

**Tamworth Regional LEP 2010 Amendment No 4 - Coledale**

Proposal Title : **Tamworth Regional LEP 2010 Amendment No 4 - Coledale**

Proposal Summary : **This Planning Proposal aims to facilitate the redevelopment of under-utilised public open space areas (redundant parklands) and the development of vacant lands within the suburb of Coledale, West Tamworth.**

**The redevelopment opportunities are an outcome of an initiative between Housing NSW and Tamworth Regional Council to implement the Coledale Revitalisation Strategy. The strategy recommends a number of actions for the revitalisation of the Coledale public housing estate in West Tamworth which have been explored with the intention to increase greater accessibility to the area with improved road infrastructure and development of sites for affordable housing for low to moderate income earners.**

**The proposal also seeks to reclassify two parcels of land from "community land" to "operational land" under the Local Government Act.**

PP Number : **PP\_2013\_TAMWO\_002\_00**      Dop File No : **13/01214**

**Proposal Details**

Date Planning Proposal Received :	<b>07-Jan-2013</b>	LGA covered :	<b>Tamworth Regional</b>
Region :	<b>Northern</b>	RPA :	<b>Tamworth Regional Council</b>
State Electorate :	<b>TAMWORTH</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Precinct</b>		

**Location Details**

Street :	<b>126-178 Green Street</b>	City :	<b>Tamworth</b>	Postcode :	<b>2340</b>
Suburb :	<b>West Tamworth</b>				
Land Parcel :	<b>Lot 47 DP 549543</b>				
Street :	<b>38-124 Green Street</b>	City :	<b>Tamworth</b>	Postcode :	<b>2340</b>
Suburb :	<b>West Tamworth</b>				
Land Parcel :	<b>Part Lot 21, DP 238440</b>				
Street :	<b>43A Bourne Street</b>	City :	<b>Tamworth</b>	Postcode :	<b>2340</b>
Suburb :	<b>West Tamworth</b>				
Land Parcel :	<b>Lot 158 DP 237268</b>				
Street :	<b>6 Hamilton Court</b>	City :	<b>Tamworth</b>	Postcode :	<b>2340</b>
Suburb :	<b>West Tamworth</b>				
Land Parcel :	<b>Lot 126, DP 811981</b>				
Street :	<b>26 Sussex Street</b>	City :	<b>Tamworth</b>	Postcode :	<b>2340</b>
Suburb :	<b>West Tamworth</b>				
Land Parcel :	<b>Lot 154 DP 237268</b>				

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Street : **28 Sussex Street**  
Suburb : **West Tamworth** City : **Tamworth** Postcode : **2340**  
Land Parcel : **Lot 155, DP 237268**

Street : **30 Sussex Street**  
Suburb : **West Tamworth** City : **Tamworth** Postcode : **2340**  
Land Parcel : **Lot 156, DP 237268**

Street : **32 Sussex Street**  
Suburb : **West Tamworth** City : **Tamworth** Postcode : **2340**  
Land Parcel : **Lot 157, DP 237268**

Street : **90 Gunnedah Road**  
Suburb : **West Tamworth** City : **Tamworth** Postcode : **2340**  
Land Parcel : **Lot 20 DP 566707**

**DoP Planning Officer Contact Details**

Contact Name : **Jon Stone**  
Contact Number : **0267019688**  
Contact Email : **jon.stone@planning.nsw.gov.au**

**RPA Contact Details**

Contact Name : **Megan Purkiss**  
Contact Number : **0267675506**  
Contact Email : **m.purkiss@tamworth.nsw.gov.au**

**DoP Project Manager Contact Details**

Contact Name :  
Contact Number :  
Contact Email :

**Land Release Data**

Growth Centre :	<b>N/A</b>	Release Area Name :	<b>N/A</b>
Regional / Sub Regional Strategy :	<b>N/A</b>	Consistent with Strategy :	<b>Yes</b>
MDP Number :	<b>0</b>	Date of Release :	
Area of Release (Ha)	<b>5.00</b>	Type of Release (eg Residential / Employment land) :	<b>Both</b>
No. of Lots :	<b>45</b>	No. of Dwellings (where relevant) :	<b>45</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>0</b>

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

If No, comment :

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

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

### Supporting notes

Internal Supporting Notes :

External Supporting Notes : **This Planning Proposal aims to rezone land in and around Coledale to facilitate the development of more housing and neighbourhood/community uses. The proposed changes to the Tamworth Regional Local Environmental Plan 2010 are a result of strategic planning work carried out by Housing NSW in conjunction with Council. It is also linked to \$10.7 million funding provided by the Federal Government under the "Building Better Regional Cities" program.**

### Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed. It clearly provides reasons for the proposed rezonings in relation and change in minimum lot size for the subject lands as well as the reclassification of land.**

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

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

Comment : **The Planning Proposal provides an adequate explanation to the intended provision to achieve the objectives. The Planning Proposal includes mapping that clearly shows the proposed changes to the LEP Maps.**

#### Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.2 Rural Zones  
1.5 Rural Lands  
\* May need the Director General's agreement  
4.3 Flood Prone Land  
6.2 Reserving Land for Public Purposes**

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

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

d) Which SEPPs have the RPA identified?

