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CHARTER KECK CRAMER

Planning Proposal

For proposed

Rezoning

**89 Marius Street and 8 O'Connell
Street, Tamworth**

Prepared for: Charter Keck Cramer
Level 1, 620 Church Street
Richmond VIC 3121

Our reference: 11194

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Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

TABLE OF CONTENTS

INTRODUCTION	6
1. PLANNING PROPOSAL OBJECTIVE	12
2. EXPLANATION OF PROVISIONS	13
3. JUSTIFICATION	14
3.1. NEED FOR PLANNING PROPOSAL	14
3.1.1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?	14
3.1.2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?	17
3.1.3. IS THERE A NET COMMUNITY BENEFIT?.....	17
3.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	18
3.2.1. IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUBREGIONAL STRATEGY?.....	18
3.2.2. IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN OR OTHER LOCAL STRATEGIC PLAN?.....	18
3.2.3. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?	18
3.2.4. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S.117 DIRECTIONS)?	22
3.3. ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACTS	42
3.3.1. IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES OR THEIR HABITATS WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?	42
3.3.2. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?	42
3.3.3. HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC IMPACTS?	42
3.4. STATE AND COMMONWEALTH INTERESTS	43
3.4.1. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?	43
3.4.2. WHAT ARE THE VIEWS OF THE STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?	43
4. COMMUNITY CONSULTATION	44

Planning Proposal
Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O’Connell Street, Tamworth

5. CONCLUSION.....45

 Appendix A GHD Contamination Assessment and Removal and Validation Reports.....A-1

 Appendix B Traffic Impact AssessmentB-1

FIGURES

Figure 1: Cadastral Info7

Figure 2: Aerial Photograph.....8

Figure 3: Enterprise Corridor – Tamworth Regional Development Strategy14

PLATES

Plate 1: View of 8’Connell Street9

Plate 2: View of existing business on the O’Connell Street – Marius Street Intersection.....9

Plate 3: View the Marius Street entrance from within the site.10

Plate 4: View of existing commercial and retail business at the rear of the site on Peel Street10

Plate 5: View of new bitumen indicating where the UST was removed11

Plate 6: Building on site used for storage and maintenance purposes.11

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

Introduction

Mitchel Hanlon Consulting Pty Ltd has been engaged to prepare a planning report for the proposed rezoning of Lot 1 in DP 803644 located at 89 Marius Street, Tamworth. The subject site is currently zoned as IN1 General Industrial and it is proposed to amend the Tamworth Regional Local Environmental Plan 2010 and rezone the subject site to B4 Mixed Use.

The site is owned and operated by Telstra Corporation Limited. The site comprises two lots which contain a combination of buildings, storage sheds and car parks. The buildings are used for administrative and planning functions and for storage of maintenance equipment. A car park and access point is located on Lot 1 in DP 70023 at 8 O'Connell Street, however, this lot is already zoned as B4 Mixed Use and is not part of the application for rezoning.

Given that Clause 7.4 prohibits development of a building or premises in the B4 zone from being greater than 2500m², this application also seeks to amend Clause 7.4 of the TRLEP 2010 and have both lots, Lot 1 in DP 803644 and Lot 1 in DP 70023 (89 Marius Street and 8'Connell Street) listed in Clause 7.4, Subclause 3 as being exempt from this restriction.

