



PLANNING PROPOSAL

PROPOSED AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 (TRLEP 2010)

RECLASSIFICATION OF LOTS 1 AND 4, DP 914794 COCKBURN STREET, EAST TAMWORTH
RECLASSIFICATION AND REZONING OF LOT 70, DP 755333, 'PARK 44' 43-45 BASS STREET, TAMINDA
REZONING OF LOT 119, DP 755333, 'PARK 44' 43-45 BASS STREET, TAMINDA
REZONING OF LOT 619, DP 881986, 259 SANDY ROAD, KOOTINGAL

22 March 2018 (Revision 2)

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15 January 2018

Contact Details

Tamworth Regional Council

PO Box 555, 437 Peel Street

Tamworth NSW 2340

Telephone (02) 6767 5555

Email trc@tamworth.nsw.gov.au

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Introduction

This document relates to a planning proposal to amend the environmental planning instrument being the *Tamworth Regional Local Environmental Plan (TRLEP) 2010*.

This planning proposal has been prepared in accordance with Section 55 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the associated guidelines 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment, which require the following matters to be addressed:

- Part 1 - Objectives or intended outcomes;
- Part 2 - Explanation of provisions;
- Part 3 - Justification;
- Part 4 - Mapping;
- Part 5 - Community consultation; and
- Part 6 - Project timeline.

Background

Under the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) the subject sites are identified as follows:-

- Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth;
- Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda; and
- Lot 619, DP 881986, 259 Sandy Road, Kootingal.

The purpose of the amendment to the TRLEP 2010 in relation to the abovementioned parcels of land is described below:-

Schedule 4 Classification and Reclassification of Public Land

- Reclassify Lots 1 and 4 DP 914794, Cockburn Street, East Tamworth from Community to Operational Land to facilitate a transfer of the ownership of the land;
- Reclassify Lot 70, DP 755333, 'Park 44' 43-45 Bass Street from Community to Operational in order to correct a previous TRLEP 2010 amendment error;

Rezoning and Minimum Lot Size

- Rezone and amend the Minimum Lot Size (MLS) of Lots 70 and 119, DP 755333, 43-45 Bass Street to facilitate a potential sale of the Council owned land; and
- Rezone and amend the MLS of part of the land at Lot 619, DP 881986, 259 Sandy Road to correct a mapping error in the first publication of the TRLEP 2010.

The motivation behind the amendment of each of the land parcels is described in further detail below.

Part 1 - Objectives or Intended Outcomes

The objective of this proposal is to amend the zoning and Minimum Lot Size (MLS) of the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* for Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and Lot 619, DP 881986, 259 Sandy Road, Kootingal. The proposal will also amend the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* classification of the land parcels under *Schedule 4, Part 2*, for Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda. Further details of each amendment are listed as follows:-

Lot 1 DP 914794, Cockburn Street, East Tamworth

The subject lot is part of the site of a former weir across the Peel River and is located within the Paradise Caravan Park. The weir has been removed for many years and the land, owned by the Water Administration Ministerial Corporation (WAMC), was identified as surplus to its operational requirements. Council acquired the land from WAMC as Community Land as part of the sale of the Paradise Caravan Park and there are currently no lease agreements. Once the land becomes Operational land Council intends to transfer the land to the owners of the Paradise Caravan Park.

Lot 4 DP 914794, Cockburn Street, East Tamworth

The subject lot was created for what was a legal right of way over Lot 11, DP 786997 that had not been previously surveyed or identified. The land originally provided legal access through the Paradise Caravan Park to the river and the land owned by the WAMC for the weir. When the Paradise Caravan Park was transferred to Council, Lot 4, DP 914794 was non-existent. However, with the registration of a Plan of Subdivision and Easements, the status of the land was more thoroughly investigated. As a result, the Land and Property Information (LPI) office issued Title to the land in the name of the Crown. The Crown recently vested the land in Council as Community Land and there are currently no lease agreements. Upon reclassification of the land it is intended to be transferred to the owners of the Paradise Caravan Park.

Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

The parcel of land identified as Lot 70, DP 755333 was listed in *Amendment No. 17* to the *Tamworth Local Environmental Plan 1996* for reclassification, and the amendment was subsequently gazetted March 2002. Following this, a request was made to LPI office to remove a notation on the title relating to the *Crown Lands Act*. This revealed an error in the text of the gazette where the lot was described as Lot 701, DP 755333, however the related map was correct. This confirmed that the classification of 'Park 44' had not changed. Consequently, Tamworth Regional Council has treated the land as Operational Land since 2002. This land is to be reclassified in order to correct an error in *Amendment No. 17*.

Additionally, both Lots 70 and 119, DP 755333, 43-45 Bass Street, Taminda, are currently zoned RE1 - Public Recreation. One of the aims of this TRLEP 2010 amendment is to rezone both lots that are currently zoned RE1 - Public Recreation to RU4 - Primary Production Small Lots. The MLS of the lots will also need to change from nil to 40 hectares.



Lot 619, DP 881986, 259 Sandy Creek Road, Kootingal

The subject site known as Lot 619, DP 881986, 259 Sandy Road, Kootingal, currently has two zones. The site is zoned part *R1 - General Residential* and part *RE1 - Public Recreation*. The primary aim of this site specific amendment is to rezone part of the land that is currently zoned *RE1 - Public Recreation* to *R1 - General Residential* to rectify a mapping anomaly, which occurred in the original gazettal of the TRLEP 2010 on 21 January 2011. In this regard, the site was mistakenly zoned as part *RE1 - Public Recreation* and not *R1 - General Residential*. The MLS will also need to be changed from nil to 600m².

The proposed amendment is not inconsistent with the objectives, actions and priorities outlined within the Tamworth Regional Development Strategy 2008 and Tamworth Regional Local Environmental Plan 2010 in respect to each subject land and its development. The subject site and current zoning provisions are indicated on **Attachment 1**. Council is supportive of the proposed amendments in relation to the subject site.

Part 2 - Explanation of Provisions

The proposed outcome outlined above will be achieved on completion of the following actions:-

- Amendment of the land classification (under Schedule 4) of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda to Operational Land and inclusion under Schedule 4 Part 2 of the TRLEP 2010;
- Amendment of the land classification (under Schedule 4) of Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth to Operational Land and inclusion under Schedule 4 Part 2 of the TRLEP 2010;
- Amendment of the zoning indicated on Map LZN_004C pertaining to Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda;
- Amendment of the zoning indicated on Map LZN_004G pertaining to Lot 619, DP 881986, 259 Sandy Road, Kootingal;
- Amendment of the Minimum Lot Size indicated on Map LSZ_004C pertaining to Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda; and
- Amendment of the Minimum Lot Size indicated on Map LSZ_004G pertaining to Lot 619, DP 881986, 259 Sandy Road, Kootingal.

The proposed revised amendments for the relevant lots are shown at **Attachment 2**.



Part 3 - Justification

Section A – Need for the Planning Proposal

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

This planning proposal is in part the result of a report to Council on the 13 June 2017 relating to the request for reclassification of three lots, in which Resolution 161/17 was made (refer **Attachment 3**). The planning proposal is also the result of a report that went to Council 12 December 2017 (Resolution 419/17) for the proposed rezoning and amendment to the MLS amendment of Lot 619, DP 881986 and Lots 70 and 119, DP 755333 (refer **Attachment 4**).

Lots 70 and 119, DP 755333 'Park 44' 43-45 Bass Street, Taminda

Prior to Resolution 161/17 (13 June 2017 Meeting) a report went to Council on the 9 August 2016 regarding the proposed sale of the subject site. It was resolved that Council:

- “(i) authorise the Mayor and the General Manager to negotiate the sale of Lot 70 and Lot 119 in Deposited Plan 755333 under terms detailed in the body of this report; and*
- (ii) authorise the affixing of the Seal of Council to the Contract for the Sale of the Land, the Transfer and all associated land transfer documents.*

This Planning Proposal is a result of investigations into the land classification on the site. Investigations found an error in the gazetted classification of the site. An amendment to the LEP is required to correct the anomaly which occurred in Amendment No. 17 in 2002. Council also is dependant on the reclassification to Operational Land in order to sell the subject land.

