

PLANNING PROPOSAL

To Amend Tamworth Regional Local Environmental Plan 2010

To Rezone Part of Lot 2, DP 1092556

4 September 2012

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Introduction

Background

There is a long history to this Planning Proposal. It is based upon four concurrent and coinciding milestones:

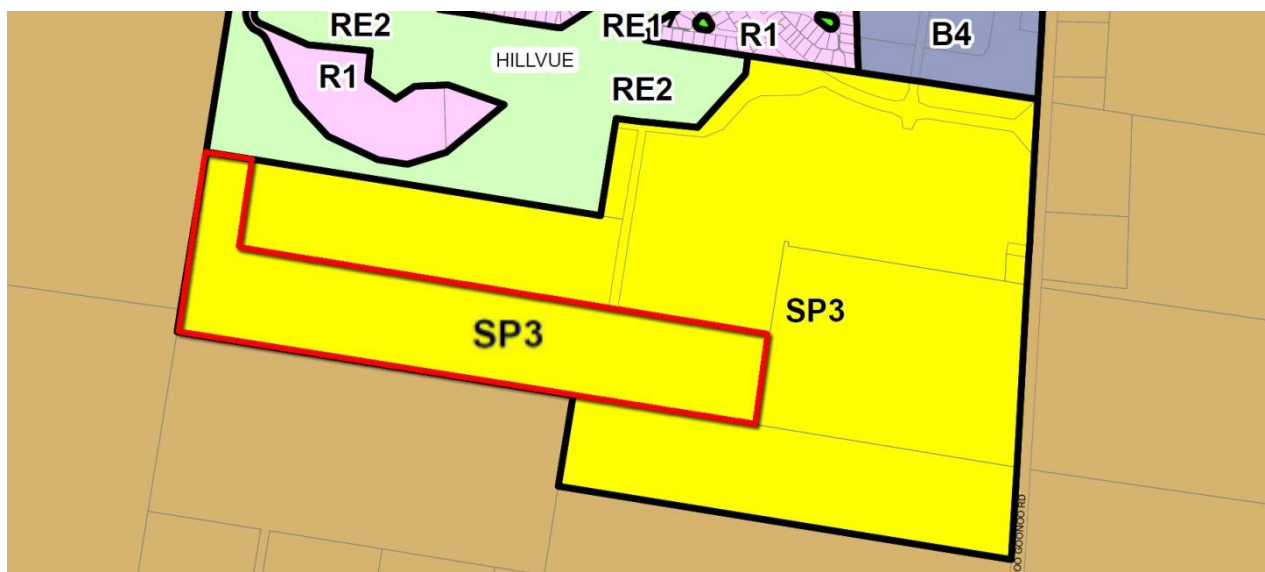
- 2007: Adoption by Tamworth Regional Council of the Tamworth Regional Development Strategy;
- 2007 – 2008: Construction and opening of the Australian Equine and Livestock Events Centre (AELEC) in South Tamworth;
- 2009 -2010: Preparation and adoption of the (now published) Local Environment Plan (TRLEP 2010); and
- 2011-2012: Council's preparation and exhibition of the Draft South Tamworth Rural Lands Master Plan (STRLM).

In 2007 Council prepared and adopted the '*Tamworth Regional Development Strategy*.' It was endorsed by the NSW Department of Planning in April 2008. The Strategy was prepared with the expectation of the impending opening of the AELEC and a number of elements of the Strategy support equine related uses.

In 2009, during preparation of the draft LEP, Council recognised the potential economic and social benefits that may be realised by the presence of the AELEC in South Tamworth and proposed to zone the land immediately to the rear of the site of the AELEC 'SP3 Tourist.' The draft LEP included permanent accommodation in the SP3 zone via a provision that included the uses "Dwelling House" and "Secondary Dwelling" in the 'Permitted with Consent' column of the Land Use Table of the SP3 zone.

The Draft LEP accorded with vision by Jocep Enterprises for its land at the rear of the AELEC (Lot 2, DP 1092556). The vision, described as 'Longyard Trails,' identifies the development of a precinct of equine related residential and tourism facilities (including visitor, conference, stabling and permanent and short term accommodation and resort possibilities) that reinforce and underwrite the success of the AELEC, and compliment the range of available facilities for AELEC users.

On 6th June 2010, following exhibition, Council resolved to finalise the draft LEP and forward it to the Minister. However the uses "dwelling house" and "secondary dwelling" were removed from the table prior to the publishing of the TRLEP 2010 on 21 January 2011. An extract of the zoning map in the published TRLEP 2010, indicating the site, is presented below.



> Extract of Published TRLEP 2010 Indicating Site and Zoning

In 2011 Council received a Planning Proposal from Jocep Enterprises to amend TRLEP 2010 via the Gateway process to rezone the land to permit 'dwellings' and 'secondary dwellings' with consent in the SP3 Tourist Zone. Council, at its meeting on 13 April 2011, again supported the proposal and resolved to forward the Planning Proposal to the Minister for Planning in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

Advice was subsequently received from the Department of Planning and Infrastructure that:

1. The Planning Proposal could not be endorsed as it was seeking to make uses permissible that were inconsistent with the intent of the SP3 Tourist Zone;
2. An alternative approach may be possible whereby detached accommodation could be supported via a rezoning of the western portion of the site to R5 Large Lot Residential with an accompanying related objective in the Land Use Table and a minimum lot size of 4,000m². The SP3 Tourist zone would remain over the resort component; and
3. The Planning Proposal should be placed in abeyance pending the preparation of the South Tamworth Rural Lands Master Plan (STRLM) so that the concept could be considered in the context of that Plan.

In 2011 Council commenced preparation of the STRLM and at its meeting on 26 July 2011, resolved to apply for an extension to the allocated timeframe to allow a period of 12 months to finalise the amendment to the TRLEP 2010 sought by the Planning Proposal.

