

PLANNING PROPOSAL
Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)
Hills Plain Lot Size Planning Proposal
Amendment of planning provisions

Part 1 – Objectives or Intended Outcomes

The objective of this proposal is to improve the management of property in areas of the Hills Plain Urban Release Area (URA) to maximise the efficient use of infrastructure already provided or planned for the area. The proposed amendment will amend the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) Lot Size Map*.

Council has assessed an overall area approximately 500 hectares generally in the northern section of Hills Plain bordered by Browns Lane to the south and Bournes Lane to the North. Refer to **Attachment 1** (Subject Lands). Of these lands the proposed amendment affects an area of approximately 370 hectares.

The *TRLEP 2010* includes *Clause 4.1 Minimum subdivision lot size* to guide the orderly subdivision of land in the Tamworth Regional Local Government Area (LGA) and relates to any land shown on the Lot Size Map.

Some landowners/developers have made approaches to Council expressing support for a potential review of lot size provisions in the subject lands at Hills Plain. In response Council has undertaken an analysis of water and sewer servicing capacity and determined that sufficient capacity exists to consider the amendment to the *TRELP 2010* to facilitate the development of more lots than would possible under the existing lot size regime.

Council also commissioned a traffic study to assess the potential impact on the road network of the proposed amendment. The traffic study supports the planning proposal by providing Council with information on potential changes road infrastructure such as intersections. However, the planning proposal does not depend on the outcome of the traffic study as the proposed amendment changes the distribution of lots at Hills Plain but not the original forecast of total lots.

The planning proposal represents a significant amendment to the *Tamworth Regional Local Environmental Plan 2010* as a considerable area of valuable urban release land is captured by the proposed lot size changes. It is important to note that Council has analysed water and sewer capacity and potential impacts on the road network as a basis for this planning proposal. Other impacts of potential increase of residential lots will need to be addressed via development application processes to determine the feasibility of proposed development in specific sections of the subject lands.

Part 2 – Explanation of Provisions

The proposed amendment will amend the existing *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) Lot Size Map Sheet LSZ_004B* as it affects the subject lands by changing much of the area covered by W – 4000m² to V – 2000m² and a significant portion of land currently covered by V – 2000m² to U – 1000m². Refer to **Attachment 2** (Existing Lot Size Regime) and **Attachment 3** (Proposed Lot Size Regime).

The proposed revised map sheet *7310_COM_LSZ_004B_040_(revision date)* is shown at **Attachment 4**.

This amendment will provide the opportunity for the potential development of approximately an additional 500 residential lots than is currently provided for by the existing *TRLEP 2010* lot size provisions. This additional yield would bring the overall Hills Plain Urban Release Area (URA) yield more into line with that predicted in the period from 2005 to 2012 when important infrastructure was planned and commenced in Hills Plain. Consequently, the increased yield will better utilise the investment in this infrastructure to the benefit of the community at Hills Plain and the overall Tamworth Region.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

Extensive strategic planning has been undertaken in the period from the 1990's to the present to plan for and implement the Urban Release Area of Hills Plain. Extensive infrastructure has been constructed and is planned for Hills Plain including water, sewer, road, power and telecommunications services. This planning proposal builds on the comprehensive strategic planning work to promote the efficient use of the infrastructure and provide for orderly and effective urban design.

The proposal is in accordance with the *Tamworth Regional Development Strategy (TRDS)* which informed the formulation of the *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 *TRLEP 2010* to update the *Lot Size Map* to improve the management of property in areas of the Hills Plain Urban Release Area to maximise the efficient use of infrastructure already provided or planned for the area. Council is seeking Delegated Authority to make this LEP (refer to attached delegated plan making reporting template and evaluation criteria for the delegation of plan making functions).

A3. Is there a net community benefit?

There is a net community benefit associated with the proposed amendment to the *TRLEP 2010*. Refer to **Attachment 5** 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 permissible land uses and future development in the affected lands.

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

B3. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Refer to **Attachment 6**.

B4. Is the planning proposal consistent with applicable S.117 Ministerial Directions?

Refer to **Attachment 7**.

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

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

No

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

Refer to community benefit established at **Attachment 5**.

Section D – State and Commonwealth interests

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

Yes – The proposal will facilitate the more efficient use of public infrastructure constructed and planned for the subject lands.

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.

Further consultation will be undertaken in accordance with the requirements of a Gateway Determination.

