

Tamworth Regional LEP 2010 Amendment No 7 - Masters Home Improvement Centre with associated bulky goods / food and drink premises

Proposal Title :	Tamworth Regional LEP 2010 Amendment No 7 - Masters Home Improvement Centre with associated bulky goods / food and drink premises		
Proposal Summary :	The Planning Proposal aims to: - Rezone part of the site from R1 General Residential and RU4 Primary Production Small Lots to B4 Mixed Use (map sheet LZN_004C); - Remove the current minimum lot size requirements for the areas of the site being rezoned to be consistent with the remainder of the land (no minimum lot size currently applies to the area of the site zoned B4 Mixed Use) (map sheet LSZ_004C); - Alter the Floor Space Ratio Map (map sheet FSR_004C) for the areas to be rezoned to either 1:1 (land currently zoned R1) or 0.5:1 (land currently zoned RU4); and - Alter the Flood Planning Map (map sheet CL3_004C) to incorporate the findings of a flood study due to the proposed changes to ground levels across the site that will result from the development. These changes will facilitate the development of the site for a Masters Home Improvement Centre with associated bulky goods and food and drink tenancies.		
PP Number :	PP_2013_TAMWO_006_00	Dop File No :	13/10847

Proposal Details

Date Planning Proposal Received :	24-Jun-2013	LGA covered :	Tamworth Regional
Region :	Northern	RPA :	Tamworth Regional Council
State Electorate :	TAMWORTH	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	5-7 Hilton Street and 7-33 Scott Road		
Suburb :	City :	Tamworth	Postcode : 2340
Land Parcel :	Part of Lot 1 in DP 797999, part of Lot C3 in DP 160164 and part of Lot 1 in DP 196665		

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	2.90	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	15,200.00	No of Jobs Created :	150
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
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 : **Council has not requested an authorisation to exercise their plan making delegations under section 59 on the Environmental Planning and Assessment Act 1979.**

External Supporting Notes : **The intended outcome of the Planning Proposal is to facilitate the development of a Masters Home Improvement Centre with associated bulky goods and food and drink tenancies. The site is constrained by flooding, a water course (Barnes Gully) and traffic/access issues with Scott Road and Locks Lane. The proposed development is estimated to create 150 full time jobs and 185 jobs during construction.**

Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes for the Planning Proposal are adequately expressed in relation to the proposed rezoning and the alteration of the floor space ratio, minimum lot size and flood prone land maps.**

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

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

Comment : **The Planning Proposal provides an adequate explanation of the intended provisions to achieve its objectives.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

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

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

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 15—Rural Landsharing Communities

SEPP No 22—Shops and Commercial Premises

SEPP No 30—Intensive Agriculture

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan (SRLUP) applies to the Tamworth Regional LGA. This Planning Proposal is consistent with the SRLUP.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The Planning Proposal is considered to be consistent with all relevant SEPPs, the New England North West Strategic Regional Land Use Plan and all applicable section 117 Directions except in relation to Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal includes appropriate mapping showing the subject site, the proposed rezoning, the proposed minimum lot size and proposed floor space ratio. The**

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proposed flood mapping will be determined following completion of additional flood investigations. This mapping should be completed and included within the Planning Proposal prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **No formal community consultation has been proposed in the Planning Proposal. Due to the significant traffic and flooding issues needing to be addressed in the development of the site, and as it is anticipated that the proposal will generate significant local interest, it is recommended that a 28 day public exhibition period be undertaken.**

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 : **The Planning Proposal is considered to be adequate and has been prepared in accordance with the Department's 'A Guide to Preparing LEPs'. Council has included a Project Timeline as an addendum to the Planning Proposal. Council has identified an approximate 9 month time frame for completion of this Planning Proposal. Due to the additional studies needing to be completed prior to consultation with agencies and public exhibition, it is considered that a 12 month time frame would be more appropriate.**

Council is not seeking an authorisation to exercise its plan making delegations. As the rezoning is however considered to be consistent with the strategic planning framework (see discussion below) and of local significance, there appears to be no impediment to Council using its plan making delegation for this proposal.

