

PLANNING PROPOSAL

Tamworth Regional Local Environmental Plan (TRLEP) 2010

Lampada Estate, Calala - Planning Proposal **Amendment of Zoning and Lot Size of lands within Calala, Tamworth, NSW.**

Part 1 – Objectives or Intended Outcomes

The objective of this proposal is to facilitate a minor amendment of zone and lot size of land within the Lampada Estate in Calala, a suburb of Tamworth NSW. The intended outcome is to give effect to the Council resolution of 7 June 2010 as part of the implementation of the *Tamworth Regional Local Environmental Plan (TRLEP) 2010* in relation to the land. Therefore, the planning proposal represents a minor 'house-keeping' process to correct small errors in the *TRLEP 2010* Land Zoning and Lot Size Maps.

It has been brought to the attention of Council that the published zone and lot size maps do not give effect to the resolution and consequently do not fully align with the approved subdivision layout under DA0041/1999. The subdivision (estate) is currently under construction and there is now an imperative to amend the planning provisions to support the development within the approved subdivision pattern of roads and allotments to connect into the existing road network and urban fabric.

(Refer to **Attachment 1** – Site Identification Map).

A minor amendment to zoning and lot size provisions is required to give effect to the resolution of Council at its Extraordinary Meeting of 7 June 2010. The resolution reads in-part in relation to Submission 146 with respect to the subject land:

Submission 146	1b. Supported – Adjust zone and MLS (minimum lot size) boundary to reflect approved lot layout.
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Part 2 – Explanation of Provisions

Rezoning and amendment of lot size provisions are described in Table 1 below:

Table 1 – Proposed amendments

Subject Land	Current zoning	Proposed zoning
Part-Lot 80 in DP1116672, Calala Lane (Lampada Estate)	<i>R5 – Large Lot Residential</i>	<i>R1 – General Residential</i>
Subject Land	Current Lot Size	Proposed zoning
Part-Lot 80 in DP1116672, Calala Lane (Lampada Estate)	<i>Z – 2ha</i>	<i>M – 600m²</i>

(Refer to **Attachments 2 & 3** – Land Zoning Map and Lot Size Map)

Part 3 – Justification

Section A – Need for the Planning Proposal

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

The planning proposal is supported by the *Tamworth Regional Development Strategy* which informed the formulation of the *Tamworth Regional Local Environmental Plan (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 the only legal method of amending the *Tamworth Regional Local Environmental Plan (TRLEP) 2010* to rectify the error in mapping that affects the permissible uses on the subject land and give effect to the resolution of Council on 7 June 2010.

A3. Is there a net community benefit?

There is a net community benefit associated with the proposed amendments to the *TRLEP 2010*. Refer to **Attachment 4** 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 planning proposal is consistent with the strategic planning direction outlined in the *Tamworth Regional Development Strategy (TRDS)*, with regard to orderly residential development in the identified growth area of Calala.

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 *Tamworth RDS*, as noted above. The proposal is also consistent with Tamworth Regional Council's *Community Strategic Plan Keychange 2022*.

B3. Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

Refer to **Attachment 5**.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Refer to **Attachment 6**.

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?

No – the proposal gives effect to a development consent in the urban area of Calala.

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

No – as above.

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

Yes – refer to community benefit established at **Attachment 4**.

Section D – State and Commonwealth interests

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

Yes, the subject lands are serviced by road, water, wastewater, electricity and telecommunications infrastructure.

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.

As part of the planning process for the *TRLEP 2010*, Council implemented an extensive consultation process with a range of government agencies through the Section 62 process.

Council passed a resolution as part of the consideration of the comprehensive TRLEP 2010 which incorporates the provisions proposed.

Part 4 – Mapping

Refer to mapping at **Attachments 1, 2 & 3**.

Part 5 – Community Consultation

As part of the planning process for the *TRLEP 2010*, Council implemented an extensive consultation process with the community involving; advertising, media releases, public displays, website material, mail-outs, public meetings, interactive web-based forum and information in rates notices.

