



PLANNING PROPOSAL

PROPOSED AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 (TRLEP 2010)

Lot 2, DP 633198, Tamworth Cemetery, Showground Road
TAMWORTH NSW

6 February 2017 (Revision 3)

19 January 2017 (Revision 2)

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Introduction

This document relates to a planning proposal to amend the environmental planning instrument being the *Tamworth Regional Local Environmental Plan (TRLEP) 2010*.

This planning proposal has been prepared in accordance with Section 55 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the associated guidelines 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment, which require the following matters to be addressed:

- Part 1 - Objectives or intended outcomes;
- Part 2 - Explanation of provisions;
- Part 3 - Justification;
- Part 4 - Mapping;
- Part 5 - Community consultation; and
- Part 6 - Project timeline.

Background

The main reason for this change is to facilitate the future expansion of the Tamworth Cemetery existing on Showground Road, which is currently prohibited by the *B5 - Business Development* zoning. Council has determined that there is no alternative site suitable for the expansion of the Tamworth Cemetery (Council Resolution 134/16) and the subject land is deemed the most appropriate area given its location.

The former Council of the Municipality of Tamworth acquired the subject land from both the crown and private ownership in 1942, pursuant to *Division 1* of *Part 5* of the *Public Works Act, 1912*. The zoning was identified as *Zone No. 6 Recreation*. On 16 January 2009 part of the land was rezoned (Amendment No. 23) to *Zone No. 3(c) Business Development* (later redefined as *B5 - Business Development*) in accordance with the *Taminda Revitalisation and Economic Development Strategy*. However, recent investigations have determined that it is not feasible to undertake commercial development on the land given the costs associated with on-site constraints.

Additionally, part of the land currently zoned *RE1 - Public Recreation* is required to be rezoned *B5 - Business Development*. The intent of this change is to facilitate access to the existing commercial development on the adjoining land.

Part 1 – Objectives or Intended Outcomes

The objective of this proposal is to amend the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* for Lot 2, DP 633198, Tamworth Cemetery, Showground Road, Taminda. The proposal will amend the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) Zoning and Floor Space Ratio Maps*.

Currently, the site is zoned part *B5 - Business Development*, part *SP1 - Special Activities (Cemetery)* and part *RE1 - Public Recreation* and is classified as 'operational' land. The primary aim is to rezone the part of Lot 2, DP 633198 that is currently zoned *B5 - Business Development* to *SP1 - Special Activities (Cemetery)*. The main reason for this change is to facilitate the future expansion of the

cemetery, which is currently prohibited by the *B5 - Business Development* zoning. Additionally, part of the land currently zoned *RE1 - Public Recreation* is required to be rezoned *B5 - Business Development*. The intended outcome of this aspect of the rezoning is to facilitate future access to existing commercial development located on the adjoining land. Of this land the proposed amendment affects an area of approximately 4.71 hectares.

The subject site and current zoning and floor space ratio provisions are indicated on **Attachments 1, 2 and 3**.

An onsite drainage analysis has been undertaken determining that sufficient capacity for drainage exists to facilitate the extension of the cemetery. The land also sufficiently meets access requirements through utilising existing ingress/egress points on Showground Road.

The proposed amendment is consistent with the objectives, actions and priorities outlined within the Tamworth Regional Development Strategy 2008 and Tamworth Regional Local Environmental Plan 2010 in respect to land zoned *SP1 - Special Activities* and commercial land and its development. Council is supportive of a spot rezoning in relation to the subject site.

Part 2 – Explanation of Provisions

The proposed outcome outlined above will be achieved on completion the following actions:-

- Amendment of part of the zoning indicated on Map LZN_004C pertaining to Lot 2, DP 633198, Tamworth Cemetery, Showground Road, from *B5 - Business Development* to *SP1 - Special Activities (Cemetery)*;
- Amendment of part of the zoning indicated on Map LZN_004C pertaining to Lot 2, DP 633198, Tamworth Cemetery, Showground Road, from *RE1 - Public Recreation* to *B5 - Business Development*; and
- Amendment of the floor space ratio indicated on Map FSR_004C pertaining to part of Lot 2, DP 633198 (proposed B5 zone component), Tamworth Cemetery, Showground Road, Taminda.

The proposed revised map sheets are shown at **Attachments 4 and 5**.

This amendment will provide the opportunity for the expansion of the Showground Road Cemetery in Taminda and facilitate access to the existing commercial development on the adjoining land.

Part 3 - Justification

Section A – Need for the Planning Proposal

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

This planning proposal is in part the result of a report to Council on the 24 May 2016 relating to the request for a new Tamworth Lawn Cemetery, in which Resolution 134/16 was made. The report identified the site as suitable for the intended purpose. However, a rezoning to *SP1 - Special Activities* of the area concerned is required so that the land use is permissible. It was resolved that Council:

- “(i) approve the allocation of vacant land (Lot 2 DP 633198) in Showground Road for a future lawn cemetery; and*
- (ii) request the Director Regional Services to provide a further report to Council following development of concept plans and a funding strategy.”*

In order to facilitate the use of the land as a Lawn Cemetery, it is essential that the zoning over the land is changed.

The site was originally identified under ‘Precinct 6’ as an area suitable for commercial and industrial development and in a location that is easily visible and accessible. However, given the significant costs associated with filling and developing the site area to accommodate local stormwater drainage impacts it is not feasible to pursue the site for its intended purpose. Additionally, the location was also part of a long term strategy to meet ongoing land demand. However, there have been a number of other areas rezoned recently (New Winton Road, Goonoo Goonoo Road etc.) which provide more suitable and easily accessible land for similar purposes.

Additionally, part of the land is to be rezoned *B5 - Business Development* to be consistent with adjoining land. There has not been any study or report conducted for this aspect of the planning proposal but the intended purpose of the rezoning is to enable access for the adjoining commercial property.

The proposal is in accordance with the *Tamworth Regional Development Strategy (TRDS)* which informed the formulation of the *TRLEP 2010*.

A2. Is this planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is required in order to comply with the requirements of the *Environmental Planning and Assessment Act 1979*. Amending the *Tamworth Regional Local Environmental Plan (TRLEP) 2010* is the only avenue available to legally change the zone, floor space ratio and facilitate the future development of the land for the intended purposes.

