

PLANNING PROPOSAL

Tamworth Regional Local Environmental Plan 2010 Amend zone to B5 'Business Development' Zone

Introduction

This planning proposal explains the intended effect of, and justification for, a proposed amendment to Tamworth Regional Local Environmental Plan (TRLEP) 2010 in relation to land at 121-139 Peel Street and 43 Marius Street, North Tamworth. The proposal aims to rezone the properties to B5 'Business Development' to permit "bulky goods premises" and similar land use development.

The subject site is currently zoned *RE1 Public Recreation* and comprises two properties that are occupied by the North Tamworth Rugby League Football Club and the Riding for the Disabled Association. A number of structures exist on the properties (football club, two toilet blocks, shed, caretaker's residence, 'Riding for the Disabled' building and stables). All structures and facilities established by both clubs would need to be relocated to other sites should the Planning Proposal be approved to enable the site to be redeveloped.

The planning proposal has been prepared in accordance with section 56 of the *Environmental Planning and Assessment Act 1979 (the Act)* and the relevant Department of Planning Guidelines titled *A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals*. As the subject land contains properties that are owned by Council, exhibition of the planning proposal would be carried out in accordance with the "Best Practice Guidelines for LEPs".

Site Identification

The subject properties known as Lots 15-16, DP 858511 at 121-139 Peel Street and 43 Marius Street, North Tamworth are located approximately 900m north-west of the Tamworth Central Business District (CBD) and comprises an area of approximately 7.364 Hectares (refer Figure 1 for further detail).



Figure 1: Cadastre plan of the properties affected by the planning proposal (outlined in red).

The two sites, occupied by both the Rugby League Football Club and Riding for the Disabled Association respectively, contain a number buildings. All structures would require relocation to other sites should the rezoning and a subsequent development application(s) be approved for the site.

Part 1 – Objective or Intended Outcomes

The objective of this proposal is to amend the area of land zoned *RE1 Public Recreation to B5 Business Development Zone* with no Minimum Lot Size (MLS) restriction within the zone. The intention of the rezoning is to enable bulky goods development and other similar uses in the zone which are otherwise prohibited in the Land Use Table of the existing zone and the IN1 - 'General Industrial' Zone.

The land is situated across the road from the Northgate Shopping Centre that is zoned B1 - Neighbourhood Centre'. The rezoning will encourage and support commercial development that is not only consistent with the locality, but will also provide for and facilitate future economic growth in the Region.

The amendment of the zone to B5 'Business Development' to enable the permissibility of bulky goods premises and similar uses would ensure consistency with the Tamworth Regional Development Strategy (TRDS) 2008.

Part 2 – Explanation of Provisions

The objective of the planning proposal will be achieved by amending the relevant Land Zoning Map (LZN_004C) of the Tamworth Regional Local Environmental Plan 2010 and identifying the land known as Lots 15 and 16, DP 858511 as B5 - 'Business Development' Zone as shown on **Attachment 1**.

Part 3 - Justification

Section A – Need for the Planning Proposal

1. Is this planning proposal a result of any strategic study or report?

The planning proposal is supported by extensive strategic planning including the TRDS 2008. The TRDS 2008 directly informed the development of the TRLEP 2010 and states:

7.1.3 Retail and Commercial Services

"...some development may be more appropriately located on the periphery of town centres. These developments may include large format premises involved in bulky goods retailing, and single purpose non-food retail activities occupying large sites."

(Tamworth Regional Development Strategy 2008: Page 23)

The Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) was published on the 21 January 2011, stipulating a zoning of *RE1 Public Recreation* for the subject land. Further, bulky goods development was prohibited in the IN1 - 'General Industrial' Zone providing for limited sites which permit 'Bulky goods premises' in the Tamworth Regional Council area. The TRLEP 2010 identifies only two other precincts as B5 - 'Business Development' zones, one of those has already received development approval for a Burnings complex. After the gazettal of the TRLEP 2010 the Department of Planning (DoP) advised Council to lodge Planning Proposals in order to rezone suitable land to permit 'Bulky goods premises'. The proposed rezoning will encourage and support commercial development that is not only consistent with the locality, but will also provide for and facilitate future economic growth in the Region.