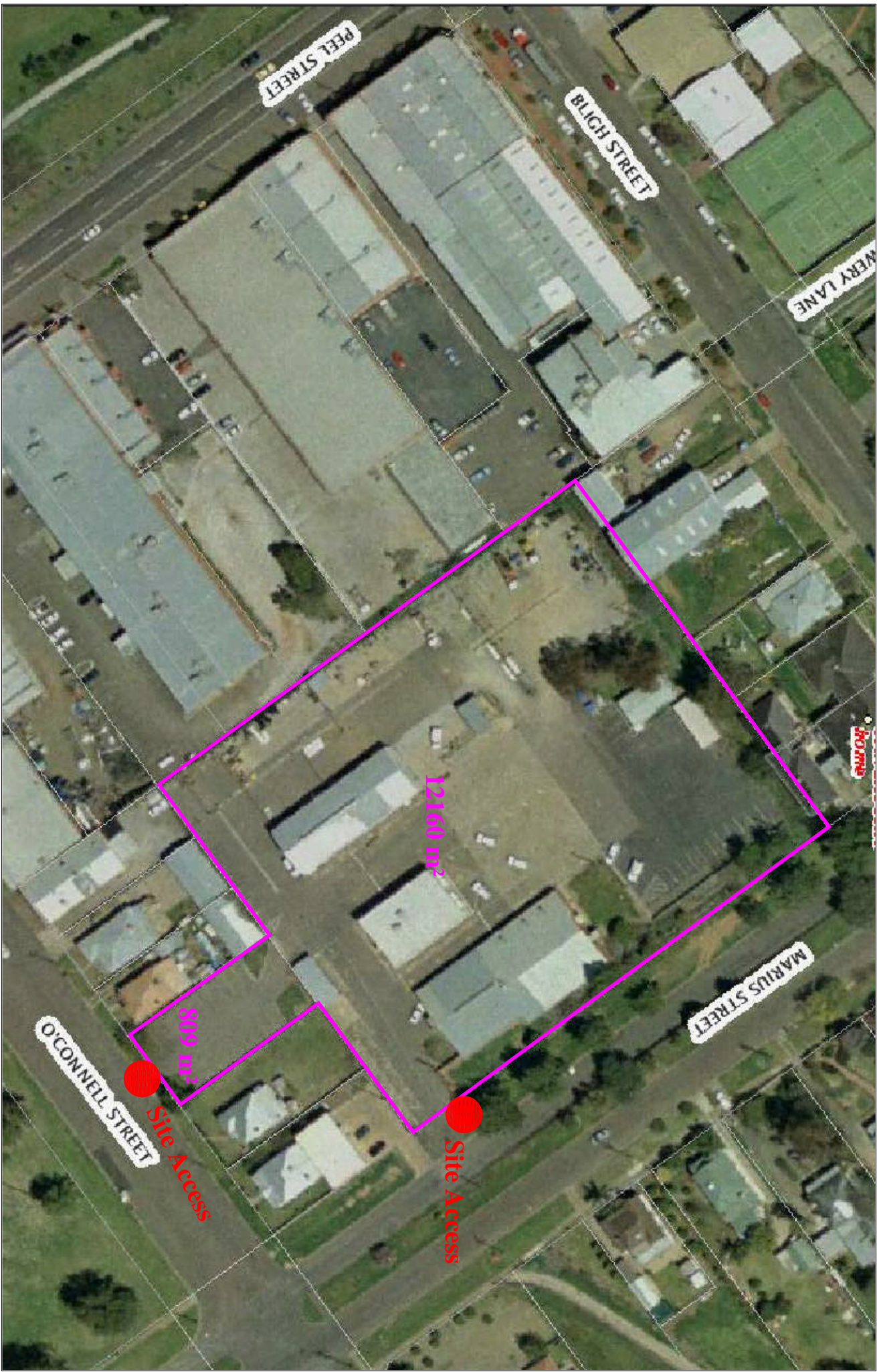
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89 Marius Street & 8 O'Connell Street, Tamworth



Plate 1: View of 8'Connell Street



Plate No. 2: View of existing business on the O'Connell Street – Marius Street Intersection



Rezoning Proposal

Tamworth

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FIGURE 2
Aerial photo

Planning Proposal
Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth



Plate No. 3: View of the Marius Street entrance from within the site.



Plate No. 4: View of existing commercial and retail business at the rear of the site on Peel Street

Planning Proposal
Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth



Plate No. 5: View of new bitumen indicating where the UST was removed



Plate No. 6: Building on site used for storage and maintenance purposes.

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

1. Planning Proposal Objective

The objective of the planning proposal is to amend the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) to rezone Lot 1 in DP 803644 from IN1 General Industrial to B4 Mixed Use. This will enable the site to be utilised for a range of purposes including commercial purposes, which are prohibited under the IN1 General Industrial zoning.

Furthermore, this planning submission also seeks an exemption from the restriction of gross floor area of 2500m² as indicated in Clause 7.4, Subclause 2 of the TRLEP 2010 and to have both lots that comprise the entire site (being Lot 1 in DP 803644 and Lot 1 in DP 70023) listed as such in Clause 7.4, Subclause 3.

Preliminary discussions with Tamworth Regional Council have indicated that Council is generally supportive of both the application for rezoning and the application for exemption of Clause 7.4. Furthermore, Council have indicated that rezoning to B4 Mixed Use would be the most appropriate zone given the existing surrounding land uses. The key issues that Council have requested to be addressed in the planning proposal are traffic, potential contamination and the availability of adequate infrastructure to the site. These key issues will be addressed within this planning proposal.

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

2. Explanation of Provisions

The planning proposal would result in the following changes to the Tamworth Regional LEP 2010:

Amendment Applies To	Explanation of the Provision
TRLEP 2010 Sheet LZN_004C	It is proposed that the subject site will be rezoned from Zone IN1 General Industrial to Zone B4 Mixed Use.
Clause 7.4, Subclause 3 of TRLEP2010	Include Lot 1 in DP 70023 and Lot 1 in DP803644 as being exempt from the Clause 7.4.

Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

3. Justification

3.1. Need for Planning Proposal

3.1.1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report however, the site is adjacent to an area identified by Council in the Tamworth Regional Development Strategy as an enterprise corridor, which should be encouraged in order to strengthen the region and support the CBD (Refer to Figure 3 below).

