

Tamworth Regional LEP 2010 - Amendment No 13 - Tamworth Cemetery

Proposal Title : **Tamworth Regional LEP 2010 - Amendment No 13 - Tamworth Cemetery**

Proposal Summary : **This Planning Proposal seeks to:**
- Rezone land on the corner of Showground Road and Dampier Street, Tamworth from B5 Business Development to SP1 Special Activities (Cemetery) to enable the expansion of the Tamworth Lawn Cemetery;
- Rezone land adjacent to Jewry Street, Tamworth from RE1 Public Recreation to B5 Business Development to enable an additional road access point to an existing commercial area; and
- Alter the Floor Space Ratio provisions for both areas to reflect their proposed zoning.

PP Number : **PP_2017_TAMWO_002_00** Dop File No : **17/02263**

Proposal Details

Date Planning Proposal Received :	06-Feb-2017	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 :	Showground Road / Dampier Street / Jewry Street		
Suburb :	Taminda	City :	Tamworth
		Postcode :	2340
Land Parcel :	Part of Lot 2, DP 633198		

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**
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RPA Contact Details

Contact Name : **Nathan Bartlett**
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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
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
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.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	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.		

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : Council estimates that the Tamworth Lawn Cemetery has only 2 years of remaining supply based on average burial rates. A site on the Oxley Highway, adjacent to the Lincoln Grove Lawn Cemetery was identified as having potential to cater for future burials, but due to financial constraints on providing access off the highway and geotechnical issues on the site, Council decided to explore extending the existing lawn cemetery in Taminda.

The recent development of commercial land adjacent to Bunnings and 360 Fitness Club has also created a need to provide an additional access road into the area. Council has identified land adjacent to Jewry Street that would enable connection to Beaufort Street as appropriate to provide the additional access road. Council proposes to rezone this small area to enable the road to be built.

Both these sites are on the same lot - Lot 2 DP 633198.

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 : **1.1 Business and Industrial Zones
6.2 Reserving Land for Public Purposes**

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **The draft New England North West Regional Plan applies to the Tamworth Regional LGA. The New England North West Strategic Regional Land Use Plan also applies to the Tamworth Regional LGA but does not directly affect this site.**

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

If No, explain : **The relevant consistency with the applicable Strategies, SEPPs and 117 Direction are addressed later in this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps have been provided with the Planning Proposal. They show the subject sites, the existing and proposed zonings and the existing and proposed floor space ratios.**

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

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council does not specifically include a proposed time frame for public exhibition in the community consultation program outlined in the Planning Proposal. As the proposal involves public land, and is likely to cause community interest, it is considered that a 28 day public consultation period is appropriate.**

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 generally deals with matters that are of local significance it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

Council has provided a project time line which estimates that the LEP will be ready for notification in July 2017. To ensure an adequate period to complete the proposal a 9 month time frame is recommended.

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 :

Council estimates the existing Tamworth Lawn Cemetery on Showground Road has 260 burial plots remaining. Based on current average annual usage of 90 plots for burials and reservations, a new lawn cemetery site will be required in 2019.

In 2013 Council rezoned land adjacent to the existing Lincoln Grove Lawn Cemetery on the Oxley Highway to facilitate its expansion. Council subsequently prepared a master plan for that site that also included a cafe and other ancillary facilities. A geotechnical report of the site found some constraints on the site in the form of an area of hard shale that would not be ideal for burial purposes. In addition, the requirement to upgrade access to the site off the Oxley Highway would make the development prohibitive.

Council now wishes to expand the existing lawn cemetery in Taminda to cater for the future requirements of the City.

Council has also identified the need to provide an additional road to service the recently developed commercial land adjacent to Bunnings and 360 Fitness Club. Council has identified land adjoining Jewry Street that would enable connection to Beaufort Street as appropriate. The land is currently zoned RE1 Public Recreation although it holds no ability to function as a useable open space for the community. Council proposes to rezone this small area to enable the road to be built.

Council will also amend the floor space ratio provisions within the LEP to reflect the future land use and zoning. The proposed future lawn cemetery will have its FSR removed and the proposed B5 zoned land will have a FSR of 1:1 applied consistent with the adjoining commercial land.

Consistency with
strategic planning
framework :

REGIONAL STRATEGIES

The Draft New England North West Regional Plan applies to the Tamworth Regional LGA and identifies Tamworth as a Regional City. This Planning Proposal is inconsistent with the Draft Plan as the site is identified as a Commercial/Business Area Growth Precinct consistent with Council's strategic planning documents. The inconsistency with the Draft Regional Plan is considered to be of minor significance as:

- the plan is only in draft form;
- Council's advice that it is in the process of updating its own strategic planning documents to reflect this outcome and that stormwater / drainage constraints have been identified that would prevent the commercial development of the land; and
- large areas of vacant land B5 Zone land exist within Tamworth that are able to cater for any future growth.