Part 4 – Mapping

The proposed amendment will update the existing *Tamworth Regional Local Environmental Plan 2010 Lot Size Map*. The proposed revised map sheet 7310_COM_LSZ_004B_040_(revision date) is shown at **Attachment 4**.

Part 5 – Community Consultation

Consultation with affected landowners and stakeholders was undertaken in February and March 2016. All parties were written to and phoned offering the opportunity to discuss the Hills Plain lot size review process. A number of these relating to approximately 85% of the subject lands took up the offer to attend Council or discuss the matter by phone with relevant Council officers. All those spoken to were supportive of moving forward with the process.

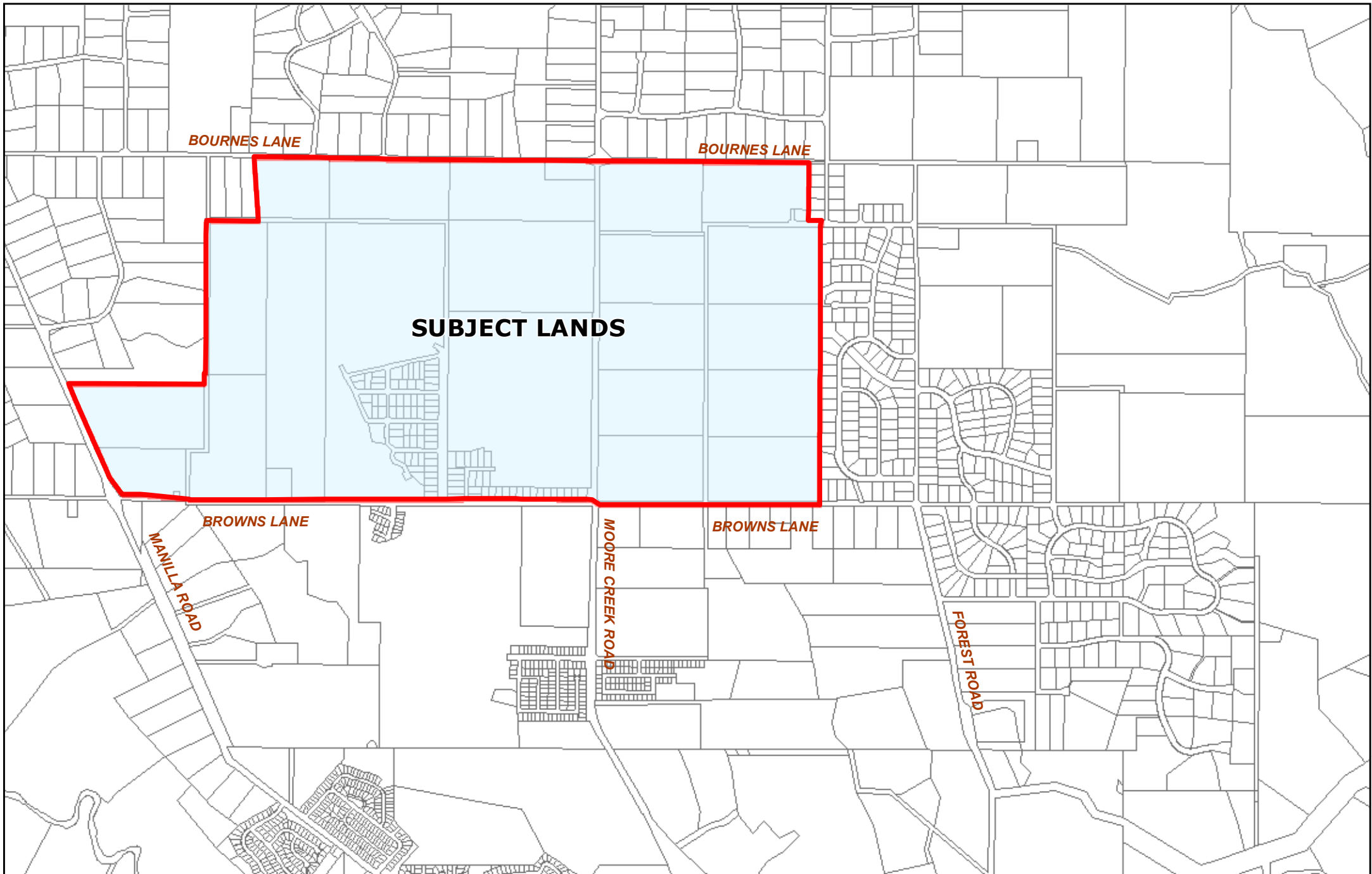
A community consultation strategy for this planning proposal will be implemented to engage stakeholders at Hills Plain and general public. The engagement process will involve media releases, public notices and interviews with landholders and stakeholders upon request. It is also planned to undertake an online consultation using Council's website, interactive online forums and social media as appropriate.