As the *Lampada Estate Planning Proposal* constitutes a 'house-keeping' planning proposal to correct minor errors in zoning and lot size maps that were approved via the *TRLEP 2010* process it is considered that further public consultation is not warranted.

Part 6 – Project timeline

The table below provides an indication of the timeline for the planning proposal.

Anticipated commencement date (date of Gateway Determination)	June 2013
Anticipated timeframe for the completion of technical information	Not considered to be required, subject to Gateway Determination requirements.
Government agency consultation	Not considered to be required, subject to Gateway Determination requirements.
Commencement and completion dates for public exhibition period	Not considered to be required, subject to Gateway Determination requirements.
Dates for public hearing (if required)	Not Required
Timeframe for consideration of submissions	Potentially not required
Timeframe for further consideration of the proposal	2 weeks
Date of submission to Department to finalise the LEP	21 August 2013
Anticipated date Council will make the plan (if delegated)	8 October 2013
Anticipated date Council will forward to the department for notification	1 November 2013



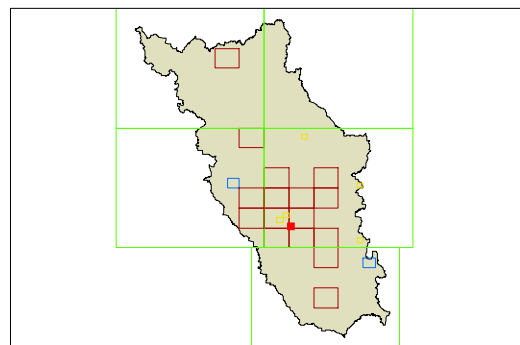
**Tamworth Regional
Local Environmental
Plan 2010**

Attachment 1

Lampada Estate
Planning Proposal
Calala, Tamworth
Site Identification Map

Planning Proposal

 Subject Land



0 0.1 0.2 0.3 Km

Scale 1:6,500 @ A3

Projection: GDA 1994
Zone 56

Map Identification Number





Tamworth Regional Local Environmental Plan 2010

Attachment 2

Lampada Estate Planning Proposal Calala, Tamworth Land Zoning Map

Zone

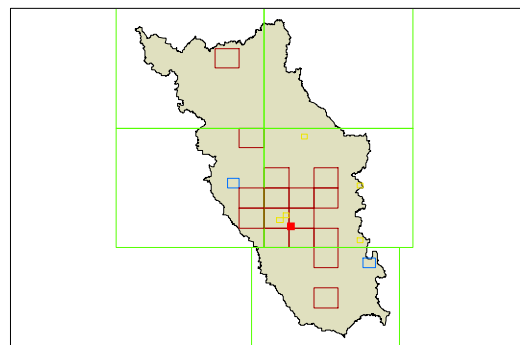
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- IN1 General Industrial
- IN3 Heavy Industrial
- R1 General Residential
- 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