The draft STRLM was placed on public exhibition from 7 February to 7 March 2012. Submissions were received from Jocep Enterprises that noted that both the draft STRLM and the Department of Planning's suggestion for a "split zoning" (R5/SP3) across the site were consistent with its vision for its land and requested that Council proceed with the revised Planning Proposal to the Gateway Panel.

In response, Council at its meeting on 8th May 2012 resolved to *"forward a revised Planning Proposal consisting of a split zoning of SP3 Tourist Zone and R5 Large Lot Residential to the Minister for Planning and Infrastructure in order to proceed with the Gateway Determination."*

This report comprises the revised Planning Proposal.

Site Details

The site, formally described as Lot 2 DP 1092556, Jack Smyth Drive, South Tamworth has a total area of 28.5 ha. It is a regularly shaped rectangular parcel of land generally situated along a west to east alignment. It is bound by rural properties to the west and south and the AELEC to the east. The northern side of the site follows the alignment of the Longyard Golf Course and Tamworth Regional Sports Complex.

Generally the site is cleared and unencumbered, with good access and proximity to services and facilities.

The land is a residual lot following excision of the site for the AELEC. It therefore has no frontage to a public road. However the principle access to the AELEC, Jack Smyth Drive, can be extended to serve the site.



> Site and Context Plan (Source: Inspire Urban Design and Planning Pty Ltd, June 2012)

Development Vision

The 'Longyard Trails' vision for the site brings together stabling, exercise arenas, a bridle track, open spaces and accommodation areas in a new equine themed development.

Longyard Trails will comprise a mix of uses with different levels of stabling and participation - permanent, part time, visitor, self-managed, operator managed and riding schools. Activities and accommodation will be located in a low density rural setting. Users will be able to ride, walk, and cycle with views over the AELEC, the Longyard Golf Course, the City of Tamworth and the hills as a backdrop.

For lovers of horses it will add exciting additional opportunities for short, intermediate, longer term and permanent residency in a range of accommodation types. Equine users and visitors to the City will be greeted with an additional and complimentary choice of accommodation types. The Equine Facilities will increase the appeal and flexibility of the AELEC for potential users.

The master plan has evolved slightly in response to the exhibition of the draft STRLM compared to that considered in 2009. The plan now:

- includes a wider variety of visitor accommodation opportunities and parkland / open space areas to introduce variety in both built form, streetscape and accommodation choice; and
- proposes a road network and bridle path that offer more opportunities for linkages to potential future uses in the longer term on neighbouring sites identified in the STRLM.

A copy of the updated vision master plan is presented below.



> The 2012 Urban Design Vision for the Site (Source: Inspire Urban Design and Planning Pty Ltd, June 2012)

The updated master plan recognises that, in the context of economic viability and surrounding uses, the site can be considered as two distinctly separate precincts – the eastern most 7 hectares, which directly adjoin the AELEC (and thus has strong economic and functional synergies) and the western 19 hectares which adjoin the Longyard Golf Course (and thus enjoy its amenity).

The notional boundary between these two precincts is also the major access point to the development site from the north, and thus the two parts can be readily distinguished. The Vision proposes a strong sense of arrival that will be created at this gateway into the site by attention to high quality landscape works and sculptural (public art) elements in the streetscape.

Part 1 - Objectives or Intended Outcomes

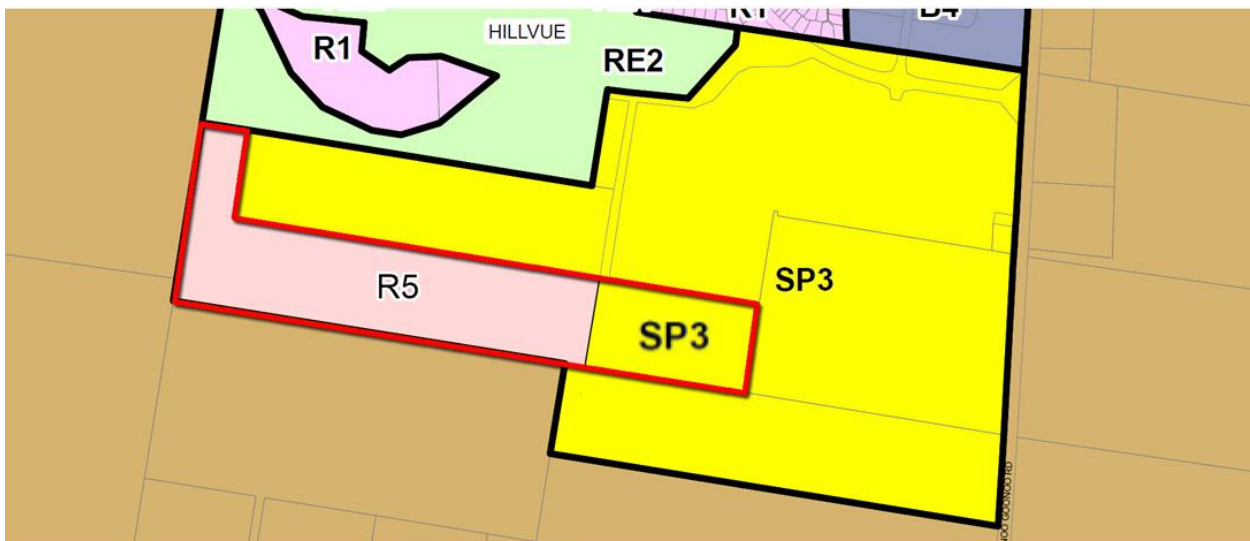
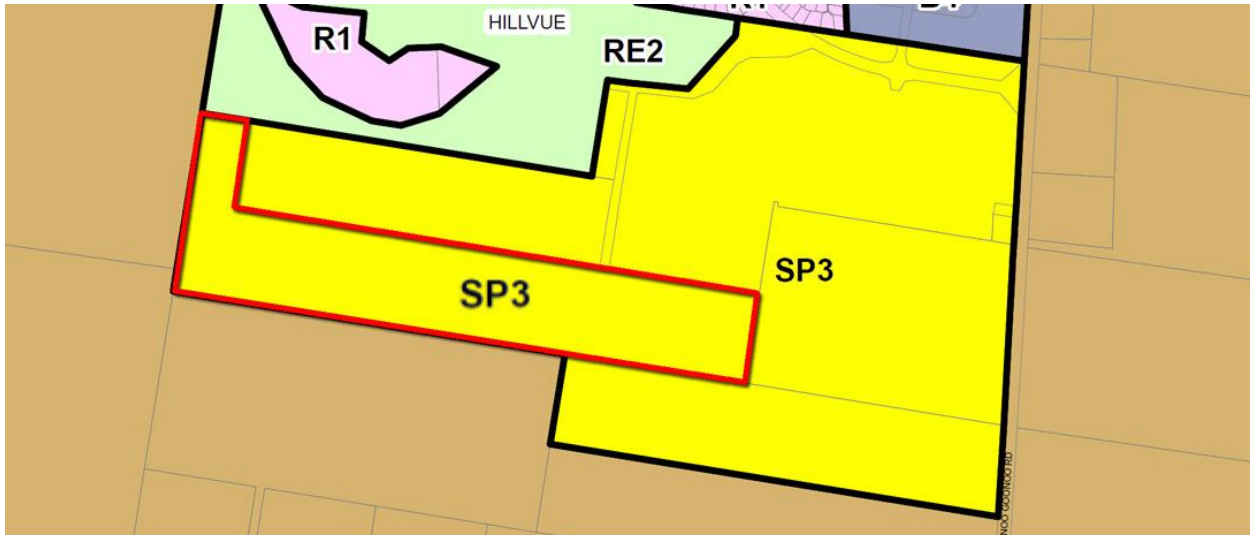
The objective of this proposal is to enable development applications within the western part of a site on Jack Smyth Drive in Hillview, South Tamworth for a “dwelling house” and correspondingly permanent accommodation, which are otherwise prohibited by virtue of the current ‘SP3 – Tourist’ zoning that applies to the site and the Land Use Table applicable to the zone in TRLEP 2010.