Overall the approach of the Planning Proposal aims to provide opportunity for development for the purposes of bulky goods premises to meet market demand.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only legal method of amending the TRLEP 2010 to permit applications to be submitted, considered and determined for the range of uses identified as being 'Bulky goods premises' and similar activities.

3. Is there a net community benefit?

A significant net community benefit is identified in connection with the proposed amendments. Refer to **Attachment 2** for the analysis of net community benefit. A summary of the net community benefit is described below:

- Increased employment opportunities and economic impetus for the regional economy can be expected.
- The outcome of the Planning Proposal will be an increase in bulky goods premises that will provide opportunities to enhance the economic viability of Tamworth's retail sector.
- The introduction of further traffic into the area may add to congestion and maintenance requirements. Conversely, any required upgrades would benefit all road users including those currently accessing the locality.

The rezoning of the subject land from *RE1 Public Recreation* to *B5 Business Development* will encourage and support commercial development that is not only consistent with the locality, but will also provide for and facilitate future economic growth in the Region. Thus, the net community benefit is considered to significantly outweigh the cost of implementing the proposal.

Section B - Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or Sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Tamworth Regional Council is not subject to a regional or sub-regional strategy.

- 5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The Planning Proposal is consistent with the strategic directions in the Tamworth Regional Development Strategy 2008 as noted above.

- 6. Is the planning proposal consistent with applicable state environmental planning policies?**

Refer to **Attachment 3**.

- 7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Refer to **Attachment 4**.

Section C – Environmental, social and economic impact

- 8. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No – However potential impacts on the adjoining riparian environment (the Peel River) need to be further considered during the process.

- 9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

As the proposal aims to increase the opportunity for 'Bulky goods premises' and provide for the introduction of like activities, it is considered unlikely that there will be any adverse environmental impacts. It is noted that the *TRLEP 2010 Flood Planning Map* incorporates part of the subject land. Consequently, a site specific flood analysis is considered appropriate to determine the potential impact of flooding on the subject land. Additionally, a traffic analysis will be required as the properties are situated on a main arterial road (MR 63)

- 10. How has the planning proposal adequately addressed any social and economic effects?**

The planning proposal has outlined how the related social and economic effects can have a significant positive impact on Tamworth, particularly in terms of employment and economic stimulus. These effects are outlined in Question 3 above and analysed at **Attachment 2**.

Section D - State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The existing infrastructure in the City of Tamworth has the capacity to accommodate development of lands in the proposed B5 zone for bulky goods and similar development of this nature. Specific infrastructure identified within proximity to the subject land includes; natural gas supply, electricity, road linkages, water, sewer and waste.

While these forms of infrastructure are identified, the required works to develop these for a specific business, operation or industry are not analysed in this proposal.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

It will be necessary to consult with the Roads and Traffic Authority (RTA) in relation to access to Manilla Road (MR63).

After the publication of the TRLEP 2010 the Department of Planning (DoP) advised Council to lodge Planning Proposals in order to rezone suitable land to permit new 'Bulky goods premises'. The advice was provided on the basis that Council identified a shortage of land zoned for bulky goods development as a consequence of the Department's decision to prohibit this form of development in the IN1 - 'General Industrial' Zone.