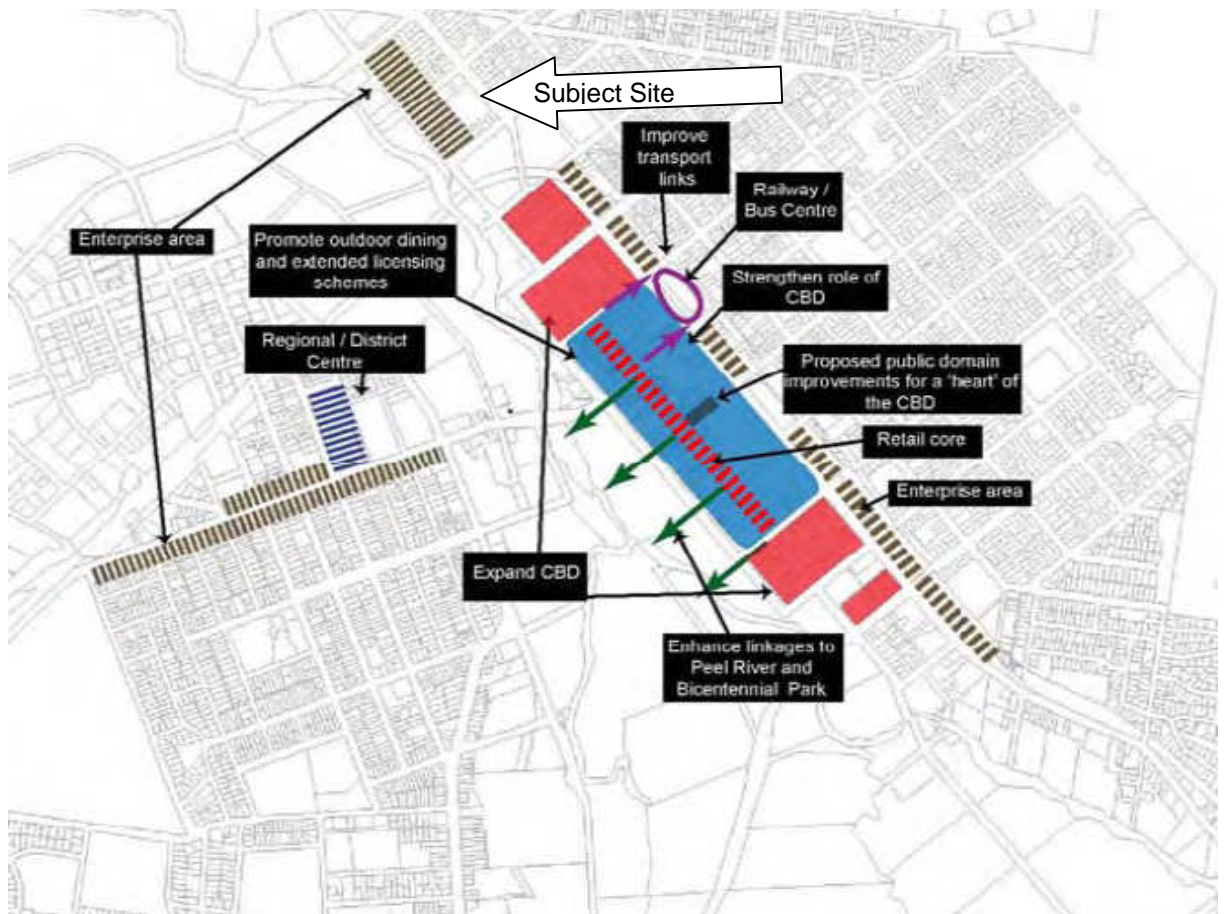


Figure 3 – Tamworth Regional Council Development Strategy (Protecting and Enhancing the CBD)

The current IN1 General Industrial zoning prohibits the use of the site for commercial purposes. The objectives of the IN1 zone are as follows:

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Roads

3 Permitted with consent

Depots; Freight transport facilities; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Plant nurseries; Rural supplies; Shop top housing; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home businesses; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities

Under the current zoning, industrial uses such as freight transport facilities, liquid fuel depots and timber yards are deemed to be permissible. Such use of the site could have a detrimental impact on surrounding land uses, particularly the mixed businesses located on Peel Street between Bligh and O'Connell Streets, thus having an adverse impact on Council's strategies to enhance the CBD. Alternatively, rezoning the subject site to B4 Mixed Use to allow for land uses such as for commercial purposes (which are inline with current usage of surrounding properties, particularly in the 'Enterprise Corridor') can assist in raising the profile of this area and enhance its function as an Enterprise Corridor. The objective of Zone B4 Mixed Use are provided as follows:

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Roads

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial training facilities; Industries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Sex services premises; Storage premises; Vehicle body repair workshops; Waste or resource management facilities; Wharf or boating facilities

The proposed new zone, B4 Mixed Use is considered to be the most appropriate and most flexible zone for the site however, it is subject to a maximum gross floor area of 2500m² under Clause 7.4 of the TRLEP (2010). The purpose of such a restriction is to limit development outside of the CBD to protect the role of the CBD. As mentioned above, this planning proposal seeks to be exempt from this clause and to be listed with the other two non-CBD locations in Clause 7.4 (Subclause 3) as exempt from this provision.

Given the proximity of the site to the CBD, it is thought that the site would enhance the role of the CBD by enhancing the role of the enterprise corridor. It is also considered that any future development of the site would not be in conflict with the CBD as there is no vacant land in the CBD of this size or capacity. It is predicted that the subject site would attract new business development rather than draw existing businesses from elsewhere, including the CBD. Without the exemption, it is likely that future development of the site

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

will take the form of a subdivision with multiple developments on the site. This would have greater intensity on the site than one single development and cause access issues for the site, for example, it may require the construction of a new street.

3.1.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only legal method for amending the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010).