The subject site is formally known as part of Lot 2 in DP 1092556. It is owned by Jocep Enterprises Pty Ltd.

The permissibility of dwellings in part of the subject site would enable the realisation of the Vision for the property (known as Longyard Trails), and associated social and economic benefits, associated with the site’s proximity to the Australian Equine and Livestock Events Centre (AELEC).

Part 2 - Explanation of Provisions

An extract of the current TRLEP 2010 zoning Map, and the proposed amendment to the zoning map is presented below.



> The Intended Outcome. Current TRLEP 2012 Zoning (Top) and Proposed Amended Zoning (Bottom)

The site is currently zoned SP 3 'Tourist' pursuant to Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) as published. "Dwelling houses" is a prohibited use in the Zone.

In the TRLEP 2010 there are only two precincts of land subject to this zone in the Tamworth Regional Council area:

- Lands in Taminda, cnr Jewry Street and Britten Road; and
- Lands incorporating, and to the west and south of, the AELEC, Tamworth Regional Entertainment Centre and the Tamworth Regional Sports Complex, Goonoo Goonoo Road (New England Highway), Hillview. The subject site is located in this area.

Jocep Enterprises has, for some time, explored a vision to develop the land, (which is located to the rear of the AELEC,) to provide new visitor, conference, stabling and accommodation possibilities that reinforce and underwrite the success of the AELEC, complimenting the range of available facilities for AELEC users. Importantly, the vision for the development in Lot 2 reinforces the economic viability of not only the AELEC but also contributes to the long term economic future and prosperity of Tamworth.

The purpose of the detached dwellings is to provide permanent residential accommodation opportunities in an allotment close to stabling and equine facilities. Some lots will be linked to a bridal path that extends westwards from the AELEC into Lot 2 to provide convenient, direct and safe connectivity between dwellings, stables and the AELEC. In this manner, horse owning households in the development can capitalise on the facilities available in the AELEC. Similarly, the potential longer term economic viability of the facilities in the AELEC is reinforced by access to them from neighbouring properties.

Currently, TRLEP 2010 prohibits the realisation of this Vision. The Planning Proposal seeks to amend TRLEP 2010 by making a “dwelling house” use permitted with consent by rezoning the western part of the site from the ‘SP3 ‘Tourist’ Zone to the ‘R5 Large Lot Residential’ Zone. No changes to the ‘Minimum Lot Size’ map or any other maps are sought.

To accompany the amendment to the zoning map and at the suggestion of the DP&I it is intended to add the following objective to the R5 Zone in the Land Use Table:

To provide a mix of housing that supports and encourages neighbouring equine related facilities, and which is compatible with surrounding uses and activities.

Part 3 – Justification

Section A – Need for the planning proposal

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

In November 2007 Tamworth Regional Council prepared and adopted the *Tamworth Regional Development Strategy*. It was endorsed by the NSW Department of Planning in April 2008.

A number of elements of the Strategy support equine related uses in the subject site; including:

‘Strategic Action 8. Support equine industry development and promote sustainable management of its development:

- (a) *Position Tamworth as a recognized equine industry hub by producing a Tamworth Regional Equine Industry Development Strategy; and*
- (b) *Identify areas that support an Equine Industry Cluster and are environmentally sustainable. Develop a master plan for these areas to provide direction in relation to the types of development and subdivision that would be appropriate for these areas. The master plan must recognize and address the proposed ‘heavy vehicle bypass’ status of Burgmann’s lane.*
- (c) *...*

Figures 6.1 and 11.4 identify the southern part of Tamworth, including the subject site, as an appropriate location for equine related activities.

Since the adoption of the Strategy Council has worked with both the landowner and the NSW Department of Planning and Infrastructure (DP&I) to identify the most appropriate zoning mechanism that can satisfy the strategic direction within the site as well as interpret the agreed development vision for the site.