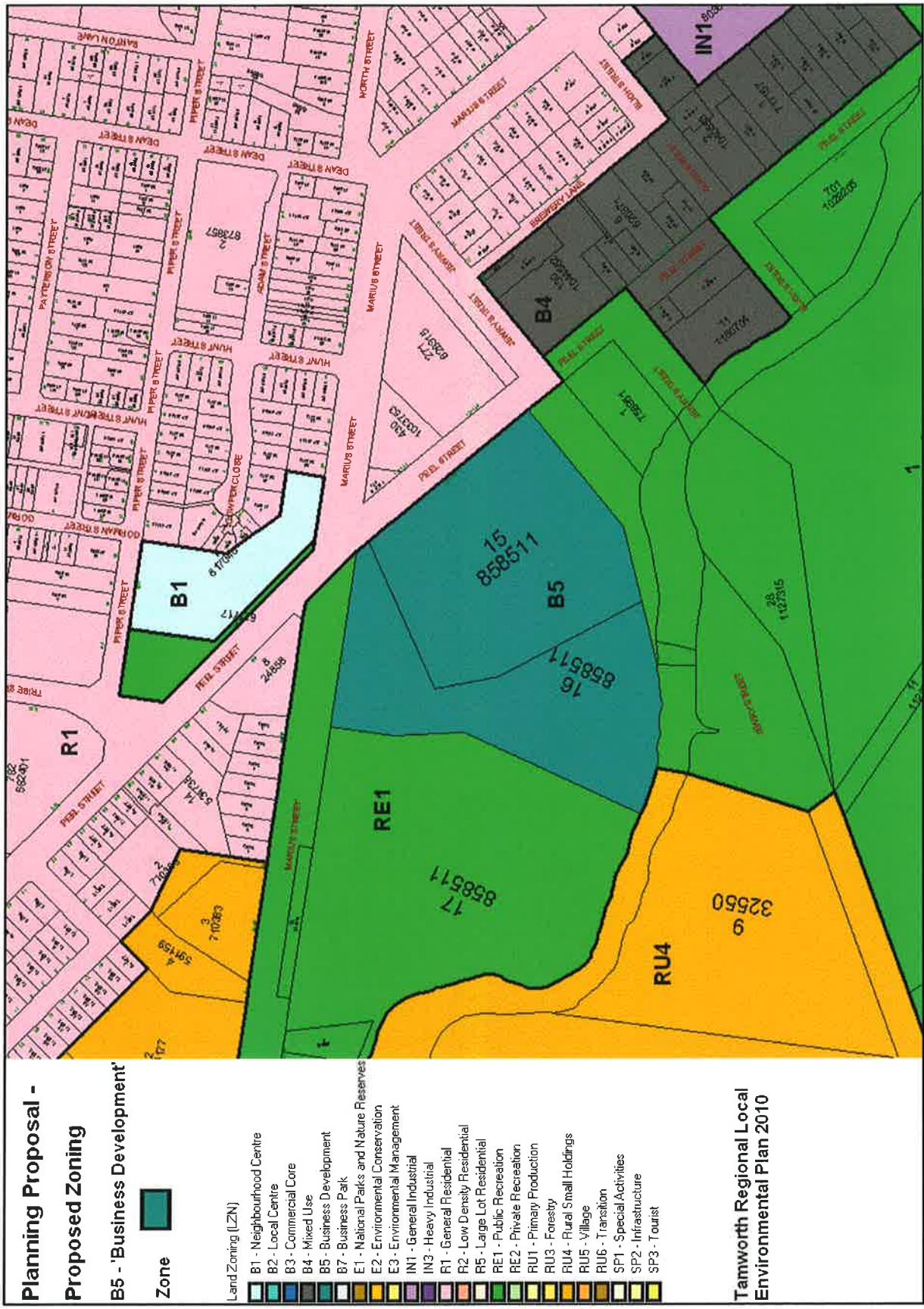
Part 4 - Community Consultation

As part of the planning process for the *TRLEP 2010*, Council undertook an extensive consultation strategy engaging with the community using a range of means including; media, internet, community presentation and displays at each of the Council Branches and the Kootingal Library. At Ray Walsh House in Peel Street, Tamworth, a comprehensive display provided detailed information and many members of the community attended the building to discuss aspects of interest with the relevant Council planning officers. Following this process, the *Draft TRLEP* was adopted by Council and forwarded to the Department recommending publication with the inclusion of the zoning identified as *RE1 - Public Recreation*.

Following the gateway process and on the advice of the panel, it is recommended that the Planning Proposal be exhibited for 14 days using the following means:

- Notice of the public exhibition in the Northern Daily Leader newspaper and on Council's website www.tamworth.nsw.gov.au
- Written notification to lessees of the subject site and owners of land adjoining the subject site.
- A display at Ray Walsh House in Peel Street Tamworth to provide details of the proposal and provide the opportunity for members of the community to attend the building and discuss aspects of interest with the relevant Council planning officers.