- R1 Subject Land

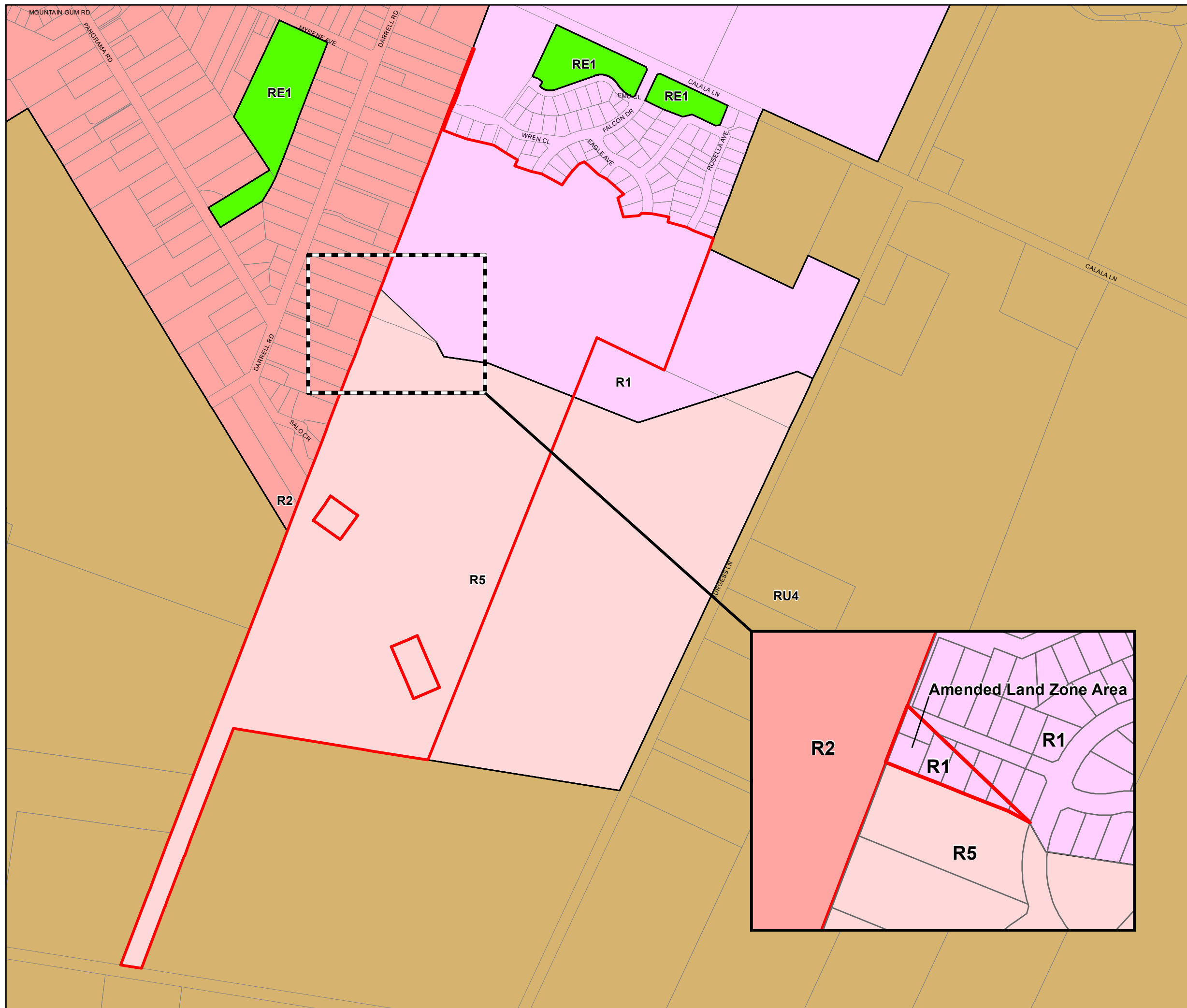


0 0.1 0.2 0.3 Km

Scale 1:6500 @ A3

Projection: GDA 1994
Zone 56

Map Identification Number





Tamworth Regional Local Environmental Plan 2010

Attachment 3

Lampada Estate Planning Proposal Calala, Tamworth Lot Size Map

Minimum Lot Size (sq m)

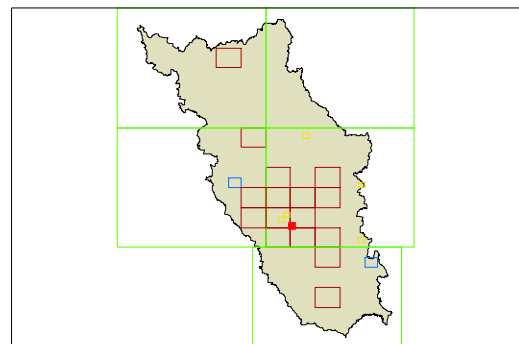
M	600m ²
U	1000m ²
V	2000m ²
W	4000m ²
Y	1 ha
Z	2 ha
AA1	5 ha
AA2	9.9 ha
AB1	20 ha
AB2	40 ha
AD	100 ha
AF	400 ha
AH	800 ha

