

Planning and Assessment

IRF19/7722

Gateway determination report

LGA	Tamworth Regional
PPA	Tamworth Regional Council
NAME	Taminda Employment Lands (0 homes, 178 jobs)
NUMBER	PP_2019_TAMWO_003_00
LEP TO BE AMENDED	Tamworth Regional LEP 2010
ADDRESS	55 Dampier Street and 21 Wallamore Road
DESCRIPTION	Part of Lots 2 and 3 DP 1234850
RECEIVED	29 November 2019
FILE NO.	IRF19/7722
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to rezone 9 hectares of land from RU4 Primary Production Small Lots to part B5 Business Development (2.34ha) and part IN1 General Industrial (6.66ha) on part of Lots 2 and 3 DP 1234850, 55 Dampier Street and 21 Wallamore Road, Taminda (Figures 1 and 2).

1.2 Site description

The land is located on the fringe of the existing Taminda industrial estate. The site is relatively flat, cleared of vegetation, falls north towards the Peel River and is used for agriculture and for a portable building / shipping container depot.

1.3 Existing planning controls

The land is zoned RU4 Primary Production Small Lots and has a minimum lot size of 40 hectares. The land currently has no floor space ratio or building height controls under Tamworth LEP 2010. The land is identified as being flood prone and affected by the airport obstacle limitation surface and the flight training path (Figures 3 to 7).

1.4 Surrounding area

The land adjoins the existing industrial estate to the south, the Tamworth cemetery to the east, the Tamworth racecourse to the north east and agricultural land to the north and west. The land to be rezoned is also bounded to the north by the proposed future Taminda by-pass road.

1.5 Summary of recommendation

It is considered that the proposal has merit. It is recommended that the planning proposal proceed subject to conditions.