Proposal Assessment

Principal LEP:

Due Date :

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

Assessment Criteria

Need for planning proposal : **The proponent has undertaken significant investigations into a number of potential sites for the proposed development in Tamworth (as detailed within the Planning Proposal). These investigations concluded that the subject site was the most suitable, in part, due to its central location and as a large part of the site was already within a suitable zone (B4 Mixed Use). The Planning Proposal is needed to amend the zoning, lot size and floor space ratio controls under Tamworth Regional LEP 2010 to permit the development on the remainder of the site currently zoned RU4 Primary Production Small Lots and R1 General Residential.**

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Consistency with strategic planning framework :

No Regional Strategies apply to the Tamworth Regional Local Government Area.

The New England North West Strategic Regional Land Use Plan applies to the site. 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. The Planning Proposal is considered to be consistent with this Strategy as it encourages a "centres" approach to retail development, whilst acknowledging that some large format development may be more appropriately located outside the CBD and on the periphery of other commercial areas (such as the subject land which is already partly zoned B4 Mixed Use).

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

1.2 Rural Zones

The Proposal is considered inconsistent with this Direction as it rezones rural land (RU4 Primary Production Small Lots) to a business zone (B4 Mixed Use). This inconsistency is considered to be of minor significance due to the small quantity of rural land involved (2.6ha), its location adjoining existing B4 Mixed Use zoned land and as it is not currently, or likely to be used in the future, for any viable agricultural activities.

1.5 Rural Land

The Proposal is considered inconsistent with this Direction as it will affect land within an existing rural zone contrary to the Rural Planning Principles and Rural Subdivision Principles of the SEPP (Rural Lands) 2008. This inconsistency is considered to be of minor significance due to the small quantity of rural land involved (2.6ha), its location adjoining existing B4 Mixed Use zoned land and as it is not currently, or likely to be used in the future, for any viable agricultural activities.

4.3 Flood Prone Land

The Proposal is considered inconsistent with this Direction as it rezones land within the flood planning area from a rural to a business zone and permits a significant increase in the development potential of the land. The area of the site currently zoned RU4 Primary Production Small Lots is identified as being within a flood planning area in the LEP Flood Planning Map.

The concept design for the proposed development involves filling works within the flood planning area that aim to make the site predominantly flood free (except for the proposed western access point). The redevelopment of the site includes filling part of the site so that the finished floor levels are 500mm above the 1:100 year flood event, and relocating the existing watercourse (Barnes Gully). A Flood Impact Assessment has been included with the Planning Proposal and concludes that the site works would:

- have an insignificant impact on flood storage due to the size of the adjoining floodplain;
- that flood levels and velocities along the site will increase by less than 10mm and 5% respectively; and
- the impact of these increases will have an insignificant impact to both the local upstream and downstream areas around the site.

The inconsistency with this Direction is considered to be of minor significance due to the findings of the Flood Impact Assessment.

It is noted that Council has indicated that while the impact assessment provides sufficient detail to seek a Gateway Determination, that they will be seeking an additional flood study from the proponent to provide further detailed flood information (including informing the proposed changes to the LEP flood map) before the Planning Proposal will be exhibited. This approach is supported. It is also recommended that the Planning Proposal be forwarded to the Office of Environment and Heritage (Flood Plain Unit), the Department of

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Primary Industries (Fishing and Aquaculture) and the Department of Primary Industries (NSW Office of Water) for comment prior to the exhibition.

Environmental social economic impacts :

The Planning Proposal identifies no significant adverse environmental, social or economic impact resulting from the development. The proposal anticipates that the development will have a net economic and social benefit as it will create 185 construction jobs and 150 full time equivalent jobs, strengthen Tamworth's position as a major regional centre and will improve competition within the retail sector. The Planning Proposal also indicates that an indigenous archaeological assessment is currently underway for the site and will be provided as an addendum to the Planning Proposal prior to exhibition. In regard to environmental issues, the site has been significantly altered over time and it is unlikely that any negative impact will occur to any critical habitat, threatened species, populations or ecological communities, or their habitats. A flora and fauna study is underway and will form part of an addendum to the Planning Proposal prior to exhibition. The site is not considered to be bushfire prone and flooding issues have been discussed above. A preliminary potential site contamination assessment has also been undertaken that concludes no evidence of contamination that would preclude the development from proceeding. The proposal is considered to be satisfactory in regard to potential economic, social and environmental impacts.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **0 months** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Fishing and Aquaculture
Transport for NSW - Roads and Maritime Services
Other**

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

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

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Flooding

Other - provide details below

If Other, provide reasons :

As discussed above, Council has requested the proponent prepare more detailed flood studies due to the impacts of flooding on, and around the site, and due to the proposed relocation of an existing watercourse (Barnes Gully). Consultation on these issues with OEH (Flood Plain Unit), DPI (Fishing and Aquaculture) and DPI (Office of Water) is considered appropriate.

