

PLANNING PROPOSAL
Tamworth Regional Local Environmental Plan (TRLEP) 2010

'GLEN ARTNEY WEST'
Amendment of permitted uses affecting nine (9) lots -
North-west of the Glen Artney Industrial Estate

Part 1 – Objectives or Intended Outcomes

The objective of this proposal is to facilitate the expansion of the 'food processing' cluster on land immediately to the north-west of the Glen Artney Industrial Precinct via a change of zoning of the subject land (Refer to **Attachment 1** – Locality Map). In addition, the proposed change of zone aims to recognise and provide certainty for the ongoing operation of the existing motor sports complex and the planned expansion of cemetery and crematoria facilities on the subject land.

These proposals are supported by extensive research and strategic planning including the *Tamworth Regional Development Strategy (RDS) 2008*, *Tamworth Regional Economic Development Strategy (REDS)*, *Glen Artney Development Strategy 2008* and the *Tamworth Sports Development Audit 2009*.

Tamworth Regional Council at its Extraordinary Meeting of 7 June 2010 resolved to include these uses as additional permitted uses in Schedule 1 of the Draft TRLEP 2010 when forwarded to the Minister for Planning for Publication. However, the Minister in his letter of 21 January 2011 indicated that the additional permitted uses had not been included in Schedule 1 and should be addressed by a Planning Proposal.

Part 2 – Explanation of Provisions

The Tamworth Regional Economic Development Strategy proposes the establishment of a 'food-processing' cluster within the Tamworth area. Rural land adjoining the Glen Artney Estate bounded by Wallamore Road, Gunnedah Road and Bowler's Lane is suited to this purpose and a number of major food-processing industries have already established within this locality. Such premises were permitted under the previous Rural 1(a) zone (*Tamworth LEP 1996*) but are prohibited under the RU4 zone in the published TRLEP 2010.

Similarly the existing Oakburn Park motorsports complex, defined as *recreational facility major*, is a prohibited use in the RU4 zone. Council's *Sports Development Audit 2009* has highlighted the importance of this facility to the economy of the region as a venue for a number of state and national events. The Audit also identifies the potential for further development of the facility in the future.

Three (3) options which will achieve the desired planning outcomes to varying degrees are outlined below.

The affected lots are identified in Option 1 and shown on the Locality map at **Attachment 1**.

Option 1: Insertion of the wording used in the Council report (7/6/10) and then originally proposed for publication in the *TRLEP 2010* as additional permitted uses in Schedule 1 as follows:

Use of certain land at Gunnedah Road, Bowler's Lane and Wallamore Road, Tamworth in Zone RU4.

- (1) *This clause applies to*
 - Lots 100, 101, and 102, DP 1097471*
 - Lots 41 and 42, DP 1129256*
 - Lot 6, DP 1007859*
 - Lot 431, DP 577935*
 - Lot 17, DP 865930*
 - Lot 19, DP 871833*
- (2) *Development for the purposes of rural industry, rural supplies, industrial retail outlets, cemetery, crematorium, recreation facility (major) and livestock processing industry.*

Option 2: The objectives outlined above may be achieved to some extent by amendment to the Land Zoning Map removing the zone *RU4 – Rural Small Holding* and applying Zone *RU1 Primary Production* over the majority of the subject land.

The exception to this approach is the application of *SP1 – Cemetery & Crematorium* to Part Lot 102 in DP1097471 as indicated on the potential zoning map shown at **Attachment 2**. This *Special Purpose* zone aims to facilitate the development of a public cemetery and crematorium on the southernmost section of the subject land adjoining the existing privately owned cemetery/crematorium facility on Lot 1 DP216877. The proposed *SP1* zone extends over 11Ha (approx) of Lot 102 DP1097471.

Overall this approach aims to provide for development for the purposes of *rural industry*, and *recreation facility (major)* across the subject land, as well as *cemetery/crematorium* on the specific area identified above. It is acknowledged that neither *rural supplies* nor *industrial retail outlets* are facilitated by this approach. However *rural industry* is a broad

term encompassing several 'child uses' that may support and provide the core to a 'food processing' cluster in the locality.