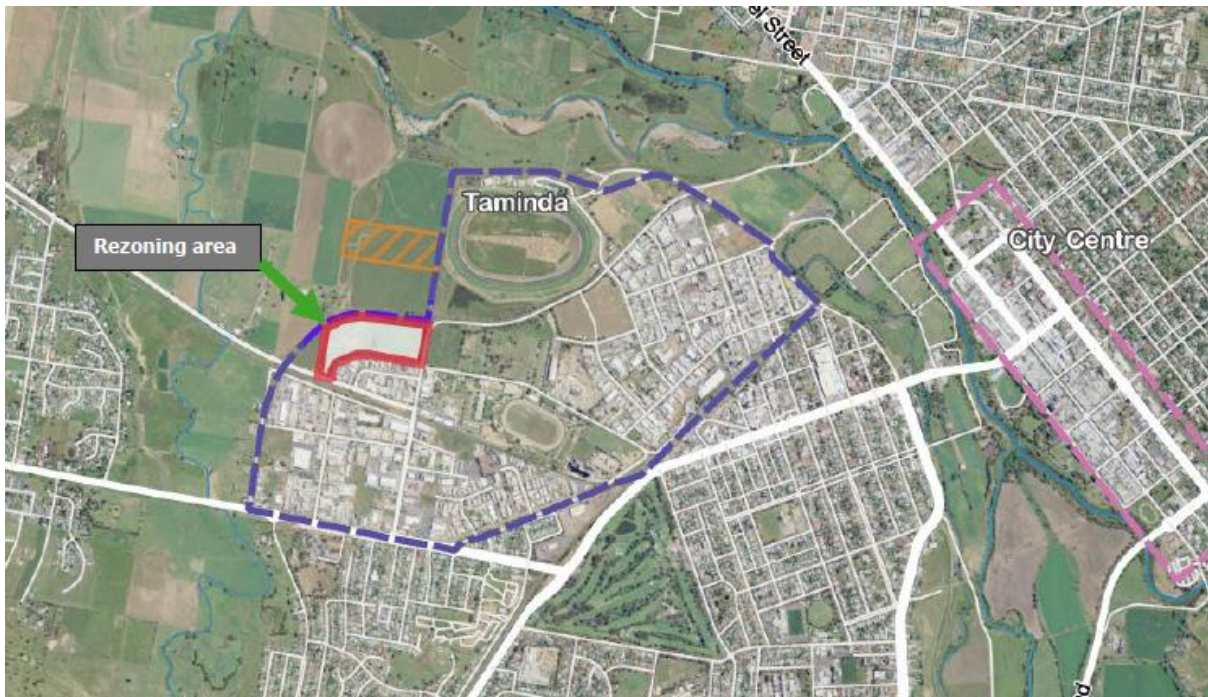


Figure 1 – Locality Plan



Figure 2 – Site Plan

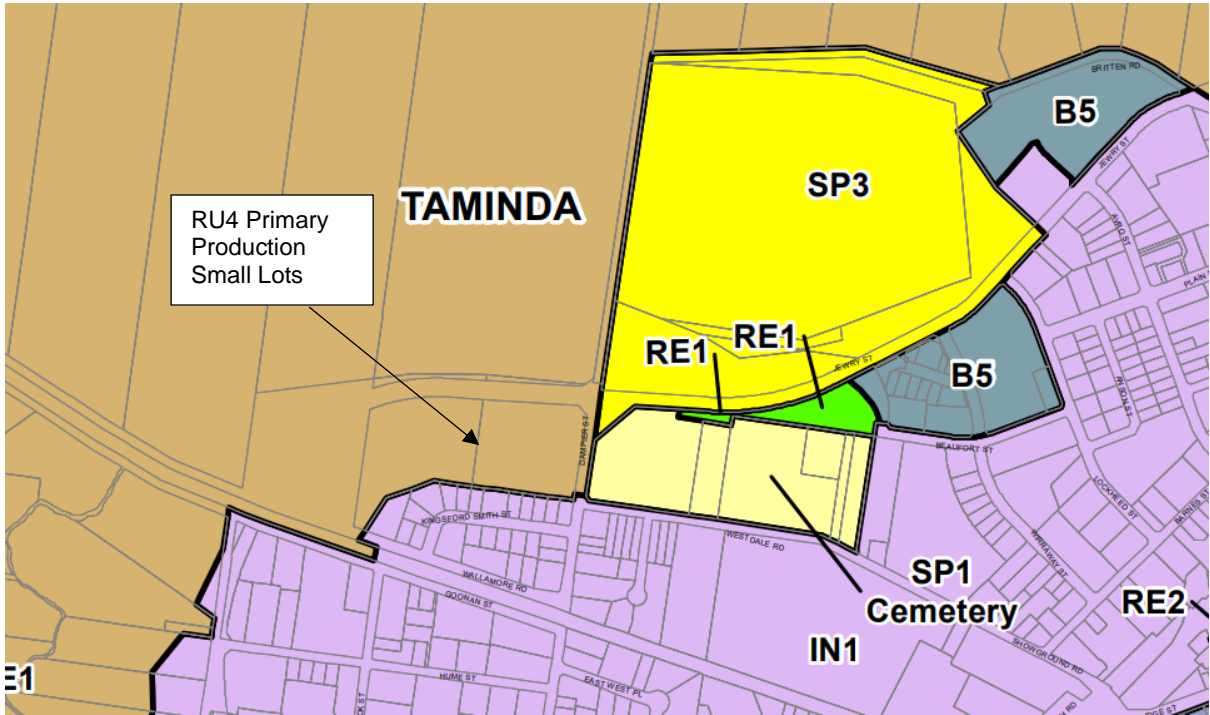


Figure 3 – Existing Zoning

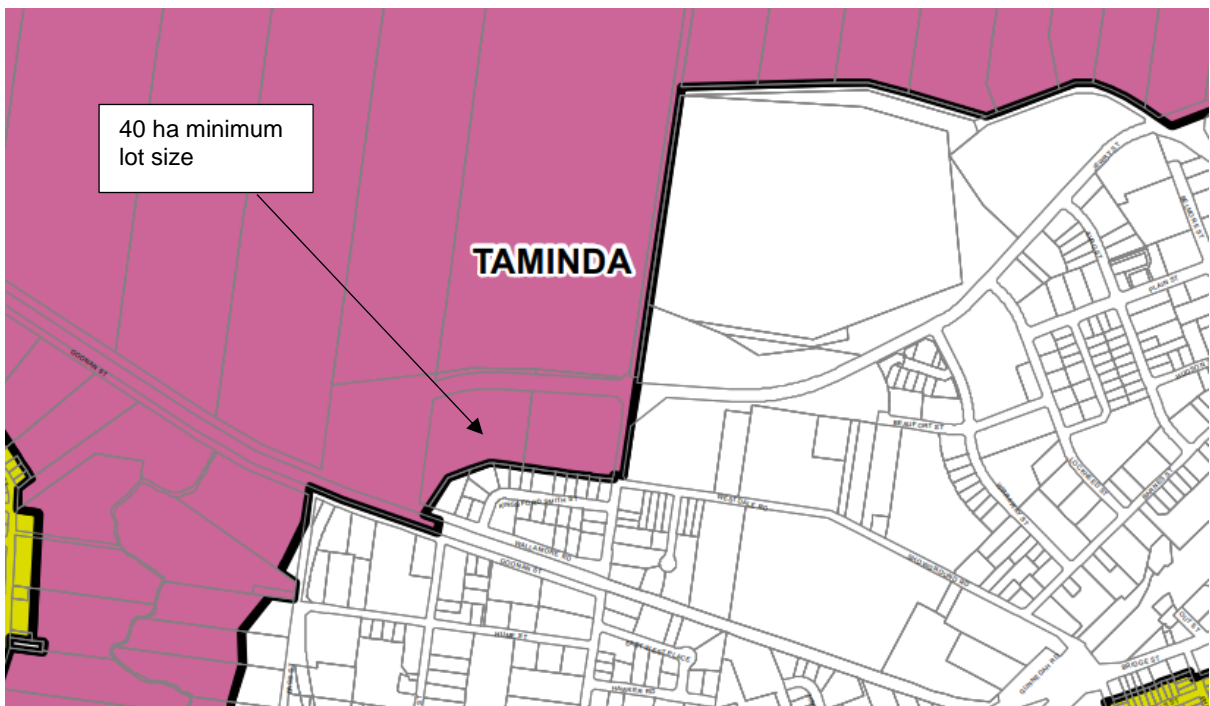


Figure 4 – Existing Minimum Lot Size

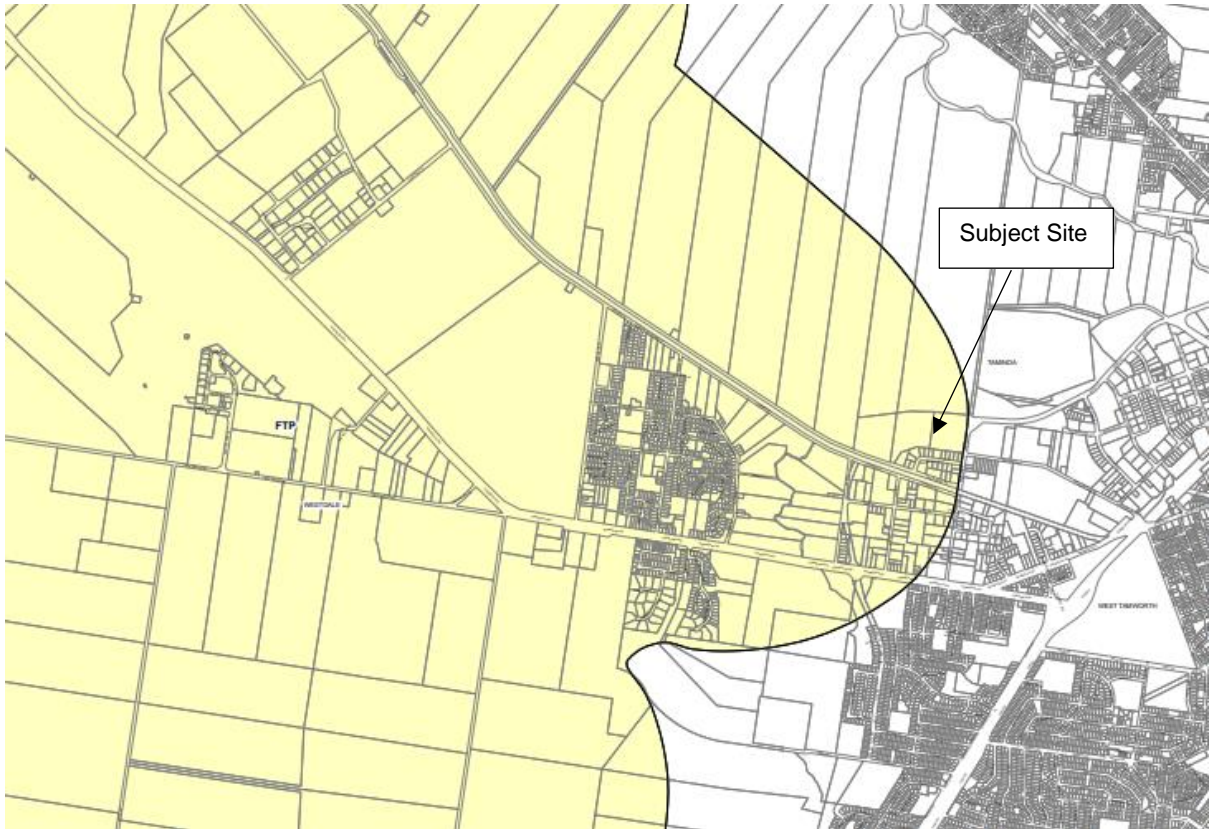


Figure 5 – Airport Flight Training Path

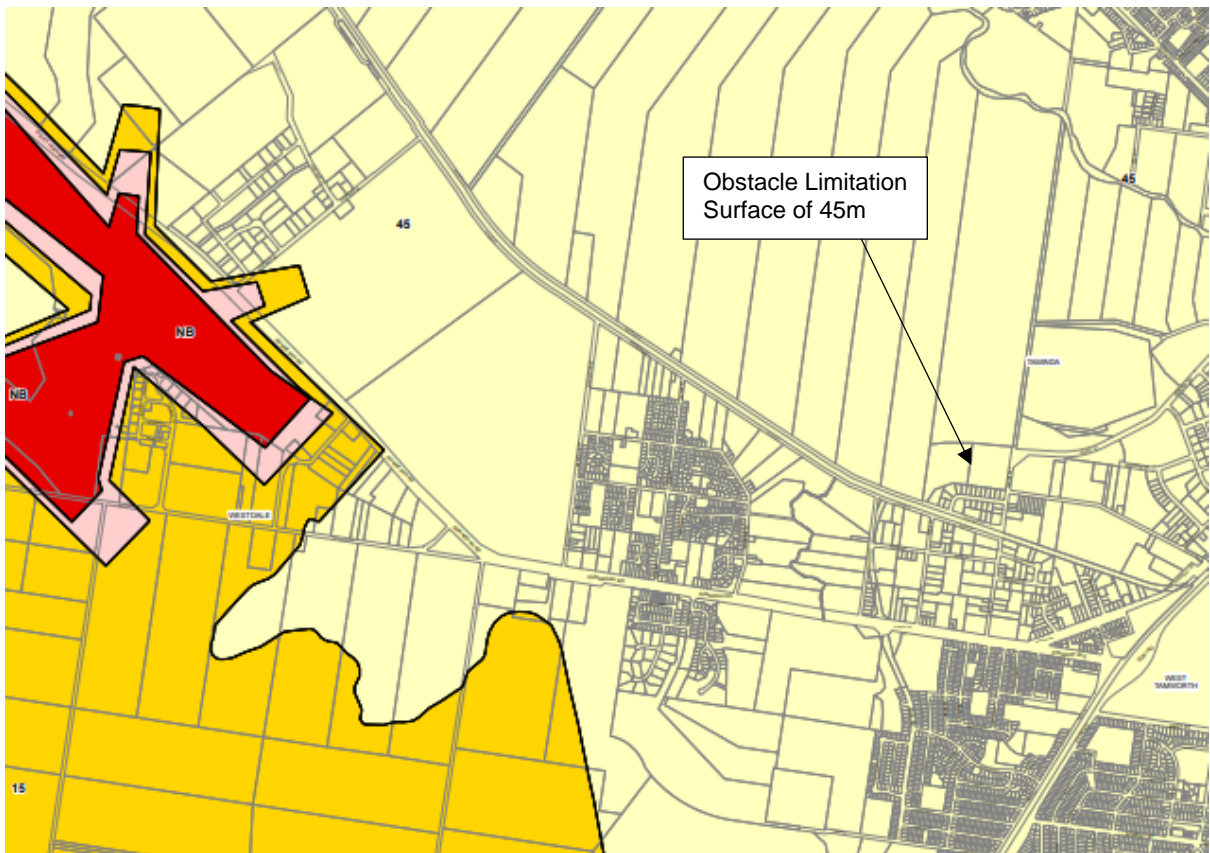


Figure 6 – Airport Obstacle Limitation Surface

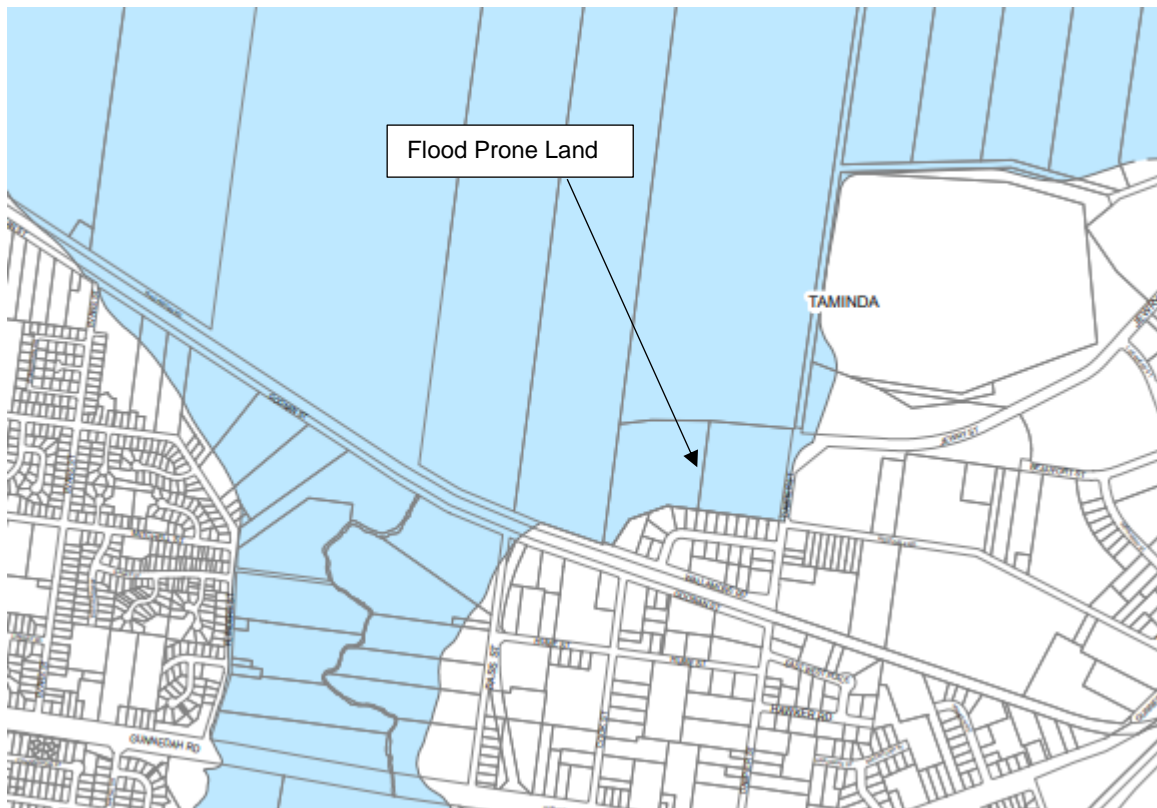


Figure 7 – Flood Prone Land

2. PROPOSAL

2.1 Objectives or intended outcomes

The proposal adequately outlines the intended objective to rezone the land for business and employment purposes. Prior to agency and community consultation the objectives should be updated to identify correctly the amount of land to be rezoned and to remove references to supplying solar generated energy (as the proposed associated solar farm is not part of the current proposal).

2.2 Explanation of provisions

The proposal adequately outlines the following LEP amendments:

- rezone the land part B5 Business Development and part IN1 General Industrial;
- amend the minimum lot size from 40 hectares to nil; and
- apply a floor space ratio of 1:1 to the area being rezoned B5 Business Development.

These changes are shown in Figures 8 – 10.

The proposal will have no impact or effect on the existing obstacle limitation surface or flight path planning controls that apply to the land.

The proposal incorrectly identifies changes to the flood planning map and the land reservation map. The planning proposal addendum however clarifies that these changes are no longer being sought. Prior to consultation it is recommended that the proposal be amended to address the matters discussed in the addendum, including the explanation of provisions.