As part of this process, in 2011 Council commenced preparation of the South Tamworth Rural Lands Master Plan (STRLM). It was placed on public exhibition from 7 February to 7 March 2012.

While the draft STRLM does not directly address the subject site, it places the vision for the development of the site in the context of an overall strategy for South Tamworth’s Rural Lands to 2030 (+15 years).

Submissions were received from Josep Enterprises that noted that both the draft STRLM and the Department of Planning and Infrastructure’s suggestion for a “split zoning” (R5/SP3) across the site were consistent with the vision for its land and requested that Council proceed with the revised Planning Proposal to the Gateway Panel.

The Planning Proposal is a response to this strategic context.

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

Various potential zoning scenarios that could respond to the strategic context of the site have been canvassed and tested. They comprise:

- R1 Residential Over the Whole of the Site and Site Specific Chapter in the Tamworth Regional DCP;
- SP3 Tourism with Residential allowance;
- DP&I Suggested Split Zoning; R5 and SP3 with Additional Zone Objective;
- Split Zoning; R1 and SP3 and Site Specific Chapter in DCP to link the activities between the two zones; and
- A Site Specific Provision enabled by Inclusion of the Site in Schedule 1 of TRLEP 2010.

After further analysis it was considered that a suitable outcome would suggest that the SP3 zone be located at the eastern end of the site and the R5 “Large Lot Residential” zone occupy the remainder of the site. The R5 zone could provide flexibility to Josep Enterprises in the western section of the site as subdivision via a community title scheme that would enable a range of lot sizes whilst maintaining opportunities for some minor tourist accommodation uses. The SP3 portion remains in context with the surround land uses and zoning.

3. Will the net community benefit outweigh the cost of implementation and administering the planning proposal?

A Net Community Benefit Test has been undertaken of the proposal and is provided in **Appendix 1**. The outcome of the Planning Proposal will be an increase in the diversity of new housing in the LGA with new residents able to support local businesses. It will also provide opportunities to enhance the use and economic viability of the AELEC. Thus the net community benefit is considered to outweigh the cost of implementing the proposal.

Section B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. There are a number of State Government and Council Strategies and Policies that provide the strategic context for the development of the site. They comprise:

- The NSW State Plan;
- The Metropolitan Plan for Sydney 2036; and
- The Tamworth Regional Development Strategy.

The NSW State Plan

The NSW State Plan 2021 was recently released. It replaces the previous Plan of 2010 as “the NSW Government’s strategic business plan, setting priorities for action and guiding resource allocation” (p.2). The rezoning and development of the site is consistent with many of the 32 goals in the five strategies of the Plan; particularly with regard to improving the NSW economy and strengthening local communities. This is detailed in **Appendix 2**.

The Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 was released on 16 December 2010. It comprises the “new” Metropolitan Strategy for Sydney and replaces the previous “*City of Cities – a Plan for Sydney’s Future*” prepared in 2005 (Metropolitan Strategy 2005).

While much of the Plan has no relevance to this proposal it does however advise upon the current sustainability criteria (contained within the Metropolitan Strategy 2005) adopted to assist in the assessment of land release options outside Sydney’s Growth Centres.

Rezoning and Development is consistent with the current sustainability criteria as summarised in the table in **Appendix 3**.

The Tamworth Regional Development Strategy

The Planning Proposal is consistent with the strategic directions in the Tamworth Regional Development Strategy as noted in Part 3 Section A above.

5. 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.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The following State Environmental Planning Policies are relevant to the planning proposal:

SEPP	Requirement	Planning Proposal	Consistent
No. 55 – Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land. If the land is unsuitable, remediation must take place before the land is developed. Clause 6 of the SEPP requires consideration of contamination in any change in use that may permit residential use.	The known history of the use of the site suggests that it has not contained any activities that would have generated any unreasonable contamination that cannot be readily remediated.	Yes
No. 64 – Advertising and Signage	Introduces guidance to regulate the provision and form of signage to preserve the amenity and visual character of an area.	Signage guidelines can be included in a new site specific chapter of the Tamworth DCP 2011.	Yes
(BASIX) 2004	Aims to encourage sustainable residential development. SEPP relates to certain kinds of residential development which must be accompanied by a list of commitments by the applicant as to the manner in which development must be carried out.	Detailed compliance with BASIX will be demonstrated at the time of making an application for development consent.	Yes
(Exempt and Complying Development Codes) 2008	The Exempt and Complying SEPP applies to the site and permits development of minor environmental significance without the need for development consent. The SEPP lists developments that are exempt development and do not require consent and some developments which are complying development for the purposes of the EP&A Act.	The provisions of the SEPP in permitting developments of minor environmental significance without the need for development consent will be considered in future development of the site.	Yes
(Housing for Seniors or People with a Disability) 2004	The SEPP aims to increase the supply and diversity of residences suitable for seniors or people with a disability while making efficient use of existing infrastructure and services.	Any future applications for seniors' housing projects on the site will be made with consideration of the provisions of the SEPP. Criteria and standards relating to such developments will be addressed in the relevant development application.	Yes
(Infrastructure) 2007	The relevant matters for consideration include the requirement to address traffic impact and acoustic impact	Detailed compliance with the SEPP will be demonstrated at the time of making an application for development consent should any part of the SEPP be relevant to the proposed development.	Yes
SEPP (Rural Lands) 2008	To facilitate the orderly development of rural lands, identify rural planning and rural subdivision principles and reduce land use conflicts.	Not applicable to this proposal as the land is not zoned rural.	