Cadastre

Base Data 20/06/2011 © NSW LPMA

Planning Proposal

M Subject Land



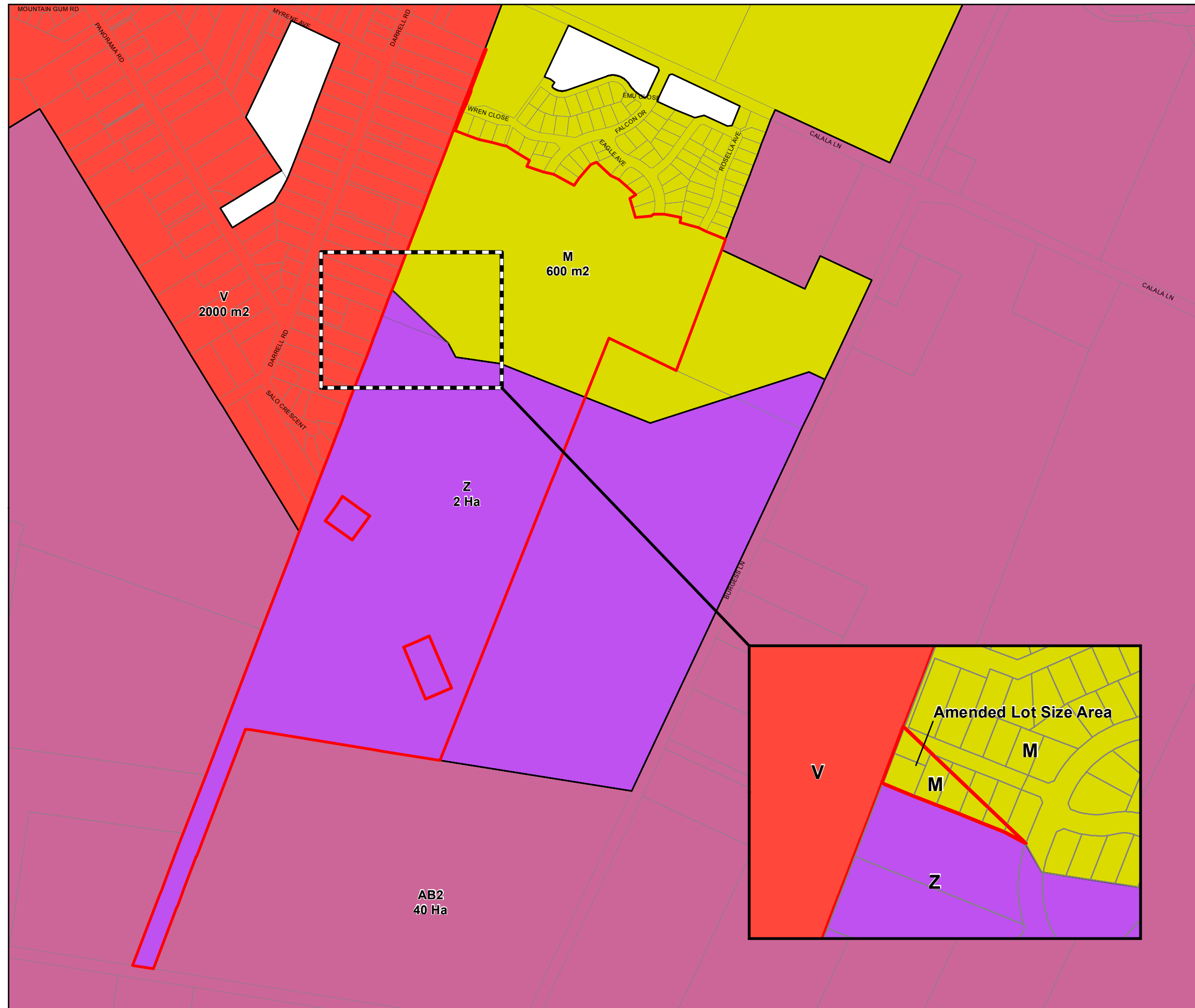
0 0.1 0.2 0.3 Km

Scale 1:6,500 @ A3

Projection: GDA 1994

Zone 56

Map Identification Number



**ATTACHMENT 4 – ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
LAMPADA ESTATE - PLANNING PROPOSAL**

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
Is the planning proposal compatible with agreed State and regional strategic direction for development in the area? YES	The current zoning is compatible with the <i>Tamworth Regional Development Strategy (TRDS)</i> , however does not give effect to the Council Resolution of 7 June 2010 and the approved lot layout.	The planning proposal will give effect to the Council Resolution of 7 June 2010 and the approved lot layout and remain compatible with the <i>TRDS</i> .	A net community benefit is identified relative to 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	Not located in any of these specified areas.	Not applicable.	Not applicable.
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders? NO	The current zoning is pattern has the potential to restrict the future uses on a number of proposed lots due to the restrictions on 'Residential Development' in the R5 zone compared to the R1 zone.	The proposed zoning and lot size provisions rectify the potential restrictions by applying R1 zone and M – 600m2 lot size to the affected area.	A net community benefit is identified relative to this criterion.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? N/A	No spot rezoning proposals have been considered or implemented in the locality.	Not applicable.	Not applicable.
Will the planning proposal facilitate a permanent	The current and proposed residential land uses do not	The proposed zoning pattern will retain the residential land uses in	It is considered that the proposed planning provisions

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	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
employment generating activity? NO	support any employment generating activities.	the subject land.	are cost-benefit neutral for this criterion.