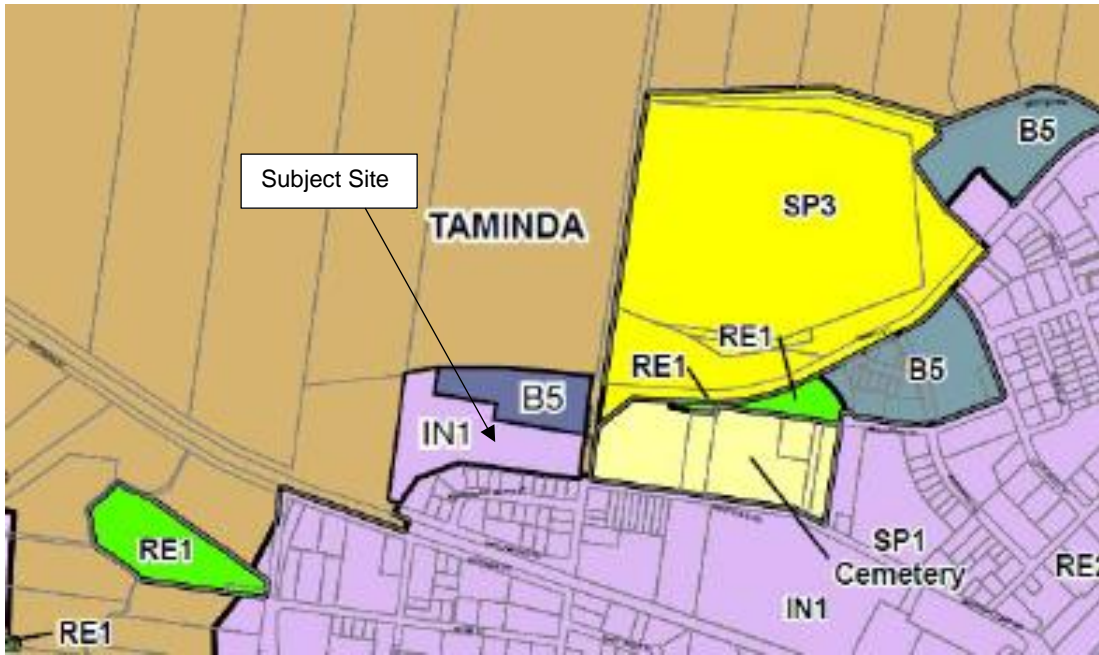


Figure 8 – Proposed zoning

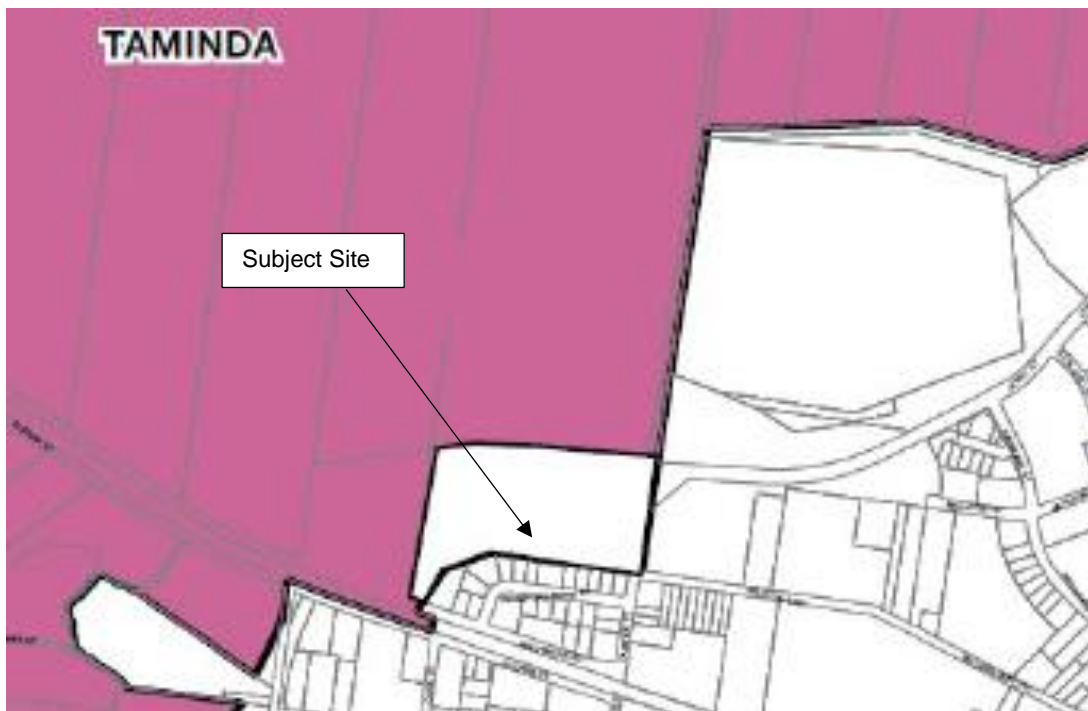


Figure 9 – Proposed minimum lot size (nil)

2.3 Mapping

The proposal includes mapping of the existing and proposed planning controls. Like the explanation of provisions, a number of incorrect maps such as the flood prone land map and land reservation acquisition map. All the maps also incorrectly identify the subject land with the inclusion of the Taminda by-pass road. The proposal is to be amended prior to consultation to include the correct existing and proposed planning control maps applying on the subject land south of the Taminda by-pass road.

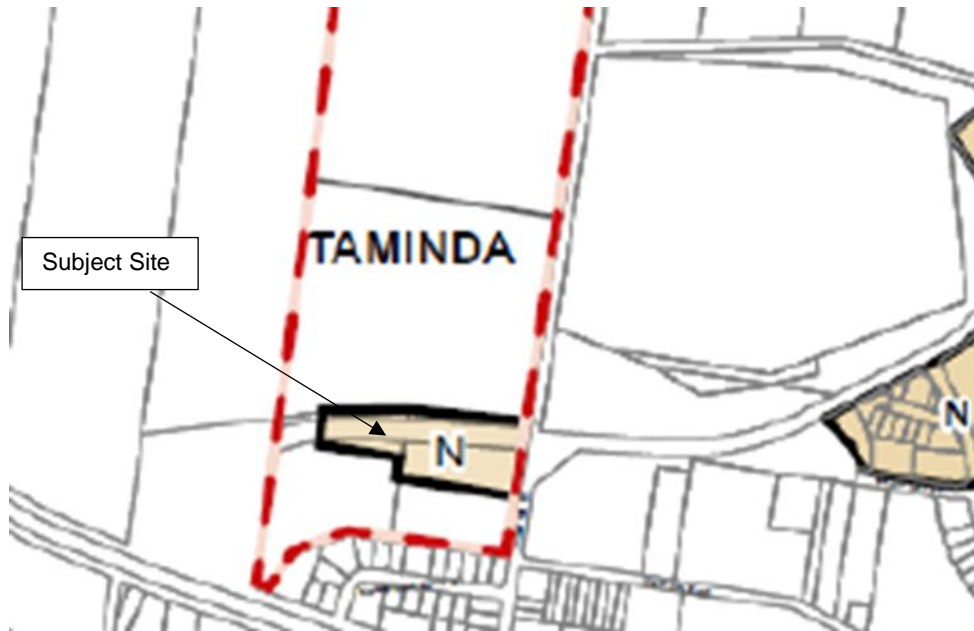


Figure 10 – Proposed floor space ratio (1:1)

3. NEED FOR THE PLANNING PROPOSAL

The proposal is needed to deliver additional employment land to the Taminda industrial area and is an outcome of Council's Department approved Tamworth Regional Development Strategy 2008. The strategy identified an action to investigate the expansion of the Taminda industrial area following the completion of the flood levy banks.