The site that was originally selected for the cemetery is identified as Lot 102, DP 1097471 and is located on the Oxley Highway. This site was zoned *SP1 - Special Activities* in the *TRLEP 2010*. The use of the site for cemetery purposes was always intended to be subject to detailed investigation. Council has since undertaken these investigations and has determined that there are a number of potential constraints for a lawn cemetery combined with commercial development as follows:-

- *Noise* emissions across the site associated with the adjoining Oxley Highway;
- *Odour* emissions associated with the adjoining *IN3 - Heavy Industrial* zone (e.g. Abattoirs etc.);
- *Low level flooding* occurs over part of the site in the western corner.
- *Geo-technical nature* of the site and the presence of shale at shallow depths to the rear of the site has indicated that there will be limitations when undertaking excavations over the site; and
- Access to the site is limited from the Oxley Highway and any commercial development of the site would require significant upgrade costs to facilitate the development at this location.

Due to the above constraints associated with the site it was considered that the site may not be suited to the associated commercial uses proposed. Consequently, the location adjoining the existing Tamworth Cemetery was determined to be more practical, feasible and suitable.

Investigations undertaken by Council regarding the existing *B5 - Business Development* zone at the subject land have determined that the site was compromised for commercial development due to a number of constraints associated with onsite drainage. Additionally, Council have considered a number of alternative locations for the expansion of the Tamworth Cemetery that were all determined unsuitable (Council Resolution 134/16). The subject land, under Council's ownership, is identified as the most appropriate site for the extension of the Cemetery.

Additionally, the proposed rezoning of part of the land to *B5 - Business Development* will formalise legal and practical access for operational purposes of the adjoining land to the east. This will also assist in the sale of this portion with no commercial benefit in the provision of the access. Should the rezoning of the *B5 - Business Development* component be supported the sale of this portion of the land will take place as per the intended legal agreement.

Council is seeking Delegated Authority to make this LEP (refer to attached delegated plan making reporting template and evaluation criteria for the delegation of plan making functions).

A3. Is there a net community benefit?

There is a net community benefit associated with the proposed amendment to the *TRLEP 2010*. Refer to **Attachment 6** for the analysis of the net community benefit. It is considered that the resultant community benefit outweighs the administrative cost of implementing the proposal.

Section B – Relationship to strategic planning framework

The subject site was initially zoned for recreational purposes. In accordance with the Taminda Revitalisation and Economic Development Strategy a portion of the land (4.4 ha) was rezoned to *3(c) - Business Development* (Amendment No. 23). It was subsequently changed to the equivalent zone *B5 - Business Development* upon the gazettal of the *TRLEP 2010*, 21 January 2011.

Since then there has been the emergence of a pressing need for the expansion of the Tamworth Cemetery on Showground Road. The *B5 - Business Development* zone of the subject site has also been determined to be unsuitable for commercial use. Consequently, it was considered appropriate to rezone the land to *SP1 - Special Activities* zone to facilitate the use of the land as a cemetery.

As previously discussed, there are quite a number of recently rezoned areas of land that all provide significant Greenfield sites suitable for future development. These include land on Goonoo Goonoo Road and New Winton Road. The *Taminda Revitalisation and Economic Development Strategy (TREDS)* is in need of revision as the document has since been superseded by the progression of development in Tamworth. Additionally, the Racing Precinct ('Precinct 5') is no longer relevant to the commitment of the *TREDS* document and contains land (Federation Park) that Council is currently investigating for industrial and commercial development purposes.

The planning proposal is also consistent with the strategic planning direction outlined in the *Tamworth Regional Development Strategy 2008 (TRDS 2008)*, with regard to permissible land uses and future development in the affected lands.

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 *TRDS 2008*, as noted above. The proposal is also consistent with Tamworth Regional Council's *Community Strategic Plan*.

B3. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Refer to **Attachment 7**.

B4. Is the planning proposal consistent with applicable S.117 Ministerial Directions?

Refer to **Attachment 8**.

Section C – Environmental, Social and Economic Impacts

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?

The land has been disturbed over time and it is highly unlikely that critical habitat, threatened species, populations or ecological communities exist on the land and therefore will not be adversely affected by the proposal.

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The impact on the proposed zoning would not be any more significant than the uses permitted currently under the *B5 - Business Development* zone. Environmental effects pertaining to the redevelopment of the land will be addressed upon lodgement of a future development application.

C3. How has the planning proposal adequately addressed any social and economic effects?

Refer to community benefit established at **Attachment 6**.

Section D – State and Commonwealth interests

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

Yes – The proposal will facilitate the more efficient use of public infrastructure constructed and planned for the subject land.

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.

The proposed development of the site for the expansion of the cemetery and access for adjoining land will not require any consultation with other public authorities.

Part 4 – Mapping

The proposed amendment will update the existing *Tamworth Regional Local Environmental Plan 2010 Zoning and Floor Space Ratio Maps*. The proposed revised maps are shown at **Attachments 4 and 5**.

Part 5 – Community Consultation

Council, in accordance with the requirements of a Gateway determination and the NSW Department of Planning's *Guidelines to Preparing LEP's*, will formally notify adjoining landholders and government stakeholders of the proposal and extend an invitation to make comment. Public exhibition following a Gateway determination can be expected to include advertising in local newspapers, displays at Council offices and publication of public exhibition material on Council's website, www.tamworth.nsw.gov.au, for the prescribed period. The planning proposal will also meet the requirements (Best Practice Guideline) for rezoning Council-owned land. This includes the preparation of a 'statement of interest', which will accompany the planning proposal should it proceed to exhibition.

Public exhibition and consultation will be undertaken in accordance with the requirements of a Gateway Determination.

Part 6 - *Timeframe*

The following timeframe is indicative only and is subject to change. It is estimated that the expected total timeframe for this Planning Proposal (should it be approved) is six to eight months.

