

6.11 PLANNING PROPOSAL FOR THE NOW (NEW OPPORTUNITIES WEST) PROJECT – FILE NO SF5772

DIRECTORATE: PLANNING AND COMMUNITY SERVICES

AUTHOR: Megan Purkiss, Strategic Planner

Reference: Item 7.13 to Ordinary Council Meeting 13 December 2011 – Minute No 414/11



6.11 ANNEXURE -
NOW Planning Propos **ANNEXURE ATTACHED**

RECOMMENDATION

That in relation to the report “Planning Proposal for the NOW (New Opportunities West) Project”, Council resolve to forward the proposal to the Minister for Planning and Infrastructure in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

SUMMARY

This report seeks Council’s endorsement of a Planning Proposal to amend the *Tamworth Regional Local Environmental Plan (TRLEP 2010) 2010* as it relates to the NOW (New Opportunities West) Project. The aim of the proposal is to allow for the development of lots for affordable housing, extension of infrastructure including Cole Road and Cossa Street, construction of a Youth Centre in Centenary Park and the provision for commercial development on four lots adjacent to Centenary Park.

These proposed initiatives were identified under the Housing NSW Coledale Urban Renewal Master Plan which was adopted by Council on 13 December 2011 and were identified as essential requirements in the application to the Federal Governments Building Better Regional Cities (BBRC) Program. The Planning Proposal is a requirement of the Department of Planning and Infrastructure (the Department) to rezone and reclassify lands within the Coledale area. It is also proposed to change the minimum lot size for two properties adjoining Peel High School and the proposed Cole Road North extension to facilitate opportunities for land to be used in accordance with the school’s agricultural curriculum.

A number of studies have been undertaken to determine potential impacts and risks that may be associated with the proposed works on certain lands identified within the NOW project. The outcomes of these studies will inform the Planning Proposal that is anticipated to be forwarded to the Department in early January 2013.

COMMENTARY

The Planning Proposal aims to rezone Lot 47 DP 549543 from RU4 Primary Production Small Lots to R1 Residential for the subdivision of affordable housing allotments and the introduction of a 600m² minimum lot size. A portion of Lot 21 DP 238440 will also be rezoned from RU4 Primary Production Small Lots to R1 Residential to allow for the extension of Cole Road to Flemming Crescent.

Centenary Park (Lot 126 DP 811981 and part Lot 158 DP 237268) is currently zoned RE1 – Public Recreation and is restrictive with regard to permissible land uses. The rezoning of a portion of the park to B1 Neighbourhood Centre will allow for a Youth Centre along with a range of small scale retail, business and community uses that will serve the needs of people who live or work in the surrounding neighbourhood. The rezoning will also “optimise” the extension of Cossa Street through to Quinn Street and Cole Road by providing a “commercial” precinct in the centre of Coledale.

As Centenary Park is currently classified as community land, a reclassification of part of this land will be required (from Community Land to Operational Land) to facilitate potential future leasing arrangements for the Youth Centre. Lots adjacent to Centenary Park facing Sussex Street (Lot 154 to 157 DP 237268) are also proposed to be rezoned from R1 Residential to B1 Neighbourhood Business. This will allow for commercial land uses to occur within the project area in accordance with the Urban Renewal Master Plan, refer **ANNEXURE 6.11**.

In addition, it is proposed that a minimum lot size be introduced to Lot 11 DP 801460 and part Lot 25 DP 1087663 to allow for the primary dwelling to be excised from the residue of the property which will facilitate opportunities for the flood affected residual land to be made available for Peel Technology High School’s agricultural curriculum.



KEY MASTER PLAN PRINCIPLES

Two Key Principles were identified in the Coledale Urban Renewal Master Plan 2011 that will align with the objectives of the Planning Proposal. These include:

- **Improve permeability, legibility and connectivity** with the creation of a more connected network of through roads and linkages within the precincts and from surrounding areas.

- **Improve the neighbourhood built form and character** in the redevelopment of undeveloped sites, with subdivision pattern of roads and allotments to connect into the existing Coledale area and upgrading the appearance and amenity of social housing properties.

SURVEY AND REPORTING OUTCOMES

Due to the project's timeframes as specified by the Federal Governments BBRC program, and taking into consideration the nature of the Coledale area and associated historical land uses, a number of surveys and studies were undertaken to ensure that relevant information was available with regard to potential impacts and issues prior to the Planning Proposal being lodged with the Department.

A series of surveys and reports were subsequently commissioned by Council with regard to possible impacts and associated issues for rezoning purposes within the NOW project site area. The studies included Preliminary Contaminated Land Investigation, Flora and Fauna Report and a Preliminary Flood Analysis. An Aboriginal Archaeological survey and report was also conducted by a representative from the Tamworth Aboriginal Lands Council.

Preliminary Site Contamination Investigation

Investigation of the subject sites has indicated that certain locations had historical land use activities such as the back filling of quarries and the operation of a brick works.

Further investigations are required to be undertaken in relation to these sites prior to the finalisation of the Planning Proposal for residential development.