The levy banks have now been completed and the Taminda Revitalisation and Economic Development Strategy has been prepared by Council and identifies the subject land for industrial and business development (bulky goods) purposes and as a key landmark entrance site for Taminda and for facilitating the future by-pass (Figures 11 and 12). The Taminda Revitalisation and Economic Development Strategy has not been submitted to the Department for consideration or approval.

The proposal is also supported by an industrial lands review prepared by Hill PDA. The industrial lands review indicates:

- the Tamworth Regional LGA has over 763 hectares of land zoned for industrial purposes (heavy industry, general industry and business park) with 416 hectares (or 55%) vacant;
- Tamworth has two distinct industrial areas being Taminda and the Glen Artney area adjacent to the airport;
- the two industrial areas cater for very different markets, with Taminda more orientated to service and light industry and Glen Artney to general and heavy industry; and
- there is limited remaining vacant land within the Taminda area.



Figure 11 – Taminda Revitalisation and Economic Development Strategy Masterplan

While adequate zoned land is available in the LGA to cater for future overall industrial demand, the current proposal is supported as it will help address the limited land supply available in Taminda, provides new employment land and job opportunities close to the city centre and housing areas and will support and build upon Taminda’s strong market appeal for light industries and urban services.

The proposal is considered the most appropriate method to facilitate the development.



Figure 12 - Taminda Revitalisation and Economic Development Strategy - Precinct 6

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal is not inconsistent with any of the Premier's priorities.

4.2 Regional / District

New England North West Regional Plan (NENW RP) 2036

The proposal is inconsistent with the NENW RP as it is proposing a new urban area on land affected by flooding and is not supported by detailed infrastructure service planning that Council has confirmed is feasible and economical.

The supporting flood impact assessment identifies that the land will need to be filled between 0.3m to 1.1m or a levy built varying in height between 0.8m and 1.6m to facilitate the development.

Council also resolved when supporting the proposal to also seek a revised traffic study and sewer servicing strategy prior to proceeding to consultation due to infrastructure concerns.

Until the NSW Biodiversity and Conservation Division has reviewed and confirmed the suitability of the land in terms of flooding, and Council has reviewed and confirmed the suitability of the proposed infrastructure servicing, it is recommended that the consistency of the proposal with the NENW RP remain unresolved.

4.3 Local

As discussed above, the proposal is considered to be consistent with Council's Department approved Tamworth Regional Development Strategy 2008 which included an action to investigate the expansion of the Taminda industrial area. The land has subsequently been identified by Council for industrial and business development (bulky goods) purposes in the Taminda Revitalisation and Economic Development Strategy (which has not been submitted or approved by the Department).

4.4 Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all applicable section 9.1 Directions except the following:

1.1 Business and Industrial Zones

The proposal is inconsistent with this Direction as it involves a new employment area that is not identified in a Department approved local strategy. This inconsistency is considered to be of minor significance as it:

- involves land identified in Council's Taminda Revitalisation and Economic Development Strategy;
- will help address the limited land supply available in Taminda;
- involves only 9 hectares of land;
- provides new employment land and job opportunities in close to the city centre and housing areas; and
- will support and build upon Taminda's strong market appeal for light industries and urban services.

1.2 Rural Zones

The proposal is inconsistent with this Direction as it rezones rural land for business and industrial purposes. This inconsistency is considered to be of minor significance as:

- only a small area of land is involved;
- the land is not identified as biophysical strategic agricultural land under the NENW RP;
- a significant portion of the land to be rezoned is already used for commercial purposes (portable building / shipping container depot);
- the land is identified in Council's Taminda Revitalisation and Economic Development Strategy; and
- after construction of the Taminda by-pass the land would become isolated from other adjoining rural lands.

1.5 Rural Land

The proposal is inconsistent with this Direction as it does not actively implement all the specified requirements such as supporting farmers in exercising their right to farm. This inconsistency is considered to be of minor significance as:

- only a small area of land is involved;
- the land is not identified as biophysical strategic agricultural land under the NENW RP;
- a significant portion of the land to be rezoned is already used for commercial purposes (portable building / shipping container depot);
- the land is identified in Council's Taminda Revitalisation and Economic Development Strategy; and
- after construction of the Taminda by-pass the land would become isolated from other adjoining rural lands.