The proposed rezoning from IN1 Industrial Use to B4 Mixed Use is the best method for achieving desired objectives that are compatible with surrounding land uses. The existing zoning restricts the efficient use of the subject land for commercial purposes that are consistent with surrounding development. Further, its current zoning may allow uses of the site, which can have adverse effect on the surrounding existing development, particularly sensitive receptors being the childcare centre, nursing home and residential dwellings.

The proposed exemption from Clause 7.4 would result in the most favourable outcomes for the site and surrounding sites. It will enable the most optimal use of the site with potential for a single development rather than several smaller developments which would collectively result in a higher intensity of the site.

3.1.3. Is there a net community benefit?

Yes. The planning proposal will enable a range of community aspirations to be met. It will provide employment opportunities, initially in the construction of new facilities and then more permanent employment opportunities when the new facilities are operational. An additional benefit of the planning proposal is that the site is located in proximity to existing bus routes, which can provide access to employment and services for those without personal transport options.

The planning proposal has the potential to provide services to the community in the future, which are in demand in the Tamworth Region due to an increasing population. The planning proposal could lead to increased amenity in the area by allowing a more efficient use of an underutilised site.

The planning proposal also benefits the community by providing compatible and complementary land use and impeding inappropriate or undesirable use of the site that may lead to adverse impact on surrounding sites. The rezoning and subsequent development will not threaten the role of the CBD, rather it

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

will complement it by boosting the role of the 'enterprise corridor' identified within the Tamworth Regional Development Strategy.

3.2. Relationship to Strategic Planning Framework

3.2.1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional Strategy?

There are no regional or subregional strategies that apply to this land.

3.2.2. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

The planning proposal is consistent with the strategic directions in the Tamworth Regional Development Strategy as noted above.

3.2.3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are considered by Tamworth Regional Council to be relevant to the subject land:-

- State Environmental Planning Policy No. 4 – Development without consent and Miscellaneous Exempt and Complying Development
- State Environmental Planning Policy No. 6 – Number of Storeys in a Building
- State Environmental Planning Policy No. 15 – Rural Landsharing Communities
- State Environmental Planning Policy No. 21 – Caravan Parks
- State Environmental Planning Policy No. 22 – Shops and Commercial Premises
- State Environmental Planning Policy No. 30 – Intensive Agriculture
- State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 36 – Manufacture Home Estates
- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- State Environmental Planning Policy No. 50 – Canal Estate Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 62 – Sustainable Aquaculture
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy No. 65 – Design Quality of Residential/Flat Development

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Developments) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures) 2007
- State Environmental Planning Policy (State and Regional Development) 2011

An assessment has been undertaken to determine the level of consistency the planning proposal has with the relevant State Environmental Planning Policies (SEPPs). The results of the assessment are provided below:

SEPP	Relevance	Implications
SEPP4 – Development without Consent and Miscellaneous Exempt and Complying Development	The SEPP aims to permit development of with minimal environmental significance for certain purposes for public utility on certain land without the necessity for development consent being obtained.	The planning proposal has no implications in terms of the application of SEPP4.
SEPP6 – Number of Storeys in a Building	The SEPP aims to clarify and remove confusion with regard to development standards relating to “storeys” “floors” and “levels” when undertaking multi-level development.	The planning proposal has no implications in terms of the application of SEPP6.
SEPP15 – Rural Landsharing Communities	The SEPP aims to encourage and facilitate the development of rural landsharing communities committed to environmentally sensitive and sustainable land use practices	The planning proposal has no implications in terms of SEPP15.
SEPP21 – Caravan Parks	The SEPP aims to encourage the orderly and economic use and development of land for caravan parks, promote social and economic welfare of the community and to encourage protection of the environment.	The planning proposal has no implications in terms of SEPP21 as it does not relate to a caravan park.
SEPP22 – Shops and Commercial Premises	In a business zone, the SEPP aims to permit the change of use of a building from one commercial use to another (or to a shop use), or from one shop use to another (or to a commercial use).	The planning proposal has no implications in terms of SEPP22 as the site is not located into a business zone.
SEPP30 – Intensive Agriculture	The SEPP encourages public participation and requires that potential impacts of a feedlot development are to be considered and mitigation measures be implemented.	The planning proposal has no implications in terms of SEPP30 as it does not relate to intensive agriculture.
SEPP32 – Urban	The aim of the SEPP is to enable unused	The planning proposal has no

Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

Consolidation (Redevelopment of Urban Land)	land to be redeveloped for multi-unit housing and related development and to promote urban consolidation which promotes social and economic welfare.	implications in terms of SEP32 as it does not relate to multi-unit housing or a similar development.
SEPP33 – Hazardous and Offensive Development	The aim of the SEPP is to provide comprehensive definitions of hazardous and offensive development and to ensure that the necessary information is available to the decision makers to enable a thorough assessment.	The planning proposal has no implications in terms of SEPP33 as it does not propose a development that is deemed to be hazardous and offensive development.
SEPP36 – Manufactured Home Estates	The aim of the SEPP is to facilitate the establishment of manufactured home estates.	The planning proposal has no implications in terms of SEPP36 as it does not relate to a Manufactured Home Estate.
SEPP44 – Koala Habitat Protection	The SEPP aims to provide proper conservation and management of Koala habitat by requiring the identification, conservation and management of actual and potential koala habitat.	The subject site is largely devoid of vegetation. There are no known koala habitats present within or in the immediate vicinity of the subject land.
SEPP50 – Canal Estate Development	The SEPP aims to prohibit canal estate development in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.	The planning proposal has no implications in terms of SEPP50 as it does not relate to a Canal Estate Development.
SEPP55 – Remediation of Land	The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.	As mentioned above, a contamination assessment was conducted by GHD which resulted in remediation works. All works were validated in accordance with relevant guidelines. A copy of the reports is attached to this planning proposal.
SEPP62 – Sustainable Aquaculture	The aim of the SEPP is to regulate aquaculture to ensure it is sustainable and environmental impacts of development are minimised.	The planning proposal has no implications in terms of SEPP62 as the development does not relate to aquaculture.
SEPP64 – Advertising and Signage	The aim of the SEPP is to regulate advertising and signage so that it is compatible with the desired amenity and visual character of the area.	The planning proposal has no implications in terms of SEPP64 as it does not relate to advertising and signage.
SEPP65 – Design Quality of Residential Flat Development	The SEPP aims to improve the design quality of residential flat development in NSW and provide a consistent framework for planning which is outcomes and place focused.	The planning proposal has no implications in terms of SEPP65 as it does not involve a residential flat development.
SEPP (Affordable Rental Housing) 2009	The aim of the SEPP is to provide a consistent planning regime for the provision of affordable rental housing and to encourage the retention of existing affordable rental housing.	The planning proposal has no implications in terms of SEPP (Affordable Rental Housing) 2009 as it does not relate to rental housing.
SEPP (Building Sustainability Index: BASIX) 2004	The SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW.	The planning proposal has no implications in terms of the application of this SEPP it does not relate to residential development.
SEPP (Exempt	This Policy aims to provide streamlined	The planning proposal has no

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

and Complying Development) 2008	assessment processes for development that complies with specified development standards.	implications in terms of the application of this SEPP as it does not relate to Exempt and Complying Development.
SEPP (Housing for Seniors of People with a Disability) 2004	The SEPP aims to provide well designed facilities to meet the needs of seniors and those with disabilities that makes an efficient use of existing infrastructure and services.	The planning proposal has no implications in terms of the application of this SEPP as it does not relate to housing for seniors or people with a disability.
SEPP (Infrastructure) 2007	The SEPP aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provisions for consultation and assessment.	The planning proposal has no implications in terms of the application of the Infrastructure SEPP. The subject site is already fully serviced and will place no additional strain on infrastructure services in the area. Any future development that will impact on existing infrastructure will be subject to a separate DA.
SEPP (Major Development) 2005	The SEPP regulates the development, redevelopment and conservation of state significant sites for the benefit of the state and facilitates service delivery outcomes for a range of public services.	The planning proposal has no implication in terms of the application of this SEPP as it does not relate to a major development.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The SEPP aims for the management and development of mineral, petroleum and extractive material resources whilst establishing appropriate planning controls with regard to ecologically sustainable development.	The planning proposal has no implication in terms of the application of this SEPP as it does not relate to mineral, petroleum and extractive material resources.
SEPP (State and Regional Development) 2011	The SEPP aims to identify state significant development, state significant and critical infrastructure.	The planning proposal has no implication in terms of the application of this SEPP as it does not relate to state significant development.

Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

3.2.4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction	Provisions	Implications
1. Employment and Resources		
1.1 Business & Industrial Zones	<p>When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must: (a) give effect to the objectives of this direction,</p>	<p>The planning proposal aims to rezone existing industrial use land (Zone IN1) to mixed use (Zone B4) which permits various uses including business use. It also seeks an exemption from a gross floor area restriction of 2500m² as per Clause 7.4 of the TRLEP 2010.</p> <p>(a) The planning proposal gives effect to the objectives of this direction:</p> <p><i>(1) The objectives of this direction are to:</i> <i>(a) encourage employment growth in suitable locations,</i></p> <p>Under the current zoning, the subject site is not a suitable location to encourage employment growth due to the nature of activities that are permissible on site and the nature of surrounding land uses.</p> <p>Any activities that would encourage employment growth and intensify the use of the site for industrial purposes would have a detrimental impact on surrounding land users, particularly sensitive receptors such as the child-care centre.</p> <p>Given that the site exceeds the requirements for Telstra, the site is underutilised at present. The location of the site is suitable for encouraging employment growth under the proposed new zoning and has the potential to facilitate this growth.</p> <p>The proposal is considered to be the most efficient use of the site with a</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