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

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

If No, explain : **The Planning Proposal is considered to be consistent with all relevant SEPPs and the England North West Strategic Regional Land Use Plan.**

**The inconsistencies with relevant s117 Directions are considered to be of minor significance and are discussed below.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **The Planning Proposal includes appropriate mapping for exhibition purposes. The maps clearly show the subject land and the proposed changes to land zoning and minimum lot sizes.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **The Planning Proposal indicates that Council, in accordance with the requirements of a Gateway Determination and the NSW Department of Planning's Guidelines to Preparing LEP's, will formally notify adjoining landholders and government stakeholders of the proposal and extend an invitation to make comment.**

**Public exhibition following a Gateway Determination can be expected to include advertising in local newspapers, displays at Council offices and publication of public exhibition material on Council's website, [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au), for the prescribed period.**

**Due to the nature of the proposal, an exhibition period of 28 days is recommended.**

**In addition, as reclassification under the Local Government Act from "community land" to "operational land" is required for two of the parcels, a public hearing must be held before the proposal is finalised.**

**Additional Director General's requirements**

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

If Yes, reasons :

**Overall adequacy of the proposal**

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

If No, comment : **Council has included a Project Time Line within the Planning Proposal. It indicates a 6 month timeframe to complete the LEP Amendment. This appears to be optimistic given the nature of the proposed amendment. It is recommended that a 9 month timeframe to complete the LEP Amendment be included in the Gateway Determination.**

**Proposal Assessment**

**Principal LEP:**

**Due Date :**

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

**Assessment Criteria**

**Need for planning proposal :**

**This Planning Proposal is the outcome of strategic planning work led by Housing NSW and Tamworth Regional Council for the urban renewal and revitalisation outlined in the Coledale Revitalisation Strategy and Coledale Master Plan. Both of these documents are attached to this Planning Proposal. Council has also secured \$10.7 million in funding from the Federal Government under the Building Better Regional Cities (BBRC) program to progress with the first stage of the adopted master plan. This Planning Proposal is required to enable the adopted master plan to be implemented.**

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**The Planning Proposal is required to reclassify land from Community to Operational to enable the implementation of the Coledale Master Plan.**

**This Planning Proposal also proposes to alter the minimum lot size of land adjacent to the Coledale Master Plan area to facilitate the subdivision of one property that adjoins Peel High School. The land is privately owned but leased by the School to cater for their Agricultural Studies programs. To secure the future of these programs the School has negotiated with the owner the sale of the property. The change in the minimum lot size (40ha to a combination of 20ha and 5ha) would facilitate the subdivision of the land to enable the excision of an existing dwelling.**

Consistency with strategic planning framework :

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

The New England North West Strategic Regional Land Use Plan was released in September 2012. The Planning Proposal is considered to be consistent with the provisions of this Plan.

The Tamworth Regional Development Strategy was prepared by Council and approved by the Director General in April 2008. It does not specifically deal with the rezoning of the subject lands but does include the following recommendations that support the Planning Proposal

- Locate and design community services and facilities within the Tamworth Region to meet the needs of the community and to ensure equitable access.
- Provide recreational opportunities that respond to the present and future leisure and recreation needs of the changing population.
- Enhance the livability, sense of place and sense of community in the Region.
- Investigate mechanisms to increase the availability of affordable housing in the Tamworth Region.

This Planning Proposal is also the outcome of strategic planning work led by Housing NSW and Tamworth Regional Council and is necessary to enable Council to undertake works associated with \$10.7M Federal Government Funding, as discussed previously.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions, except in relation to Direction 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes, as discussed below:

#### 1.2 Rural Zones

The Proposal is considered inconsistent with this Direction as it will rezone land from a rural zone to a residential zone. This inconsistency is considered as minor and justified as the land is adjacent to the existing residential zone, is a logical extension of the residential zone and the land has minimal potential as a viable agricultural holding.

#### 1.5 Rural Lands

The Proposal is considered inconsistent with this Direction as it will affect land within an existing or rural zone and it changes the existing minimum lot size on land within a rural zone. This inconsistency is considered as minor and justified as the land is adjacent to the existing residential zone, is a logical extension of the residential zone and the land has minimal potential as a viable agricultural holding.

#### 4.3 Flood Prone Land

The Proposal is considered inconsistent with this Direction as it will alter a zone that affects flood prone land. This inconsistency is considered as minor and justified also as flooding will only affect a small portion of the land being rezoned to a residential use and flooding impacts can be managed by the existing provisions of the TRLEP 2010. Council is also undertaking a flood study to confirm the nature of flooding in the area and will include any measures to mitigate potential hazards identified.