Will the planning proposal impact upon the supply of residential land and therefore housing supply and affordability? NO	The subject lands are zoned for residential purposes.	Under the proposal, the subject lands would retain residential zoning.	It is considered that the proposed planning provisions are cost-benefit neutral for this criterion.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? YES Is public transport currently available or is there infrastructure capacity to support future public transport? YES	The area is currently serviced by a network of roads including the main collector road in the locality, Calala Lane. There is currently some public and community transport serving the area.	The proposed planning provisions would have a negligible impact on public infrastructure and transport.	It is considered that the proposed planning provisions are cost-benefit neutral for this criterion.
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? N/A	The proposed subdivision layout has been approved by Council.	The planning proposal does not increase the potential for additional lots, but does provide for additional residential uses.	It is considered that the proposed planning provisions are cost-benefit neutral for this criterion.
Are there significant Government investments in infrastructure or services in the area whose	The proposed subdivision layout has been approved by Council.	The potential impact of allowing some additional residential uses on a small number of lots would	It is considered that the proposed planning provisions are cost-benefit neutral for this

ATTACHMENT 4 – ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
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EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
patronage will be affected by the proposal? NO If so, what is the expected impact? N/A		be of negligible effect.	criterion.
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 factors? NO	The proposed subdivision layout has been approved by Council.	The potential impact of allowing some additional residential uses on a small number of lots would be of negligible effect.	It is considered that the proposed planning provisions are cost-benefit neutral for this criterion.
Will the LEP be compatible or complementary with surrounding land uses? What is the impact on amenity in the location and wider community? YES Will the public domain improve? N/A	The proposed subdivision layout has been approved by Council and is compatible with adjoining residential development.	The proposal aims to rectify a minor error in land zoning. The potential impact of allowing some additional residential uses on a small number of lots would be of negligible effect.	By aligning the zoning pattern with the approved subdivision layout a net community benefit is identified relative to this criterion.