Attachment 1 - Locality Map of Proposed Zoning for Lots 15 - 16, DP 858511



Attachment 2 – Analysis of Net Community Benefit Criteria

EVALUATION CRITERIA <i>(YES/NO RESPONSE as applicable)</i>	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION <i>(or COMMITMENT)</i>	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
YES Is the planning proposal compatible with agreed State and regional strategic direction for development in the area?	The RE1 zoning does not permit bulky goods development and limits the potential to add employment-generating uses to the area. The value of bulky goods retail and similar development to the local and regional economy is emphasised by the Tamworth Regional Development Strategy.	The proposed amendments would give effect to increased employment opportunities and impetus for the regional economy.	The planning proposal provides for significant increased employment opportunities along with an impetus to the local/regional economy.
NO Is the Planning Proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy?	Not located in a specified area.	Not applicable	Not applicable
YES Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?	The existing RE1 zoning does not provide the opportunity to consent to 'Bulky goods premises' and similar development, which will be compatible with uses in the vicinity.	The proposal may change the expectations of adjoining landholders.	Significant increased employment opportunities are possible along with impetus to the local/regional economy
NO Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	No other spot rezonings have been implemented to amend the TRLEP 2010	Not applicable	Not applicable

EVALUATION CRITERIA <i>(YES/NO RESPONSE as applicable)</i>	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION <i>(or COMMENT)</i>	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
Will the Planning Proposal facilitate a permanent employment generating activity? YES	The RE1 zoning does not provide for the opportunity to add commercial uses to the area. The development of 'bulky goods premises' in the locality is generally consistent within the Tamworth Regional Development Strategy and will result in the establishment of a permanent employment generating activity.	The development of 'bulky goods premises' and similar land uses in the locality will result in the facilitation of a permanent employment generating activity. As a result, increased employment opportunities and economic impetus for the regional economy can be expected.	This criteria provides potentially the most significant net community benefit by facilitating permanent employment generating activity.
Will the Planning Proposal impact upon the supply of residential land and therefore housing supply and affordability? NO	It is not considered that the planning proposal impacts upon the supply of residential land.	Not applicable	Not applicable
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is public transport currently available or is there infrastructure capacity to support future public transport? YES	The subject land is serviced by Manilla Road (MR 63), Marius Street (sealed) and has road linkages to the Tamworth CBD and the Tamworth Industrial area. These roads service the existing uses operating in the area. Utilities are available to the locality. Public transport (buses) also service the area.	The introduction of further traffic into the area may add to congestion and maintenance requirements. Conversely, any required upgrades would benefit all road users including those currently accessing the precinct.	It is considered that the planning proposal may be benefit/cost neutral for this criteria.

EVALUATION CRITERIA <i>(YES/NO RESPONSE as applicable)</i>	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION <i>(or COMMENT)</i>	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The subject land is served by the Manilla Road (MR63), Marius Street (sealed) and has road linkages to the Tamworth CBD and the Tamworth Industrial area. These roads service a regional catchment (within 100km).	The planning proposal aims to increase the potential of the subject land which is on the periphery of the Tamworth CBD. This may result in a minor increase in distances to be travelled from certain destinations.	It is considered that the planning proposal may be benefit/cost neutral for this criteria.
YES	Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal?	The Main Road infrastructure may meet this criteria in the vicinity of the subject land, being Manilla Road (MR63).	The planning proposal will increase traffic volumes on MR 63. However, significant upgrade work is already planned for this road to cater for traffic from the north and the Region's new urban release areas.
YES	If so, what is the expected impact?		
NO	Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors.	The adjoining Peel River environs and related drainage system adjoining the subject land have environmental attributes. There is also the potential for flooding over the subject land.	The planning proposal will require a site specific flood analysis. Additionally, development of the site will also require the recognition of potential drainage issues.
Will the LEP be compatible/complementary with surrounding land uses?	These are compatible commercial enterprises within the locality including a medical clinic and a neighborhood	The grouping of commercial land-uses in the area, on the periphery of the Tamworth CBD	The proposed zoning will enable business development to take place in the area and