3.2 Caravan Parks and Manufactured Home Estates

The proposal is inconsistent with this Direction as the change in zoning will prohibit caravan parks and manufactured home estates on the subject land. The inconsistency with this Direction is considered to be of minor significance as caravan parks and manufactured home estates are permitted with consent under Tamworth Regional LEP 2010 in the RU1 Primary Production, RU4 Primary Production Small Lots, RU5 Village, SP3 Tourist, R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, B2 Local Centre, B4 Mixed Use, SP3 Tourist, and RE1 Public Recreation Zones. These zones provide a significant supply of land in a range of locations sufficient to meet any likely demand.

4.3 Flood Prone Land

The proposal is inconsistent with this Direction as it will permit a significant increase in the development potential of the flood prone land. While the proposal identifies that flooding can be adequately addressed through either filling or the construction of a levee, it is recommended that this Direction remain unresolved until the NSW

Biodiversity and Conservation Division has reviewed and confirmed the suitability of the land in terms of flooding.

5.10 Implementation of Regional Plans

The planning proposal is inconsistent with the NENWRP 2036 as discussed above due to flooding and servicing issues. Until these matters are further investigated, and the suitability of the land is confirmed, it is recommended that the consistency of the proposal with the NENW RP remain unresolved.

4.5 State environmental planning policies (SEPPs)

The proposal is considered to be consistent with all applicable SEPPS.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

No adverse social impacts associated with the proposal have been identified.

Aboriginal cultural heritage and European heritage studies have been prepared to support the proposal. No potential adverse impacts have been identified.

5.2 Environmental

No adverse environmental impacts associated with the proposal have been identified subject to the resolution of flooding matters as discussed above.

The land is not identified as containing any potential high environmental values under the NENW RP, has been highly modified through past agricultural practices and the supporting biodiversity constraints report confirms only remnant scattered vegetation exists on the land and the potential for any high value flora and fauna is low or unlikely. It is however considered appropriate that the proposal still be referred to NSW Biodiversity and Conservation Division for consideration and comment.

While a number of potential contaminating activities and actions have occurred on the land in the past, a preliminary site investigation has been undertaken in September 2019 that confirms that site is suitable for rezoning subject to certain recommendations. This is considered appropriate with any further required investigation and consideration able to be undertaken at the development application stage.

5.3 Economic

No adverse economic impact from the proposal has been identified. The supporting industrial lands review concludes the proposal will have positive economic impacts by helping to provide additional employment land in the Taminda industrial estate.

5.4 Infrastructure

No additional State infrastructure will be required as a result of the proposal.

The land is affected by a trunk sewer line that traverses the site and which Council has confirmed has no capacity during wet weather and would be difficult to access by gravity due to the low lying nature of the land.

The proposal also originally identified access from the proposed Taminda by-pass roundabout. This was amended in the addendum report to have access from Wallamore Road.

Council has raised concerns regarding access and servicing of the site and has resolved to seek a revised traffic impact statement and servicing strategy prior to

consultation should a Gateway determination to proceed be granted. Council's resolution to require the additional traffic and servicing information is supported and it is recommended that the proposal be amended prior to consultation to address the outcomes of these studies. It is also recommended that Transport for NSW (Roads and Maritime Services) be consulted to confirm the suitability of the proposal.

It is understood that all other infrastructure services can be provided to the site.

6. CONSULTATION

6.1 Community

The proposal identifies a public exhibition of 28 days. This is considered appropriate.

6.2 Agencies

Consultation with the following agencies is recommended:

- Transport for NSW (Roads and Maritime Services)
- NSW Biodiversity and Conservation Division

7. TIME FRAME

The planning proposal has included a timeline that indicates a 12 month completion timeframe. This is considered appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

The proposal primarily deals with matters of local significance. It is considered appropriate that Council be authorised as the local plan-making authority.

9. CONCLUSION

It is considered that the proposal has merit and should proceed subject to conditions as it:

- involves land identified in Council's Taminda Revitalisation and Economic Development Strategy for industrial and business development purposes;
- will help address the limited land supply available in Taminda;
- involves only 9 hectares of land;
- provides new employment land and job opportunities in close to the city centre and housing areas; and
- will support and build upon Taminda's strong market appeal for light industries and urban services.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 3.2 Caravan Parks and Manufactured Home Estates is justified in accordance with the terms of the Directions; and

2. note that the consistency with section 9.1 Directions 4.3 Flood Prone Land and 5.10 Implementation of Regional Plans remains is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - (a) Transport for NSW (Roads and Maritime Services)
 - (b) NSW Biodiversity and Conservation Division
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to agency and community consultation the proposal is to be amended to:
 - (a) clarify that the proposal only applies to part of Lots 2 and 3 DP 1234850 south of the proposed bypass road and not the proposed associated solar farm;
 - (b) incorporate the matters discussed in the addendum report and the outcomes of a revised traffic impact statement and sewer servicing strategy; and
 - (c) update mapping, including existing and proposed planning control maps; that accurately identifies the land to which the proposal applies



12-12-2019

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