Table 1. Project Timeline

Item	Estimated Time Frame	Responsibility
Gateway Determination	Late January 2017	Department of Planning and Environment
Revisions/Additional Studies (if required)	N/A subject to Gateway Determination	Council
Consultation with government agencies	February 2017	Agencies
Public hearing	Not required	Council
Consideration of submissions	2 weeks following completion of public exhibition	Council
Timeframe for the consideration of a proposal post exhibition	2 weeks	Council
Date of submission to Department to finalise LEP	Late March 2017	Council
Anticipated date RPA will make the plan (if delegated)	April/May 2017	Council (if under delegation)
Anticipated date RPA will forward to the department for notification	June/July 2017	Council





Tamworth Regional Local Environmental Plan 2010

Attachment 2

Tamworth Cemetery Rezoning Planning Proposal Taminda Land Zoning Map Existing Zoning

Zone

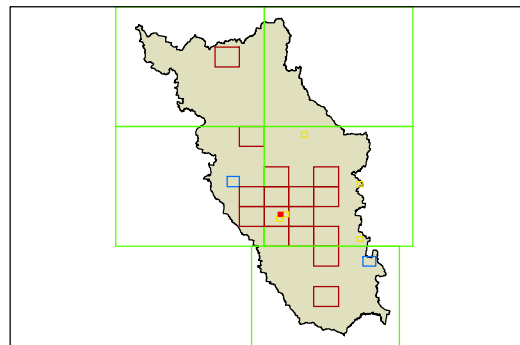
- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B5** Business Development
- B7** Business Park
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- IN1** General Industrial
- IN3** Heavy Industrial
- R1** General Residential
- R2** Low Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU3** Forestry
- RU4** Rural Small Holdings
- RU5** Village
- RU6** Transition
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist

Cadastre

- Base Data 21/06/2011 © NSW LPMA

Planning Proposal

- Subject Lands

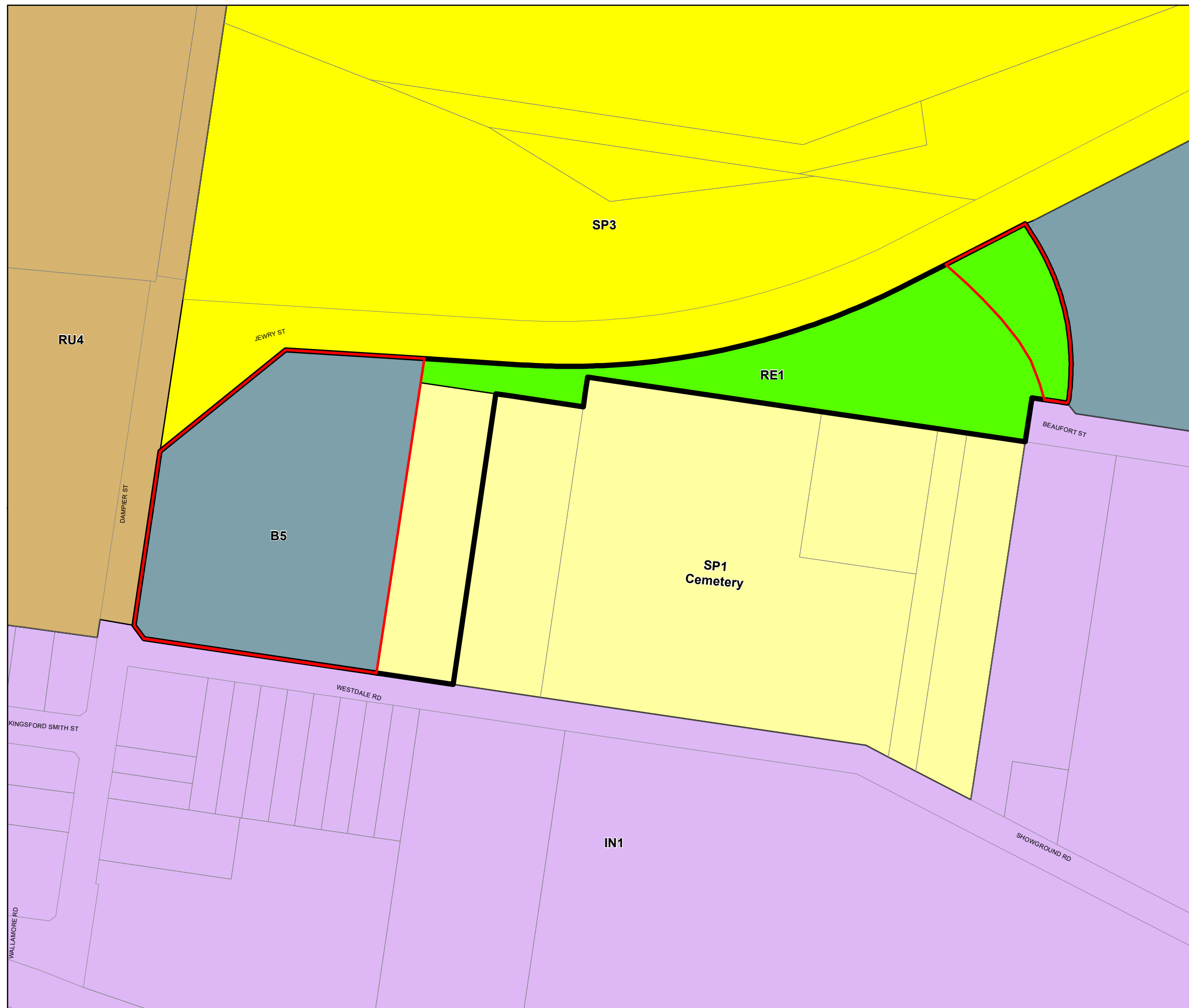


0 25 50 75 100 Meters

Scale 1:2500 @ A3

Projection: GDA 1994
Zone 56

Map Identification Number





Attachment 3

Tamworth Cemetery
Planning Proposal
Taminda
Floor Space Ratio Map
(Existing)

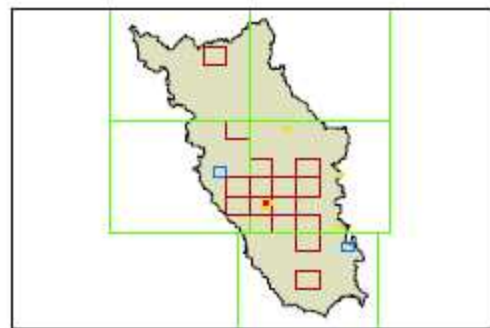
Maximum Floor Space Ratio (1:1)