EVALUATION CRITERIA <i>(YES/NO RESPONSE as applicable)</i>	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION <i>(or COMMENT)</i>	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
What is the impact on amenity in the location and wider community? Will the public domain improve? YES	shopping centre.	will mitigate any adverse impacts on other areas including residential or commercial precincts.	will not impact on the viability of the CBD due to the locality and the type of development (larger 'Bulky goods premises').
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? YES	The proposal will increase the amount of land available for 'bulky goods' development.	The proposed amendments would provide an opportunity to attract additional business uses to the locality and increase the level of competition generally. The options include some retail and wholesale elements, resulting in the potential for increased competition and choice.	The potential to provide for increased competition and choice represents a net community benefit.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future? NO	It is not considered that the proposal has the potential to develop into a centre in the future.	Not applicable	Not applicable

EVALUATION CRITERIA <i>(YES/NO RESPONSE as applicable)</i>	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION <i>(or COMMENT)</i>	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	There is limited opportunity for development of 'bulky goods premises' within the City of Tamworth.	The IN1 - 'General Industrial' Zone does not permit 'Bulky goods premises'. In order to provide suitable land for this type of land use an amendment to create the proposed zone on the subject land is required. As a result, increased employment opportunities and economic impetus for the regional economy can be expected.	Implementing the proposed amendment in the short term is in the community interest particularly in terms of increased employment and economic activity. A delay in implementing the amendments could result in the loss of prospective businesses for the Tamworth region.

NET COMMUNITY BENEFIT = 7 of the 10 applicable criteria above identify a clear community benefit.

3 of the 10 applicable criteria are assessed as being potentially benefit/cost neutral.

0 or the 10 applicable criteria identify a significant cost to the community.

Overall, a significant net community benefit is identified in relation to this planning proposal.

**Attachment 3: Consideration of State Environmental Planning Policies –
Relative to the B5 ‘Business Development’ Planning Proposal.**

The following SEPP's apply to the Tamworth Regional Council Area Local Government Area, as at 13/4/2010

SEPP	Applicable To TRC	Consistent/ Inconsistent	Reason for inconsistency or comment
No. 1 Development Standards	No	N/A	SEPP1 does not apply to the Local Government Area (LGA) as per Cl.1.9 of the TRLEP 2010.
No. 4 Development Without Consent and Miscellaneous Exempt and Complying Development	Yes (N/A Cl.6 & parts 3&4)	Consistent	SEPP 4 provisions additional to those in TRLEP 2010.
No. 6 Number of Storeys in a Building	Yes	Consistent	Height of buildings (Cl.4.3) not adopted in TRLEP 2010. LEP 2010 Airport provisions (Cl.7.6) limit height of buildings per Obstacle Height Limitation Map. SEPP provisions are additional to those in the TRLEP 2010.
No. 15 Rural Landsharing Communities	Yes	N/A	Only applicable to rural lands with the LGA
No. 21 Caravan Parks	Yes	Inconsistent	Prohibited in the proposed zone, provisions additional to those in TRLEP 2010
No. 22 Shops and Commercial Premises	Yes	Consistent	Commercial premises and shops are permitted in the B5 zone and therefore the SEPP may affect the change of use.
No. 30 Intensive Agriculture	Yes	N/A	Not applicable to the subject land
No. 32 Urban Land Consolidation (Redevelopment of Urban Land)	Yes	N/A	Not applicable to the subject land

SEPP	Applicable To TRC	Consistent/Inconsistent	Reason for inconsistency or comment
No. 33 Hazardous and Offensive Development	Yes	N/A	Not applicable to the subject land
No. 36 Manufactured Home Estates	Yes	N/A	Not applicable to the subject land
No. 44 Koala Habitat Protection	Yes	N/A	Not applicable to the subject land
No. 50 Canal Estate Development	No	N/A	Not applicable to the subject land
No. 55 Remediation of Land	Yes	N/A	Not applicable to the subject land
No. 62 Sustainable Aquaculture	Yes	N/A	Not applicable to the subject land
No. 64 Advertising and Signage	Yes	Consistent	Additional and supporting information to the TRLEP 2010
No. 65 Design Quality of Residential Flat Development	Yes	Inconsistent	Residential flat buildings are not permitted within the B5 - 'Business Development' Zone
Housing for Seniors or People with a Disability 2004	Yes	Inconsistent	Seniors housing is not permitted in the B5 - 'Business Development' Zone.
Building Sustainability Index: BASIX 2004	Yes	Consistent	Additional and supporting information to the TRLEP 2010
Major Development 2005	Yes	Consistent	Additional and supporting information to the TRLEP 2010
Mining, Petroleum Production and Extractive Industries 2007	Yes	N/A	Not applicable to the subject land
Temporary Structures 2007	Yes	Consistent	Additional and supporting information to the TRLEP 2010