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

The S.117 Directions that are relevant to a Planning Proposal lodged under the LEP Gateway are:

S.117 Direction	Contents	Planning Proposal	Consistent
1.1 Business and Industrial Zones	Planning proposals must encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	The Planning Proposal provides increased employment opportunities and has no impact on employment zoned land.	Yes
2.1 Environment Protection Zones	Planning proposals must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Where it applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP, it must not reduce the environmental protection standards that apply to the land. Where a proposal is inconsistent with the Direction the inconsistency must be demonstrated to be justifiable.	There are no known environmentally sensitive areas within the site.	
3.1 Residential Zones	Planning proposals must broaden the choice of building types in the housing market, make more efficient use of infrastructure and services, reduce consumption of land on the fringe, and are of good design.	The Planning Proposal provides a new opportunity for increased housing choice, efficient use of infrastructure and services and can provide good urban design to improve the locality.	Yes
3.4 Integrating land use and transport	Planning proposals must be consistent with DUAP publications "Improving Transport Choice" and "The Right Place for Business and Services".	The Planning proposal is consistent with these documents in providing opportunity for development of new activities that can be served by infrastructure, transport and services.	Yes
4.1 Acid Sulphate Soils	The relevant planning authority must consider the Acid Sulphate 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 Sulphate Soil Risk Maps prepared by the Department of Natural Resources.	Acid sulphate soils analysis undertaken as part of the investigation for Draft TRLEP 2009 concluded a low probability of acid sulphate soils occurring within the land currently zoned SP3.	Yes
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	This proposal supports the Tamworth Regional Development Strategy.	
6.2 Reserving Land for Public Purposes	Planning proposals (where relevant) are to facilitate the provision of public services and facilities by reserving land for public purposes.	The Proposal does not reduce the area of land reserved for public purposes. Rather, it improves the use of and access to this land adjoining the site.	Yes
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The proposed LEP zoning, is not considered to be particularly restrictive and is therefore consistent with this Direction.	Yes

Section C – Environmental, social and economic impact

8. 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?

Given the investigations to date it is considered that there is no critical habitat, and no threatened species, populations or ecological communities or their habitats on the lands zoned SP3, and none that are likely to be significantly impacted by the development of dwelling houses.

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

Preliminary observations suggest that the character of the site, particularly its significant modification for agricultural use, its lack of frontage to the New England Highway and its minimal interface with adjoining land uses via the proposed approach to development as presented in the Vision Concept Plan should ensure that any other environmental impacts are minimal and manageable.

Potential environmental impacts may extend to

- noise;
- access, traffic and parking;
- visual;
- built character;
- streetscape and public domain; and
- safety and security.

All potential impacts are considered to be minor and manageable. In particular:

- **Noise:** subdivision and building design will ensure that the noise standards for internal rooms are achieved, particularly as dwellings will be distant from the New England Highway and AELEC;
- **Access, Traffic and Parking:** Access to the site will be achieved via roads already identified and/or agreed. The additional traffic generated by the increase in housing in the site is considered to be negligible and manageable;
- **Visual:** The layout of roadways within the site will celebrate and promote views to local landmarks, recreation and amenity features and elevated land. These considerations will contribute to a development with high visual quality;
- **Built Character:** Building siting guidelines, to be incorporated within a site specific part of the Tamworth DCP, will provide the mechanism to promote built form character;
- **Streetscape and Public Domain:** Attention to streetscape public domain works (trees and relationship to open space design and siting etc.) to promote a high level of neighbourhood amenity, will reinforce the visual contribution of the site's public domain to the character of the Tamworth LGA; and
- **Safety and Security:** Subdivision and building design will adopt the principles of Crime Prevention Through Environmental Design (CPTED), particularly with regard to the layout and design of roads, parks and other public domain areas.

A thorough assessment of the environmental impacts will be undertaken in accordance with S.97C of the Environmental Planning and Assessment Act following lodgement of the development applications for subdivisions and development, should the proposal be supported and published.

10. How has the planning proposal adequately addressed any social and economic effects?

Comment on potential social effects, and in particular the potential community benefits, is provided throughout the Planning Proposal Report and particularly the Net Community Benefit Test in **Appendix 1**. In summary:

- the site of the proposed rezoning will enjoy convenient access to recreation and commercial services and employment, encourage walking and cycling thereby reducing dependence on private vehicles. It will enhance and provide improved access by the community to employment and a broader range and choice in equine services and facilities in the Tamworth LGA;
- Development within the site will provide additional employment opportunities within significant employment sectors (construction, hospitality, recreation and tourism) within Tamworth; and
- Higher order community, education, health, administration and retail and commercial facilities within Tamworth will be utilised by residents of and visitors to the site.

The outcome of the Planning Proposal will add to the diversity of new housing in the LGA with new residents able to support local businesses. It will also provide opportunities to enhance the use and economic viability of the AELEC. All social and economic effects are expected to be positive.

Section D – State and Commonwealth interests

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

Public Infrastructure encompasses:

- **Public Transport.** It would be expected that an intensification of activity would require review and possible augmentation of public transport services. Currently existing services are minimal and level of service reflects the low patronage. In this context development of the site can capitalise on (and assist justification in) Government investment in improvements in transport infrastructure.
- **Civil Infrastructure (sewer, stormwater, power, potable water, gas).** The existing networks in the vicinity of the site are currently being improved. The proposed intensification of activity within the site will increase demands on civil infrastructure. While the rezoning proposal will change the nature of the use and intensity, the extent of increased demand upon infrastructure will be within reasonable expectations of the requirement to augment services to accommodate development of this nature.
- **Emergency Services.** Existing fire, medical and police emergency services can service the site.

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

As part of the Gateway Rezoning process Council will consult with a range of government agencies that are relevant. No consultation with Commonwealth authorities has been undertaken to date on the Planning Proposal.

Part 4 – Community Consultation

The original proposed rezoning of the lands to SP3 'Tourist' (that included 'dwelling house' and "secondary dwelling" as a use that would be permitted with consent) was the subject of formal community consultation by Council as part of the preparation of TRLEP 2010. The rezoning of the site was the subject of reporting to Council and endorsement by Council in a publicly transparent and consultative manner on multiple occasions.