Preliminary Flood Investigation

The TRLRP 2010 identified Lot 109 DP 813631 and Lot 47 DP 549543 as being affected by flooding on the western edges of these lands by the Timbumburi Creek. As these lots are proposed to be rezoned for residential development, a Preliminary Flood Investigation has been undertaken to determine possible flooding generated from current and future development within the catchment.

At the conclusion of this study, flood modelling may be required to determine the Flood Planning Level that includes the 0.5 metre freeboard and any overland flow that may affect potential development. This information will inform the Planning Proposal with regard to the TRLEP 2010 Flood Planning maps.

Archaeological Investigation and Report

An Aboriginal Archaeological survey was conducted by a representative from the local Aboriginal Lands Council to investigate the possible location of aboriginal artefacts on the lands designated for the extension of Cole Road and proposed future residential lands.

The survey identified the remains of two Bora Rings (circles of foot-hardened earth used for initiation ceremonies) on the lands adjacent to Flemming Crescent to the south of the Coledale area owned by Housing NSW. To ensure the preservation of this significant place, the affected lands will be identified for open space purposes and will not be incorporated in the development proposals.

No additional artefacts were identified within the study area that would be impacted by the extension and construction of Cole Road or residential development.

A representative from the Tamworth Aboriginal Lands Council will be located on site during all initial ground clearing and excavation of roads, subdivision works and construction of the Youth Centre. Council will liaise with the Land Council for the duration of the works.

Flora and Fauna Analysis and Report

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.

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. Subsequently, no key threatening processes are relevant to fauna impacts resulting from the proposal.

It was 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 proposed development.

It was further established that those sites assessed did not possess potential Koala habitat under State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection as no forested areas were found to be present. Subsequently, no key threatening processes were found to be relevant to flora impacts resulting from the proposal.

Development Control Plan

A Site Specific Development Control Plan (DCP) will be prepared to provide a framework for the undeveloped lands proposed for future residential development. The DCP will be guided by the Coledale Urban Renewal Master Plan with regard to subdivision layout and road design. A separate report has been submitted to Council in relation to this matter.

CONCLUSION

The Planning Proposal and associated mapping are currently being finalised with the intention to submit the proposal to the Department in early January 2013 along with the relevant studies and actions to progress with the development of certain land for affordable housing.

The Planning Proposal comprises of five parts:

1. Rezoning of Lot 47 DP 549543 and part of Lot 21 DP 238440 from RU4 Primary Production Small Lots to R1 Residential (land adjoining the former brickworks site);
2. Rezoning of Lot 126 DP 811981 and part of Lot 158 DP 237268 from RE1 Public Recreation to B1 Neighbourhood Centre (Centenary Park);
3. Reclassification of Centenary Park from 'Community Land' to 'Operational Land';
4. Rezoning of Lot 154 to 157 DP 237268 from R1 Residential to B1 Neighbourhood Centre (land adjoining Centenary Park); and
5. Introduce a minimum lot size of approximately 10 hectares for Lot 11 DP 801460 and part Lot 25 DP 1087663 (land adjoining the proposed extension of Cole Road North).

There is a significant community benefit that will result from the rezoning and reclassification of the nominated lands. Redevelopment opportunities will allow for the addition of more affordable housing into the area as well as potentially improving the neighbourhood character of the existing area.

The Planning Proposal is the first step in the 'gateway' plan-making process and outlines the effect of and justification for the initiative. If approved, the Minister will provide a determination regarding the procedure and whether further studies are required and resources allocated for the preparation of the Proposal as well as any specific requirements for public exhibition. It is recommended that the Planning Proposal for the NOW Project be referred to the Department for a gateway determination.

(a) Policy Implications

The Planning Proposal is in accordance with the adopted Urban Renewal Plan for the area.

(b) Financial Implications

Council was allocated a sum of \$10.7 million dollars from the Federal Government's Building Better Regional Cities (BBRC) Program. The rezoning and reclassification of lands will allow for these funds to be invested in the development of lands for affordable housing and the construction of infrastructure in the Coledale area.

(c) Legal Implications

The Planning Proposal will result to an amendment to the TRLEP 2010 which will change the legal planning controls for the affected land.

(d) Community Consultation

An extensive amount of community consultation has been conducted with regard to the NOW initiative. This includes not only the exhibition process for the adoption of the Master Plan in 2011, but also the extensive publicity and consultation when Council was awarded the Building Better Regional Cities Funding from the Federal Government and the promotion of this project to the local community and region as a whole. Community Consultation is continually being conducted as a component of the NOW project and will continue throughout the progression of each of the project's stages and milestones.

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DIRECTORATE:

**PLANNING
SERVICES**

AND

COMMUNITY

AUTHOR:

Megan Purkiss, Strategic Planner

MOTION

Moved Cr Rodda/Cr Wilson

392/12

RESOLVED

That in relation to the report "Planning Proposal for the NOW (New Opportunities West) Project", Council resolve to forward the proposal to the Minister for Planning and Infrastructure in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.