

Tamworth Regional LEP 2010 - Amendment No 10 - Hills Plain Lot Size Amendment

Proposal Title : **Tamworth Regional LEP 2010 - Amendment No 10 - Hills Plain Lot Size Amendment**

Proposal Summary : **To amend the minimum lot size provisions for various parcels of land to increase the permitted residential density in the Hills Plain Urban Release Area.**

PP Number : **PP_2016_TAMWO_001_00** Dop File No : **16/04674**

Proposal Details

Date Planning Proposal Received : **21-Mar-2016** LGA covered : **Tamworth Regional**

Region : **Northern** RPA : **Tamworth Regional Council**

State Electorate : **TAMWORTH** Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Various Parcels of land are affected by this Planning Proposal. A full list of affected lots and map are attached to this report.**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	500
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 : **This Planning Proposal aims to increase the density of residential development in the Hills Plain Urban Release Area to maximise the efficient use of infrastructure already provided or planned for the area. The proposed amendment will amend the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) Lot Size Map.**

Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Tamworth Regional LEP 2010.**

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

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

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

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

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land**

e) List any other matters that need to be considered : **The New England North West Strategic Regional Land Use Plan applies to the Gunnedah LGA**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps have been provided with the Planning Proposal. They show the current minimum lot size and proposed minimum lot sizes for the subject land.**

Following discussions, Council has advised that there is an error in the map showing the proposed minimum lot size. When submitted the map showed one of the proposed 1000m2 minimum lot size areas extending approximately 30m too far to the west. This created 'split lots' where some lots had two minimum lot sizes. Council has advised this will be corrected prior to the exhibition of the Planning Proposal.

It is considered that once corrected, the maps will be adequate for community consultation.

Maps prepared in accordance with the Department's technical mapping standards will need to be created before a Parliamentary Counsel's opinion can be sought.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The relevant planning authority has identified a 14 day exhibition period for the proposal. As the subject land is within an Urban Release Area, and is zoned for residential purposes, an increase in the density of development in the area will have a minimal impact on the existing residents and the wider community. Council has also undertaken extensive consultation with the affected landowners on this issue as detailed in the Planning Proposal. The 14 day exhibition period is considered adequate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:**

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council if the Planning Proposal is supported.

Council has provided a project time line which estimates that the LEP will be ready for notification in June 2016. To ensure an adequate period to complete the proposal a 6 month time frame is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Tamworth Regional LEP 2010 commenced on 21 January 2011.

Assessment Criteria

Need for planning proposal :

The Hills Plains Urban Release Area (URA) is Tamworth's largest residential release area. In 1992 Tamworth City Council commenced a comprehensive Urban Development Strategy for the City that identified land to the north of Tamworth (Hills Plain) suitable for an integrated residential and rural residential community. Originally zoned for residential development in 2007 the area has developed in stages with a variety of lot sizes and housing types available including 650m² urban blocks through to larger rural lifestyle lots on the periphery.

As vacant land in the URA has developed, Council has received approaches from some landowners and developers expressing support for a review of lot size provisions in certain areas of land at Hills Plain. In response, Council undertook an analysis of water and sewer servicing capacity and determined that sufficient capacity exists to consider a higher density of development in some parts of the URA. Council also commissioned a traffic study to assess the potential impact of the higher development densities on the road network. The traffic study, due for completion in April 2016, is expected to support the planning proposal by providing Council with information on potential necessary changes to road infrastructure, such as intersection upgrades.

The increase in development density affects approximately 350ha of land zoned R2 Low Density Residential. Council anticipate this will provide an opportunity for approximately 500 additional residential lots. Approximately 97ha of land currently with a 2000m² minimum lot size is proposed to be changed to 1000m² and approximately 255ha of land with a 4000m² minimum lot size will be changed to 2000m². Council has stated that these additional lots would bring the overall Hills Plain Urban Release Area lot yield into line with that predicted in when infrastructure was being planned and construction commenced in Hills Plain. Consequently, the increased yield will utilise the investment in this infrastructure more efficiently.

A strip of land between two areas proposed to have a 1000m² minimum lot size has been retained with a 2000m² lot size. The continuity of the lot size provisions were discussed with Council staff. They advised that the provisional subdivision plans for the area include storm water detention and drainage with this area and that any lots in this area would not have direct vehicular access to Moore Creek Road. All accesses would be via the internal roads of the proposed subdivision.

Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs and the New England North West Strategic Regional Land Use Plan.

The proposal is in accordance with the Tamworth Regional Development Strategy (TRDS) which informed the formulation of the TRLEP 2010. Extensive strategic planning has been undertaken since the early 1990's to plan and implement the Urban Release Area of Hills Plain. Extensive infrastructure has been constructed and more is planned for the Hills Plain area including water, sewer, road, power and telecommunications services.

The Planning Proposal is considered to be consistent with all applicable Section 117 Directions apart from the following:

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect an area of land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social economic impacts :

It is considered the Planning Proposal will have positive social and economic impacts through its provision of additional housing opportunities in Tamworth.

The site is not mapped as being flood prone and Council's existing provisions within the LEP satisfactorily address this potential constraint. Any inundation would be from overland flows. Preliminary subdivision plans for part of the subject land includes storm water management infrastructure and provides for the adequate drainage of the land.

The subject land is mapped as being bushfire prone. Consultation with the NSW Rural Fire Service is proposed by Council as part of the proposal.

Council has identified that the Planning Proposal is consistent with the SEPP 55 Remediation of Land. Contamination studies have been previously undertaken in connection with both the preparation of Hills Plain DCP and development applications covering much of the affected land. As the issue of potential land contamination has been addressed during the rezoning of the land in 2007 it is not considered necessary to revisit this for a change in the minimum lot size provisions.

Similarly, flora and fauna studies were undertaken during the rezoning process and in the preparation of the Hills Plain DCP. These studies concluded that it was unlikely that Koala habitat would be affected by development in this area. It is not considered that an increase in the residential density will have an impact on the flora or fauna on the subject land.

The Planning Proposal does not identify any known threatened vegetation or ecological communities within the site. The majority of the land is cleared and has been significantly altered through traditional farming practices and as the land is currently zoned for residential purposes the change in the development density is not considered to have a significant further impact on the flora or fauna. The requirements of the EPBC Act are required to be addressed at the development application stage.

It is considered that given the existing residential zoning of the land that any potential environmental impacts from the change in development density are likely to be minimal and can be addressed adequately at development application stage.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

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

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

If no, provide reasons : **Council has identified they will consult with the NSW Rural Fire Service. It is also recommended that Roads and Maritime Services be consulted (see discussion).**

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

If Yes, reasons : **It is recommended that the outcomes of traffic study (see below), once completed, forms part of the Planning Proposal. It is not considered necessary for the Planning Proposal to be resubmitted to the Department.**

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Council has commissioned a traffic study to assess the potential impact of the increase in density on the road network. Council expects the traffic study to support the planning proposal by providing information on any potential changes in road infrastructure requirements, such as intersection treatments. Council does not expect the traffic study to identify any limitations that would prevent the development of the land at the proposed densities.

It is recommended that the outcomes from the traffic study, once completed, forms part of the Planning Proposal and is exhibited during the community consultation period.

As a State Infrastructure Levy currently applies to Hills Plain in relation to roadworks requested by the Road and Maritime Services (RMS), it is considered appropriate that the RMS be consulted in regard to the increased lot density and the traffic study being prepared.

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
2016-03-21 Cover Letter.pdf	Proposal Covering Letter	Yes
2016-03-21 Planning Proposal.pdf	Proposal	Yes
2016-03-21 Subject Land.pdf	Map	Yes
2016-03-21 Existing Minimum Lot Sizes.pdf	Map	Yes
2016-03-21 Proposed Minimum Lot Sizes.pdf	Map	Yes
2016-03-21 Council Meeting Report.pdf	Proposal	Yes
COMMERCIAL IN CONFIDENCE - Proposed Subdivision Plan for Part of land.pdf	Drawing	No

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2016-03-21 Land subject to Planning Proposal.pdf

Map

Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection

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

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 6 months;**
- 4. That the Secretary's delegate notes that the inconsistency with s117 Direction 4.4 Planning for Bushfire Protection is outstanding until consultation with the NSW Rural Fire Service is complete;**
- 5. Prior to community consultation the proposal be amended to include accurate mapping of the 1000m2 minimum lot size area;**
- 6. That State agency consultation be undertaken with the Rural Fire Service and Roads and Maritime Services; and**
- 7. That a written authorisation for Council to exercise its plan making delegations be granted for this matter.**

Supporting Reasons : **The proposal will increase the density of residential development in the Hills Plain Urban Release Area to maximise the efficient use of existing and planned reticulated sewer infrastructure. The proposal will not increase the overall predicted lot yield for the Hills Plain area due to changes in anticipated development patterns since the was original zoned for residential purposes.**

Signature:



Printed Name:

Craig Diss

Date:

24 March 2016