

PLANNING PROPOSAL

Amend Land Use Table of SP 3 'Tourist' Zone

Tamworth Regional Local Environmental Plan 2010

Part 1 - Objectives or Intended Outcomes

The objective of this proposal is to enable development applications for a “dwelling house” or “secondary dwelling” use to be submitted on allotments in the SP3 'Tourist' zone, which are otherwise prohibited in the zone by virtue of exclusion from Parts 2 and 3 of the Land Use Table applicable to the zone.

The permissibility of dwellings and secondary dwellings on these lots would enable the realisation of the Vision for the Longyard Trails development, and associated social and economic benefits, on land in Hillview, South Tamworth. The land adjoins the Australian Equine and Livestock Events Centre (AELEC). The vision is also consistent with Council's consideration and adoption of the Draft LEP 2009 at its meeting on 7th June 2010.

Part 2 - Explanation of Provisions

Currently Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) as published prohibits “dwelling house” and “secondary dwelling” uses in the SP 3 'Tourist' 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 Australian Equine and Livestock Events Centre (AELEC), Tamworth Regional Entertainment Centre (TREC) and the Tamworth Regional Sports Complex (TRSC), Goonoo Goonoo Road (new England Highway), Hillview.

The land to the rear of the AELEC in Hillview, (formally known as Lot 2 in DP 1092556) is owned by Jocep Enterprises Pty Ltd. The owner of this land has, for some time, explored a vision to develop the land 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, known as 'Longyard Trails', reinforces the economic viability of not only the AELEC but also contributes to the long term economic future and prosperity of Tamworth.

The Vision is described in detail in the attached brochure that accompanies this Planning Proposal. Of particular relevance to the Planning Proposal, the Vision includes the development of detached dwelling accommodation.

The purpose of the detached dwellings is to provide permanent residential accommodation opportunities in an allotment generally with a sufficient area to provide a day yard for one horse. 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 “dwelling house” and “secondary dwelling” uses that are permitted with consent in the Land Use Table in the SP3 'Tourism' Zone. No changes to the maps are sought.

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; 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 lands in the southern part of Tamworth as appropriate locations for equine related activities.

Council at its meeting on 22 July 2008 recognised the economic and social benefits of the inclusion of permanent accommodation in the SP 3 zone and resolved to place the Draft LEP (then known as LEP 2009) on exhibition with 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. Furthermore, Council at its meeting on 6th June 2010, following exhibition, maintained its support for this provision when it resolved to finalise the draft LEP and forward it to the Minister

Notwithstanding this context, the uses “dwelling house” and “secondary dwelling” were removed from the table prior to the publishing of the LEP 2010 on 21 January 2011.

The Planning Proposal seeks to correct this anomaly.

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 of amending the LEP to permit applications to be submitted for dwelling houses and secondary dwellings in the SP3 zone. Other methods investigated will not achieve the intended result that is sought.

Other options identified:

(i) A Site Specific Provision enabled by Inclusion of Properties in Schedule 1 of TRLEP 2010

This option was considered. However, due the number of lots in the zone, but also the minimum area of affected land in the zone in the LGA, and the need to maintain flexibility in the application of the zone, the approach advocated in the Planning Proposal was considered to be the most appropriate method.

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

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 is considered to outweigh the cost of implementing the proposal.

Section B – Relationship to Strategic Planning Framework

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

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)?

The Planning Proposal is consistent with the strategic directions in the Tamworth Regional Development Strategy as noted 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 33 – Hazardous and Offensive Development

The policy aims to provide clear and uniform definitions of offensive and hazardous industry and to ensure rigorous and comprehensive assessment.

Applies to the State, but is not applicable to this proposal.

SEPP 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.

Applies to the State. 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 lands zoned SP3 are understood to not have contained any activities that would have generated any unreasonable contamination that cannot be remediated.

SEPP (Building Sustainability Index: 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.

Applies to the State. This SEPP would be used in the assessment of any dwelling applications submitted as an outcome of this proposal.

SEPP (Infrastructure) 2007

Facilitates the effective delivery of infrastructure across the state through improving regulatory certainty and efficiency through a consistent planning regime and flexible controls in the location of infrastructure.

Applies to the State, but is not applicable to this proposal.

SEPP (Rural Lands) 2008

To facilitate the orderly development of rural lands, identify rural planning and rural subdivision principles and reduce land use conflicts.

Applies to the State with exceptions. 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:

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 proposed to be zoned SP3.
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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?

Detailed technical investigations undertaken as part of the preparation of Draft TRLEP 2009 would support development in the manner proposed. No environmental constraints preclude the proposed additional permissible use in the SP3 zone.

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

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 improvements. 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?

The existing infrastructure in the City of Tamworth has the capacity to accommodate development of lands in the SP3 zone for dwelling houses.

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

As part of the original rezoning planning process for the Principal LEP (where the inclusion of “Dwelling House” and “Secondary Dwelling” in the SP3 zone was originally proposed), Tamworth Regional Council consulted with a range of government agencies through the Section 62 Consultation.

No further consultation with State and Commonwealth public authorities is required.

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.

It is recommended that the planning proposal be placed on public exhibition for a period of fourteen (14) days as per the requirement of Section 4.5 ‘A guide to preparing Local Environmental Plans’.