SEPP	Applicable To TRC	Consistent/ Inconsistent	Reason for inconsistency or comment
Infrastructure 2007	Yes	Consistent	Additional and supporting information to the TRLEP 2010
Rural Lands 2008	Yes	N/A	Only applicable to rural lands in the LGA
Exempt and Complying Development Codes 2008	Yes	Consistent	Additional and supporting information to the TRLEP 2010
Affordable Rental Housing 2009	Yes	N/A	SEPP applies to residential zones
Urban Renewal 2010	Yes	N/A	Not applicable to the subject land

Attachment 4: Consideration of Section 117 Ministerial Directions -
Assessment relative to the B5 'Business Development' Planning Proposal

1. Employment and Resources

Direction	Applicable	Consistent	Reason for inconsistency or comment
1.1 Business and Industrial Zones	Yes	Yes	Planning proposal is in accordance with all requirement of S.117 Direction
1.2 Rural Zones	No	Not Applicable	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	No	Not Applicable	Not Applicable
1.4 Oyster Aquaculture	No	Not Applicable	Not affecting LGA
1.5 Rural Lands	No	Not Applicable	Not Applicable

2. Environment and Heritage

Direction	Applicable	Consistent	Reason for inconsistency or comment
2.1 Environment Protection Zones	No	Not applicable	The Planning Proposal does not apply to land within an environmental protection zone
2.2 Coastal Protection	No	Not applicable	Not affecting LGA
2.3 Heritage Conservation	No	Not applicable	Not Applicable
2.4 Recreation Vehicle Areas	No	Not applicable	Not Applicable

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Reason for inconsistency or comment
3.1 Residential Zones	No	Not Applicable	Only applies to residential zones within the LGA
3.2 Caravan Parks and Manufactured Home Estates	Yes	No	Caravan parks are prohibited within the B5 zone
3.3 Home Occupations	No	Not Applicable	Not Applicable
3.4 Integrating Land Use and Transport	Yes	No	Subject land is located on the fringe of the Tamworth CBD. The marginal extra distance from the city for work travel is considered to be of minor significance. The planning proposal is considered to be justifiably inconsistent with the Direction.
3.5 Development Near Licensed Aerodromes	No	Not Applicable	Not Applicable
3.6 Shooting Ranges	No	Not Applicable	Not affecting subject land

4. Hazard and Risk

Direction	Applicable	Consistent	Reason for inconsistency or comment
4.1 Acid Sulfate Soils	No	Not Applicable	Not affecting LGA
4.2 Mine Subsidence and Unstable Land	No	Not Applicable	Not affecting LGA
4.3 Flood Prone Land	Yes	No	Part of the subject land is identified as Flood Prone Land – shown in mapped area. Further investigation is required to determine the extent of the flood area. The Planning Proposal is considered to be justifiably inconsistent.
4.4 Planning for Bushfire Protection	Yes	Not Applicable	Not affecting the subject land – not shown in mapped area

5. Regional Planning			
Direction	Applicable	Consistent	Reason for inconsistency or comment
5.1 Implementation of Regional Strategies	No	Not applicable	Not affecting LGA
5.2 Sydney Drinking Water Catchments	No	Not applicable	Not affecting LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	Not affecting LGA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	Not affecting LGA
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	Revoked	Revoked 18 June 2010
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	Not affecting LGA
6. Local Plan Making			
Direction	Applicable	Consistent	Reason for inconsistency or comment
6.1 Approval and Referral Requirements	No	Not Applicable	Not Applicable
6.2 Reserving Land for Public Purposes	No	Not Applicable	Not Applicable
6.3 Site Specific Provisions	No	Not Applicable	Not Applicable. The planning proposal is not prepared on the basis of allowing a particular development to be carried out.
7. Metropolitan Planning			
Direction	Applicable	Consistent	Reason for inconsistency or comment
7.1 Implementation of the Metropolitan Strategy	No	Not Applicable	Not affecting LGA