These child uses include; *agricultural produce industries, livestock processing industries, composting facilities and works, sawmill or log processing works, stock and sale yards and the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

In summary, the application of the *RU1* and *SP1* zones provide a means of achieving many of the desired planning outcomes without the introduction of potentially incongruous uses. The *RU1* and *RU4* zones are very similar in terms of permissible land-uses and the *SP1* zone is tailored to the identified future use of the specific land.

Option 3: The objectives may be achieved by the removal of the *RU4* zone and the application of specific zones to each of the 9 lots affected. This approach provides for the assessment and recognition of the attributes of each lot with the aim of providing for the best planning outcome within the strategic planning context.

Proposed zones for each lot are described below:

<i>Lots 100, DP 1097471</i>	<i>IN1 – General Industrial</i>
<i>Lot 102, DP 1097471</i>	<i>IN1 – General Industrial</i>
<i>Lot 41, DP 1129256</i>	<i>IN1 – General Industrial</i>
<i>Lot 19, DP 871833</i>	<i>IN1 – General Industrial</i>
<i>Lot 431, DP 577935</i>	<i>IN3 – Heavy Industrial</i>
<i>Lot 17, DP 865930</i>	<i>IN3 – Heavy Industrial</i>
<i>Lot 42 DP 1129256</i>	<i>RU1 – Primary Production</i>
<i>Lot 6, DP 1007859</i>	<i>RU1 – Primary Production</i>
<i>Lot 101, DP 1097471</i>	<i>E2 – Environmental Conservation</i>

The zoning pattern based on the above is shown at **Attachment 3**.

In summary:

IN1 – General Industrial provides for the following land-uses; *rural industries, rural supplies, industrial retail outlets, cemeteries and crematorium*. It is noted that *livestock processing industry* is included as a child term of rural industries. This zone clearly provides for many of the desired outcomes. However, as a broad industrial zone *IN1* appears to have some potentially incongruous land-uses permissible with consent including; *sex services premises, restricted premises, shop top housing, service stations* and others.

IN3 – Heavy industrial provides for; *rural industries and industrial retail outlets* (but not *rural supplies*). The *IN3* zone is tailored for heavy, hazardous and offensive uses and the proposed area adjoins the *IN3* zoned land in the Glen Artney Industrial Area.

RU1 – Primary production – as stated above this zone caters for a range of rural and industrial uses and includes *Recreation facilities (major)*. This zone aims to facilitate the motorsport activities on Lot 42, DP 1129256 and the predominantly rural uses on Lot 6, DP 1007859.

E2 – Environmental Conservation as applied under the *TRLEP 2010* is a restrictive environmental zone that would recognise the natural attributes and rehabilitation objectives in the Bolton's Creek environs on Lot 101, DP 1097471.

Part 3 – Justification

Note: The justification for each of the options described above is substantively the same and is explained in the responses below.

Section A – Need for the planning proposal.

A1. Is this planning proposal a result of any strategic study or report?

The planning proposal is supported by extensive strategic planning including the *Tamworth RDS* and the *Glen Artney Development Strategy 2008*. The *Tamworth RDS* directly informed the development of the *TRLEP 2010* and states:

7.1.5 Industry

The provision of well-located and suitable serviced land is vital in ensuring that land is available for industrial development when needed. Future industrial development must take a longer term strategic approach; maximise value-adding opportunities; focus on 'service industries' within the townships they serve; avoid land of high primary production potential; use existing transport networks and infrastructure wherever possible; and cluster industry development on currently vacant industrial zoned land and suitable land near such zones.

(Tamworth Regional Development Strategy 2008: Page 26)

These strategic planning reports emphasised the importance of the Glen Artney Industrial Precinct as employment generating lands well located to mitigate any adverse impacts on residential areas or other sensitive land-uses. The importance of food processing industries to the Tamworth Region has been emphasised and in recognition of this the *Tamworth Regional Economic Development Strategy* proposes the establishment of a 'food-processing' cluster within the Tamworth area.