	<p>(b) retain the areas and locations of existing business and industrial zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</p>	<p>use that is compatible and complimentary with surrounding land uses.</p> <p><i>(b) protect employment land in business and industrial zones, and</i></p> <p>Given that the site is surplus to the requirements of Telstra, the site is currently underutilised with less than 10 employees, some of these being mobile technicians who only visit the site weekly. None of the existing jobs will be lost due to the planning proposal as Telstra will relocate to a new site that is better suited to their requirements.</p> <p><i>(c) support the viability of identified strategic centres.</i></p> <p>Tamworth is not subject to a regional strategy from NSW Planning therefore, there are no areas that are identified as strategic centres. Tamworth Regional Council, however, have developed their own Regional Development Strategy (RDS) as mentioned above. Under the Tamworth RDS, land adjacent to the site has been identified as an 'enterprise corridor' to the CBD. It is thought that increasing the land available for commercial and retail usage in this area would support the viability of the enterprise corridor and thus support the role of the CBD. In contrast, increased intensity of activities permissible under the current zone would adversely impact on the surrounding land uses and the objectives of the Tamworth Regional Development Strategy.</p> <p>(b) The planning proposal aims to rezone existing industrial use land (Zone IN1) to mixed use (Zone B4) which permits various uses including business use.</p> <p>(c) The planning proposal does not aim to reduce the total floor space area for a business zone.</p>
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Planning Proposal
Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

	<p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> <p>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</p>	<p>(d) The proposal does seek to reduce the floor space available for industrial use in an industrial zone however, it is considered that the benefits of the proposal outweigh this. Given its decline from the former use to its current use, the site is currently underutilised. However, any increased usage or intensity of usage could have a detrimental impact on surrounding land uses. An alternative use of the site would be more compatible and complementary to surrounding land uses and would facilitate greater employment growth.</p> <p>(e) The site is not subject to a NSW Planning strategy.</p> <p>The planning proposal is considered to be consistent with this direction.</p>
1.2 Rural Zones	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p>	<p>The proposal will not affect land within an existing or proposed rural zone.</p> <p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
1.3 Mining, Petroleum Production and Extractive Industries	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>The planning proposal does not relate to the rezoning of land with a known future associated with the Mining, Petroleum Production and Extractive Industries, therefore the proposal is considered to be consistent with this direction.</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <p>(a) consult the Director-General of the Department of Primary Industries (DPI) to identify any:</p> <p>(i) resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</p> <p>(ii) existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</p> <p>(b) seek advice from the Director-General of DPI on the development potential of resources identified under (4)(a)(i), and</p> <p>(c) identify and take into consideration issues likely to lead to land use conflict between other land uses and :</p> <p>(i) development of resources identified under (4)(a)(i), or</p> <p>(ii) existing development identified under (4)(a)(ii).</p> <p>(5) Where a planning proposal prohibits or restricts development of resources identified under (4)(a)(i), or proposes land uses that may create land use conflicts identified under (4)(c), the relevant planning authority must:</p> <p>(a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>(b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) before undertaking community consultation in satisfaction of section 57 of the Act.</p>	<p>Not deemed applicable.</p>
<p>1.4 Oyster Aquaculture</p>	<p>When this direction applies</p> <p>(2) This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i> ("the Strategy").</p> <p>What a relevant planning authority must</p>	<p>The planning proposal does not relate to a Priority Oyster Aquaculture Areas, therefore the planning proposal is considered to be consistent with this direction.</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>do if this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <p>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or</p> <p>(b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</p>	<p>Not deemed applicable.</p>
<p>1.5 Rural Lands</p>	<p>When this direction applies</p> <p>(3) This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>Note: <i>State Environmental Planning Policy (Rural Lands) 2008</i> does not require a relevant planning authority to review or change its minimum lot size(s) in an existing LEP. A relevant planning authority can transfer the existing minimum lot size(s) into a new LEP. However, where a relevant planning authority seeks to vary an existing minimum lot size in an LEP, it must do so in accordance with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	<p>The planning proposal does not relate to rural lands, therefore the proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

2. Environment and Heritage		
2.1 Environment Protection Zones	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.</p>	<p>The planning proposal does not relate to or impact on a known ‘Environment Protection Zone’, therefore the proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
2.2 Coastal Protection	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i>, and</p> <p>(b) the <i>Coastal Design Guidelines 2003</i>, and</p> <p>(c) the manual relating to the management of the coastline for the purposes of section 733 of the <i>Local Government Act 1993</i> (the <i>NSW Coastline Management Manual 1990</i>).</p>	<p>The planning proposal does not relate to land in the coastal zone, therefore the proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
2.3 Heritage Conservation	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning</p>	<p>The planning proposal will not affect land in a known heritage</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>conservation area, therefore the proposal is consistent with this direction.</p> <p>Not deemed applicable.</p>
<p>2.4 Recreation Vehicle Areas</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <p>(a) where the land is within an environmental protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:</p> <p>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and</p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines</i></p>	<p>The proposal does not relate to a Recreational Vehicle Area, therefore the proposal is consistent with this direction.</p> <p>Not deemed applicable.</p>

Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<i>for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</i>	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land. 	<p>The proposal does not relate to a residential zone, therefore the proposal is consistent with this direction.</p> <p>Not deemed applicable.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In identifying suitable zones, locations and</p>	<p>The planning proposal does not restrict land available for caravan parks or manufactured home estates. The proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>

Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>	
<p>3.3 Home Occupations</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</p>	<p>The planning proposal does not relate to home occupations, therefore the planning proposal is consistent with this direction.</p> <p>Not deemed applicable.</p>
<p>3.4 Integrating Land Use and Transport</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>What a relevant planning authority must do if this direction applies</p>	<p>The proposal seeks to alter a zone relating to industrial purposes therefore this direction applies.</p>

