

Tamworth Regional LEP 2010 Amendment No 6 - Lampada Estate

Proposal Title : **Tamworth Regional LEP 2010 Amendment No 6 - Lampada Estate**

Proposal Summary : **The Planning Proposal aims to rezone and alter the minimum lot size for the subject land in Calala (3200m2) from R5 Large Lot Residential (2ha minimum lot size) to R1 General Residential (600m2 minimum lot size).**

PP Number : **PP_2013_TAMWO_004_00** Dop File No : **13/09077**

Proposal Details

Date Planning Proposal Received : **23-May-2013** 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 : **Calala Lane**

Suburb : **Calala** City : **Tamworth** Postcode : **2340**

Land Parcel : **Part of Lot 80, DP 1116672**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**

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RPA Contact Details

Contact Name : **Andrew Spicer**

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DoP Project Manager Contact Details

Contact Name : **Craig Diss**

Contact Number : **0267019685**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.32	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	4	No. of Dwellings (where relevant) :	4
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment : No meetings or other communications have been held with Registered Lobbyists in regards to this Planning Proposal.			

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **During the preparation of Tamworth Regional LEP 2010, Council resolved in response to a submission, to amend the land zoning and minimum lot size of the subject land to align with an approved subdivision layout. It has been discovered that these amendments did not occur due to an oversight by Council in its preparation of the final LEP mapping. The Planning Proposal aims to rectify this oversight. An area of approximately 3200m2 is proposed to be rezoned to R1 General Residential with a minimum lot size of 600m2.**

Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes for the Planning Proposal are adequately expressed in relation to the proposed rezoning and the alteration of the minimum lot size to align with the approved subdivision.**

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

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

Comment : **The Planning Proposal provides an adequate explanation of the intended provisions to achieve its objectives.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

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

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

d) Which SEPPs have the RPA identified? **SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
SEPP No 6—Number of Storeys in a Building
SEPP No 21—Caravan Parks
SEPP No 22—Shops and Commercial Premises
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 36—Manufactured Home Estates
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Rural Lands) 2008
SEPP (Temporary Structures and Places of Public Entertainment) 2007
SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered : **The New England North West Strategic Regional Land Use Plan (SRLUP) applies to the Tamworth Regional LGA. This Planning Proposal is consistent with the SRLUP.**

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

If No, explain : **The Planning Proposal is considered to be consistent with all relevant SEPPs, section 117 Directions and the New England North West Strategic Regional Land Use Plan.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal includes appropriate mapping showing the subject site, the proposed zoning and the proposed minimum lot size.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council has indicated that it believes that no community consultation is warranted for the Planning Proposal due to the extensive community consultation that was undertaken in the preparation of Tamworth Regional LEP 2010 (as this proposal is only correcting an oversight in the final mapping of that LEP).**

It is not however considered appropriate that no community consultation be undertaken as:

- the proposed zone and minimum lot size change is not reflective of the draft Tamworth Regional LEP 2010 that was exhibited;**
- the amount of time that has elapsed since the exhibition of Tamworth Regional LEP 2010; and**
- the Planning Proposal will be changing the land zoning and minimum lot size to increase the permissible development potential of the land.**

It is considered that the Planning Proposal is of a low impact nature and a 14 day public consultation period is recommended.

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 is considered to be adequate and has been prepared in accordance with the guide to preparing LEPs. Council has included a Project Timeline within the Planning Proposal. It indicates a 6 month timeframe with completion by November 2013. This is considered appropriate given the nature of the Planning Proposal.

Council has requested that an authorisation to use its plan making delegations be issued for the Planning Proposal. The issue of an authorisation for the Planning Proposal is considered to be appropriate as it is dealing only with matters of local significance.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Tamworth Regional LEP 2010 is a Standard Instrument LEP that was notified on 21 January 2011.

Assessment Criteria

Need for planning
proposal :

During the preparation of the draft Tamworth Regional LEP 2010 a submission was received by Council requesting changes to the zoning and minimum lot sizes for the whole of the subject lot (Lot 80 DP 1116672). Council considered this submission and resolved to amend the Draft LEP by making a minor alteration to the zone and minimum lot size boundaries to reflect an approved subdivision layout for part of the site (but not to substantially increase the lot yield of the entire property as requested in the submission).

Due to an oversight by Council the changes to the final LEP maps were never made and the zone and minimum lot size boundaries were not altered in accordance with the Council resolution. This matter has since been brought to Council's attention and this Planning Proposal aims to rectify the error.

Consistency with
strategic planning
framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs.

The New England North West Strategic Regional Land Use Plan applies to the site. The Planning Proposal is considered to be consistent with the provisions of this Plan.

The Tamworth Regional Development Strategy was prepared by Council and approved by the Director General in April 2008. The Planning Proposal is considered to be consistent with this Strategy.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions including those identified by Council (3.1 Residential Zones and 3.4 Integrating Land Use and Transport).

Environmental social
economic impacts :

The Planning Proposal considers the social and economic impacts associated with the proposed amendment to the LEP and identifies a net community benefit. Due to the existing nature of the site (cleared land adjacent to an established urban area), Council has identified that no critical habitat, threatened species, populations and ecological

communities are located on the land.

The land is not subject to flooding and it is not bushfire prone.

No adverse economic, social or environmental impact resulting from the Planning Proposal has been identified.

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) :

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

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

If no, provide reasons : **The Planning Proposal should proceed given its minor nature, its positive social and economic impact and because it rectifies an inadvertent error made by Council during the preparation of the comprehensive LEP.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No consultation with any agencies is considered necessary as part of the Planning Proposal.

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
2013-05-23_Cover_Letter.pdf	Proposal Covering Letter	Yes
2013-05-23_Planning_Proposal.pdf	Proposal	Yes
2013-05-23_Subject_Land.pdf	Map	Yes
2013-05-23_Current_&_Proposed_Zones.pdf	Map	Yes
2013-05-23_Current_&_Proposed_Minimum_Lot_Size.pdf	Map	Yes
2013-05-23_Approved_Subdivision.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.4 Integrating Land Use and Transport

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Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

- 1. Community consultation be undertaken for a minimum period of 14 days;**
- 2. No consultation with Government agencies is required;**
- 3. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway Determination; and**
- 4. Council be issued with a 'Written Authorisation to Exercise Delegation' to make this plan.**

Supporting Reasons : **The Planning Proposal should proceed as it applies appropriate zone and minimum lot size controls to an approved residential subdivision and rectifies an oversight in the preparation of the Tamworth Regional LEP 2010 maps.**

Signature:



Printed Name:

Craig Diss

Date:

30/5/2013