A2. 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 above as being essential to support and provide the core of a 'food processing cluster'.

This planning proposal submits for consideration, three (3) options (outlined above) which aim to achieve the desired planning outcomes to varying degrees.

A3. Is there a net community benefit?

A significant net community benefit is identified in connection with the proposed amendments. Refer to **Attachment 4** for the analysis of net community benefit.

A summary of the net community benefit is described below:

- The proposed amendments would give effect to several of the principal existing uses in the area.
- This would provide an opportunity to more easily expand existing operations and or add compatible uses to value-add the products, both internally on site and externally with proximate companies.

- Increased employment opportunities and economic impetus for the regional economy can be expected.
- The grouping of 'heavy' land-uses in the one area adjacent to the heavy industrial area of Glen Artney contains the activities and so mitigates any adverse impacts on other areas, including residential or commercial precincts.
- 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.

Consequently, it is considered that the resultant community benefit significantly outweighs the cost of implementing the proposal.

Section B – Relationship to strategic planning framework

The planning proposal is consistent with the strategic planning direction outlined in the *Tamworth Regional Development Strategy (RDS)*, *Tamworth Regional Economic Development Strategy (REDS)* and *Glen Artney Development Strategy* as noted above.

B1. Is the planning proposal consistent with the objectives and action contained within the applicable regional or sub-regional strategy?

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

B2. 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 planning direction outlined in the *Tamworth RDS*, *Tamworth REDS* and *Glen Artney Development Strategy* as noted above, as well as the outcomes of the *Tamworth Sports Development Audit 2009*.

B3. Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

Refer to **attachment 5**.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Refer to **attachment 6**.

Section C – Environmental, social and economic impact

C1. 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 - the options described do not entail any adverse effect in comparison to the existing *RU4* zoning. The section proposed in option 3 to be zoned *E2* is the subject of regeneration (tree planting and like) to provide for land conservation and wildlife corridor development.

C2. 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 give effect to the existing uses in the area and provide for the introduction of like activities, the specifics of which are currently unknown, there are no further likely environmental impacts identified. It is noted that the *TRLEP 2010 Flood Planning Map* incorporates areas nearby to the subject land to the north-east. A site

specific flood analysis may be appropriate to determine the potential impact of flooding on the subject land.

C3. 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 very significant positive impact on Tamworth, particularly in terms of employment and economic stimulus. These effects are outlined in section A3 above and analysed at **Attachment 4**.

Section D – State and Commonwealth interests

D1. Is there adequate public infrastructure for the planning proposal?

The existing infrastructure in the Glen Artney Industrial Estate, and the broader City of Tamworth, has the capacity to accommodate the development of the subject land expected from this proposal. Specific infrastructure identified adjoining the subject land includes; natural gas supply, electricity (11Kv & 66Kv), road linkages, water, sewer, waste, and trade-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.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with gateway determination, and have they resulted in any variations to the planning proposal.

