

# **Tamworth Regional Council**

## **PLANNING PROPOSAL**

### **Proposed Amendment to the *Tamworth Regional Local Environmental Plan 2010***

***Removal of Caravan Parks from the RE2 Private Recreation Zone Land Use Table;***

***Change the zone of Lots 1 and 2 DP 1055796, Kennedy Street, Manilla from RE2 Private Recreation to RE1 Public Recreation; and***

***Change the zoning of Lot 2 DP 864981, Greg Norman Drive, Hillvue from SP3 Tourist to RE2 Private Recreation.***

***May 2020***

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ISSUE	REV	DATE	AUTHOR	ISSUED TO
DRAFT	A	December 2018	Tamworth Regional Council	Ordinary Meeting of Council 18 December 2018
FINAL	01	December 2018	Tamworth Regional Council	NSW Department of Planning and Environment
FINAL	02	May 2020	Tamworth Regional Council	NSW Department of Planning, Industry and Environment

## PLANNING PROPOSAL

### *Amendment to the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*

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***Change the zone of Lots 1 and 2 DP 1055796, Kennedy Street, Manilla from RE2 Private Recreation to RE1 Public Recreation; and***

***Change the zoning of Lot 2 DP 864981, Greg Norman Drive, Hillvue from SP3 Tourist to RE2 Private Recreation.***

#### **Introduction**

The planning proposal has been prepared in accordance with Sections 3.33 and 3.34 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and guidelines “*A Guide to Preparing Planning Proposals*” prepared by the NSW Department of Planning and Environment and addresses the following matters:

- Part 1 - Objective or Intended Outcomes;
- Part 2 - Explanation of Provisions;
- Part 3 - Justification;
- Part 4 - Mapping;
- Part 5 - Community Consultation; and
- Part 6 - Project timeline.

The planning proposal will result in an amendment to the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* to prohibit caravan parks within the *RE2 Private Recreation* zone, change the zone of Lots 1 and 2 DP 1055796, Kennedy Street, Manilla from *RE2 Private Recreation* to *RE1 Public Recreation*, and change the zoning of Lot 2 DP 864981, Greg Norman Drive, Hillvue from *SP3 Tourist* to *RE2 Private Recreation*.

#### **Background**

The potential for incompatible land uses such as caravan parks to potentially impact upon facilities and infrastructure has been recently brought to Council’s attention in relation to an application for a manufactured home estate adjoining the sporting and entertainment precinct in the suburb of Hillvue, Tamworth.

At Council’s Ordinary Council Meeting held on 30 October 2018, a development application (DA2019-0037) was refused on the grounds that the proposed development for a manufactured home estate was inconsistent with the zoning of the subject site zoned *RE2 Private Recreation*, and with the

surrounding lands zoned *SP3 Tourist*. These lands are currently being developed for major Regional and National recreational and sporting activities.

At the Ordinary Meeting of Council, 18 December 2018, it was then resolved:

*That in relation to the report "Amendment to the Tamworth Regional Local Environmental Plan 2010 - Planning Proposal to Remove Caravan Parks from the RE2 Private Recreation Zone", Council:*

- (i) prepare and submit a Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979; and*
- (ii) publicly exhibit the proposal upon receipt of a Gateway Determination in relation to the Planning Proposal.*

Council submitted the planning proposal to the Department of Planning and Environment (the Department). The Department and Council agreed to defer consideration of the Gateway Determination until after the outcome of the NSW Land and Environmental Court hearing regarding development application DA2019-0037 was known.

Development application DA2019-0037 was the subject of the NSW Land and Environmental Court hearing: *Andersen v Tamworth Regional Council [2019] NSWLEC 1580*. The decision for that case was given on 26 November 2019. It upheld the appeal and granted development consent for the purpose of a manufactured home estate comprising 99 dwelling sites and community facilities on Lot 2 DP 864981 and Lot 120 DP 1105753, Greg Norman Drive, Hillvue, New South Wales.

Subsequent to that decision, the Department and Council agreed to continue the processing of the planning proposal. The Gateway Determination was issued on 11 December 2019.

Caravan parks are defined under the *TRLEP 2010* as:

- *Land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.*

Moveable dwellings have the same meaning as in the *Local Government Act 1993*.

Moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or*
- (b) a manufactured home, or*
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations [under the Local Government Act 1993] for the purposes of this definition.*

The *Local Government Act 1993* in conjunction with *State Environmental Planning Policy (SEPP) 36 Manufactured Home Estates* provides for the development of manufactured home estates where caravan parks are permitted.

Manufactured home estates, moveable dwellings and manufactured homes provide a diversity of housing choices in a range of locations offering short term and long term accommodation. This type of development is supported. However, caravan parks and manufactured home estates should be located within appropriate areas to provide certainty and clarity to Council, developers and property owners.

It is considered that the removal of caravan parks from lands zoned for private recreation is integral for future strategic planning and will provide confidence in relation to investment within the Region.

The *New England North West Regional Plan 2036* prepared by the Department of Planning and Environment recognises the Tamworth Region as a strong economic centre with access to international opportunities. The Regional Plan identifies priorities associated with Tamworth's

Regional Sports and Entertainment Precinct, Australian Equine Livestock and Events Centre, and new industrial estate adjacent to the Tamworth Regional Airport and sets goals for these significant precincts.

To ensure good planning outcomes are achieved in accordance with the Department's Regional Plan, incompatible land uses that may impact upon the economic viability and growth of the region require addressing to ensure that future interest and investment in the region is not compromised and good strategic planning principles and priorities are set for the region and are continually achieved.

A planning proposal identifying a number of changes to the *TRLEP 2010* is considered the most appropriate method to ensure that a number of key development precincts for recreational, industrial and commercial purposes are protected for the future growth of the Region.

## **PART 1 – OBJECTIVES OR INTENDED OUTCOMES**

The aim of the planning proposal is to address the location of caravan parks within the private recreation zone that would impact upon potential future and existing development within the Tamworth Region. The proposed changes include:

- Removal of caravan parks from the *RE2 Private Recreation* zone Land Use Table;
- Change the zoning of Lots 1 and 2 DP 1055796, Kennedy Street, Manilla from *RE2 Private Recreation* to *RE1 Public Recreation*; and
- Change the zoning of Lot 2 DP 864981, Longyard Golf Course, Greg Norman Drive, Hillvue from *SP3 Tourist* to *RE2 Private Recreation*.

The planning proposal aims to ensure that incompatible development does not occur in close proximity to significant existing and proposed development that has been identified as economic and social drivers within the Region.

### **Remove caravan parks from the RE2 Private Recreation zone Land Use Table**

Caravan parks are currently a permissible form of development in the *RE2 Private Recreation* zone of the *TRLEP 2010*. The regulatory framework to manage caravan parks and related development sits across both the *EP&A Act 1979* and the *Local Government Act 1993*, which results in overlap and multiple approvals, making the system complex with the definitions for manufactured home estates, moveable dwellings and caravan parks sitting across a number of different instruments and regulated through a dual approvals system.

NSW Legislation and Approval System for the development of caravan parks:

- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy No. 21 Caravan Parks (SEPP 21)*
- *State Environmental Planning Policy No. 36 Manufactured Home Estate (SEPP 36)*
- *Local Environmental Plans (Standard Instrument) – Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*
- *Local Government Act 1993 (Section 68)*
- *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*

The complexity of the various provisions precipitates unforeseen and incompatible planning and development outcomes.

### **Amendments to TRLEP 2010 Zone Map**

#### ***Site Identification***

##### **Site 1**

Those lands that are publicly owned should be more appropriately zoned *RE1 Public Recreation*. Accordingly the first site is identified as:

- Lot 1 and 2 DP 1055796, Kennedy Street, Manilla  
(Refer to **Attachment 1**).

The parcel of land known as Lot 1 and 2 DP 1055796, forms the River Gums Caravan Park, located in Kennedy Street, Manilla under the ownership of Crown Lands and under the control of Tamworth Regional Council. A proposed change of zone from *RE2 Private Recreation* to *RE1 Public Recreation* will be consistent with the ownership of the land and zoning of the adjacent Crown reserve known as Chaffey Park, and will facilitate the continued use of the caravan park in an appropriate location.

Changing the zoning of the parcel of land from private to public recreation will ensure the continued use of the caravan park on Lot 1 DP 1055796 as it is a permissible use within the Public Recreation zone. It should be noted that Lot 2 DP 1055796 forms a connection with Chaffey Park and supports vehicle access to the foreshore of the Namoi River. The change of zone from private recreation to public recreation will continue to support the recreational use of this riparian precinct.