D	0.5
N	1
S	1.5
T	2
X	4
AA	6

Base Data 21/06/2011 © NSW LPMA

Planning Proposal

N Subject Land



0 25 50 75 100 Meters

Scale 1:2500 @ A3

Projection: GDA 1994
Zone 58

Map Identification Number





Tamworth Regional Local Environmental Plan 2010

Attachment 4

Tamworth Cemetery Rezoning Planning Proposal Taminda Land Zoning Map Proposed Zoning

Zone

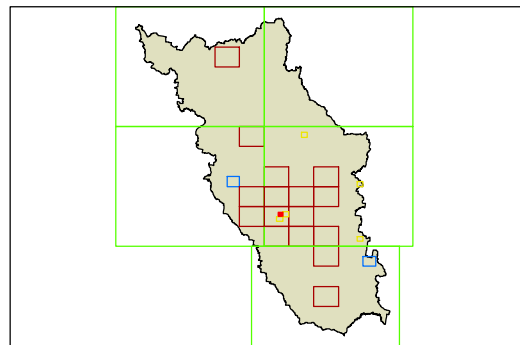
- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B5** Business Development
- B7** Business Park
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- IN1** General Industrial
- IN3** Heavy Industrial
- R1** General Residential
- R2** Low Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU3** Forestry
- RU4** Rural Small Holdings
- RU5** Village
- RU6** Transition
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist

Cadastre

- Base Data 21/06/2011 © NSW LPMA

Planning Proposal

- SP1** Subject Land
- B5** Subject Land

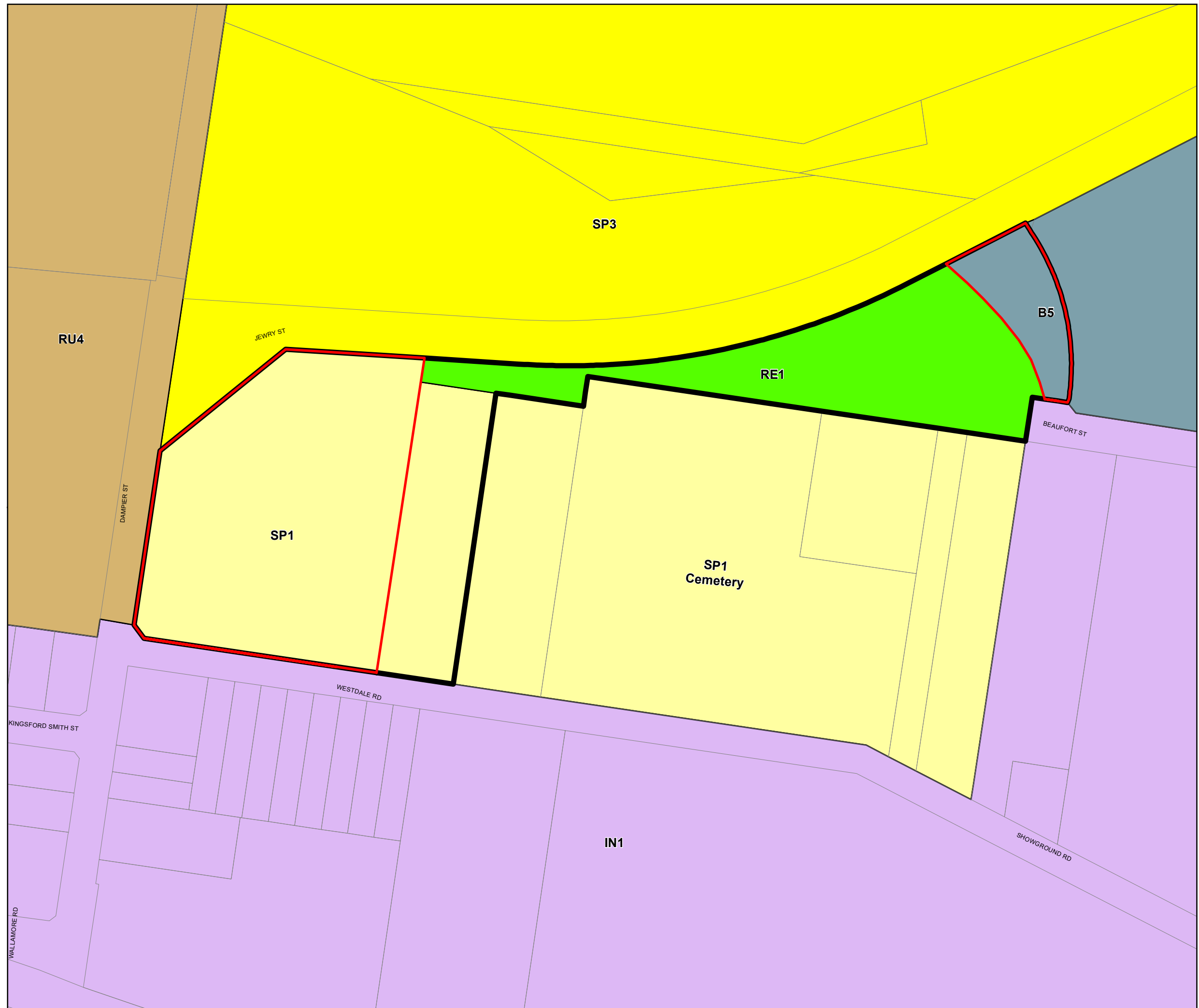


0 25 50 75 100 Meters

Scale 1:2500 @ A3

Projection: GDA 1994
Zone 56

Map Identification Number



Attachment 5

Tamworth Cemetery Planning Proposal Taminda Floor Space Ratio Map (Proposed)

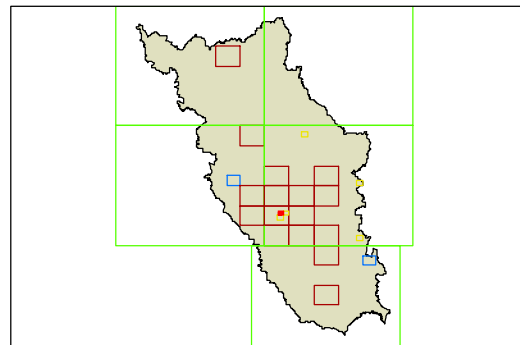
Maximum Floor Space Ratio (n:1)