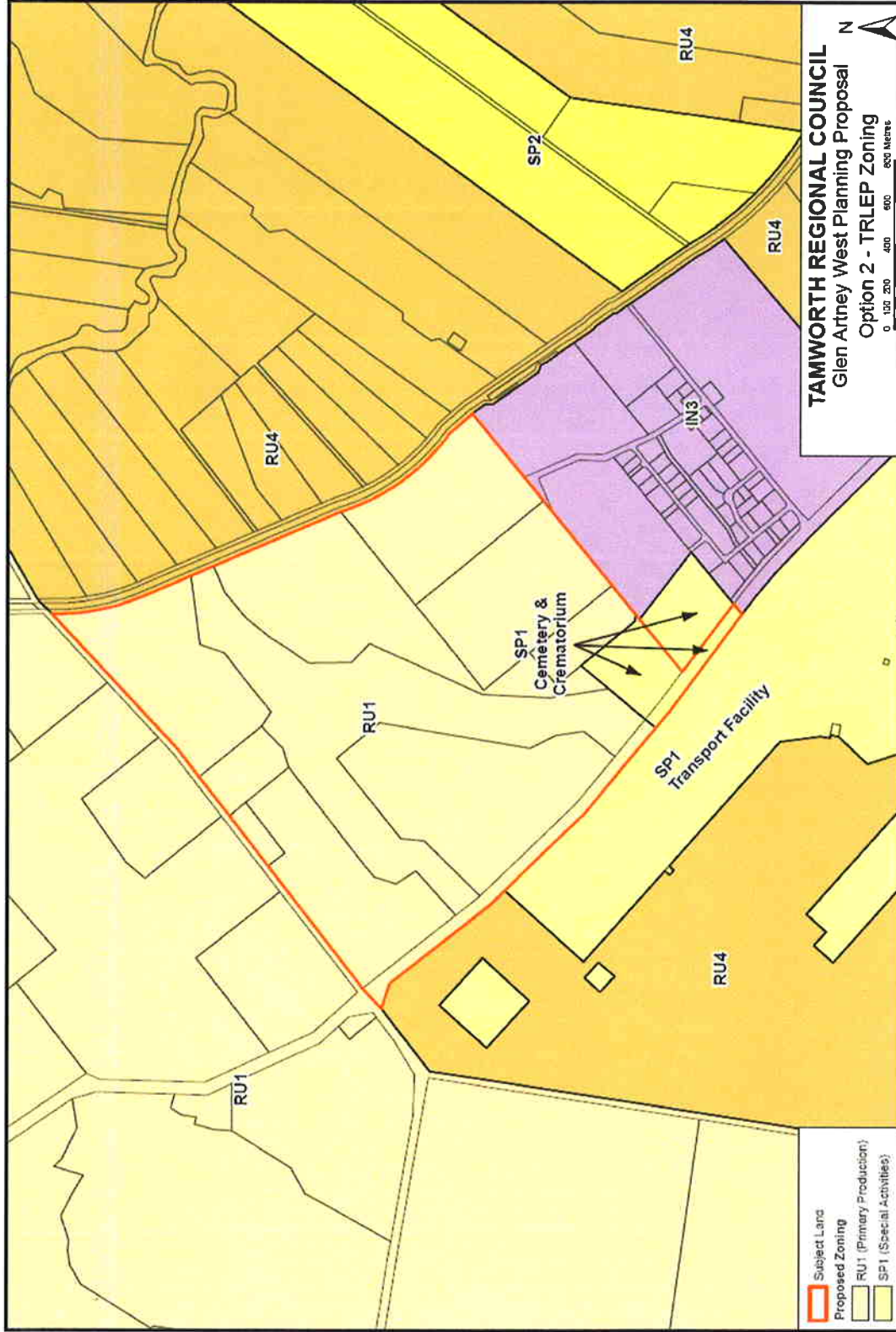
As part of the planning process for the *TRLEP 2010*, Council implemented an extensive consultation process with a range of government agencies through the Section 62 process.