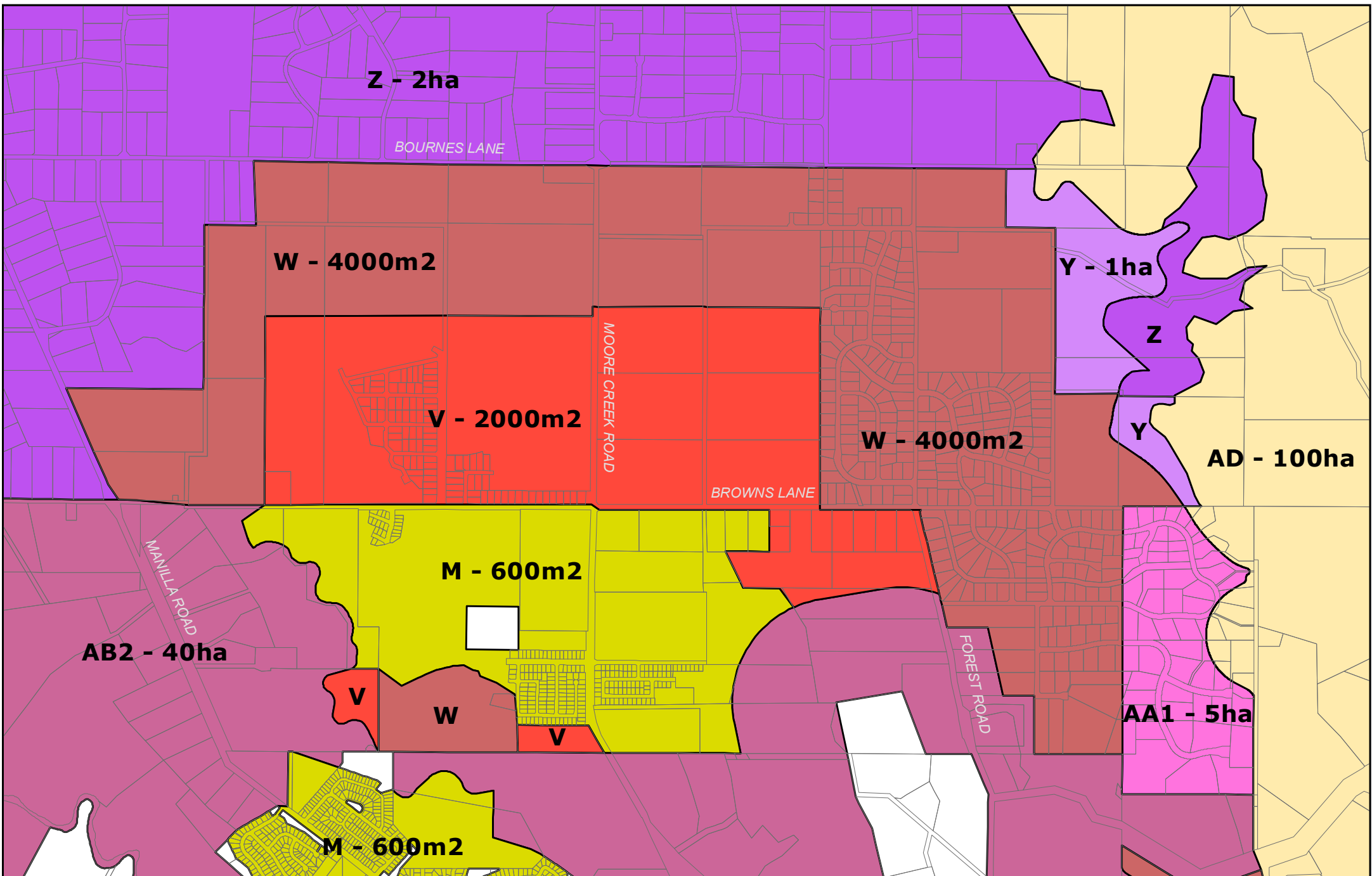
Public exhibition and consultation will be undertaken in accordance with the requirements of a Gateway Determination.