#### 6.2 Reserving land for Public Purposes.

The proposal is considered inconsistent with this Direction as it proposes to reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority (Crown Lands Division) and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). Council has not indicated whether such approval has been sought from the Crown Lands Division. It is recommended that Council consult with the Crown Lands Division prior to public exhibition to obtain this approval. It is further recommended that the Director-General, or an officer of the Department nominated by the Director-General approve the reduction of land zoned or reserved for public purpose in this instance. If such approval is granted, the inconsistency with this Direction will be resolved.

Environmental social economic impacts :

A Flora and Fauna Assessment was undertaken to determine the likelihood of threatened species, critical habitats and migratory species potentially located with the areas affected by the planning proposal. Council advises it was confirmed through this process that the proposed works were not expected to impact on any Environment Protection and Biodiversity Conservation (EPBC) Act 1999 listed fauna species, communities or populations. Consequently, no key threatening processes to fauna are identified resulting from the proposal.

It also confirmed that no flora species listed as threatened under the NSW Threatened Species Conservation Act 2003, Environmental Protection and Biodiversity Conservation (EPBC) Act 1999, Critical Habitat under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, or EPBC listed flora species, communities or national areas of significance would be impacted from the proposal.

A Preliminary Site Contamination Investigation has been undertaken as well as a preliminary Flood Investigation of the site. Further detailed investigations into both are currently being prepared. An Archaeological Analysis was also prepared by Council, but did not identify any issues that would constrain this Planning Proposal. It is recommended that these studies be put on exhibition concurrently with the Planning Proposal.

The Planning Proposal aims to encourage development on vacant lands and underutilised sites to suit a variety of users, household sizes and family types. The objective is to create linkages for improved access and connectivity to and within the suburb to improve access to services and employment. This will contribute toward the building of positive image for the Coledale locality with the implementation of urban design improvements, higher quality pedestrian and residential amenity. This will in turn potentially initiate the sale and development of vacant land and social housing stock to increase the number of affordable housing properties available and create a more varied social mix and diversity in the community. It is also hoped that this will lead to increase home ownership within low to moderate income groups and Indigenous Australians through the sale of affordable residential properties. In addition it will provide appropriately zoned lands to accommodate neighbourhood services and facilities including a small scale commercial/retail area and Youth Centre to engage youth in activities that will develop potential and increase opportunities.

These initiatives are supported.

**Assessment Process**

Proposal type :	<b>Precinct</b>	Community Consultation Period :	<b>28 Days</b>
Timeframe to make LEP :	<b>9 Month</b>	Delegation :	<b>DDG</b>
Public Authority Consultation - 56(2)(d) :	<b>Other</b>		

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

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

If no, provide reasons : **Consultation under Section 56(2)(d) is recommended with the Department of Primary Industries - Catchments and Lands - Crown Lands Division seeking approval to reduce existing zonings or reservations of land for public purposes.**

**While no public hearing by the PAC is required, section 29 of the Local Government Act requires a hearing in relation to reclassification of lands.**

**Tamworth Regional LEP 2010 Amendment No 4 - Coledale**Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

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

If Yes, reasons :

**Documents**

Document File Name	DocumentType Name	Is Public
Cover_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Council_Report_Resolution_20121211.pdf	Proposal	Yes
Coledale_Revitalisation_Strategy_September_2011.pdf	Study	Yes
Coledale_Master_Plan_Adopted_by_Council_20110912.pdf	Study	Yes
Building_Better_Regional_Cities_Coledale_Site_Plan.pdf	Study	Yes

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

S.117 directions:      **1.2 Rural Zones**  
                                  **1.5 Rural Lands**  
                                  **4.3 Flood Prone Land**  
                                  **6.2 Reserving Land for Public Purposes**

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

**1. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**

- **Department of Primary Industries – Catchment and Land – Crown Lands Division.**

**Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.**

**Council is to consult the Crown Lands Division seeking approval to reduce existing zonings or reservations of land for public purposes, prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary).**

**2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**  
**(a) the planning proposal must be made publicly available for 28 days; and**  
**(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to**



Preparing LEPs (Department of Planning 2009).

3. Council is to exhibit the following documents concurrently with this Planning Proposal

- Coledale Revitalisation Strategy;
- Coledale Master Plan;
- The Flora and Fauna Study pertaining to the subject site;
- Preliminary Site Contamination Investigation and the results of any further investigations pertaining to the subject site;
- Flood Investigation and the results of any further flood studies pertaining to the subject lands; and
- Archaeological Analysis pertaining to the subject site.

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

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. The Delegate of the Director General agrees that the inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land are justified as being of minor significance

7. The Delegate of the Director General approve the reduction of existing zonings or reservations of land for public purposes in accordance with the provisions of S117 Direction 6.2 Reserving Land for Public Purposes.

Supporting Reasons :

This Planning Proposal should proceed as it aims to facilitate the development of more housing and neighbourhood/community uses. The proposed changes to the Tamworth Regional Local Environmental Plan 2010 are a result of strategic planning work carried out by NSW Housing in conjunction with Council. It is also linked to \$10.7million funding provided by the Federal Government under the "Building Better Regional Cities" program.

Signature:



Printed Name:

JIM CLARK

Date:

11 January 2013