

Tamworth Regional LEP 2010 - Goonoo Goonoo Road Business Development Rezoning

Proposal Title : **Tamworth Regional LEP 2010 - Goonoo Goonoo Road Business Development Rezoning**

Proposal Summary : **This Planning Proposal seeks to:**

- 1. Rezone land from RU4 Primary Production Small Lots to B5 Business Development, SP2 Public Utility Undertaking and SP3 Tourist;**
- 2. Alter the minimum lot size and floor space ratio controls of the subject land; and**
- 3. Remove an item from Schedule 1 Additional Permitted Uses due to the use becoming permissible in the proposed zone.**

This will facilitate an increase in the availability of commercial lands that will attract a range of new economic activity including bulky goods premises and warehouse uses that require a large floor area.

PP Number : **PP_2014_TAMWO_003_00**

Dop File No : **14/19572**

Proposal Details

Date Planning Proposal Received : **19-Nov-2014**

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 : **Goonoo Gonoo Road**

Suburb : City : **Tamworth** Postcode : **2340**

Land Parcel : **Part of Lot 19 DP 1111059, Part of Lot 230 DP 1045797, Part of Lot 24 DP 95997, Lot 1 DP 853320, Lot 1 DP 162623, Lot 1 and 2 DP 501210, Lot 1 DP 999490, Lot 1 DP 516989 and the Goonoo Goonoo Road Reserve**

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 :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :	65.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **Tamworth Regional Council seeks to rezone Part of Lot 19 DP 1111059, Part of Lot 230 DP 1045797, Part of Lot 24 DP 95997, Lot 1 DP 853320, Lot 1 DP 162623, Lots 1 and 2 DP 501210 and part of Goonoo Goonoo Road to B5 Business Development, Lot 1 DP 999490 and Lot 1 DP 516989 to SP2 Public Utility Infrastructure and Goonoo Goonoo Road adjacent to the Australian Equine and Livestock Events Centre and Tamworth Regional Sporting Complex (Athletics Track) to SP3 Tourist. They also seek to alter the minimum lot size and floor space ratio for these lots.**

This proposal will facilitate the development of additional commercial land in the area, with the intent of Council to promote the area for new economic activity including bulky goods premises and warehouse uses that require a large floor area.

Council also seek to remove item 2 from Schedule 1 Additional Permitted Uses because the permitted land use (office premises) will now be a permissible land use in the proposed B5 zone.

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 changes to the land zoning, lot size and floor space ratio maps.**

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

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

Comment : The Planning Proposal generally provides an adequate explanation of the intended provisions to achieve its objectives. It does currently indicate that the floor space ratio for Lot 1 DP 999490 and Lot 1 DP 516989 (Transgrid site) will be altered to a 1:1 ratio but the mapping shows no floor space ratio controls on those lots. Verbal advice from Council's planning officer confirmed this is an error and the site should have no floor space ratio controls applied to it. It is recommended that the Planning Proposal be amended to reflect this prior to exhibition.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

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

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

d) Which SEPPs have the RPA identified?

SEPP No 15—Rural Landsharing Communities

SEPP No 21—Caravan Parks

SEPP No 36—Manufactured Home Estates

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

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? **Yes**

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, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land. The inconsistencies with these Directions are discussed in more detail below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal includes mapping that identifies the location, proposed zoning, minimum lot size and floor space ratio of the subject land.

Mapping, prepared in accordance with the Department's standard technical requirements for LEP maps in relation to zoning, minimum lot size and floor space ratio will need to be prepared and included in the public exhibition material.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The Planning Proposal proposes a 14 day public exhibition period. As the proposal is consistent with Council's South Tamworth Rural Lands Master Plan, a Department approved local strategy, the proposal is considered to be of 'low impact' and a 14 day exhibition period is supported.

Council has identified it will specifically notify adjoining landholders and relevant government stakeholders of the proposal. This would include the Roads and Maritime Service, Transgrid, Essential Energy and the Office of Environment and Heritage.

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?

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 with the Planning Proposal. Council has identified an approximate 6 month time frame for completion of the Planning Proposal. This time frame is considered to be optimistic and it is recommended a 9 month time frame for completion of the Planning Proposal be applied.

Council is seeking an authorisation to exercise its plan making delegations. As the proposal is considered to be consistent with the strategic planning framework (see discussion below) and of local significance, no objection is raised to Council using its plan making delegation for this proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Tamworth Regional LEP 2010 was made on 21 January 2011.

Assessment Criteria

Need for planning proposal :

This Planning Proposal is an outcome of the South Tamworth Rural Lands Master Plan (the Master Plan). The Master Plan provides an overarching framework for the future development of land zoned for rural purposes south of Tamworth. The rezoning of this land was identified in Stage 1 (1-5 Years) of the Master Plan with the aim to introduce a commercial precinct for bulky goods development. The Master Plan is a conceptual planning strategy and does not contain detailed information in regards to infrastructure provision or environmental management. It has been prepared with an aspirational approach rather than a more traditional historical trend needs based approach.