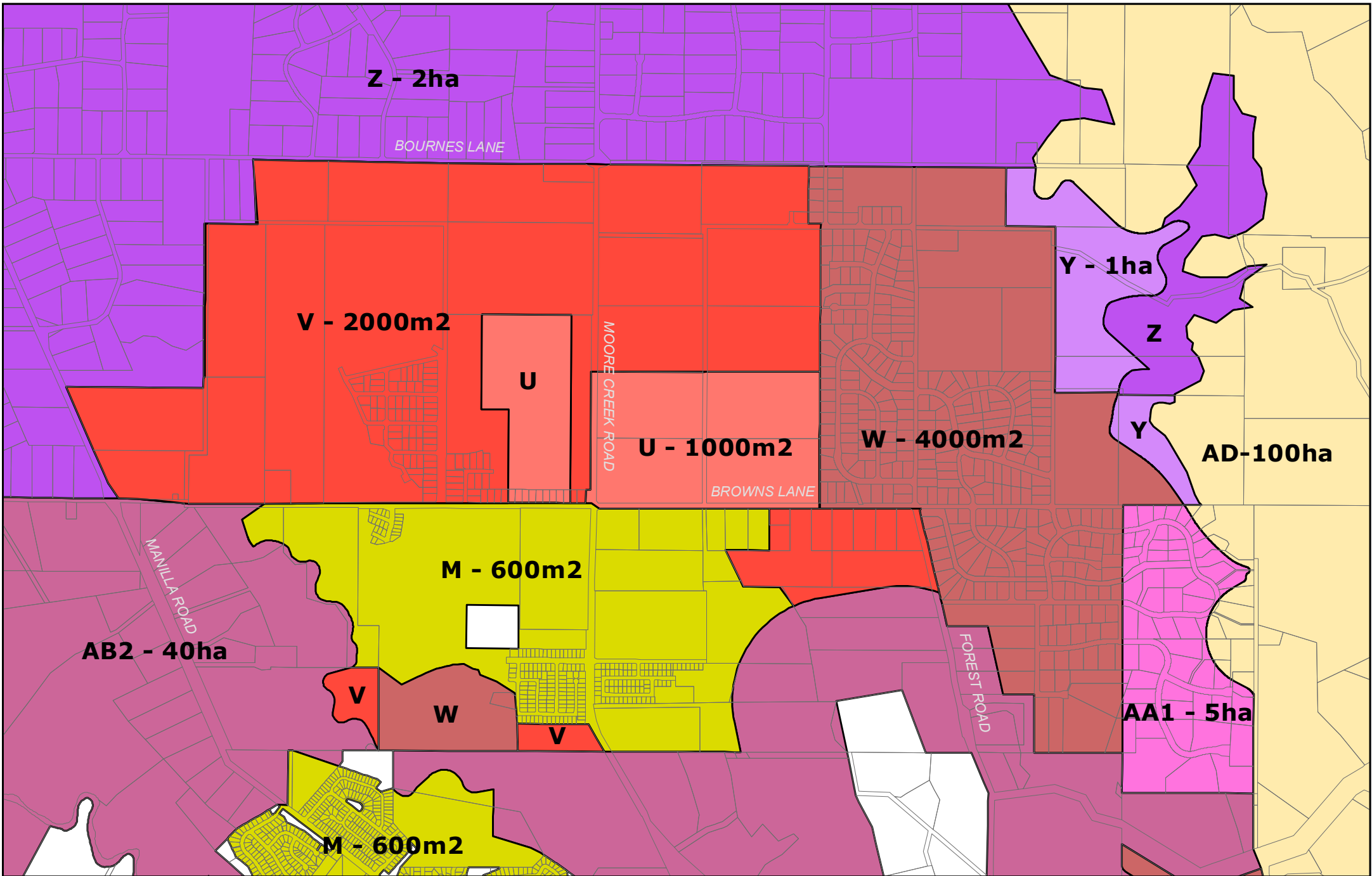
Part 6 – Project timeline

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

Anticipated commencement date (date of Gateway Determination)	29 March 2016
Anticipated timeframe for the completion of technical information	Supporting traffic study to be completed by late March 2016.
Government agency consultation	Subject to Gateway Determination requirements.
Commencement and completion dates for public exhibition period	11 April 2016 – 26 April 2016 (2 weeks)
Dates for public hearing (if required)	Not Required
Timeframe for consideration of submissions	29 April 2016 - dependent on the level of community interest in the proposal
Timeframe for further consideration of the proposal	2 weeks – dependent on the level of community interest in the proposal
Date of submission to PCO and the Department to finalise the LEP	16 May 2016
Anticipated date Council will make the plan (if delegated)	7 June 2016
Anticipated date Council will forward to the department for notification	13 June 2016