No issues or objections were raised during the consultation process.

The amended rezoning will be the subject of reporting to Council and endorsement by Council for exhibition in accordance with the Act and Regulation.

Exhibition of the Longyard Trails Planning Proposal – August 2012

The Longyard Trails Planning Proposal was publicly exhibited in accordance with the Gateway Determination for 28 days from the 30 July 2012 to 27 August 2012.

Letters advising of the public exhibition details were sent to stakeholders and adjoining property owners. The exhibition material was displayed at Ray Walsh House in Peel Street, Tamworth and included the Gateway Determination notification, a notice of public exhibition, copies of the planning proposal document, site and amended zoning map of the identified area.

The exhibition was advertised in the local paper being The Northern Daily Leader. The appointed Strategic Planning taking carriage of the proposal was available to answer enquires throughout the exhibition period.

At the conclusion of the exhibition period, no submissions were received with regard to the Planning Proposal.

Other than the additional information outlining the Community Consultation process and exhibition of the proposal, the document did not require amending for final submission to the Department of Planning and Infrastructure for the making of the Local Environmental Plan.

Appendix 1:

Net Community Benefit Test

NET COMMUNITY BENEFIT TEST

The Draft Centres Policy includes guidance on conducting a NCBT that should be followed when assessing the NCB of a planning proposal. This guidance has been reproduced below but adapted to suit all types of planning proposals.

The NCBT should be prepared by the proponent in conjunction with Council.

The level of detail and analysis should be proportionate to the size and the likely impact of the rezoning.

The assessment should only evaluate the external costs and benefits of the proposal (i.e. the externalities). The assessment should generally assume that any private costs will be cancelled out by any private benefits. Eg proposal to rezone land to permit a business – the resources costs from constructing and running the buildings and business will be met by the proponent and relevant business operators. These costs should be offset by revenues (rents, floorspace sales, sales of goods and services) which, together with the private transport costs incurred by shoppers, reflect community willingness to pay for the benefits on offer in the development. Therefore, in a competitive market and taking a long term view, and assuming the development is financially viable, the market priced costs and benefits will cancel each other out, except for a normal return on capital.

Consideration must be given to changes that reflect a higher community benefit that result from changes in private costs, eg a resultant change in rents caused by a proposal that has created a change in the value the community places on a land use.

The assessment should only include costs and benefits that have a net impact on community welfare (i.e. welfare effects). Impacts that simply transfer benefits and costs between individual and businesses in the community (i.e. transfer effects) should not be included, since they result in no net change in community benefits.

The proposal should be assessed against the matters specified in the justification. The assessment should evaluate the proposal against a base case, or base cases, including retaining the existing zoning on the land.

The NCBT requires Council endorsement prior to submitting to the Department of Planning as part of the Gateway test.

For larger or more complex proposals, the proponent should consider the use of more formal cost benefit analysis techniques. Such analysis should be carried out objectively taking into consideration matters such as the number and type of jobs generated, the local or regional economy multiplier effects and any infrastructure and likely travel cost implications.

The Draft Centres Policy

A NCB arises where the sum of all the benefits of a development or rezoning outweigh the sum of all costs.

It is important to have a clear and transparent test to determine whether the proposed use on the site would produce a net community benefit and therefore whether the site should be rezoned.

The proposal should be assessed using the questions set out below. The assessment should evaluate the proposal against a base case, or base cases, including retaining the existing zoning on the land and or locating the development on appropriate zoned land in a centre.

The base case should be informed by an understanding of what existing floorspace is available (or potentially available) in existing centres and, if any, why it cannot be used for the purposes proposed in the rezoning proposal.

The assessment should quantify costs and benefits where possible, although this may not always be achievable or practical. For larger and more complex proposals, the proponent should consider the use of more formal cost benefit analysis techniques (see Department of Finance and Administration (2006) "Handbook of cost benefit analysis" for more detail). Such analysis should be carried out objectively taking into consideration matters such as the number and type of jobs generated, the local or regional economy multiplier effects and any infrastructure and likely travel cost implications.

Net Community Benefit Test - template

Assumptions

The assessment:

- only evaluates the external costs and benefits of the proposal (i.e. the externalities). The assessment generally assumes that any private costs will be cancelled out by any private benefits.
- only includes costs and benefits that have a net impact on community welfare (i.e. welfare effects). Impacts that simply transfer benefits and costs between individuals and businesses in the community (i.e. transfer effects) are not included, since they result in no net change in community benefits.
- quantifies costs and benefits where possible.

Base case

The base case(s) against which the proposal is evaluated is the current situation

describe current situation eg current zoning if proposal is for a rezoning. Also identify and describe other base cases if being used.

Evaluation criteria

The following key criteria should be examined when assessing the merits of the proposal against the base case. Although these evaluation criteria are from the Draft Centres Policy and apply to retail and commercial rezonings, they should be adapted to all types of planning proposals, so make the necessary changes to the evaluation criteria for non-business/retail/ commercial rezonings.

If more than one base case is being used, add an extra column to the following table.

Quantify costs and benefits where possible.