D	0.5
N	1
S	1.5
T	2
X	4
AA	6

Base Data 21/06/2011 © NSW LPMA

Planning Proposal

N Subject Land



0 25 50 75 100 Meters

Scale 1:2500@ A3

Projection: GDA 1994
Zone 56

Map Identification Number



Analysis of Net Community Benefit Criteria
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road, Tamworth

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
Will the LEP be compatible with agreed State and Regional strategic direction for development in the area? YES	The existing <i>B5 – Business Development</i> zone is consistent with the <i>Tamworth Regional Development Strategy 2008</i> which supports the rezoning of this land for commercial development. However, it has been determined by Council that the site is unsuitable for commercial development.	The Planning Proposal will increase the availability of land to accommodate the interment of the deceased and associated infrastructure. It will also facilitate access to adjoining commercial land.	It is considered that the planning proposal may be neutral in terms of costs and benefits based on this criterion.
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	The subject site has not been identified in a Regional/Sub-Regional Strategy.	The recommendations for industrial land have occurred through the Taminda Revitalisation and Economic Development Strategy in 2008.	The Taminda Revitalisation and Economic Development Strategy identifies those future developments that will benefit the local Tamworth region and New England North West area.
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders? YES	Part of the subject site is zoned <i>B5 - Business Development</i> and part <i>SP1 - Special Activities</i> and are both vacant land. The remainder is zoned <i>RE1- Public Recreation</i> and a water drainage channel exists on the east boundary of this part of the land.	Rezoning of the land will change the expectations of the subject land (Council land) from part commercial, part special activities and part recreation use to part special activities and part recreation. Also a small portion of the site on the east boundary will be identified as a <i>B5 - Business Development</i> zone. A floor space ratio for the commercial zone will also be introduced.	The community will benefit from the change to <i>SP1 - Special Activities</i> zone. The development will provide additional land for the interment of the deceased and associated infrastructure. The change in zoning of the small portion of land to <i>B5 - Business Development</i> is for an operational purpose (i.e. provide access) and there will not be any benefit as a result.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? N/A	Not applicable. There have not been other spot rezoning's affected in the locality.	Not applicable	Not applicable

Analysis of Net Community Benefit Criteria
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road, Tamworth

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
Will the planning proposal facilitate a permanent employment generating activity? NO	Part of the subject site is currently zoned for commercial purposes. However, this area of land is deemed unusable for commercial development due to a number of constraints associated with onsite drainage.	Council have considered a number of alternative locations for the expansion of the Tamworth Cemetery that were all determined unsuitable. The subject land, under Council's ownership, is identified as the most appropriate site for the extension of the Cemetery.	The existing cemetery is a community service/facility and the provision of additional land via the planning proposal will benefit the community through extending this service.
Will the planning proposal impact upon the supply of residential land and therefore housing supply and affordability? NO	No. The subject land is currently zoned part <i>B5 - Business Development</i> , part <i>RE1 - Public Recreation</i> and part <i>SP1 - Special Activities</i> .	The subject land is proposed to be zoned part <i>RE1 - Public Recreation</i> , <i>B5 - Business Development</i> and part <i>SP1 - Special Activities</i> . A small component of the public recreation zone (approx. 3000m ²) is proposed to be part <i>B5 - Business Development</i> to facilitate future access to existing commercial development located on the adjoining land. As the proposal relates to recreational, business and special use zones only housing supply will not be impacted in this instance.	Not applicable.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? YES	The subject site is currently serviced by Showground Road. The subject site is also currently serviced by electricity and water infrastructure.	Once the land is rezoned the development application process will determine the most appropriate access to the site. Facilities including water will be extended to service the future cemetery extension.	The Planning Proposal will rezone land to provide for an extension to an existing cemetery. This will enable a better future public and community service.

Analysis of Net Community Benefit Criteria
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road, Tamworth

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
Is public transport currently available or is there infrastructure capacity to support future public transport? YES	A public bus service is currently available to the cemetery.	There is infrastructure capacity to support future public transport	The existing Showground Road is capable of providing adequate road widths to support future access to the site.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? NO If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The subject site is located in Taminda, the industrial precinct of the Tamworth. As this location is central in the Tamworth city community members travel a small distance to access the facilities and services.	The rezoning of the subject site will not affect the car distances travelled by cars, buses, employees and suppliers. The subject site is centrally located in Tamworth where there is existing vehicle movement.	The rezoning will not affect any travelling distances or compromise services within this location. Road safety measures will be implemented throughout any stage of development on the subject land.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? NO If so, what is the expected impact?	The subject site is not located in an area that contains significant Government investments in infrastructure or services.	Not applicable.	Not applicable.
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	The subject site is not constrained by environmental impacts or factors.	Not applicable.	Not applicable.

Analysis of Net Community Benefit Criteria
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road, Tamworth

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
factors? NO			
Will the LEP be compatible or complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve? YES	The subject land is currently zoned part B5 - <i>Business Development</i> , part RE1 - <i>Public Recreation</i> and part SP1 - <i>Special Activities</i> in the industrial precinct of Taminda.	The rezoning of part of the subject site to a SP1 - <i>Special Activities</i> zone to facilitate development associated with a cemetery will be compatible with the existing surrounding land uses and the impact of any future development of the site will be negligible.	The public domain will be improved through the rezoning as it facilitates the expansion of the existing cemetery that would otherwise be at maximum capacity.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? NO	The subject site is currently part used for public recreation that is vacant land. The land is also part zoned for special activities (i.e. cemetery) and part zoned business development. The site is currently vacant with an area of approximately 4 hectares. There is no potential for commercial development due to the number of constraints associated with the land.	The Planning Proposal will increase the availability of land to accommodate the interment of the deceased and associated infrastructure. It will also facilitate access to adjoining commercial land.	The introduction of 'special activities' zoning will provide for additional services and facilities on land adjoining the Tamworth cemetery. A net community benefit will be gained due to the provision of additional cemetery related land.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future? N/A	The subject land is currently zoned part B5 - <i>Business Development</i> , part RE1 - <i>Public Recreation</i> and part SP1 - <i>Special Activities</i> in the industrial precinct of Taminda. The subject site is currently vacant land.	The proposed rezoning will facilitate the expansion of the existing Tamworth cemetery. It will also facilitate access to adjoining commercial land.	The Planning Proposal will rezone land to provide for an extension to an existing cemetery. This will enable a better future public and community service.
What are the public interest reasons for preparing the draft plan?	The subject site was identified in the <i>Taminda Revitalisation and Economic Development Strategy in</i>	The Planning Proposal will increase the amount burial ground land that is currently available in	The rezoning of the subject site will provide an opportunity for expansion of the existing Tamworth Cemetery