Part 4 – Community Consultation

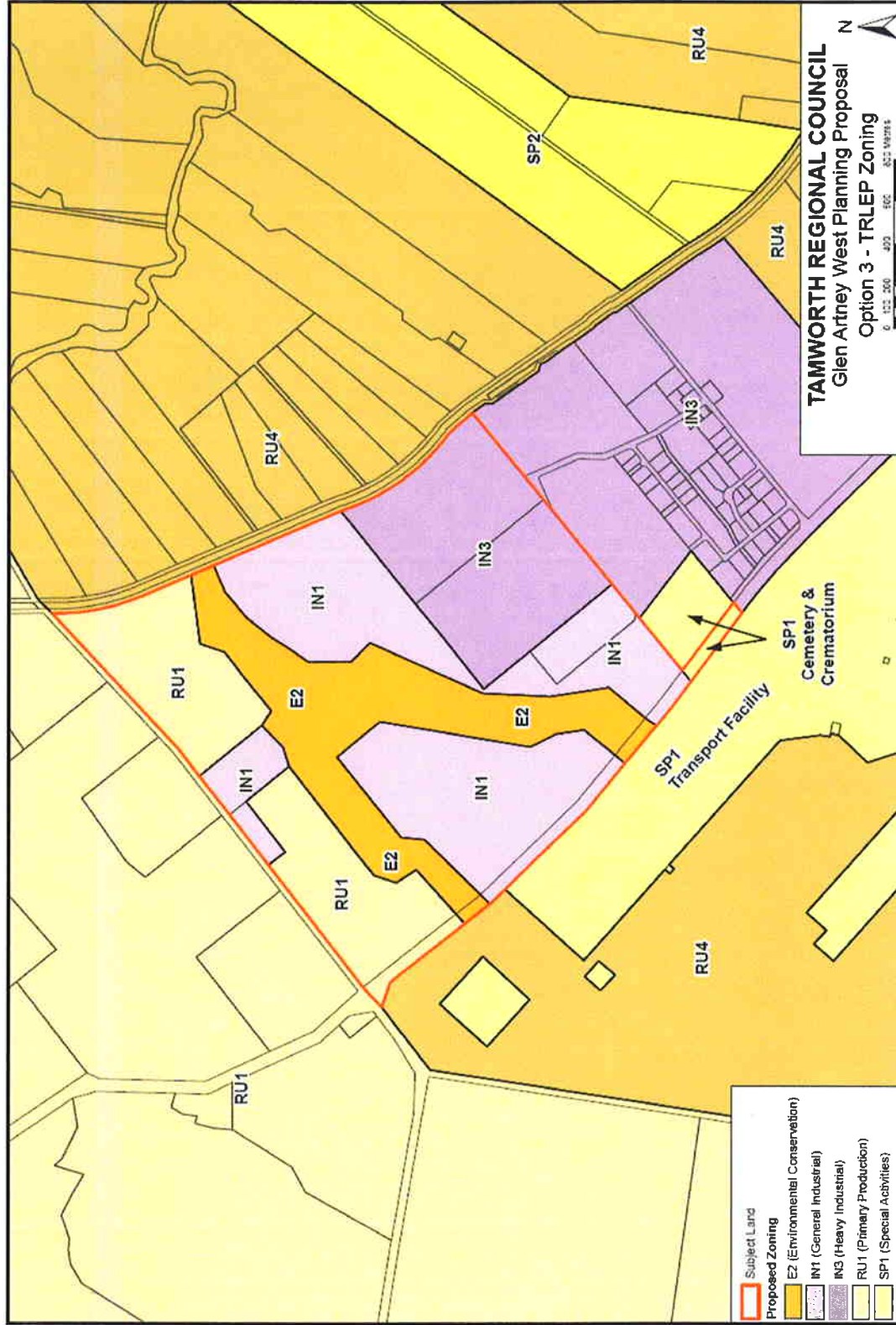
As part of the planning process for the *TRLEP 2010*, Council undertook and implemented an extensive consultation strategy engaging with the community using a range of means including; media, internet, community presentation and displays at each of the Council Branches and the Kootingal Library. At Ray 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 Option 1, (described above), providing for the proposed land-uses via the mechanism of *Schedule 1 – Additional Permitted Uses*.

Following the gateway process and on the advice of the panel the proposal may need to be further exhibited or alternatively, it may only require the need to consult with adjoining landowners.

ATTACHMENT 2 – OPTION 2



ATTACHMENT 3 – OPTION 3



ATTACHMENT 4 – ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
Is the planning proposal compatible with agreed State and regional strategic direction for development in the area? YES	The RU4 zoning does not give effect to several of the existing uses in the subject land and limits the potential to add compatible uses to the area. The value of food processing to the local and regional economy is emphasized by the Tamworth Regional Development Strategy. The development of a 'food processing cluster' in the locality is proposed under the Tamworth Regional Economic Development Strategy.	The proposed amendments would give effect to several of the principal existing uses in the area. This would provide an opportunity to more easily expand existing operations and or add compatible uses to value add the products, both internally on site and externally with proximate companies. As a result, increased employment opportunities and economic impetus for the regional economy can be expected.	The planning proposal being in accordance with the strategic planning direction for development in the area provides for significant increased employment opportunities along with impetus to local/regional economy.
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? NO	Not located in a specified area.	Not applicable	Not applicable
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders? YES	The RU4 zoning does not give effect to several of the existing uses in the subject land and limits the potential to add compatible uses to the area.	The proposal may change the expectations of landholder by giving effect to existing operations and providing the potential to add compatible uses to the area.	Significant increased employment opportunities possible along with impetus to local/regional economy

