

(b) Financial Implications

Nil

(c) Legal Implications

An amendment to the *TRLEP 2010* will alter the planning provisions for the subject site.

(d) Community Consultation

The proposed inclusion of Lots 1, 2, 3, 26 and 27 DP 37341, 508-514 Armidale Road, Nemingha, in *Schedule 1- Additional Permitted Uses* of the *TRLEP 2010*, was subject to a formal community consultation process as a requirement of the Gateway Determination (*PP_2014_TAMWO_002_00*). This report has outlined the community consultation process that was undertaken during the public exhibition period that was held from 22 September 2014 to 3 October 2014.

7.3 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 – PLANNING PROPOSAL FOR GOONOO GOONOO ROAD COMMERCIAL LANDS DEVELOPMENT – FILE NO SF6000

DIRECTORATE: PLANNING AND COMMUNITY SERVICES

AUTHOR: Megan Purkiss, Strategic Planner

3 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Environmental Plan 2010 – Planning Proposal for Goonoo Goonoo Road Commercial Lands Development”, Council resolve to:

- (i) forward the planning proposal to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979;*
- (ii) request that the Minister for Planning and Environment exercise their plan making powers under Section 73A of the Environmental Planning and Assessment Act 1979 and grant Council delegated authority to amend the Tamworth Regional Local Environmental Plan 2010; and*
- (iii) upon receipt of a Gateway Determination in relation to the planning proposal, publicly exhibit the proposal and draft Site Specific Tamworth Regional Development Control Plan 2010 amendment at the same time.*

SUMMARY

The purpose of this report is to seek a resolution of Council to amend the *Tamworth Regional Local Environmental Plan (TRLEP) 2010* in relation to the lands identified by the Goonoo Goonoo Road Commercial Lands Development to allow for future bulky goods development and rezone a public utility. This report also proposes an amendment to the *Tamworth Regional Development Control Plan 2010 (TRDCP 2010)* to provide potential road linkages on the subject site.

Under the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*, the

site is zoned *RU4 – Primary Production Small Lots*. The aim of the Planning Proposal is to rezone Part Lot 19 DP 1111059, Part Lot 230 DP 1045797, Part Lot 24 DP 95997, Lot 1 DP 853320, Lot 1 DP 162623, Lot 1 and 2 DP 501210 to *B5 – Business Development* and rezone Lot 1 DP 999490 and Lot 1 DP 516989 to *SP2 – Infrastructure (Public Utility Undertaking)*.

The lot size restrictions will also be changed from 40 hectares to no minimum lot size and a floor space ratio of 1:1 introduced for the lands proposed to be rezoned to *B5 – Business Development*. Also, the land known as Lot 1 DP 501210, 452-462 Goonoo Goonoo Road, Tamworth, is to be removed from *Schedule 1 – Additional Permitted Uses of the TRLEP 2010*, as the land will be rezoned from a rural use to commercial use. The Planning Proposal and the draft site specific *TRDCP 2010* are both consistent with the *South Tamworth Rural Lands Master Plan (STRLM)*.

COMMENTARY

The Goonoo Goonoo Road Commercial Lands Development Planning Proposal is an outcome of the South Tamworth Rural Lands Master Plan (STRLM), which provides an overarching framework for the future development of rural lands located in South Tamworth. The Planning Proposal aims to rezone certain lands identified in the Master Plan to create a commercial precinct for bulky goods development.

The publishing of the *Tamworth Regional Local Environmental Plan 2010* saw the exclusion of bulky goods development from the *IN1 – Industrial zone*, in particular the industrial precinct known as Taminda Industrial Area. This type of commercial use is now required to be located in business related zones.

On 16 April 2013, the Department of Planning and Infrastructure (now the Department of Planning and Environment) formally endorsed the STRLM. This approval from the Department enables Council to prepare future planning proposals to rezone lands in the appropriate stages of release.

The proposal aims to rezone lands to allow for future business development and infrastructure and to identify a public utility site currently owned by Transgrid. It is also proposed to introduce a minimum lot size and floor space ratio for those lands identified to be rezoned to *B5 - Business Development*. In addition, the land known as Lot 1 DP 501210, 452-462 Goonoo Goonoo Road, Tamworth, is to be removed from *Schedule 1 – Additional Permitted Uses of the TRLEP 2010*, as the land will be rezoned from a rural use to commercial use. The maps indicating the changes to the subject site are **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 1**.

A number of studies have been undertaken in relation the subject site including a flora and fauna assessment, cultural heritage assessment, contaminated land investigation, traffic modelling and flood investigation. The environmental studies have determined that the proposed changes to the subject site are unlikely to have any significant impact on the lands. However, the traffic modelling and flood investigations have identified certain issues that are required to be addressed regarding the future development of the lands.

The traffic modelling has indicated that a roundabout is required at the intersection of Goonoo Goonoo Road and Craigends Lane to service traffic moving along Goonoo Goonoo Road and into the subject site. The flood information provides updated data in relation to the existing 1:100 year Flood Planning Level identified by the *TRLEP 2010* including a half a metre freeboard and defines a natural drainage path through

Lot 24 DP 95997. A copy of the flood map is **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 2**.

Draft Development Controls will be prepared for the subject site including the location of potential future roads, traffic and access, landscaping, design and signage. The draft Development Controls will be publicly exhibited with the Planning Proposal. The exhibition of both documents will provide the community with the opportunity to comment on the proposed future development of the subject site. The draft site specific Development Control Plan is also **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 3**.

In order to amend the TRLEP 2010, Council is required to submit the Planning Proposal to the Department of Planning and Environment (the Department) for a Gateway Determination. The proposal has been written in accordance with the Department of Planning and Environment's '*A Guide to preparing Local Environmental Plans*' and '*A Guide to preparing Planning Proposals*'. It is also supported by relevant studies including the flora and fauna assessment, cultural heritage assessment, contaminated land investigation, traffic modelling and flooding information which will also be forwarded to the Department.

Council will also request the Minister for Planning and Environment to exercise the planning powers under Section 73A of the *Environmental Planning and Assessment Act 1979* and grant Council delegated authority to amend the TRLEP 2010. Should the Gateway Panel approve the public exhibition of the Planning Proposal, it is anticipated that the proposal would be exhibited during November/December 2014.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Amendments to the *Tamworth Regional Local Environmental Plan 2010* and the *Tamworth Regional Development Control Plan 2010* will alter the planning provisions for the subject site.

(d) Community Consultation

Community consultation requirements will be specified by the Department of Planning and Environment's Gateway Determination. Community consultation was also conducted during the preparation of the Master Plan in relation to future land uses proposed for the South Tamworth Rural Lands area.

**7.4 TELECOMMUNICATIONS FACILITY ON LOT 7300 DP 1152789, 182-190
PIPER STREET, NORTH TAMWORTH – DA0482/2014 – FILE NO SF5761**

DIRECTORATE: PLANNING AND COMMUNITY SERVICES
AUTHOR: Lucy Walker, Team Leader Development Assessments
Reference: Item 9.6 to Ordinary Council Meeting on 25 March 2014
Minute No. 72/14

1 ANNEXURES ATTACHED