Analysis of Net Community Benefit Criteria
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road, Tamworth

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
What are the implications of not proceeding at that time?	2008 for future business development. However, the land is deemed unusable for commercial use and there is no alternative site suitable for the expansion of the Tamworth Cemetery. Consequently, it is in Councils best interest to rezone land adjoining the cemetery to accommodate the interment of the deceased.	Tamworth. Not proceeding with the proposed changes will result in a limited area of land available in the existing Tamworth Cemetery.	that currently has a limited availability of appropriately zoned land.
Summary	A significant net community benefit is identified by this analysis for 10 of the criteria examined above. No significant net cost was identified relating to any of the criteria considered.		

**Consideration of State Environmental Planning Policies Relative to the
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road**

*The following SEPP's apply to the Tamworth Regional Council Area Local Government Area,
as at 19 January 2017.*

SEPP	Applicable to TRC?	Consistent/ Inconsistent	Reason for inconsistency or comment
State Environmental Planning Policy No. 1 - Development Standards	No	N/A	The planning proposal has no implications in terms of SEPP 1
State Environmental Planning Policy No. 14 - Coastal Wetlands	No	N/A	Not applicable
State Environmental Planning Policy No. 15 - Rural Land sharing Communities	Yes	Consistent	The planning proposal has no implications in terms of the application of the SEPP.
State Environmental Planning Policy No. 19 - Bushland in Urban Areas	No	N/A	Not applicable
State Environmental Planning Policy No. 21 - Caravan Parks	Yes	Consistent	The planning proposal has no implications in terms of the application of the SEPP.
State Environmental Planning Policy No. 26 – Littoral Rainforests	No	N/A	Not applicable
State Environmental Planning Policy No. 29 – Western Sydney Recreational Area	No	N/A	Not applicable
State Environmental Planning Policy No. 30 - Intensive Agriculture	Yes	N/A	Not applicable
State Environmental Planning Policy No. 32 - Urban Land Consolidation (Redevelopment of Urban Land)	Yes	N/A	Not applicable to the lands
State Environmental Planning Policy No. 33 - Hazardous and Offensive Development	Yes	N/A	Not applicable to the lands
State Environmental Planning Policy No. 36 - Manufactured Home Estates	Yes	Consistent	The planning proposal has no implications in terms of the application of the SEPP.
State Environmental Planning Policy No. 39 – Spit Island Bird Habitat	No	N/A	Not applicable
State Environmental Planning Policy No. 44 - Koala Habitat Protection	No	N/A	Not applicable
State Environmental Planning Policy No. 47 – Moore Park Showground	No	N/A	Not applicable
State Environmental Planning Policy No. 50 - Canal Estate Development	No	N/A	Not applicable
State Environmental Planning Policy No. 52 – Farm Dams and other works in Land and Water Management Plan Area	No	N/A	Not applicable
State Environmental Planning Policy No. 55 - Remediation of Land	Yes	Consistent	The planning proposal has no implications in terms of the application of the SEPP. The subject site has been zoned for commercial purposes for a number of years and there are no indications that potentially contaminating activities have been undertaken on the sites.

**Consideration of State Environmental Planning Policies Relative to the
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road**

SEPP	Applicable to TRC?	Consistent/ Inconsistent	Reason for inconsistency or comment
State Environmental Planning Policy No. 59 – Central Western Sydney Regional Open Space and Residential	No	N/A	Not applicable
State Environmental Planning Policy No. 62 - Sustainable Aquaculture	Yes	N/A	Not applicable
State Environmental Planning Policy No. 64 - Advertising and Signage	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development	Yes	N/A	Prohibited within the <i>B5</i> and <i>SP1</i> zones
State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)	No	N/A	Not applicable
State Environmental Planning Policy No. 71 – Coastal Protection	No	N/A	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	N/A	Residential Accommodation is prohibited within the <i>B5</i> and <i>SP1</i> zones
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
State Environmental Planning Policy Housing for Seniors or People with a Disability 2004	Yes	Consistent	Residential Accommodation is prohibited within the <i>B5</i> and <i>SP1</i> zones
State Environmental Planning Policy (Infrastructure) 2007	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	N/A	Not applicable
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A	Not applicable
State Environmental Planning Policy (Major Development) 2005	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	N/A	Not applicable
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A	Not applicable
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A	Not applicable
State Environmental Planning Policy (Rural Lands) 2008	No	N/A	Not applicable
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	No	N/A	Not applicable
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A	Not applicable

**Consideration of State Environmental Planning Policies Relative to the
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road**

SEPP	Applicable to TRC?	Consistent/ Inconsistent	Reason for inconsistency or comment
State Environmental Planning Policy (State Significant Precincts)	No	N/A	Not applicable
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A	Not applicable
State Environmental Planning Policy (Three Ports) 2013	No	N/A	Not applicable
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A	Not applicable
State Environmental Planning Policy (Western Sydney Employment Area)	No	N/A	Not applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A	Not applicable

Consideration of Section 117 Ministerial Directions
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road

1. Employment and Resources

Direction	Applicable	Consistent	Reason for inconsistency or comment
1.1 Business and Industrial Zones	Yes	Consistent With Direction 1.1(5)(d)	While the planning proposal intends to amend the <i>B5 – Business Development</i> component of the land to <i>SP1 – Special Activities</i> the inconsistency to the S117 Ministerial Direction is considered to be of minor significance as the existing business zone is only 4 hectares. Additionally, recently there has been significant land rezoned to <i>B5 – Business Development</i> at South Tamworth.
1.2 Rural Zones	Yes	Not Applicable	The subject land is currently zoned part <i>B5 – Business Development</i> , part <i>RE1 – Public Recreation</i> and part <i>SP1 – Special Activities</i> . As the proposal relates to recreational, business and special use zones only this direction is not applicable in this instance.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Consistent	Planning proposal is in accordance with all requirements of S.117 Directions. The subject site is not affected by this Direction.
1.4 Oyster Aquaculture	No	Not Applicable	Does not affect the Tamworth LGA.
1.5 Rural Lands	Yes	Consistent	The subject land is currently zoned part <i>B5 – Business Development</i> , part <i>RE1 – Public Recreation</i> and part <i>SP1 – Special Activities</i> . As the proposal relates to recreational, business and special use zones only this direction is not applicable in this instance.