Council has also requested that the proponent prepare a more detailed traffic study due to the potential impact on Scott Road, which is part of the national highway system (New England Highway), part of the Tamworth by-pass and one of Tamworth's busiest transport corridors. While the Transport Report accompanying the proposal concludes that the development will have not have a significant adverse impact, a detailed traffic study is

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considered appropriate, particularly for consultation with the Roads and Maritime Services.

Additional studies indicated in the Planning Proposal to be completed prior to exhibition also include flora, fauna and indigenous archaeological.

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
2013_06_24_TRC_Cover_Letter.pdf	Proposal Covering Letter	Yes
2013_06_24_Planning_proposal.pdf	Proposal	Yes
2013_06_24_Appendix_A_Concept_Proposal.pdf	Proposal	Yes
2013_06_24_Appendix_B_Traffic_Access_Parking_State ment.pdf	Proposal	Yes
2013_06_24_Appendix_C_Flood_Impact_Report.pdf	Proposal	Yes
2013_06_24_Appendix_D_Environmental_Due_Diligence _Report.pdf	Proposal	Yes
2013_06_24_Appendix_D_Absbestos_Assessment_Report. pdf	Proposal	Yes
2013_06_24_Appendix_E_Geological_Report.pdf	Proposal	Yes
2013_06_24_Appendix_F_Meeting_Minutes_Proponent_ & Council 2012_12_04.pdf	Proposal	Yes
2013_06_24_Appendix_F_Meeting_Minutes_Proponent_ & Council 2013_04_03.pdf	Proposal	Yes
2013_06_24_Site Identification Map.pdf	Map	Yes
2013_06_24_Proposed_Land_Zoning_Map.pdf	Map	Yes
2013_06_24_Proposed_Lot_Size_Map.pdf	Map	Yes
2013_06_24_Proposed_Floor_Space_Ratio_Map.pdf	Map	Yes
2013_06_24_Addendum_to_Planning_Proposal_Part 6_Project_Timelinex.pdf	Proposal	Yes
2013_06_24_Report_to_Council_Meeting_2013_06_11.pdf	Proposal Covering Letter	Yes
2013_06_24_Minutes_of Council_Meeting_2013_06_11.pdf	Proposal Covering Letter	Yes
2013_06_04_Appendix_D_Environmental_Site_Assessme nt_TOO_LARGE_TO_UPLOAD.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported;
2. That the Director General's delegate agree that the inconsistencies with Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are justified as

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matters of minor significance;

3. That consultation be undertaken with the following public authorities:

- NSW Office of Environment and Heritage – Floodplain Unit
- NSW Department of Primary Industries - Fishing and Aquaculture
- Transport for NSW - Roads and Maritime Services
- Department of Primary Industries – NSW Office of Water.

4. Prior to undertaking agency consultation or public exhibition, the following further studies should be prepared and included in the Planning Proposal:

- flora and fauna;
- flood;
- traffic;
- Indigenous archaeological;

5. Prior to public exhibition, mapping demonstrating the proposed amendments to the Tamworth Regional LEP Flood Planning Map shall be prepared and included in the public exhibition material,

6. That the Planning Proposal be exhibited for a period of 28 days;

7. The Planning Proposal should be completed within 12 months;

8. That an authorisation to exercise delegation be issued to Council as the Planning Proposal is dealing with issues of local significance; and

9. Council is to update the project timeline within the Planning Proposal to reflect the date of Gateway Determination (if approved), the issuing of an authorisation to Council to exercise its plan making delegations and the extended project time frame.

Supporting Reasons :

The Planning Proposal aims to facilitate the development of a Masters Home Improvement Centre with associated bulky goods and food and drink tenancies. The development will have significant positive economic and social impacts including creating 185 construction jobs and 150 equivalent full time jobs, strengthening Tamworth's position as a major regional centre and improving competition within the retail sector, subject to the resolution of potential traffic and flooding issues associated with the development of the site.

Signature:



Printed Name:

Craig Diss

Date:

28/6/13