**ATTACHMENT 4 – ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
LAMPADA ESTATE - PLANNING PROPOSAL**

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 proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? NO	There locality is residential estate.	There locality will remain a residential estate.	It is considered that the proposed planning provisions are cost-benefit neutral for this criterion.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future? NO	The proposed subdivision layout has been approved by Council and is compatible with adjoining residential development.	Not Applicable	No Applicable
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposed subdivision layout has been approved by Council and is compatible with adjoining residential development. However the zoning pattern does not align with the approved layout.	The proposal aims to rectify a minor error in land zoning. This allows the development to proceed providing the options that should be available in a residential estate for a range of residential uses. If the proposal does not proceed at this time, prospective purchasers of affected lots will face uncertainty as to potential future uses affecting marketability and value of the land.	A net community benefit is identified relative to this criterion.
Summary	An overall net community benefit is identified by the analysis of the criteria examined above. No significant net cost was identified relating to any of the criteria considered.		

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LAMPADA ESTATE - PLANNING PROPOSAL

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA

**Attachment 5: Consideration of State Environmental Planning Policies (SEPPs)
Relative to the *Lampada Estate Planning Proposal*.**

The following SEPP's apply to the Tamworth Regional Council Area Local Government Area, as at 15 May 2013.

SEPP	Applicable to TRC?	Consistent/ Inconsistent	Reason for inconsistency or comment
No. 1 Development Standards	No	N/A	SEPP1 does not apply to the Local Government Area (LGA) as per Cl.1.9 of the <i>TRLEP 2010</i> .
No. 4 Development Without Consent and Miscellaneous Exempt and Complying Development	Yes (N/A Cl.6 & parts 3&4)	Consistent	SEPP 4 provisions additional to those in <i>TRLEP 2010</i> .
No. 6 Number of Storeys in a Building	Yes	Consistent	Height of buildings (Cl.4.3) not adopted in <i>TRLEP 2010</i> . LEP Airport provisions (Cl.7.6) limit height of buildings per Obstacle Height Limitation Map. The SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
No. 15 Rural Land sharing Communities	Yes	N/A	The subject lands have residential zoning. The SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
No. 21 Caravan Parks	Yes	Consistent	Caravan Parks are permitted with consent in both the <i>R1</i> and <i>R5</i> zones. The SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
No. 22 Shops and Commercial Premises	Yes	Consistent	There will be negligible effect on permissibility of shops and commercial premises. The SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
No. 30 Intensive Agriculture	Yes	N/A	Not applicable to the subject land

**Attachment 5: Consideration of State Environmental Planning Policies (SEPPs)
Relative to the *Lampada Estate Planning Proposal*.**

No. 32 Urban Land Consolidation (Redevelopment of Urban Land)	Yes	Consistent	The provisions of the planning proposal are consistent with the aims for the SEPP. The SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
No. 33 Hazardous and Offensive Development	Yes	N/A	Not applicable to the subject land
No. 36 Manufactured Home Estates	Yes	Consistent	The provisions of the planning proposal do not limit the development of manufacture home estates. The SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
No. 44 Koala Habitat Protection	No	N/A	Not applicable to the subject land
No. 50 Canal Estate Development	No	N/A	Not applicable to the subject land
No. 55 Remediation of Land	Yes	Consistent	The development approval process addressed any contamination issues. No issues are identified relating to the planning proposal. The SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
No. 62 Sustainable Aquaculture	Yes	N/A	Not applicable to the subject land
No. 64 Advertising and Signage	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
No. 65 Design Quality of Residential Flat Development	Yes	Consistent	Residential Flat Development is permitted in the <i>R1</i> zone. SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
Housing for Seniors or People with a Disability 2004	Yes	Consistent	Seniors housing is permitted in the <i>R1</i> zone. SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
Building Sustainability Index: BASIX 2004	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .

**Attachment 5: Consideration of State Environmental Planning Policies (SEPPs)
Relative to the *Lampada Estate Planning Proposal*.**

Major Development 2005	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
Mining, Petroleum Production and Extractive Industries 2007	Yes	N/A	Not applicable to the subject land
Temporary Structures 2007	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
Infrastructure 2007	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
Rural Lands 2008	Yes	Consistent	The subject lands are subject to residential zones. SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
Exempt and Complying Development Codes 2008	Yes	Consistent	SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
Affordable Rental Housing 2009	Yes	Consistent	Permitted in <i>R1</i> . SEPP provisions are additional to those in the <i>TRLEP 2010</i> .
Urban Renewal 2010	Yes	N/A	Not applicable to the subject land.
State and Regional Development 2011	Yes	N/A	The subject lands are not related to State Significant Development or Infrastructure. SEPP provisions are additional to those in the <i>TRLEP 2010</i>

Attachment 6: Consideration of Section 117 Ministerial Directions
Assessment relative to the *Lampada Planning Proposal*

1. Employment and Resources

Direction	Applicable	Consistent	Reason for inconsistency or comment
1.1 Business and Industrial Zones	No	Not Applicable (N/A)	The subject land has residential zoning.
1.2 Rural Zones	No	N/A	The subject land has residential zoning.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Consistent	Planning proposal is in accordance with all requirement of S.117 Direction.
1.4 Oyster Aquaculture	No	N/A	Uses does not affect Tamworth LGA
1.5 Rural Lands	No	N/A	The subject land has residential zoning.

2. Environment and Heritage

Direction	Applicable	Consistent	Reason for inconsistency or comment
2.1 Environment Protection Zones	No	N/A	The proposal does not apply to land within an environmental protection zone.
2.2 Coastal Protection	No	N/A	Does not affect Tamworth LGA
2.3 Heritage Conservation	Yes	Consistent	Any archaeological matters were subject to the development approval process that resulted in the approved subdivision layout.
2.4 Recreation Vehicle Areas	No	N/A	Does not affect applicable zones or areas.

Attachment 6: Consideration of Section 117 Ministerial Directions
Assessment relative to the *Lampada Planning Proposal*

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Reason for inconsistency or comment
3.1 Residential Zones	Yes	Consistent	Applicable to <i>R1</i> zone and provides for additional residential uses on the subject lands.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Consistent	Caravan parks are permitted with consent in the <i>R1</i> zone.
3.3 Home Occupations	Yes	Consistent	Use is permitted without consent in the <i>R1</i> zone.
3.4 Integrating Land Use and Transport	Yes	Consistent	The planning proposal will have negligible impact traffic and transport services.
3.5 Development Near Licensed Aerodromes	No	N/A	Not affecting subject lands.
3.6 Shooting Ranges	No	N/A	Not affecting subject lands.

4. Hazard and Risk

Direction	Applicable	Consistent	Reason for inconsistency or comment
4.1 Acid Sulfate Soils	No	N/A	Not affecting LGA.
4.2 Mine Subsidence and Unstable Land	No	N/A	Not affecting LGA.
4.3 Flood Prone Land	No	N/A	The subject land is not affect by flooding.
4.4 Planning for Bushfire Protection	No	N/A	The subject land is not affected by bushfire mapping.

Attachment 6: Consideration of Section 117 Ministerial Directions
Assessment relative to the *Lampada Planning Proposal*

5. Regional Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
5.1 Implementation of Regional Strategies	No	N/A	Not affecting Tamworth LGA.
5.2 Sydney Drinking Water Catchments	No	N/A	Not affecting Tamworth LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Not affecting Tamworth LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Not affecting Tamworth LGA.
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	Not affecting Tamworth LGA.

6. Local Plan Making

Direction	Applicable	Consistent	Reason for inconsistency or comment
6.1 Approval and Referral Requirements	Yes	Consistent	Planning proposal is in accordance with all requirement of S.117 Direction.
6.2 Reserving Land for Public Purposes	Yes	Consistent	Planning proposal is in accordance with all requirement of S.117 Direction.
6.3 Site Specific Provisions	Yes	Consistent	Planning proposal is in accordance with all requirement of S.117 Direction.

Attachment 6: Consideration of Section 117 Ministerial Directions
Assessment relative to the *Lampada Planning Proposal*

7. Metropolitan Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
7.1 Implementation of the Metropolitan Strategy	No	N/A	Not affecting Tamworth LGA.