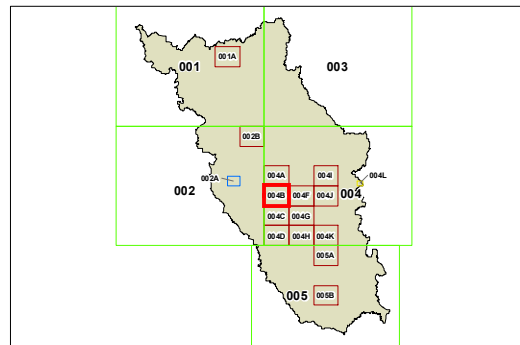
Lot Size Map - Sheet LSZ_004B

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

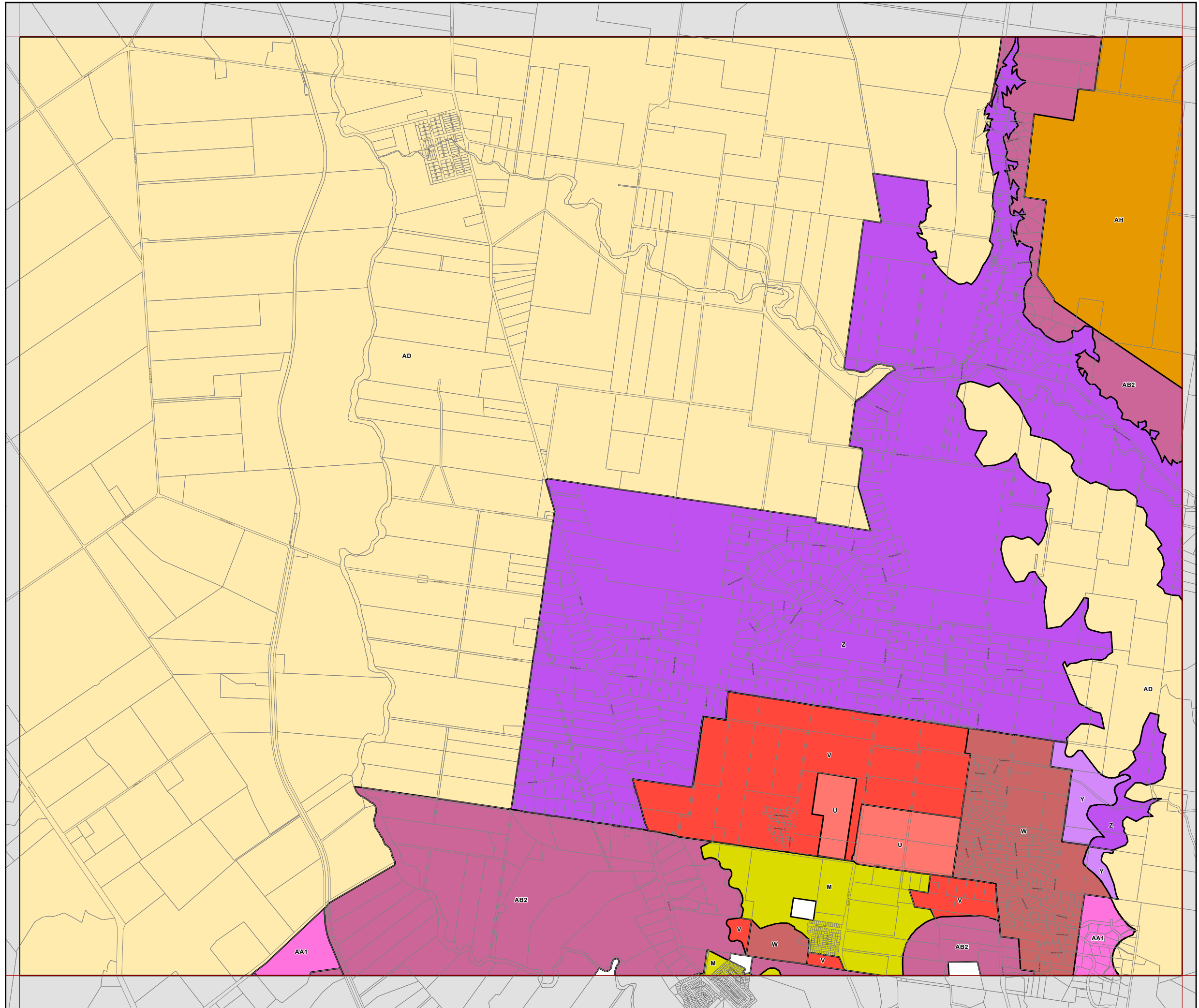
 Base Data 07/09/2012 © NSW LPI



0 0.5 1 Km
Scale 1:40,000 @ A3

Projection: GDA 1994
Zone 56

Map Identification Number
7310_COM_LSZ_004B_040_20121220



**ATTACHMENT 5: ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
HILLS PLAIN LOT SIZE PLANNING PROPOSAL**

EVALUATION CRITERIA <i>YES/NO (or other comment as applicable)</i>	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERION
Is the planning proposal compatible with agreed State and regional strategic direction for development in the area? YES	The Hills Plain area is a designated Urban Release Area under the <i>Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)</i> with specific development controls, development servicing plans for water and sewer and a catchment for local and state development contributions.	The proposed amendments to the <i>TRLEP 2010 Lot Size Map</i> aim to facilitate the most efficient use of infrastructure constructed and planned for Hills Plain to maximize the benefit to the community from these investments. The proposal does not amend permissible land uses or other planning provisions applying to the subject lands.	The proposed amendments aim to maximize the benefit of the capital investment in the urban release area. A community benefit is identified for 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 a specified area.	Not Applicable (NA)	NA
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders? YES	The existing lot size regime will not maximize the utilisation of infrastructure in the area as actual development density has not reflected that originally forecast.	The proposed amendments aim to provide greater opportunity for affected landowners to develop more lots compared to the potential yield under the current regime.	While the proposal may change the lot yield expectations of landholders, this will not exceed the yield originally forecast for the Hills Plain locality. A community benefit is identified in relation to this criterion.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? NA	There have been no spot rezonings undertaken (or under consideration) affecting the subject lands.	NA	NA
Will the planning proposal facilitate a permanent employment generating activity? STATUS QUO	The proposed amendments do not directly affect permanent employment generating activity.	However, an increase in lot yield will provide for additional construction activity at Hills Plain in future.	It is considered that the planning proposal may be benefit/cost neutral for this criterion.
Will the planning proposal impact upon the supply of residential land and therefore housing supply and affordability? YES	Currently, residential zoned land yield at Hills Plain is limited by the existing lot size regime.	The proposal provide the opportunity to develop approximately 500 more lots than is currently possible. This increases housing supply in Tamworth with a potential impact on housing affordability.	The increased supply of housing to utilise existing and planned infrastructure results in a community benefit being identified in relation to this criterion.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is public transport currently available or is there infrastructure capacity to support future public transport? YES	Hills Plain is currently being developed and construction of public infrastructure such as sewer and water supply is underway but spare capacity is identified. Road construction is in progress but rail will not be provided to the locality.	The proposal will provide the opportunity for more housing to utilise the constructed and planned public infrastructure as the area grows. There will be the capacity for future public transport to serve the locality.	The potential efficient utilisation of existing and planned infrastructure results in a community benefit being identified in relation to this criterion.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? NA If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal does not affect the distances travelled by car and increased yield will not exceed that originally forecast.	NA	NA

Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? NO If so, what is the expected impact?	While state roads and local government infrastructure are located in the locality the density of development will not exceed that originally forecast.	NA	NA
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? STATUS QUO	The subject lands include conservation areas which are identified by development controls and accommodated by current approved subdivisions and master plans.	Developers who choose to take up the opportunity to increase density of development in the subject lands will be required to address environmental impacts at the development application stage.	It is considered that the planning proposal may be benefit/cost 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? Will the public domain improve? YES	Currently the subject lands are identified as an urban release area and development in overall locality has substantially commenced.	The proposal will not detrimentally impact on surrounding land uses, amenity or public domain. There is the potential for improved amenity and public domain outcomes.	A community benefit is identified in relation to this criterion.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? STATUS QUO	The subject lands are zoned <i>R2 – Low Density Residential</i> which provides for limited retail and commercial opportunities.	The proposal would have no significant impacts on commercial activity on the subject lands.	It is considered that the planning proposal may be benefit/cost 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 nearby commercial zoned land (<i>B1 – Neighbourhood Centre</i>) will provide the only opportunity for a centre to develop in the locality.	NA	NA

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The Hills Plain area is a designated Urban Release Area under the <i>Tamworth Regional Local Environmental Plan 2010</i> with specific development controls, development servicing plans for water and sewer and a catchment for local and State development contributions. Hills Plain is currently being developed and construction of public infrastructure such as sewer and water supply is underway but spare capacity has been identified.	The proposed amendments to the <i>TRLEP 2010 Lots Size Map</i> aim to facilitate the most efficient use of infrastructure constructed and planned for Hills Plain to maximize the benefit to the community from these investments. The proposal does not amend permissible land uses or other planning provisions applying to the subject lands.	The proposed amendments aim to maximize the benefit of the capital investment in the urban release area. If the amendments to the <i>TRLEP 2010</i> are not implemented at this time, development will proceed under the existing lot size regime and the opportunity to maximize the use of infrastructure may be lost. A community benefit is identified for this criterion.
NET COMMUNITY BENEFIT = 6 of the 9 applicable criteria above identify a clear community benefit. 3 of the 9 applicable criteria are assessed as being potentially benefit/cost neutral. 0 of the 9 applicable criteria identify a significant cost to the community. Overall, a notable net community benefit is identified in relation to this planning proposal.			

**ATTACHMENT 6: CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)
HILLS PLAIN LOT SIZE PLANNING PROPOSAL**

SEPPs applicable to the lands subject to the planning proposal	Consistent?	Reason for inconsistency or comment
No. 15 Rural Land-sharing Communities	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 21 Caravan Parks	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 30 Intensive Agriculture	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 33 Hazardous and Offensive Development	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 36 Manufactured Home Estates	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 44 Koala Habitat Protection	Yes	Flora and fauna studies have been carried out covering the subject lands in the preparation of the Hills Plain DCP. Koala habitat was addressed and it was concluded that it was unlikely that koala habitat is affected by development at Hills Plain. It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 55 Remediation of Land	Yes	Contamination studies have been undertaken in connection with both the preparation of Hills Plain DCP and development applications affecting much of the affected land. It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 62 Sustainable Aquaculture	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 64 Advertising and Signage	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Affordable Rental Housing 2009	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Building Sustainability Index: BASIX 2004	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .

Exempt and Complying Development Codes 2008	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Housing for Seniors or People with a Disability 2004	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Infrastructure 2007	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Mining, Petroleum Production and Extractive Industries 2007	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Rural Lands 2008	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .

**ATTACHMENT 7: CONSIDERATION OF SECTION 117 MINISTERIAL DIRECTIONS -
ASSESSMENT RELATIVE TO THE HILLS PLAIN LOT SIZE PLANNING PROPOSAL**

1. Employment and Resources

Direction	Applicable to TRC	Consistent	Reason for inconsistency or comment
1.1 Business and Industrial Zones	Yes	NA	The planning proposal does not apply to land within an existing or proposed business or industrial zone.
1.2 Rural Zones	Cl.2(a) Yes Cl.2(b) No	NA	The planning proposal does not apply to land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The planning proposal does not propose a change of zoning. The <i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</i> prevails over the <i>TRLEP 2010</i> .
1.4 Oyster Aquaculture	No	Not applicable	Not affecting the LGA.
1.5 Rural Lands	Yes	Yes	The lands subject to the planning proposal are covered by a residential zone and designated Urban Release Area. It is not proposed to alter zoning provisions.

2. Environment and Heritage

Direction	Applicable	Consistent	Reason for inconsistency or comment
2.1 Environment Protection Zones	Yes	Yes	The proposal does not affect an environmental protection zone or include any elements that would reduce environmental protection standards applying to the subject lands.
2.2 Coastal Protection	No	Not applicable	Not affecting the LGA
2.3 Heritage Conservation	Yes	Yes	The <i>TRLEP 2010</i> contains provisions that facilitate the conservation of heritage conservation elements. Aboriginal objects or places are protected under the <i>National Parks and Wildlife Act 1974</i> . The Hills Plain locality has been the subject of a number of aboriginal heritage studies in connection amendments to development controls and development applications. Future development approvals would be contingent on such studies. It is considered that the planning proposal is consistent with the Direction.
2.4 Recreation Vehicle Areas	Yes	Yes	It is not proposed amend the zoning of the subject lands. The permissibility of the land-use is not increased or affected by the planning proposal.

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Reason for inconsistency or comment
3.1 Residential Zones	Yes	Yes	The proposal does not propose to amend the zoning of the subject lands. The proposed amendment of lot size provisions aims to make more efficient use of existing and planned infrastructure in the locality.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	It is not proposed to alter zoning provisions. The provisions of the <i>SEPP No.36 - Manufactured Home Estates</i> prevail over the <i>TRLEP 2010</i> .
3.3 Home Occupations	Yes	Yes	The proposal does not propose to amend the zoning of the subject lands. The land-use continues to be permissible without consent where dwelling houses are permitted.
3.4 Integrating Land Use and Transport	Yes	Yes	It is not proposed to alter zoning provisions and the amendment of lot size provisions promotes the better use of transport infrastructure.
3.5 Development Near Licensed Aerodromes	Yes	Yes	The lands subject to the planning proposal are not in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Yes	Yes	The planning proposal does not affect land adjacent to or adjoining an existing shooting range.

4. Hazard and Risk

Direction	Applicable	Consistent	Reason for inconsistency or comment
4.1 Acid Sulfate Soils	No	Not applicable	Not affecting LGA
4.2 Mine Subsidence and Unstable Land	No	Not applicable	Not affecting LGA
4.3 Flood Prone Land	Yes	Yes	The proposal does not propose to amend planning provisions that affect flood prone land. The subject land drains to the Peel River downstream of Tamworth City and each development is required to manage stormwater to pre-developed flows.

4.4 Planning for Bushfire Protection	Yes	No	The proposal affects some land that is covered by bushfire mapping. Development consents have already been issued over much of this area and some of the land is currently under development. It is noted that the zoning of the land will not be amended. As the projected lot yield will not exceed original estimates for Hills Plain an intensification of land-use is not identified. The proposal will be referred to the NSW Rural Fire Service (NSW RFS) in accordance with the Direction and the terms of a Gateway Determination. Due to the master-planning of the Hills Plain locality over two decades since the mid-1990's (including bushfire analyses) and the discussion above an objection from the NSW RFS is not anticipated.
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5. Regional Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
5.1 Implementation of Regional Strategies	No	Not applicable	Not affecting LGA
5.2 Sydney Drinking Water Catchments	No	Not applicable	Not affecting LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	Not affecting LGA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	Not affecting LGA
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	Not affecting LGA
5.9 North West Rail Link Corridor Strategy	No	Not applicable	Not affecting LGA

6. Local Plan Making

Direction	Applicable	Consistent	Reason for inconsistency or comment
6.1 Approval and Referral Requirements	Yes	Yes	The planning proposal does not entail provisions which increase approval and referral requirements as outlined in the Direction.
6.2 Reserving Land for Public Purposes	Yes	Yes	The planning proposal does not entail provisions which affect the reservation of land for public purposes.
6.3 Site Specific Provisions	Yes	Yes	The planning proposal is not prepared on the basis of allowing a particular development to be carried out.

7. Metropolitan Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
7.1 Implementation of the Metropolitan Strategy	No	Not applicable	Not affecting LGA
7.2 Implementation of Greater Macarthur Land Release Investigation	No	Not applicable	Not affecting LGA



Attachment 5 – Delegated plan making reporting template

Reporting Template for Delegated LEP Amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	
Date Sent to department under s56	
Date considered at LEP Review Panel	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional Relevant Information:

Hills Plain Lot Size Planning Proposal



Notes

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Tamworth Regional Council

Name of draft LEP:

Hills Plain Lot Size Planning Proposal

Address of Land (if applicable):

Subject lands at the Hills Plain Urban Release Area

Intent of draft LEP:

Provide the opportunity for increased lot yield above that currently possible

Additional Supporting Points/Information:



Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	☐ Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	☐ Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	☐ Y			
Does the planning proposal contain details related to proposed consultation?	☐ Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?		☐ X		
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	☐ Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	☐ Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		☐ X		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		☐ X		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		☐ X		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		☐ X		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		☐ X		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		☐ X		
Is the planning proposal proposed to rectify an anomaly in a classification?		☐ X		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		☐ X		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		☐ X		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		☒		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		☒		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		☒		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		☒		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		☒		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		☒		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		☒		
Does the planning proposal create an exception to a mapped development standard?		☒		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).	☐	☒ ☒		
NOTES - Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. - Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.				