planning Proposal map has been amended to include Lot 1 DP 70023, 8 O'Connell Street.**

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Appendix_B_Traffic_Assessment.pdf	Proposal	Yes
Council_Report_&_Resolution.pdf	Proposal	Yes
Location_Map.pdf	Map	Yes
Proposed_Zoning_Map.pdf	Map	Yes
Proposed_Amendment_to_clause_7.4_TRELP2010.pdf	Proposal	Yes
Proposed_Floor_Space_Ratio_Map.pdf	Map	Yes

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Aerial_Photo	Photograph	Yes
Appendix_A_Contamination_Report_Initial_Investigation.pdf	Proposal	Yes


Planning Team Recommendation

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

- S.117 directions: **1.1 Business and Industrial Zones**
3.4 Integrating Land Use and Transport

- Additional Information : **1. The Planning Proposal be supported;**
2. The Planning Proposal be exhibited for 28 days;
3. The Planning Proposal be completed within 9 months;
4. That consultation be undertaken with the Roads and Maritime Services due to the potential impact on intersections with Peel Street (MR 63);
5. The Director-General's delegate agree that the inconsistency with s117 Direction - 1.1 Business and Industrial Zones is of minor significance;
6. The Planning Proposal be amended prior to exhibition to clearly detail that the Tamworth Regional LEP 2010 Floor Space Ratio Map (FSR_004) is to be amended by this process; and
7. The Planning Proposal Location Map be amended prior to exhibition to include Lot 1 DP 70023, 8 O'Connell Street, Tamworth.

Supporting Reasons : **The proposal to rezone the land is considered to be appropriate and is supported. The proposed B4 Mixed Use will allow the site to be redeveloped in a fashion more appropriate to its location and surrounding uses than the current industrial zoning. The change of zoning will also accommodate a range of potential uses that could have positive social and economic impacts upon Tamworth and the Region. The application of a 1:1 floor space ratio will ensure the appropriate development of the land in keeping with its surroundings, while exclusion of the land from Clause 7.4 of Tamworth Regional LEP could enable the development of a significant retail premises in a location that Council considers will support the CBD, should the opportunity arise.**

Signature: _____ 

Printed Name: Craig Diss Date: 1/6/2012