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? NO	No other spot rezoning have been implemented to amend the TRLEP 2010	Not applicable	Not applicable
Will the Planning Proposal facilitate a permanent employment generating activity? YES	The RU4 zoning does not give effect to several of the existing uses in the subject land and limits the potential to add compatible uses to the area. The development of a 'food processing cluster' in the locality is proposed under the Tamworth Regional Economic Development Strategy to result in the facilitation of a permanent employment generating locality.	The development of a 'food processing cluster' in the locality is proposed under the Tamworth Regional Economic Development Strategy to result in the facilitation of a permanent employment generating locality. The proposed amendments would provide an opportunity to more easily expand existing operations and or add compatible uses to value add the products, both internally on site and externally with proximate companies. 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, utilities) capable of servicing the proposed site? YES Is public transport currently available or is there infrastructure capacity to support future public transport?	The subject land is served by the Oxley Highway (SH11West), Bowlers Lane (unsealed) and has road linkages to the Glen Arthey Industrial Estate. These roads service the existing uses operating in the area. An inactive rail link extends to the area. Utilities are available to the locality. It appears that public transport (buses) do not generally service the area, however some major employers operate minibus services for employees.	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. While technically possible, the proposal is not likely to lead to the reactivation of the rail link.	It is considered that the planning proposal may be benefit/cost neutral for this criteria.
Will the proposal result in changes to the car distances traveled by customers, employees and suppliers? YES 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 Oxley Highway (SH11West), Bowlers Lane (unsealed) and has road linkages to the Glen Arthey Industrial Estate. These roads service the existing uses operating in the area.	The planning proposal aims to increase the potential of the subject land which is marginally further from Tamworth City than the existing Glen Arthey Estate. This can result in increased distances to be travelled though the co-location of business with those existing and the substantial workforce accessing the area already may mean that only minor increased impacts result.	It is considered that the planning proposal may be benefit/cost neutral for this criteria.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? YES	There are several infrastructure facilities that may meet this criteria in the vicinity of the subject land including: Tamworth Regional Airport,	It is not considered that the planning proposal includes elements that would have a negative impact on these infrastructure facilities.	It is considered that the planning proposal may be benefit/cost neutral for this criteria.

If so, what is the expected impact?	Westdale Wastewater Treatment Plant and Waste water Reuse Farm and the Oxley Highway.		
Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors.	The Bolton's Creek environs and related drainage system located through the middle of the subject land have identified environmental attributes.	The planning proposal includes the option to apply the E2 Environmental Conservation zone to this area to recognize and protect these areas.	The planning proposal includes options that could provide a net community benefit to the community.
Will the LEP be compatible/complementary with surrounding land uses? YES What is the impact on amenity in the location and wider community? Will the public domain improve?	The RU4 zoning does not give effect to several of the existing uses in the subject land and limits the potential to add compatible uses to the area. The value of food processing to the local and regional economy is emphasized by the Tamworth Regional Development Strategy. The development of a 'food processing cluster' in the locality is proposed under the Tamworth Regional Economic Development Strategy.	The proposed amendments would give effect to several of the principal existing uses in the area. This would provide an opportunity to more easily expand existing operations and or add compatible uses to value add the products, both internally on site and externally with proximate companies. As a result, increased employment opportunities and economic impetus for the regional economy can be expected. The grouping of 'heavy' land-uses in the one area adjacent to the heavy industrial area of Glen Artney contains the activities and so mitigates any adverse impacts other areas including residential or commercial precincts.	This criteria provides potentially a very significant net community benefit by facilitating expansion opportunities for existing facilities and providing for co-location of compatible and complementary activities.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? YES	The RU4 zoning does not give effect to several of the existing uses in the subject land and limits the potential to add compatible uses to the area.	The proposed amendments would provide an opportunity to more easily expand existing operations and attract additional compatible uses to the locality. The options include some retail and wholesale elements, resulting in the potential for increased competition and choice.	The potential to provide the potential 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
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The RU4 zoning does not give effect to several of the existing uses in the subject land and limits the potential to add compatible uses to the area.	The proposed amendments would give effect to several of the principal existing uses in the area in the short term. This would provide an opportunity to more easily expand existing operations and or add compatible uses to value add the products, both internally on site and externally with proximate companies. As a result, increased employment opportunities and economic impetus for the regional economy can be expected.	Implementing the proposed amendments in the short term is in the community interest particularly in terms of employment and economic activity. A delay in implementing the amendments could result in the loss of prospective businesses for the Tamworth region and under-utilization of this important employment generating precinct.
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 5: CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)
'GLEN ARTNEY WEST' PLANNING PROPOSAL.**

SEPP	Applicable to TRC	Consistent / Not 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)	Yes	SEPP 4 provisions additional to those in TRLEP 2010.
No. 6 Number of Storeys in a Building	Yes	Yes	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 Land-sharing Communities	Yes	No	Proposed rezoning provides for heavier uses of the subject land to give effect to the Tamworth RDS, REDS and Glen Artney Strategy. Proposal is considered to be justifiably inconsistent with this direction.
No. 21 Caravan Parks	Yes	Yes	Appropriate zoning is proposed to give effect to existing uses and relevant strategic Planning for the area. The provisions of the SEPP are additional to those in TRLEP 2010
No. 22 Shops and Commercial Premises	Yes	No	The provisions of the SEPP are additional to those in TRLEP 2010. The range of uses proposed in the options provide for a range of uses. The proposal is considered to be justifiably inconsistent with the SEPP
No. 30 Intensive Agriculture	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.

No. 32 Urban Land Consolidation (Redevelopment of Urban Land)	N/A	N/A	There is no urban land in the subject area.
No. 33 Hazardous and Offensive Development	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
No. 36 Manufactured Home Estates	Yes	N/A	Not applicable to the subject land per schedule 4, 5 & 6 of the SEPP.
No. 44 Koala Habitat Protection	No	N/A	The SEPP is not applicable to the Tamworth Regional LGA.
No. 50 Canal Estate Development	Yes	N/A	Not applicable to the subject land.
No. 55 Remediation of Land	Yes	No	Consideration when rezoning (SEPP Cl.6) relating to the previous uses of the land is relevant and contamination issues are to be resolved via the public exhibition process. The provisions of the SEPP are additional to those in TRLEP 2010. The proposal is considered to be justifiably inconsistent with this SEPP.
No. 62 Sustainable Aquaculture	Yes	Yes	There is abundant RU1 zoned land in the Tamworth Regional LGA that is more suitable to sustainable aquaculture than the subject land which is used for, and adjacent to, heavier uses. The proposal is not considered to be inconsistent with the SEPP.
No. 64 Advertising and Signage	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
No. 65 Design Quality of Residential Flat Development	Yes	N/A	Multi dwelling development is prohibited in all zones related to this proposal.
Housing for Seniors or People with a Disability 2004	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.

Building Sustainability Index: BASIX 2004	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Major Development 2005	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Mining, Petroleum Production and Extractive Industries 2007	Yes	Yes	The zones proposed include provisions for uses relevant to the SEPP. The provisions of the SEPP are additional to those in TRLEP 2010.
Temporary Structures 2007	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Infrastructure 2007	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Rural Lands 2008	Yes (not clause 9)	Yes	The provisions of the SEPP are additional to those in TRLEP 2010. It is considered that the proposal is not inconsistent with the provisions of the SEPP.
Exempt and Complying Development Codes 2008	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010. Proposal does not impact the operation of the SEPP.
Affordable Rental Housing 2009	Yes	N/A	The proposal affects industrial and rural land that is not suitable for affordable housing. The provisions of the SEPP are additional to those in TRLEP 2010.

**ATTACHMENT 6: CONSIDERATION OF SECTION 117 MINISTERIAL DIRECTIONS -
ASSESSMENT RELATIVE TO THE GLEN ARTNEY WEST 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 requirements of S.117 Direction
1.2 Rural Zones	Cl.4(a) Yes Cl.4(b) No	Yes (Options 1&2) No (Option 3)	Option 3 is considered to be justifiably inconsistent as it is justified by Glen Artney Development Strategy, and both the Tamworth Regional Development Strategy and Regional Economic Development Strategy.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes (Options 1&2) No (Option 3)	The Planning proposal does not prohibit the uses in zones other than E2. The SEPP (mining, petroleum production and extractive industries) prevails over the TRLEP 2010. The relevant authorities were consulted in the course of preparing the TRLEP 2010, published on 21/1/2011. Option 3 is considered to be justifiably inconsistent with the Direction.
1.4 Oyster Aquaculture	No	Not applicable	Not affecting LGA
1.5 Rural Lands	Yes	Yes (Options 1&2) No (Option 3)	Option 3 proposes the rezoning of rural land to Industrial and Environmental zones. The option is considered to be justifiably inconsistent as it is justified by Glen Artney Development Strategy, and both the Tamworth Regional Development Strategy and Regional Economic Development Strategy.

2. Environment and Heritage

Direction	Applicable	Consistent	Reason for inconsistency or comment
2.1 Environment Protection Zones	Yes	Yes	Relative to the existing RU4 zone, none of the options compromise environmentally sensitive land. Option 3 via the application of zone E2 aims to protect environmentally sensitive land.

2.2 Coastal Protection	No	Not applicable	Not affecting LGA
2.3 Heritage Conservation	Yes	Yes	The TRLEP contains provisions that facilitate the conservation of heritage conservation elements. Aboriginal objects or places are protected under the National Parks and Wildlife Act 1974. No study has been undertaken to identify specific objects within the Region. It is considered that the planning proposal is justifiably inconsistent with the Direction.
2.4 Recreation Vehicle Areas	Yes	No (Options 1&2) Yes (Option 3)	The land-use may be permissible under both the RU1 and RU4 zones as Recreation area (outdoor). However the use appears prohibited under E2 zone. The planning proposal is considered to be justifiably inconsistent as it is justified by Glen Artney Development Strategy, and both the Tamworth Regional Development Strategy and Regional Economic Development Strategy.

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Reason for inconsistency or comment
3.1 Residential Zones	Yes	Not applicable	The planning proposal does not affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes (Options 1&2) No (Option 3)	The translation of zone RU4 to zone RU1 does not affect the permissibility of caravan parks. The application of industrial zones per option 3 would prohibit the land-use over much of the subject land under the TRLEP 2010. The planning proposal is considered to be justifiably inconsistent as it is justified by Glen Artney Development Strategy, and both the Tamworth Regional Development Strategy and Regional Economic Development Strategy.
3.3 Home Occupations	Yes	Yes	The land-use continues to be permissible without consent where dwelling houses are permitted (RU1 & RU4 zones).

3.4 Integrating Land Use and Transport	Yes	No	By clustering 'like' industries together spatially it is attempting to reduce the spread of traffic generating development, particularly heavy vehicles. 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	Yes	Yes	The relevant Commonwealth authorities were consulted in the course of preparing the TRLEP 2010, published on 21/1/2011. ANEF, OLS and Flight Training Path maps are included in the TRLEP2010 and the planning proposal does not include elements that would encroach upon these or impede the operation of the Tamworth Regional Airport.
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	Yes	Not affecting the subject land – not shown in mapped area
4.4 Planning for Bushfire Protection	Yes	Yes	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	Yes	Yes	The planning proposal does not entail provisions which increase approval and referral requirements as outlined in the Direction.
6.2 Reserving Land for Public Purposes	Yes	Yes	The planning proposal does not alter existing zonings or reservations for public purposes and there has been no request through the consultation process to the TREL2010 to reserve land for a public purpose.
6.3 Site Specific Provisions	No	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