2. Environment and Heritage

Direction	Applicable	Consistent	Reason for inconsistency or comment
2.1 Environment Protection Zones	Yes	Consistent	The proposal is consistent with the objective in that none of the land is identified to be within a high environmental protection zone.
2.2 Coastal Protection	No	Not Applicable	Does not affect Tamworth LGA
2.3 Heritage Conservation	Yes	Inconsistent	The site does not represent any heritage significance. However, further investigations indicate the adjoining existing Tamworth Cemetery is listed as a local item of environmental significance. The <i>TRLEP 2010</i> contains provisions that facilitate the conservation of heritage conservation elements. Any future development on the site would need to comply with these provisions along with any local development regulations. Therefore, it is considered that the planning proposal is justifiably inconsistent with the Direction.
2.4 Recreation Vehicle Areas	Yes	Not Applicable	Does not affect the subject site.



Consideration of Section 117 Ministerial Directions
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Reason for inconsistency or comment
3.1 Residential Zones	No	Not Applicable	The Planning Proposal is not affected by this Direction.
3.2 Caravan Parks and Manufactured Home Estates	No	Not Applicable	Caravan Parks and Manufactured Home Estates are not permitted within the <i>RE1 – Public Recreation</i> and <i>SP1 – Special Activities</i> zone.
3.3 Home Occupations	No	Not Applicable	The Planning Proposal facilitates access and the expansion of the existing adjoining Tamworth Cemetery. Home Occupations are not permitted within the <i>RE1 – Public Recreation</i> and <i>SP1 – Special Activities</i> zone.
3.4 Integrating Land Use and Transport	Yes	Consistent	The Planning Proposal will facilitate suitable vehicular access to adjoining land in the <i>B5 – Business Development</i> zone.
3.5 Development Near Licensed Aerodromes	No	Not Applicable	Does not affect the subject lands.
3.6 Shooting Ranges	No	Not Applicable	Does not affect the subject lands.

4. Hazard and Risk

Direction	Applicable	Consistent	Reason for inconsistency or comment
4.1 Acid Sulfate Soils	No	Not Applicable	Does not affect the LGA.
4.2 Mine Subsidence and Unstable Land	No	Not Applicable	Does not affect the LGA.
4.3 Flood Prone Land	No	Not Applicable	The subject land is not identified as flood prone due to the construction of the Tamworth City Levees.
4.4 Planning for Bushfire Protection	Yes	Not Applicable	Subject lands not affected.



Consideration of Section 117 Ministerial Directions
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road

5. Regional Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
5.1 Implementation of Regional Strategies	No	Not applicable	Does not affect the Tamworth LGA.
5.2 Sydney Drinking Water Catchments	No	Not applicable	Does not affect the Tamworth LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	Does not affect the Tamworth LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	Does not affect the Tamworth LGA.
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	Does not affect the Tamworth LGA.
5.9 North West Rail Link Corridor Strategy	No	Not applicable	Does not affect the Tamworth LGA.

6. Local Plan Making

Direction	Applicable	Consistent	Reason for inconsistency or comment
6.1 Approval and Referral Requirements	Yes	Consistent	The Planning proposal is in accordance with the requirements of the S.117 Direction.
6.2 Reserving Land for Public Purposes	Yes	Consistent	The Planning proposal is in accordance with the requirements of the S.117 Direction. The rezoning of part of the land to <i>B5 – Business Development</i> from <i>RE1 – Public Recreation</i> is approximately 3000m ² and will not have any significant impact on public open space in the Tamworth LGA. Furthermore, usage/access of this public area is comprised by the adjoining drainage channel.
6.3 Site Specific Provisions	Yes	Consistent	The Planning proposal is in accordance with the requirements of the S.117 Direction. The Planning Proposal has been prepared for the purpose of enabling access to adjoining commercial property and facilitating the expansion of an existing cemetery on the subject land.



Consideration of Section 117 Ministerial Directions
Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road

7. Metropolitan Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
7.1 Implementation of the Metropolitan Strategy	No	Not Applicable	Not affecting Tamworth LGA.
7.2 Implementation of Greater Macarthur Land Release Investigation	No	Not Applicable	Not affecting Tamworth LGA.

7.3 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PROPOSED REZONING OF LOT 2, DP 633198, TAMWORTH CEMETERY, SHOWGROUND ROAD – FILE NO SF7957

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Nathan Bartlett, Strategic Planner

1 ANNEXURES ATTACHED
2 CONFIDENTIAL ENCLOSURES ENCLOSED

GENERAL MANAGER'S ADVISORY NOTE TO:

Councillors
Applicants
Persons making public submissions (written or verbal) Members of the Public

Record (Division) of Voting

In accordance with Section 375A(3) of the Local Government Act 1993, a Division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

A DIVISION under Section 375A(3) of the Act is required on this Planning Application.

Relevant Planning Application

In accordance with Section 147(4) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Relevant Public Submission

In accordance with Section 147(5) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant public submission to Council in relation to a relevant planning application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Disclosure of Reportable Political Donations and Gifts

Planning Applications
Nil
Public Submissions
Nil

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Environmental Plan 2010 - Proposed Rezoning of Lot 2, DP 633198, Tamworth Cemetery, Showground Road”, Council:

- (i) forward the Planning Proposal, to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979; and*
- (ii) place the Planning Proposal on public exhibition upon receipt of a Gateway Determination.*

SUMMARY

The purpose of this report is to seek a resolution of Council to amend the *Tamworth Regional Local Environmental Plan (TRLEP) 2010* in relation to the parcel of land identified as Lot 2, DP 633198, Tamworth Cemetery, Showground Road. This will allow for the extension of the existing cemetery and facilitate future access to existing commercial development located on the adjoining land.