## Site 2

Some land is required to be rezoned to ensure the development of caravan parks and any associated uses are prohibited in close proximity to significant existing and proposed development that has been identified as economic and social drivers within the Region. Accordingly the second site is identified as:

- Lot 2 DP 864981, Greg Norman Drive, Hillvue.  
(Refer to **Attachment 2**)

The land known as Lot 2 DP 864981, forms the southern portion of the Longyard Golf Course and is zoned *SP3 Tourist*. The lands that form the Longyard Golf Course are zoned *RE2 Private Recreation* with the exception of Lot 2 DP 864981. The current *SP3 Tourist* zone is a carry over from the introduction of the Standard Template by the Department and transition to the *TRLEP 2010*. Rezoning the land to *RE2 Private Recreation* will ensure consistency with the existing zone and continued land use as a golf course.

## Amendments to TRLEP 2010 Land Use Table

### **Site Identification**

There are a number of sites zoned *RE2 Private Recreation* that are located within Tamworth and Manilla. These include lands for golf courses, bowling and tennis clubs, caravan parks and a motor sports complex. The majority of these lands are in private ownership (Refer to **Attachment 7 & 8 – Zone RE2 Private Recreation**).

## **PART 2 – EXPLANATION OF PROVISIONS**

As described above, there are a number of changes required to be made to zoning of lands in Manilla and Tamworth that currently permit the development of caravan parks. The lots affected are listed below. (Refer to **Attachment 3 & 4 – Current Zoning Maps**)

Street address	Lot & DP	Current zone	Land Area (approx.)
Kennedy Street, Manilla	Lots 1 & 2 DP 1055796	<i>RE2 Private Recreation</i>	Lot 1 = 1.84ha Lot 2 = 7261.77m <sup>2</sup>
Greg Norman Drive, Hillvue	Lot 2 DP 864981	<i>SP3 Tourist</i>	16.23ha

### **Proposed Changes to Land Zoning**

The lots affected by the change of Land Zoning are listed below.  
 (Refer to **Attachment 5 & 6** – Proposed Land Zoning Maps)

Land Use	Street address	Lot & DP	Current zoning	Proposed zone
Caravan Park	Kennedy Street, Manilla	Lot 1 DP 105579	<i>RE2 Private Recreation</i>	<i>RE1 Public Recreation</i>
Vacant Land	Kennedy Street, Manilla	Lot 2 DP 105579	<i>RE2 Private Recreation</i>	<i>RE1 Public Recreation</i>
Golf Course	Greg Norman Drive, Hillvue	Lot 2 DP 864981	<i>SP3 Tourist</i>	<i>RE2 Private Recreation</i>

### **Proposed Changes to Lot Size**

The Lot Size provisions for the subject lots will not change and will remain as zero.

### **Proposed Changes to Land Use Table**

The change to permitted land use will affect all *RE2 Private Recreation* zoned land in the Local Government Area, which is a total of 20 locations. Currently, there are a total of 45 lots affected within all instances of the *RE2 Private Recreation* zone.

The lots affected are listed below (Refer also to **Attachment 7 & 8** – Zone RE2 Private Recreation).

Location	Street address	Lot	Section	Deposited plan	Zone	Land area (approx.)	Total land area m <sup>2</sup> (approx.)
1	252 Manilla Street MANILLA NSW 2346	A	-	348010	RE2 Private Recreation	670.61 m <sup>2</sup>	7,246.6m <sup>2</sup>
	Manilla Tennis Club Manilla Street MANILLA NSW 2346	9	17	758644	RE2 Private Recreation	2,023.36m <sup>2</sup>	
		10	17	758644	RE2 Private Recreation	2,023.42m <sup>2</sup>	
		8	17	758644	RE2 Private Recreation	2,023.36m <sup>2</sup>	
		7008	-	94271	RE2 Private	505.85m <sup>2</sup>	

Location	Street address	Lot	Section	Deposited plan	Zone	Land area (approx.)	Total land area m <sup>2</sup> (approx.)
					Recreation		
2	Bowling Club Arthur Street MANILLA NSW 2346	8	1	5787	RE2 Private Recreation	1,008.30m <sup>2</sup>	5211.95m <sup>2</sup>
		5	1	5787	RE2 Private Recreation	1,008.94m <sup>2</sup>	
		6	1	5787	RE2 Private Recreation	1,008.72m <sup>2</sup>	
		7	1	5787	RE2 Private Recreation	1,008.54m <sup>2</sup>	
		4	1	5787	RE2 Private Recreation	1,009.17m <sup>2</sup>	
	Bowling Club Hill Street MANILLA NSW 2346	152	-	546573	RE2 Private Recreation	168.28m <sup>2</sup>	
3	River Gums Caravan Park Kennedy Street MANILLA NSW 2346	1	-	1055796	RE2 Private Recreation	1.836ha	2.5621ha
	Kennedy Street MANILLA NSW 2346	2	-	1055796	RE2 Private Recreation	7,261m <sup>2</sup>	
4	Golf Club 136 Halls Creek Road MANILLA NSW 2346	1	-	228519	RE2 Private Recreation	17.11ha	17.11ha
5	Bowling Club 20-26 Bligh Street NORTH TAMWORTH NSW 2340	11	-	1076924	RE2 Private Recreation	6,672m <sup>2</sup>	6,672m <sup>2</sup>
6	Bowling Club 158-168 Piper Street EAST TAMWORTH NSW 2340	368	-	753848	RE2 Private Recreation	1.03ha	1.03ha
7	Golf Course (Tamworth) Duri Road WEST	1	-	867186	RE2 Private Recreation	41.08ha	41.22ha



Location	Street address	Lot	Section	Deposited plan	Zone	Land area (approx.)	Total land area m <sup>2</sup> (approx.)
	TAMWORTH NSW 2340						
	Kent Street SOUTH TAMWORTH NSW 2340	66	-	21859	RE2 Private Recreation	1,435.70m <sup>2</sup>	
8	Denison Street TAMINDA NSW 2340	42 (Portion of)	-	1006078	RE2 Private Recreation	2,103.6m <sup>2</sup>	2,103.6m <sup>2</sup>
9	Leagues Club 58 Phillip Street WEST TAMWORTH NSW 2340	2	-	815862	RE2 Private Recreation	3.771ha	3.77ha
10	15-21 Bridge Street WEST TAMWORTH NSW 2340	1	-	164103	RE2 Private Recreation	4,444.53m <sup>2</sup>	4.08ha
	"9-11 Bridge Street WEST TAMWORTH NSW 2340"	2	-	202975	RE2 Private Recreation	596.15m <sup>2</sup>	
		2	-	164103	RE2 Private Recreation	738.28 m <sup>2</sup>	
		3	-	164103	RE2 Private Recreation	3.28ha	
		1	-	156211	RE2 Private Recreation	2,257.54 m <sup>2</sup>	
11	7 Bridge Street WEST TAMWORTH NSW 2340	1	-	135378	RE2 Private Recreation	1,733m <sup>2</sup>	5075.33m <sup>2</sup>
	3-7 Carter Street WEST TAMWORTH NSW 2340	1		222992	RE2 Private Recreation	3,342.33m <sup>2</sup>	
12	28 Bridge Street WEST TAMWORTH NSW 2340	1		795397	RE2 Private Recreation	703.1m <sup>2</sup>	4.09ha
	80-90 Ebsworth Street	2		163120	RE2 Private Recreation	743.19 m <sup>2</sup>	