Planning Proposal
Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O’Connell Street, Tamworth

	<p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	<p>(a) The planning proposal is consistent with the guidelines. It proposes a use that is consistent with the existing uses of the surrounding area therefore it will enable people to undertake a range of daily activities with a minimum of travel. Furthermore, it will make walking, cycling and public transport more attractive as it is in proximity to paved footpaths, a cycle way and existing public transport route.</p> <p>(b) The planning proposal is consistent with these guidelines as it provides a development opportunity in a centre for business and services, protects community investment in infrastructure and is accessible by public transport, walking and cycling.</p>
<p>3.5 Development Near Licensed Aerodromes</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:</p> <p>(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</p> <p>(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</p> <p>(c) for land affected by the OLS:</p> <p>(i) prepare appropriate development standards, such as height, and</p> <p>(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</p> <p>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission</p>	<p>The proposal is not in the vicinity of a licensed aerodrome, therefore the proposal is consistent with this direction.</p> <p>Not deemed applicable.</p>

Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O’Connell Street, Tamworth

	<p>must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(5) A planning proposal must not rezone land:</p> <p>(a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or</p> <p>(b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or</p> <p>(c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.</p> <p>(6) A planning proposal that rezones land:</p> <p>(a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or</p> <p>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or</p> <p>(c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.</p>	
<p>3.6 Shooting Ranges</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</p> <p>(a) permitting more intensive land uses than those which are permitted under the existing zone;</p> <p>or</p> <p>(b) permitting land uses that are incompatible with the noise emitted by the existing shooting range.</p>	<p>The planning proposal does not relate to or impact on a shooting range. The proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
<p>4. Hazard and Risk</p>		
<p>4.1 Acid Sulfate Soils</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a</p>	<p>There are no known occurrences of acid sulphate soils in the Tamworth</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</p> <p>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director- General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</p>	<p>Region.</p> <p>This planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
<p>4.2 Mine Subsidence and Unstable Land</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that permits development on land</p>	<p>According to the 149 (2) certificate: 'The land has not been proclaimed to be a mine subsidence district within</p>

Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>that:</p> <p>(a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must:</p> <p>(a) consult the Mine Subsidence Board to ascertain: (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. (5) A planning proposal must not permit development on unstable land referred to in paragraph 3(b).</p>	<p>the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.</p> <p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
<p>4.3 Flood Prone Land</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land</p>	<p>The planning proposal does not relate to flood prone land.</p> <p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	
<p>4.4 Planning for Bushfire Protection</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p>	<p>The subject land has not identified as being bushfire prone land on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service.</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

	<p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <p>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service.</p> <p>If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	<p>The planning proposal is consistent with this direction.</p> <p>Not deemed applicable.</p>
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Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

5. Regional Planning		
5.1 Implementation of Regional Strategies	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</p>	<p>There are no regional strategies that apply to this land.</p> <p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
5.2 Sydney Drinking Water Catchments	<p>When this direction applies</p> <p>(3) This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.</p>	<p>The proposal does not apply to land within the Sydney drinking water catchment.</p> <p>The planning proposal is considered to be consistent with this direction.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>When this direction applies</p> <p>(3) This Direction will apply when a relevant planning authority prepares a planning proposal for land mapped as:</p> <ul style="list-style-type: none"> (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland, on the set of four maps held in the Department of Planning and marked “Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)”. <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not:</p> <ul style="list-style-type: none"> (a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes. (b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes. (c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes. 	<p>The planning proposal does not relate to farmland of state and regional significance.</p> <p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>When this direction applies</p> <p>(3) This Direction applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p>	<p>The planning proposal does not relate to commercial and retail development along the Pacific Highway, North Coast.</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p> <p>(a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway,</p> <p>(b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway.</p> <p>(c) For the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80km/hour.</p> <p>(5) A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p> <p>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction.</p> <p>(b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway.</p> <p>(c) For the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</p> <p>(6) Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that the Roads and Traffic Authority is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.</p>	<p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
<p>5.8 Second Sydney Airport: Badgerys Creek</p>	<p>Where this direction applies</p> <p>(2) This direction applies to land shown within the boundaries of the proposed airport site and within the 20 ANEF contour as shown on</p>	<p>The planning proposal is not in the vicinity of any future second Sydney Airport at Badgerys Creek.</p>

Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>the map entitled "Badgerys Creek–Australian Noise Exposure Forecast–Proposed Alignment–Worst Case Assumptions", this being found in Appendix U of the Second Sydney Airport Site Selection Program Draft Environmental Impact Statement within Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council local government areas.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(3) Planning proposals must not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport</p>	<p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>
6. Local Plan Making		
<p>6.1 Approval and Referral Requirements</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p>	<p>The planning proposal has not been prepared by a planning authority.</p> <p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	<p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>	
<p>6.2 Reserving Land for Public Purposes</p>	<p>When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any</p>	<p>The planning proposal will not create, alter or reduce any existing zonings which are reserved for public purposes. The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>

Planning Proposal
 Charter Keck Cramer – Proposed Rezoning
 89 Marius Street & 8 O'Connell Street, Tamworth

	land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	
6.3 Site Specific Provisions	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>The planning proposal does not seek to impose restrictive site specific planning controls.</p> <p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable</p>
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	<p>When this direction applies</p> <p>(3) This direction applies when a Relevant Planning Authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(1) Planning proposals shall be consistent with:</p> <p>(a) the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan").</p>	<p>The site is not subject to the Metropolitan Plan for Sydney 2036.</p> <p>The planning proposal is considered to be consistent with this direction.</p> <p>Not deemed applicable.</p>

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

3.3. Environmental, Social & Economic Impacts

3.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

The proposal is unlikely to adversely affect critical habitat, threatened species, ecological communities or their habitats. The site has very little vegetation due to being heavily disturbed for usage for industrial purposes. Given the absence of suitable habitat for fauna, it is expected there will be no fauna habitats on the subject site.