COMMENTARY

Under the *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010) the subject site, as identified on the **ATTACHED** map, refer **ANNEXURE 1**, currently has three zones. The site is zoned part *B5 - Business Development*, part *SP1 - Special Activities (Cemetery)* and part *RE1 - Public Recreation*. The primary aim of this site specific amendment is to rezone the part of Lot 2, DP 633198 that is currently zoned *B5 - Business Development* to *SP1 - Special Activities (Cemetery)*.

The main reason for this change is to facilitate the future expansion of the cemetery, which is currently prohibited by the *B5 - Business Development* zoning. Additionally, part of the land currently zoned *RE1 - Public Recreation* is required to be rezoned *B5 - Business Development*. The intent of this change is to facilitate access to the existing commercial development on the adjoining land. Maps depicting the current and proposed zoning and the current and proposed floor space ratios are **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 1** and **CONFIDENTIAL ENCLOSURE 2** respectively.

In order to amend the TRLEP 2010, Council is required to submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination. The Planning Proposal will be written in accordance with the Department of Planning and Environment's 'A Guide to preparing Local Environmental Plans' and 'A Guide to preparing Planning Proposals'.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

The planning proposal will, if supported, result in an amendment of the *Tamworth Regional Local Environmental Plan 2010* in the future regarding the Land Zoning Map and Floor Space Ratio Map.

Any potential amendment to the TRLEP 2010 would change the legal planning controls for the affected land.

(d) Community Consultation

Should the Planning Proposal proceed community consultation will be required to be undertaken via public exhibition.

8 INFRASTRUCTURE AND SERVICES

8.1 COUNCIL OWNED LAND AT 22-24 RAILWAY STREET, BARRABA – FILE NO LF2558

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Sylvia Elliott, Commercial Property Officer

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Owned Land at 22-24 Railway Street, Barraba”, Council:

- (i) authorise the Mayor and General Manager to negotiate the sale of the land comprised of Lot 12 in Deposited Plan 655682, Lot 147 in Deposited Plan 664981 and Lot 4 in Deposited Plan 806998, as a single property at 22-24 Railway Street Barraba, or as three separate parcels of land;*
- (ii) authorise the making of a Transfer Granting Easement for the overland flow of stormwater as required by Council's Transport and Assets division;*
- (iii) authorise the allocation of funds from the Property Acquisition and Development Reserve for a registered surveyor to prepare the Transfer Granting Easement and associated plan; and*
- (iv) authorise the affixing of the Seal of Council to the Contract for the Sale and Purchase of the Land, and the Transfer document.*

SUMMARY

The vacant land at 22-24 Railway Street, Barraba, was acquired by the Council of the Shire of Barraba in November 2002. The land has not been utilised for the purpose for which it was purchased and has not been identified for any other core purpose of Council. The property comprises three land titles.

The report seeks Council's authorisation for the Mayor and General Manager to negotiate the sale of Lot 12 in Deposited Plan 655682, Lot 147 in Deposited Plan 664981 and Lot 4 in Deposited Plan 806998, in a single transaction or as three separate parcels of land.

This report also seeks Council's authorisation to create an easement for the overland flow of stormwater along with the funding for that work from the Property Acquisition and Development Reserve.

7.2 KING GEORGE V AVENUE OF MEMORIAL OAK TREES - REVIEW AND ENDORSEMENT OF THE CONSERVATION MANAGEMENT PLAN BY THE NSW HERITAGE COUNCIL - RF322 – FILE NO SF6457

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Megan Purkiss, Strategic Planner

Reference: Item 7.1 to Ordinary Council 26 April 2016 - Minute No 105/16

MOTION

Moved Cr Rodda/Cr Betts

That in relation to the report "King George V Avenue of Memorial Oak Trees - Review and Endorsement of the Conservation Management Plan by the NSW Heritage Council", Council:

- (i) resolve to forward the Conservation Management Plan to the NSW Office of Environment and Heritage (Heritage Division) for review and endorsement of the plan at a cost of \$2,500;
- (ii) approve \$15,000 for this financial year for the replacement of trees and maintenance within the Avenue in accordance with the recommended management strategies of the plan; and
- (iii) authorise the establishment of a small community group to provide input into the maintenance and monitoring of replacement trees within the Avenue.

382/16 RESOLVED

7.3 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PROPOSED REZONING OF LOT 2, DP 633198, TAMWORTH CEMETERY, SHOWGROUND ROAD – FILE NO SF7957

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Nathan Bartlett, Strategic Planner

MOTION

Moved Cr Maxwell/Cr Tickle

That in relation to the report "Tamworth Regional Local Environmental Plan 2010 - Proposed Rezoning of Lot 2, DP 633198, Tamworth Cemetery, Showground Road", Council:

- (i) forward the Planning Proposal, to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979; and
- (ii) place the Planning Proposal on public exhibition upon receipt of a Gateway Determination.

383/16 RESOLVED

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Tamworth Regional Council

Name of draft LEP:

Planning Proposal for Lot 2, DP 633198, Tamworth Cemetery, Showground Road, Tamworth

Address of Land (if applicable):

Lot 2, DP 633198, Tamworth Cemetery, Showground Road, Tamworth

Intent of draft LEP:

The Planning Proposal aims to rezone the site to facilitate the future expansion of the Tamworth Cemetery. Additionally, part of the land is required to be rezoned to enable access to the existing commercial development on the adjoining land.

Additional Supporting Points/Information:

The purpose of the change is to facilitate the future expansion of the Tamworth Cemetery existing on Showground Road, which is currently prohibited by the B5 - Business Development zoning. Council has determined that there is no alternative site suitable for the expansion of the Tamworth Cemetery and the subject land is deemed the most appropriate area given its location.

Additionally, part of the land currently zoned RE1 - Public Recreation is required to be rezoned B5 - Business Development. The intent of this change is to facilitate access to the existing commercial development on the adjoining land.



Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).	N			
NOTES - Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. - Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.				

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

-) Planning proposal number will be provided by the department following receipt of the planning proposal
-) The department will fill in the details of Tables 1 and 3
-) RPA is to fill in details for Table 2
-) If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
-) The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
-) A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	
Date Sent to Department under s56	
Date considered at LEP Review Panel	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: