

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

A Region of Progressive Leadership – L12 Represent and advocate community needs.

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## **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

#### **7.1 PLANNING PROPOSAL FOR TAMINDA EMPLOYMENT LANDS – FILE NO SF9358**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Genevieve Harrison, Manager Integrated Planning**

**1 ANNEXURES ATTACHED**

**2 ENCLOSURES ENCLOSED**

#### **RECOMMENDATION**

*That in relation to the report “Planning Proposal for Taminda Employment Lands”, Council:*

- (i) forward the planning proposal to the Department of Planning requesting a Gateway determination in accordance with sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;*
- (ii) request that the Minister for Planning, Industry and Environment exercise the plan making powers under section 3.34 of the Environmental Planning and Assessment Act 1979 to amend the Tamworth Regional Local Environmental Plan 2010; and*
- (iii) upon receipt of a Gateway determination, revised Traffic Study and nomination of sewer servicing approach in relation to the planning proposal, publicly exhibit the proposal.*

#### **SUMMARY**

The purpose of this report is to seek a resolution of Council to amend the *Tamworth Regional Local Environmental Plan 2010*, in relation to part Lot 2 and part Lot 3 DP 1234850, Taminda. The proposal aims to rezone the site to facilitate the development of industrial and business uses that will serve as an extension to the existing industrial estate.

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This planning proposal seeks to rezone approximately nine hectares of land to part B5 Business Development and part IN1 General Industrial. It will also remove the Minimum Lot Size for the subject land (both zones) and apply a 1:1 FSR to the B5 land. The land is currently zoned RU4 Primary Production and has a 40-hectare Minimum Lot Size.

The aim of these proposed changes is to provide a small additional area of employment generating land with planning provisions that offer a range of options to underpin its development.

## COMMENTARY

The objective of this planning proposal is to facilitate the development of employment lands on nine hectares of land on the western edge of the Taminda industrial area. The subject lands are identified as part Lot 2 and part Lot 3 DP 1234850, Taminda. The street address is 55 Dampier Street and 21 Wallamore Road, Taminda.

A map showing the subject lands is **ATTACHED**, refer to **ANNEXURE 1**.

The planning proposal will amend the *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010), Land Zoning Map to include 2.34 hectares in the B5 Business Development zone and 6.66 hectares in the IN1 General Industrial zone. The balance of the subject land and the road reserve will remain in its current RU4 Primary Production Small Lots zone.

The planning proposal will also make consequential changes to maps regarding Minimum Lot Size (MLS) to permit subdivision on the subject site with no minimum lot size. This is consistent with other areas of B5 and IN1 zoned land in the LGA. The land to be zoned B5 is proposed to have a Floor Space Ratio of 1:1. This is consistent with other areas of B5 zoned land in the Local Government Area (LGA). It is not intended to introduce a building height control to the subject land. This is consistent with other areas of B5 and IN1 zoned land in the LGA.

The maps accompanying the planning proposal are **ENCLOSED**, refer to **ENCLOSURE 1**.

The planning proposal is in accordance with the *Tamworth Regional Development Strategy 2008*, which specifically states on page 46 that Council would “Encourage the expansion of the Taminda Industrial areas following the completion of levy banks.” In 2008, Council commissioned the *Taminda Revitalisation and Economic Development Strategy* (TREDS) to ensure that Taminda is maintained as a regionally significant industrial precinct and to protect the ongoing economic viability of the area. This strategy identified six development precincts in a master plan that Council anticipated would be rezoned for employment purposes over a period of time. The subject land is part of Precinct 6 and is identified as “suitable for both bulky goods retailing and industrial uses” subject to resolution of issues such as flooding.

Inclusion of the subject land in a strategy agreed to by the Department of Planning, Industry and Environment (DPIE) makes the planning proposal consistent with the *New England North West Regional Plan*.

The subject land has road access to both Dampier Street and the proposed Jewry Street/Wallamore Road link (unmade), but primary access is proposed off Wallamore Road. Council considers that the intersection recommended by the applicant will not be adequate and that traffic volumes outlined in the Traffic Study are underestimated. In this regard, the applicant will be required to submit an updated Traffic Study prior to public exhibition of the planning proposal. Dampier Street access is not supported. Access to/from the proposed Jewry Street/Wallamore link road would be possible but is likely to result in an expensive

intersection treatment that may require additional land to accommodate the intersection geometry. It should be noted that this road may be a number of years away from construction.

Reticulated sewerage to the site is plausible although options for sewerage need to be further considered as the trunk main that traverses the site has no capacity during wet weather and the site is low lying making gravity feed difficult. Options suggested by the applicant are expensive and will only be acceptable if the infrastructure (e.g. new pump stations) is installed and maintained by the developer and remains in private ownership. Therefore, Council will only support this re-zoning if the cost of the sewer infrastructure is fully funded by the developer at the time of development and maintenance of this infrastructure remains the responsibility of the developer. Acceptance of this condition will be required prior to public exhibition of the planning proposal. The development will require reticulation of a minimum 150mm water main to provide adequate service and fire-fighting capabilities. The extension of an existing water main is required. Reticulated power and communication infrastructure are available.

The planning proposal does not affect State significant agricultural lands. The loss of approximately nine hectares will not have an adverse impact on agriculture in the area.

The site is flood prone but modelling undertaken by the applicant shows that it can either be filled or leveed with acceptable impacts on surrounding land.

A preliminary assessment of land contamination pursuant to SEPP 55 has been carried out and concluded that the site is not contaminated. If the site is to be filled then certified clean material will be required to ensure it is suitable for employment purposes.

The site has no European heritage values and Aboriginal cultural heritage/archaeology has not been identified and is not anticipated due to its past disturbance and use for agriculture.

The remnant vegetation within the site is already highly fragmented and disconnected from other areas of contiguous bushland. The land is mostly cleared as a result of past agricultural practices, with some paddock trees remaining. No endangered wetland communities are present within the study area. No threatened flora species, populations or ecological communities have been observed or are considered likely to occur in a natural state within the study area. The subject land is not a high value site from a flora and fauna perspective.

The planning proposal is consistent with most of the relevant Section 9.1 Directions, and where inconsistencies occur they can be justified.

It is appropriate that it be sent to the NSW DPIE for a Gateway determination in order that the planning proposal can proceed to public exhibition (subject to compliance with any Gateway conditions).

The applicant has supplied a range of relevant studies to support the planning proposal and these are **ENCLOSED**, refer **ENCLOSURE 2**. These studies will be included for the public as part of the exhibition material on Council's website and made available to government agencies. As mentioned in this report, an updated Traffic study is required to be submitted prior to public exhibition of the planning proposal.

Council will also request the Minister for Planning to exercise the planning making powers under section 3.34(2)(g) of the *Environmental Planning and Assessment Act 1979*, and grant Council delegated authority to amend the TRLEP 2010.

**(a) Policy Implications**

The planning proposal is in accordance with the *Tamworth Regional Development Strategy 2008*, *Taminda Revitalisation and Economic Development Strategy 2008* and the *New England North West Regional Plan 2036*. Other relevant policy considerations are addressed above and in the planning proposal.

**(b) Financial Implications**

Servicing the site will be the substantive responsibility of the developer. Identification of the sewer servicing approach together with acknowledgment of the significant cost and acceptance of the installation and ongoing maintenance responsibilities needs to be agreed with Council prior to public exhibition of the planning proposal. Construction of road access into and throughout the proposed development area will be responsibility of the developer. Filling of the site or levees will also be the responsibility of the developer.

Council has already received an amount from the applicant to cover initial costs associated with preparing this Council report and planning proposal. If the planning proposal is to proceed through the Gateway determination process then full cost recovery of the remaining stages will be required by Council. If the applicant chooses not to pay then the planning proposal will not proceed.

**(c) Legal Implications**

Amendments to the *Tamworth Regional Local Environmental Plan 2010*, will alter the planning provisions for the subject land.

**(d) Community Consultation**

Consultation requirements will be specified by the Department of Planning, Industry and Environment in its Gateway determination.

**(e) Delivery Program Objective/Strategy**

A Prosperous Region – P11 Support and facilitate economic development and employment opportunities.

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 2 OCTOBER 2019 – FILE No SF1387**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Murray Russell, Manager Infrastructure and Works  
**Reference:** Item 8.3 to Ordinary Council 24 September 2019 - Minute No 313/19

**4 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

***That in relation to the report “Tamworth Regional Local Traffic Committee Meeting – General – 2 October 2019”, Council:***

- (i) approve the installation of a 40 metre section of 15 minute parking during school***
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