The New England North West Strategic Regional Land Use Plan (SRLUP) also applies to the Tamworth Regional LGA. The SRLUP does not specifically address the site or the demand for commercial land or community facilities such as cemeteries. It is considered that the Planning Proposal is not inconsistent with the SRLUP.

LOCAL PLANNING STRATEGIES

Council identifies that the Planning Proposal is consistent with the strategic planning direction outlined in the Department endorsed Tamworth Regional Development Strategy (TRDS). The TRDS does not specifically address the need for future cemeteries within the LGA, so in this regard the Planning Proposal is considered to be not inconsistent with the TRDS. It does however identify that encroachment from non industrial land uses should be prevented in the Taminda area.

The Taminda Revitalisation and Economic Development Strategy (TREDs) was prepared by Council in 2008. It is noted that Council has not at any time sought to have this Strategy endorsed by the Department. The TREDs identifies the land as a key site for the development of industrial or bulky goods retailing. The use of this site for the expansion of the cemetery is considered to be inconsistent with this Strategy. Council has noted this and has identified that since the TREDs was adopted by Council, large areas of greenfield land have been rezoned B5 Business Development providing a significant supply of land. In addition, Council has identified that the TREDs is in need of revision as the document has been superseded by the progression of development in Tamworth and the stormwater / drainage constraints that affect the land. The inconsistency with this Strategy is considered to be of minor significance due to it not being a Department endorsed Strategy, the large area of alternate sites zoned B5 reducing the demand for this site and the TREDs strategy being superseded by recent development patterns and alternate development pressures.

STATE ENVIRONMENTAL PLANNING POLICIES

The Planning Proposal is considered to be consistent with all applicable State Environmental Planning Policies (SEPP), including SEPP 55 - Remediation of Land. The site is not considered likely to be contaminated due to it being vacant land and never being developed for industrial purposes.

SECTION 117 DIRECTIONS

The Planning Proposal is considered to be consistent with all relevant section 117 Directions, except in relation to 1.1 Business Zones and 6.2 Reserving Land for Public Purposes as discussed below.

1.1 Business Zones

This Direction applies as the Planning Proposal seeks to rezone land zoned from a business zone to an SP1 zone. It is considered that this inconsistency is of minor significance due to the large areas of alternate vacant land zoned B5 within Tamworth, the strategy in which the land is identified as suitable for business purposes requiring

review, and the constraints of the site limiting any commercial development potential.

6.2 Reserving Land for Public Purposes

This Direction applies as the Planning Proposal will reduce an existing zoning or reservation of land for public purposes without the approval of the Secretary of the Department of Planning. It is considered that this inconsistency is of minor significance due to Council's support as the relevant public authority and because the land provides no active or passive recreation potential. The planning proposal should be updated prior to community consultation to reflect this inconsistency.

Environmental social
economic impacts :

There is considered to be negligible likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of this proposal. The proposed Cemetery land has been cleared and has evidence of some filling and minor earthworks. Minimal vegetation is on the site and due to its urban location and proximity to industrial land uses, it is considered unlikely to hold any environmental significance. The land to be used to provide access to the existing commercial area also holds limited environmental significance. A constructed storm water channel serves as a boundary to the remaining open space which serves as a buffer to the existing cemetery and Jewry Street.

The land is not flood prone and is not bushfire prone.

The site proposed for the expansion of the cemetery is constrained by the lack of essential services to the site. This will not impede the development of the Cemetery.

The development of these sites will have a positive social impact on the community by virtue of providing additional land to service the communities need for the expanded lawn cemetery.

The development of these sites will also have a positive economic impact. The provision of additional access to the existing commercial area will only benefit the area. The loss of the Business zoned land is considered negligible given the area of greenfeild sites within Tamworth that are similarly zoned.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Transport for NSW - Roads and Maritime Services		

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. :

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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
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal for Tamworth Cemetery - 6 Feb 2017.pdf	Proposal	Yes
Council Report - 24 May 2016.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**
 6.2 Reserving Land for Public Purposes

Additional Information : **1. The planning proposal is to be amended prior to exhibition to detail its inconsistency with section 117 direction 6.2 Reserving Land for Public Purposes**

2. Consultation is to be undertaken with NSW Roads and Maritime Services.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and
 (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The time frame for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. That an authorisation to exercise delegation be issued to Council; and

7. That the Secretary's delegate determine that the inconsistencies with s117 Directions 1.1 Business Zones and 6.2 Reserving land for Public Purposes are justified as being of minor significance.

Supporting Reasons : **This Planning Proposal will enable the expansion of the Tamworth Lawn Cemetery to cater for the future needs of the community and provide an additional access point to existing commercial land in Taminda.**

Signature:



Printed Name:

Craig Diss

Date:

13/2/17