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors)?	There are no State and regional strategic plans or directions in place that address Tamworth. Council's adopted Regional Development Strategy was endorsed by the Department of Planning in April 2008. A number of elements of the Strategy support equine related uses; including: 'Strategic Action 8. Support equine industry development and promote sustainable management of its development: (d) <i>Position Tamworth as a recognized equine industry hub by producing a Tamworth Regional Equine Industry Development Strategy; and</i> (e) <i>Identify areas that</i>	The LEP seeks to enable the development of dwellings associated with equine activities.	The qualitative benefits of the proposal are as follows: - The addition of dwellings increases the flexibility and viability of the area to attract equine related uses; - The inclusion of dwellings increases the scope for innovative approaches to private investment in equine related matters, particularly the stabling of horses with owners; - By increasing the choice and scope of equine activities on land adjoining the AELEC, it increases the use of the AELEC, enhancing its viability and function / role within the City.	No external cost to community. Increased private investment will be a benefit

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
	<i>support an Equine Industry Cluster and are environmentally sustainable. Develop a master plan for these areas to provide direction in relation to the types of development and subdivision that would be appropriate for these areas. The master plan must recognize and address the proposed 'heavy vehicle bypass' status of Burgmann's lane.</i> (f) ..." Figures 6.1 and 11.4 identify lands in the southern part of Tamworth as appropriate locations for equine related activities.			
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy? Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	Tamworth is a regional city. However it is not identified in any Regional / Subregional study.	The LEP SP3 zone applies to a small number of land holdings in the Tamworth Regional LGA. The Planning Proposal seeks a site specific outcome that responds to a unique set of locality specific circumstances (primarily proximity to the AELEC and other recreation facilities in South Tamworth).	It would be difficult to establish a precedent from support for the LEP based on the characteristics of the proposal and the subject land. It is unlikely that expectations from other landowners, or the community at large, would be influenced by the LEP, due to its unique relationship with the AELEC.	No external cost to community.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Tamworth Regional Council has recently prepared its new Comprehensive LEP. There are no relevant previous spot rezoning that could cumulatively establish a pattern of change that requires consideration.	The proposed LEP has been prepared in response to Council's resolutions since 2008 as described in the introduction to the Planning Proposal.	No external cost to community.	No external cost to community.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Land is currently zoned SP3 'Tourist'. The zone provides for employment uses.	The vision for the site embodied in the LEP seeks to retain key resort (employment generating) proposals.	The potential for the provision of employment generating uses within the zone is retained. Facilitating investment in construction	No external cost to community.

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
		It does not seek to remove any employment generating land uses from the land use table.	will, in turn, facilitate employment in the construction sector.	
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Land is currently zoned SP3 'Tourist'. 'Dwellings' are prohibited in the zone.	The LEP seeks to rezone part of the site to make "dwellings" a permissible use.	The LEP seeks to increase the variety / choice and supply of housing opportunities, assisting supply and affordability.	No external cost to community.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Tamworth Regional Council is the utilities authority and the area is served by sewer, water and power. Limited public transport serves the site.	The LEP will provide opportunities to increase the resident population in South Tamworth, enhancing use of investment in existing infrastructure.	A greater resident population in South Tamworth connected to the existing urban area will increase the viability of existing (or providing new) bus based public transport to South Tamworth.	No external cost to community.
Will the proposal result in changes to the car distances traveled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The range of existing uses allowed by the zone will generate car based travel demand.	The LEP increases the range of uses.	By co-locating dwellings with employment in South Tamworth, there are opportunities for minor decreases in car distances travelled.	No external cost to community.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are a number of major recreation and entertainment facilities adjoining the site comprising: the Australian Equine and Livestock Events Centre (AELEC), Tamworth Regional Entertainment Centre (TREC) and the Tamworth Regional Sports Complex (TRSC).	The LEP proposes complimentary uses that can be served by adjoining facilities.	Existing investment will benefit from potential minor increases in patronage generated by the proposed new uses.	No external cost to community.
Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The subject site has not been identified as having any biodiversity value or constrained by environmental matters			No external cost to community.
Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Activities and development in South Tamworth are characterised by a mix of residential, recreational and entertainment uses including golf course and major regional facilities.	The addition of dwellings to the range of permissible uses is both compatible with, and compliments, surrounding uses .	Improved access to regional recreation and entertainment facilities for Tamworth households.	No external cost to community.

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Not relevant to this Planning Proposal.			No external cost to community.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant to this Planning Proposal.			No external cost to community.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Dwellings are currently prohibited in the site.	Dwellings will be a permissible use in the site.	Public interest is best served by increasing the range of uses that compliment surrounding regional activities and facilities that can be accommodated within	Potential external cost to community if LEP does not proceed due to potential loss of economic opportunities noted above.
NET COMMUNITY BENEFIT =			Positive	Positive

Conclusion

The Net Community Benefit Test has found that the planning proposal will have a net community benefit and therefore the planning proposal should proceed.

Appendix 2:

Achievement of State Plan 2021 Goals and Strategies

Strategy and Goal	Contribution to Achievement	Comment
Rebuild the Economy		
1. Improve the performance of the NSW economy	Yes	Rezoning in accordance with this planning proposal will be the catalyst for significant investment by the private sector in development and construction. Construction that responds to the rezoning of the site will provide access to increase in locally based employment and potential 'on-the-job' and apprenticeship training opportunities. Furthermore, there will be enhanced investment and economic benefits achieved by the multiplier effects of the injection of wages into the economy and the increased business confidence and certainty that may emerge in undertaking investment in regional NSW and the Tamworth LGA.
2. Rebuild state finances		
3. Drive economic growth in regional NSW		
4. Increase the competitiveness of doing business in NSW		
5. Place downward pressure on the cost of living		
6. Strengthen the NSW skill base		
Quality services		
7. Reduce travel times	Yes	Due to the siting of a new residential environment that is an efficient addition to the urban area of Tamworth and is close to existing retail and commercial facilities, trip generation and travel times for access to local and wider services will be reduced compared to other 'out-of-town' locations and there is greater potential for service by public transport.
8. Grow patronage on public transport by making it a more attractive choice		
9. Improve customer experience with transport services		
10. Improve road safety		
11. Keep people healthy and out of hospital	Yes	Rezoning of the site provides greater opportunities for active, healthy lifestyles by the promotion of healthy planning principles in urban design.
12. Provide world class clinical services with timely access and effective infrastructure	n/a	
13. Better protect the most vulnerable members of our community and break the cycle of disadvantage		
14. Increase opportunities for people with a disability by providing supports that meet their individual needs and realise their potential	n/a	
15. Improve education and learning outcomes for all students	n/a	
16. Prevent and reduce the level of crime	Yes	Contemporary urban design will incorporate 'Crime Prevention Through Environmental Design' (CPTED) design principles offering improved performance in reducing the propensity for crime.
17. Prevent and reduce the level of re-offending		
18. Improve community confidence in the justice system		No impact.
Renovate infrastructure		
19. Invest in critical infrastructure	Yes	Development undertaken in response to the rezoning in this planning proposal will: • Result in more efficient use of existing infrastructure; and • Justify and support Council Government investment in road and public transport infrastructure in the Tamworth LGA.
20. Build liveable centres	n/a	

Strategy and Goal	Contribution to Achievement	Comment
21. Secure potable water supplies	Yes	Contemporary development will incorporate water saving and other 'green building' measures.
Strengthen our Local Environment and Communities		
22. Protect our natural environment	Yes	Will not hinder achievement of goal.
23. Increase opportunities for people to look after their own neighbourhoods and environments	Yes	Development undertaken in response to the rezoning in this planning proposal will provide greater opportunities for social interaction and community pride by providing a range of local meeting places focused on open space and internal and neighbouring equine facilities.
24. Make it easier for people to be involved in their communities		
25. Increase opportunities for seniors in NSW to fully participate in community life		
26. Fostering opportunity and partnership with Aboriginal people		Will not hinder achievement of goal.
27. Enhance cultural, creative, sporting and recreation opportunities	Yes	Development undertaken in response to the rezoning in this planning proposal will provide greater opportunities for social interaction and community pride by provision of a range of equine recreation opportunities.
28. Ensure NSW is ready to deal with major emergencies or natural disasters		Will not hinder achievement of goal.
Restore Accountability to Government		
29. Restore confidence and integrity in the planning system	Yes	The Gateway Rezoning Process is a transparent and accountable process. The landowner has been liaising with Tamworth Regional Council and Council has been liaising with the NSW State Government prior to the lodgement of the proposal.
30. Restore trust in State and Local Government as a service provider		
31. Improve government transparency by increasing access to Government information		
32. Involve the community in decision-making on Government policy, services and projects	Yes	The rezoning proposal, should it receive support by the State Government will be placed on public exhibition for community comment prior to any decision being. Community comments will be considered in the assessment of the rezoning proposal.

Appendix 3:

Achievement of Metropolitan Plan Sustainability Criteria

Table G2 Threshold Sustainability Criteria for Listing of Site on MDP	Measurable Explanation of Criteria	Comment
1 Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	- Development is consistent with any relevant residential development strategy, subregional strategy, regional infrastructure plan and Metropolitan Strategy. - The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on Government methodology for determining infrastructure contribution. - Preparedness to enter into development agreement.	- The proposal will provide new dwellings and jobs in construction, services, equine facilities and tourism. - Only minor augmentation of existing infrastructure services will be required, which will be cost effective and economically feasible. - The Proponent is prepared to enter into a Voluntary Planning Agreement to deliver agreed public benefits and works if required.
2 Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.	- Accessibility of the area by public transport and appropriate road access in terms of: > Location/land use; to existing networks and related activity centres. > Network: the areas potential to be serviced by economically efficient public transport services. > Catchment: the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals. - No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.	- Comprehensive pedestrian access is provided across the site to link homes with neighbouring activities. - The location of the site adjacent to public transport services will support the viability of such services.
3 Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.	It will increase the variety of housing types available in the Tamworth LGA.
4 Employment Lands Provide regional/local employment opportunities to support Sydney's role in the global economy.	- Maintain or improve the existing level of subregional employment self-containment. - Meets subregional employment capacity targets: > Employment related land is provided in appropriately zoned areas.	Activity will provide jobs in construction, services and the tourism and equine facilities that will support the employment strategies of Tamworth.
5 Avoidance of Risk Land use conflicts, and risk to human health and life, avoided.	- Available safe evacuation route (Flood and Bushfire). - No residential development within 1:100 floodplain. - Avoidance of physically constrained land: high slope; highly erodible. - Avoidance of land use conflicts with adjacent, existing or future land use and rural activities as planned under regional strategy.	- Land on the majority of the site is not bushfire or flood prone. - The proposal will not cause flood impacts on other properties. - The urban design vision does not propose residential development directly adjoining the AELEC to maintain an appropriate buffer from any potential risks of noise and odour.
6 Natural Resources Natural resource limits not exceeded/ environmental footprint minimised.	- Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and on environmental flows. - Demonstrates most efficient/suitable use of land. > Avoids identified significant agricultural land.	- Preliminary investigations confirm that the site can be viably serviced. - Dwellings on the site will be constructed in accordance with BASIX requirements for the reduction of the consumption of energy and water.

Table G2 Threshold Sustainability Criteria for Listing of Site on MDP	Measurable Explanation of Criteria	Comment
	> Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining, and quarrying. • Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.	• The proposal involves the development of presently underutilised land for the provision of housing and tourist and equine facilities. The site is suitable for development being close to existing services and public transport. • The site adjoins future urban land and will not be impacted by agricultural activity; • Development will not result in adverse impacts to agricultural land or natural resources.
7 Environmental Protection Protect and enhance biodiversity, air quality, heritage, and waterway health.	• Consistent with Government approved Regional Conservation Plan (if available). • Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats. • Maintain or improve existing environmental condition for air quality. • Maintain or improve existing environmental condition for water quality and quantity. > Consistent with community water quality objectives for recreational water use and river health (DEC and CMA). > Consistent with catchment and stormwater management planning (CMA and local council). • Protects areas of Aboriginal cultural heritage value (as agreed by DEC).	• There are no known regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats on the site. • The proposal will comply with any relevant statutory requirements for water quality.
8 Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	• Available and accessible services. > Do adequate services exist? > Are they at capacity or is some available? > Has Government planned and budgeted to further service provision? • Developer funding for required service upgrade/access is available.	• The site can be serviced with electricity, gas, water, telecommunications and electricity, subject to further consultation with utilities providers and any required upgrades.