3.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A contamination assessment was conducted by GHD Pty Ltd and the following remediation works were conducted as part of the assessment:

- Remediation and validation of soil proximal to borehole location BH18
- Removal and disposal of two USTs, and the wash bay pit
- Classification and disposal of excavated material; and
- Validation and reinstatement of the excavation.

Following the remediation works, validation, stockpile and imported backfill soil samples were taken for analysis. The results indicated that all soil samples contained concentrations of analysed parameters less than the applicable EIL, HIL A and HIL F criteria. As a result, GHD concluded that the excavations were successfully validated, in accordance with relevant guidelines. Copies of the contamination assessment report and removal and validation report are attached to this planning proposal in Appendix A.

3.3.3. How has the planning proposal adequately addressed any social and economic impacts?

It is considered that the proposal will have a positive economic benefit to the community because of its potential to facilitate future development of retail and commercial services being two of the region's principle economic generators. As outlined previously, it is anticipated that the planning proposal will have the following social and economic impacts:

- Encourage development, which will provide employment both in the construction, as well as during operation.

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

- Provide commercial/retail services to the community which are in demand due to increasing population in Tamworth
- Provide land for commercial and retail usage which is in demand in the CBD
- Provide service on the fringe of the CBD without placing strain on already limited car parking facilities
- Provide services and employment in a location with close proximity to existing bus routes (Routes 430 and 431, Tamworth Buslines)
- Increase amenity of the area by allowing a more efficient and vibrant use of a currently underutilised site.
- Support the role of the enterprise corridor and the CBD
- Allow uses that are compatible and complementary to the surrounding land uses
- Prevent intensification of industrial uses on site, which could have an adverse impact to surrounding development.

Indigenous Heritage

Due to the developed nature of the land, the history of heavy disturbance, the absence of remnant bushland and the sealed surface throughout the site, it is highly unlikely that any artefacts of significance would remain on the sites. The potential for any such artefacts to be found in the future is considered to be extremely low.

3.4. State and Commonwealth Interests

3.4.1. Is there adequate public infrastructure for the planning proposal?

Investigations show that there will be adequate existing infrastructure to service the proposed residential subdivision. The subject site is serviced by electricity, storm water, water, telecommunications and sewer services. The site also possesses high quality sealed road access featuring kerb and guttering.

A Traffic Impact Assessment was conducted by Better Transport Futures and a copy of their report is enclosed in Appendix B.

3.4.2. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

It is proposed that the issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase.

Planning Proposal
Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

4. Community Consultation

In accordance with the NSW Department of Planning's Guidelines to Preparing LEPs, upon Gateway Determination adjoining landholders and any affected community organisation will be formally notified of the proposal and invited to provide comment.

In accordance with the prevailing Departmental Guidelines and the provisions of the EP & A Act, the Planning Proposal will also be publicly notified for the prescribed period via:

- Local Newspapers; and
- Council's website www.tamworth.nsw.gov.au

Planning Proposal

Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

5. Conclusion

This planning proposal will facilitate the rezoning of the subject site from IN1 – Industrial to B4 Mixed Use. The proposed new zone of B4 Mixed Use is considered to be the most favourable zone for the site as it is flexible and is compatible and complementary to surrounding land uses. The proposed exemption from the maximum gross floor area restriction of 2500m² will enable a more optimal use of the site and prevent several smaller developments that result in an intensification of the site higher than a single large development.

The proposal is consistent with the intent the Tamworth Regional Development Strategy as it is considered that development of the site for commercial or retail purposes will enhance the role of the enterprise corridor (to which the site is adjacent) and in turn, support the role of the CBD. Given that land of this nature is not available in the CBD, it is not considered to be a threat to the core role of the CBD and is likely to attract new business development to the area rather than attracting existing businesses in the CBD to relocate.

The adoption of this planning proposal will benefit the broader community as it will enhance the amenity of an underutilised site, encourage development that is more desirable and prohibit further intensification of the site of a use that could cause adverse impacts to surrounding land uses. Future development of the site will provide employment opportunities and services to the area. Given that the site is in proximity to existing public transport routes, it will also provide more opportunities for those without personal transport options.

Planning Proposal
Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

Appendix A GHD Contamination Assessment and Removal
and Validation Reports

Planning Proposal
Charter Keck Cramer – Proposed Rezoning
89 Marius Street & 8 O'Connell Street, Tamworth

Appendix B Better Transport Futures Traffic Impact
Assessment