Location	Street address	Lot	Section	Deposited plan	Zone	Land area (approx.)	Total land area m <sup>2</sup> (approx.)
	WEST TAMWORTH NSW 2340	2		205304	RE2 Private Recreation	1.74ha	
		1		163120	RE2 Private Recreation	744.28 m <sup>2</sup>	
		3		163120	RE2 Private Recreation	743.15 m <sup>2</sup>	
		4		163120	RE2 Private Recreation	743.28 m <sup>2</sup>	
		1		205304	RE2 Private Recreation	9,421.30 m <sup>2</sup>	
	"30-32 Bridge Street WEST TAMWORTH NSW 2340"	1		155835	RE2 Private Recreation	549.21m <sup>2</sup>	
		2		151672	RE2 Private Recreation	1,469.42m <sup>2</sup>	
		9		1009737	RE2 Private Recreation	8,414m <sup>2</sup>	
13	20 Bridge Street WEST TAMWORTH NSW 2340	1		798959	RE2 Private Recreation	1,557m <sup>2</sup>	1,557m <sup>2</sup>
14	16D Kent Street SOUTH TAMWORTH NSW 2340	2		1079858	RE2 Private Recreation	2,117m <sup>2</sup>	2,117m <sup>2</sup>
15	Bunkhouse 118 Goonoo Goonoo Road WEST TAMWORTH NSW 2340	21 (Portion of)		1012268	RE2 Private Recreation	2,986.5m <sup>2</sup>	2,986.5m <sup>2</sup>
16	George Street WEST TAMWORTH NSW 2340	9		38241	RE2 Private Recreation	1,259.93m <sup>2</sup>	1,259.93m <sup>2</sup>
17	Water Bore Locks Lane WEST TAMWORTH NSW 2340	1		380047	RE2 Private Recreation	753.76m <sup>2</sup>	
	Calala Lane	1	-	1101985	RE2	1,677.41m <sup>2</sup>	

Location	Street address	Lot	Section	Deposited plan	Zone	Land area (approx.)	Total land area m <sup>2</sup> (approx.)
	SOUTH TAMWORTH NSW 2340	(Portion of)			Private Recreation		
18	Oakburn Park 1216 Gunnedah Road WESTDALE NSW 2340	42	-	1129256	RE2 Private Recreation	-	39.8ha
19	Longyard Golf Course Greg Norman Drive HILLVUE NSW 2340	120	-	1105753	RE2 Private Recreation	6.79ha	50.07ha
20	Longyard Golf Course Greg Norman Drive HILLVUE NSW 2340				RE2 Private Recreation	43.28ha	

### **Proposed Amendments for RE2 Private Recreation Land Use Table**

The Gateway Determination, issued 11 December 2019, required the planning proposal to identify the proposed amendments to the *RE2 Private Recreation* zone land use table.

In accordance with this Gateway requirement, it is identified that there are a number of changes required to be made to permitted uses within the *RE2 Private Recreation* zone.

The *Tamworth Regional Local Environmental Plan 2010* defines a **caravan park** as:

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

Caravan parks are currently a use permitted with consent within the *RE2 Private Recreation* zone. The planning proposal would identify caravan parks as a prohibited use within the *RE2 Private Recreation* zone. The proposed land use table would therefore be as follows:

## **Tamworth Regional Local Environmental Plan 2010**

[Land Use Table Zone RE2](#)

### **Zone RE2 Private Recreation**

#### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.

- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

## **2 Permitted without consent**

Environmental protection works; Moorings; Roads

## **3 Permitted with consent**

Aquaculture; Community facilities; Environmental facilities; Food and drink premises; Garden centres; Kiosks; Medical centres; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Shops; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; **Caravan Parks**; Cemeteries; Commercial premises; Correctional centres; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Places of public worship; Pubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Wharf or boating facilities; Wholesale supplies

### **Instances of Caravan Parks within the RE2 Private Recreation zone**

There is a caravan park currently operating within the *RE2 Private Recreation* zone. This is located at Lot 1, DP 1055796 Kennedy Street, Manilla, NSW 2346.

There are no other approved caravan parks located within the *RE2 Private Recreation* zone under the *TRLEP 2010*.

## **PART 3 – JUSTIFICATION**

### **Section A – Need for the Planning Proposal**

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

##### **Council Report**

A development application was lodged with Council for a manufactured home estate permissible via the definition of 'caravan park', on an eastern portion of the Longyard Golf Course, Greg Norman Drive, Hillvue. The application was recommended for refusal on the grounds that the use is incompatible with the Regional Sports and Entertainment Precinct located adjacent to the proposed development site.

The planning proposal process was initiated as a result of the Council resolution from the Ordinary Meeting on the 30 October 2018 stating:

*"That the General Manager investigate and prepare a report on the process to amend the LEP to prohibit manufactured homes and caravan parks on the entire golf course precinct".*

Through that process it has come to Council's attention that a number of other significant sites within the region may also be impacted by nearby lands zoned *RE2 Private Recreation* allowing caravan parks and consequently manufactured home estates.

The significant areas include recreational, commercial and industrial precincts that are either currently under construction or proposed under a strategy has the capacity to attract considerable economic investment. These sites have been identified in both Local and State Strategies to support economic and employment growth of these areas.

### Local Strategy

The *Tamworth Regional Development Strategy 2008 (TRDS 2008)* provides Council with a strategic plan to manage growth and outlines the visions and guiding principles for urban and rural areas in the Tamworth region. The strategy highlights the need to support and strengthen employment and economic development. Considerable investment has been made at a Federal, State and Local Government level toward existing and future commercial, industrial and tourist development.

The *TRDS 2008* recommended that one of the main factors of economic growth for the region was the attraction of new economic activity. The strategy recommends the following initiatives:

- "Provide for and facilitate future economic growth in the Region";
- "Ensure innovative and sustainable growth in the Tourism sector";
- "Encourage and support commercial development within the Region"; and
- "Ensure the provision of well-located, suitable land for future industrial purposes".

Chapter 7 of the *TRDS 2008*, 'Supporting Employment and Economic Development' outlines strategic directions and actions in relation to future employment opportunities and potential economic development. Section 7.2 includes strategic directions to 'ensure planning policy facilitates and supports business development' and a specific direction 'prevent residential encroachment onto land that would limit the efficient and safe operation of industrial activities'.

Chapter 11 of the *TRDS 2008*, 'Local Area Strategies, 11.1 Tamworth City' provides a guide for areas that have significant industrial, commercial and recreational opportunities. One principle identified as a key opportunity for the city is 'Supporting Employment and Economic Growth'. The two main factors central to economic growth of the region are population growth and the ability for the Tamworth community to attract economic activity. References are made to the Australian Equine Livestock and Events Centre (AELEC), Sports Precinct (now Northern Inland Centre of Sporting Excellence), Tamworth Regional Entertainment Conference Centre (TRECC), expansion of industrial land and growth of the Tamworth Regional Airport.

It is considered the proposed changes to amend the *TRLEP 2010* are consistent with the aims and objectives of the *TRDS 2008* to achieve sustainable economic growth and generate employment within the Region.

## **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 *TRLEP 2010* to prohibit the future development of caravan parks and associated uses on sites that are likely to compromise future economic investment within the Region.

The Gateway Determination, issued 11 December 2019, required that the planning proposal be amended to address the outcome of the Land and Environmental Court hearing regarding Lot 2 DP 964981, Greg Normal Drive, Hillvue, and the consequences and effect of the proposal on that land.

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### **Land and Environment Court Hearing – Andersen v Tamworth Regional Council**

*Andersen v Tamworth Regional Council* [2019] NSWLEC 1580 granted development consent for the purpose of a manufactured home estate comprising 99 dwellings and including community facilities on Lot 2 DP 864981 and Lot 120 DP 1105753, Greg Norman Drive, Hillvue, New South Wales, subject to conditions of consent.

Tamworth Regional Council, as proponent, has sought legal advice regarding the outcome of the Land and Environmental Court hearing and the consequences and effect of this planning proposal on that land. Council is satisfied that this legal advice provides confidence for the planning proposal to legally proceed as currently drafted.

Proceeding with the planning proposal in its current form represents a consistently applied approach to the permissibility of manufactured home estate development in locations where it is identified that such development would be unsuitable within in the zone and incompatible with adjoining precincts. Therefore, this approach represents the best planning outcome for the whole Tamworth Regional Local Government Area.

#### **A3 Is there a net community benefit?**

There is a significant net community benefit associated with the proposed amendments to the *TRLEP 2010*. Refer to **Attachment 9** for an analysis of the net community benefit.

### **Section B – Relationship to strategic planning framework**

#### **B1 Is the planning proposal consistent with the objectives and action contained within the applicable regional or sub-regional strategy?**

The *New England North West Regional Plan 2036* which guides the NSW Government's land use planning priorities and decisions to 2036 supports the priorities of the Tamworth Local Government Area. The planning proposal is considered to be consistent with the Regional Plan and the goals and priorities outlined below:

##### **Goal 1 – A Strong and Dynamic Regional Economy**

- Direction 7 – Build strong economic centres
- Direction 8 – Expand tourism and visitor opportunities
- Direction 9 – Coordinate growth in the cities of Armidale and Tamworth

##### **Goal 3 – Strong Infrastructure and Transport Networks for the Future**

- Direction 13 – Expand emerging industries through freight and logistics connectivity ('Implement local planning controls to protect freight and logistics facilities from encroachment of sensitive land uses')

##### **Goal 4 – Attractive and Thriving Communities**

- Direction 18 – Provide great places to live ('Ensuring a wider range of housing in appropriate locations...')

The Regional Plan identifies on Figure 6 (page 31) a range of key precincts relevant to this proposal including Tamworth Regional Airport, Glen Artney Industrial area and the Regional Sport and Entertainment Precinct incorporating AELEC and the sports dome. The planning proposal is also consistent with Local Government Narrative for the Tamworth Region (page 66) which references to the importance of these precincts.

The development of caravan parks within inappropriate locations will impact upon the goals that have been identified for the Region by the Department of Planning and Environment and is likely to compromise the Tamworth Regional community both economically and socially.

**B2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The planning proposal is considered to be consistent with Tamworth Regional Council's *Community Strategic Plan 2017-2027* and the themes outlined below:

- The *Community Strategic Plan 2017-2027 – A Spirit of Community* identifies the following:
  - C1.2 Provide high quality sporting facilities to meet the diverse needs of the community; &
  - C1.3 Provide high quality specialised sporting facilities to drive sporting excellence for the Region and State.
- The *Community Strategic Plan 2017-2027 – A Prosperous Region* identifies the following:
  - P1.1 Support and facilitate economic development and employment opportunities;
  - P2.1 Market the Tamworth Region as a destination for living, working and leisure; and
  - P4.1 To establish rail, air, land connection to enable local, national and international trade.

Allowing the development of caravan parks within the *RE2 Private Recreation* zone would result in an impact upon the development of significant social and economic precincts that have the capacity to generate long term employment and investment within the Region.

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

Refer to **Attachment 10**.

**B4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

Refer to **Attachment 11**.

**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 critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of 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?**

There will be no other environmental effects as a result of the planning proposal.

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

The social and economic outcomes will not change for those lands affected by the removal of caravan parks from the *RE2 Private Recreation* zone. Those lands affected by the rezoning will continue their existing uses as a caravan park and golf course and continue to provide economic and social benefit to the community.

## **Section D – State and Commonwealth interests**

### **D1 Is there adequate public infrastructure for the planning proposal?**

The subject lands are currently serviced by road, water, sewer, electricity and telecommunications infrastructure. No future infrastructure is required as part of this planning proposal process.

### **D2 What are the views of State and Commonwealth Public Authorities consulted in accordance with gateway determination?**

The proposed changes to remove caravan parks from the *RE2 Private Recreation* zone and the rezoning of lands will not require consultation with any public authorities.

## **PART 4 – MAPPING**

The proposed amendment will update the existing *Tamworth Regional Local Environmental Plan 2010 Land Zoning Map*. The proposed revised map sheets are:

7310\_COM\_LZN\_002B\_040\_20181115 shown at **Attachment 5**; and

7310\_COM\_LZN\_004C\_040\_20181115 shown at **Attachment 6**.

## **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 all relevant landowners, adjoining landholders and other stakeholders of the proposal and extend an invitation to make comment.

In accordance with the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020* and *Local Government (General Regulation 2005 Amendment)*, public exhibition can be expected to include publication of public exhibition notices and material on Council's website, [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au), for the prescribed exhibition period.

In accordance with the requirements of the Gateway Determination, issued 11 December 2019, Council will consult with the following public authorities during the exhibition period:

- NSW Rural Fire Service
- Department of Planning, Industry and Environment (Crown Lands)

## **PART 6 – PROJECT TIMELINE**

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

Planning Making Step	Estimated Completion
Date of Gateway determination	11 December 2019
Additional information provided to Department and approval sought prior	May 2020



to commencement of exhibition	
Commencement and completion dates for public exhibition period	1 June 2020 – 29 June 2020
Timeframe for government agency consultation as required by Gateway determination	1 June 2020 – 29 June 2020
Dates for public hearing	Not Required
Timeframe for consideration of submissions	2 weeks
Timeframe for the consideration of proposal post exhibition	2 weeks
Date of submission to Department to finalise LEP	August 2020
Anticipated date RPA will make the plan (if delegated)	August 2020
Anticipated date RPA will forward to the Department for notification	September 2020