The South Tamworth Rural Lands Master Plan (STRLM) was endorsed by the Department in April 2013.

Council indicates in the Planning Proposal that Tamworth's bulky goods retail industry has grown. The increase of commercial property development is being driven by consumer demand for more bulky goods retail precincts, retailers dedicated to expanding store numbers, and developers and investors seeking to profit from the strength of the

commercial industry.

The Planning Proposal aims to zone approximately 65ha of land B5 Business Development, 7ha SP2 Public Utility Undertaking and 2.5 ha SP3 Tourist. The proposed SP2 land is occupied by a Transgrid substation and ancillary buildings. The SP3 Tourist zone is proposed to be applied to Goonoo Goonoo Road to the extent that it is adjacent to the current zoned SP3 land of the Australian Equine and Livestock Centre and Tamworth Regional Sporting Complex Athletics Track. The SP3 zoning is to ensure consistency of land zoning in the immediate area of those facilities.

Lot 1 DP 853320 currently has an approved church on the site. The proposed rezoning of this land to the B5 Business Development zone will make this Place of Public Worship a prohibited land use within the zone. It's continued operation will be secured through the existing rights provisions of the Environmental Planning and Assessment Act 1979 and Regulations 2000. The Planning Proposal does not address this issue and it is recommended that it be amended prior to public exhibition to include discussion on this matter.

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 the Plan.

The Planning Proposal is consistent with Council's strategic planning work. The South Tamworth Rural Lands Master Plan (Master Plan) was approved by the Deputy Director General of Planning & Infrastructure in April 2013. The Master Plan identified the subject site and other adjoining land as having potential to support commercial related development. The proposal seeks to zone the majority of the subject land B5 Business Development consistent with the Master Plan. The proposed SP2 rezoning is reflective of a current land use and the proposed SP3 rezoning affects the highway adjacent to the Australian Equine and Livestock Events Centre. This will ensure consistency of the zoning of roads in the vicinity.

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, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands and 3.4 Integrating Land Use and Traffic and 4.3 Flood Prone Land as discussed below:

1.2 Rural Zones

The proposal is inconsistent with this Direction as it rezones land from RU4 Primary Production Small Lots to B5 Business Development, SP2 Public Utility Undertaking and SP3 Tourist. This inconsistency is considered to be justified as the proposal to rezone the land for commercial purposes is consistent with a strategy approved by the Director General's delegate (South Tamworth Rural Lands Master plan approved April 2013). The proposed special uses zonings are of minor significance due the size of the land involved and the existing land uses on the land.

1.3 Mining, Petroleum Production and Extractive Industries

The proposal is inconsistent with this Direction as it will be effectively prohibit above ground mining and extractive industries. The inconsistency is considered to be of minor significance given the location of the subject land adjoining the urban area of Tamworth where mining would be highly impractical.

1.5 Rural Land

The proposal is 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 justified as the proposal to rezone the land for commercial purposes is consistent with a strategy approved by the Director General's delegate (South Tamworth Rural Lands Master Plan approved April 2013).

3.4 Integrating Land Use and Transport

The Proposal is inconsistent with this Direction as it does not reduce travel demand including the number of trips generated by the development and the distances traveled, especially by car. This inconsistency is considered to be justified as the proposal to rezone the zone for commercial purposes is consistent with a strategy approved by the Director General's delegate (South Tamworth Rural Lands Master Plan approved April 2013).

4.3 Flood Prone Land

This Direction is relevant as the Planning Proposal will affect land that is flood prone. The proposal rezones land currently mapped as being affected by the 100 year ARI flood event to B5 Business Development. A flood study is currently being undertaken by Council for an area that includes this site. The revised modelling has shown an inconsistency with the area of the site currently mapped as flood prone in the LEP.

The Planning Proposal seeks to rezone the land consistent with Council's revised modelling. The proposed eastern zoning boundary will align with the revised 1:100 ARI event plus 0.5m freeboard level. Only one small section of land on the northern edge of the

site to be rezoned is affected by flooding. This area is a natural drainage line that accommodates stormwater from adjacent urban development. It is considered that investigation into the suitability of this area for development can be undertaken at the development application stage subject to consultation with the Office of Environment and Heritage. The inconsistency with this Direction is therefore considered to be of minor significance. It is also noted that Tamworth Regional LEP 2010 includes flood planning control provisions to ensure that this matter is further addressed at development application stage.

Council has also verbally advised that they intend to complete the revised flood modelling for other parts of Tamworth shortly and that a Planning Proposal will be prepared to update Council's LEP flood mapping in 2015. Council therefore does not at this time wish to amend the current LEP flood map to align with the proposed rezoning (despite the eastern zoning boundary being aligned with the revised 1:100 ARI plus 0.5m freeboard level). Council is concerned that such a change would apply two alternate standards (1:100 ARI versus 1:100 ARI plus 0.5m freeboard) for different areas into the same flood map. To avoid any possible confusion in the short term, it is considered preferable that Council update the LEP flood prone land map for this site in its shortly upcoming revised flood mapping Planning Proposal.

Environmental social
economic impacts :

A Flora and Fauna Assessment of the subject site is included with the Planning Proposal. It was determined that the proposed rezoning of the lands is unlikely to have any significant impact in relation to the Environment Protection and Biodiversity Conservation (EPBC) Act 1999 or Threaten Species Conservation (TSC) Act 1995.

A Preliminary Site Contamination Investigation is included with the Planning Proposal. It concludes that for the purpose of the rezoning of the site that no further investigations are required. There are potential points of contamination on the site associated with current farming practices and other land uses that are not likely to change (TV Station, Transgrid). The report recommends that further analysis may be required at the development application stage of any future development. This is considered to be appropriate in this case due to the potential contamination being isolated and minor.

A Cultural Heritage Assessment is included in the Planning Proposal. It was determined that there were no cultural heritage impacts that would affect the proposed rezoning of the lands. It was recommended that any development activities within the site are to be undertaken in accordance with the OEH Due Diligence Code of Practice of the Protection of Aboriginal Objects in NSW. It was also determined that there were no items or places of potential historic heritage significance within the Development Area. It was recommended that no further historic assessment is required for future development applications within the development area. This is considered appropriate in this case but consultation with the Office of Environment and Heritage should be undertaken in relation to this cultural heritage assessment.

A flood investigation was undertaken that provides updated data in relation to the existing 1:100 ARI Flood Planning Level identified by the Tamworth Regional LEP 2010 as discussed above. Further investigation will be required during the development application stages to determine specific constraints in these areas. This is considered to be appropriate in this instance subject to consultation with the Office of Environment and Heritage as part of the rezoning proposal.

The proposed rezoning is likely to have significant positive social and economic outcomes through the increase in commercial investment and development. This will provide for employment opportunities, additional services and facilities, and support future commercial growth on the southern fringe of the city.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Essential Energy
Office of Environment and Heritage
Transport for NSW - Roads and Maritime Services
Transgrid**

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. :

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
2014-11-19 - Cover Letter.pdf	Proposal Covering Letter	Yes
2014-11-19 - Planning Proposal.pdf	Proposal	Yes
2014-11-19 - Council Report.pdf	Proposal	Yes
2014-11-19 - Minutes of Report to Council - Ordinary Council Meeting - 28 October 2014.pdf	Proposal	Yes
2014-11-19 - Flora and Fauna Assessment.pdf	Proposal	Yes
2014-11-19 - Cultural Due Diligence Cultural Assessment.pdf	Proposal	Yes
2014-11-19 - Traffic Impact Assessment .pdf	Proposal	Yes
2014-11-19 - Traffic Modelling Analysis.pdf	Proposal	Yes
2014-11-19 - Contaminated Land Investigation....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
1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands
2.3 Heritage Conservation**

**3.4 Integrating Land Use and Transport
4.3 Flood Prone Land**

Additional Information : It is recommended that:

1. The planning proposal be supported.

2. Prior to public exhibition, Council:

(a) amend Parts 1 and 2 of the Planning Proposal to clearly show that this Proposal includes the rezoning of land (New England Highway) to SP3 Tourist as well as the amendment of the minimum lot size and floor space ratio controls for that land;

(b) amend the table on page 5 to remove reference to 470-506 Goonoo Goonoo Road, being Lot 1 DP 999490 & Lot 1 DP 516989 to reflect that this land (Transgrid site) will not have floor space ratio controls applied;

(c) amend Parts 1 and 2 of the Planning Proposal to articulate that the current land use of Lot 1 DP 853320, a place of public worship, will become a prohibited use in the proposed B5 Business Development Zone and that its continued operation is secured through existing use right provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000.

3. The Planning Proposal be exhibited for 14 days;

4. The proposal be completed within 9 months;

5. The Director-General's delegate agree that the inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, and 3.4 Integrating Land Use and Transport are justified by the South Tamworth Rural Lands Master Plan and 1.3 Mining, Petroleum Production and Extractive Industries and 4.3 Flood Prone Land are justified due to the proposal's consistency with a Department approved local strategy or as matters of minor significance;

6. Consultation with the Essential Energy, Transgrid, NSW Road and Maritime Service and the Office of Environment and Heritage (flooding and Aboriginal cultural heritage) be undertaken;

7. Draft LEP Maps prepared in accordance with the Department's standard technical requirements for LEP maps in relation to zoning, minimum lot size and floor space ratio are to be prepared and included in the public exhibition material; and

8. A written authorisation to exercise its plan making delegations for this matter be issued to the Council.

Supporting Reasons : The proposal seeks to amend the Tamworth Regional LEP 2010 to implement the recommendations of the South Tamworth Rural Lands Master Plan and to ensure that appropriate planning provisions apply to the area that support growth and employment into the future.

Signature:



Printed Name:

Craig Diss

Date:

25/11/14