Further investigations have been undertaken since Resolution 161/17 which concluded that a rezoning of both Lots 70 and 119 DP 755333 was also required in order to facilitate the future sale of the land. Upon the gazettal of this aspect of the amendment it is anticipated the subject site, that is Council owned land, will be sold. Lot 70, DP 755333, 'Park 44' 43-45 Bass street, Taminda is also recognized as a dedicated public reserve in accordance with s37AAA of the Crown Lands Consolidation Act 1913, and is currently zoned as Public Recreational Land. However, the land has not been used for open space purposes and is not intended to be used in the future. The land in the past has been utilised for agistment and this will continue into the future. Furthermore, no trusts or dedications apply to the land.

Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth

Council acquired Lot 1, DP 914794 from the Water Administration Ministerial Corporation in on 7 May 2016 by negotiation. The crown vested Lot 4, DP 914794 in Council 31 March 2017. In order to facilitate the transfer of the land to the owners of the Paradise Caravan Park both Lots 1 and 4 are required to be reclassified to Operational Land. The land is not identified as a public reserve under the Local Government Act and no trusts or dedications are applicable.

Lot 619, DP 881986, 259 Sandy Creek Road, Kootingal

The land is currently zoned as part *RE1 - Public Recreation* and part *R1 - General Residential*. This is an error which occurred in the original gazettal of the TRLEP 2010 on 21 January 2011. The subject was instead meant to be zoned *R1 - General Residential*.

The proposal is in accordance with the *Tamworth Regional Development Strategy (TRDS)* which informed the formulation of the *TRLEP 2010*.

Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth, Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda, Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and Rezoning of Lot 619, DP 881986, 259 Sandy Road, Kootingal | SF 8236

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 required in order to comply with the requirements of the *Environmental Planning and Assessment Act 1979*. Amending the *Tamworth Regional Local Environmental Plan (TRLEP) 2010* is the only avenue available to legally change the land classification, zoning and MLS and facilitate Council's future intentions.

The reclassification of the Land from Community to Operational is considered to be the best means of achieving the objectives and intended outcomes. Community land cannot be sold and cannot be leased or licensed for more than 21 years. This means that Council's ability to trade, lease, or use the land for any future development is limited. No such restrictions apply to Operational Land.

A3. Is there a net community benefit?

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 proposed reclassifications are consistent with the *Tamworth Regional Development Strategy 2008 (TRDS 2008)*. The provisions of the TRDS are not impacted upon by the subject lands which are either administrative amendments or are amendments to facilitate the transfer of land to an existing development or to allow the sale of land.

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

Tamworth Regional Council is subject to a regional strategy. This strategy is identified as the New England North West Regional Plan 2036.

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

The planning proposal is not inconsistent with the strategic planning direction outlined in the *TRDS 2008*, as noted above. The proposal is also consistent with Tamworth Regional Council's *Community Strategic Plan*, *Section 94 Contributions Plan* and *Tamworth Recreation and Open Space Plan 2008*. The proposed changes to the lands are also supported by the goals identified by the New England North West Regional Plan 2036.

The subject land Lot 70, DP 755333 'Park 44' 43-45 Bass Street, Taminda is identified as a Public Reserve. However, it is not identified as a recreation setting in the Tamworth Recreation and Open Space Plan 2008. Furthermore, the land has not been used for open space purposes and is not intended to be used in the future. The land in the past has been utilised for agistment and this will continue into the future.



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 S.117 Ministerial 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?

The subject lands have been disturbed over time and it is highly unlikely that critical habitat, threatened species, populations or ecological communities exist on the land and therefore will not be adversely affected by the proposal. The current land uses will continue to be the same should the amendments be supported.

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

There is not likely to be any other environmental effects as an outcome of the amendments to the classification of the subject lands. However, any environmental effects pertaining to the redevelopment of the land will be addressed upon lodgement of a future development application.

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

Refer to community benefit established at **Attachment 7**.

Section D – State and Commonwealth interests

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

The proposal will have no impact on existing services/utilities.

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.

The Gateway Determination will stipulate the required consultation with public authorities. Consultation will be carried out in accordance with Section 57 of the EP&A Act 1979.

Part 4 - Mapping

The proposed amendment will update the existing Tamworth Regional Local Environmental Plan 2010 Zoning and Minimum Lot Size (MLS) Maps. The proposed revised maps are shown at **Attachment 2**.

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 adjoining landholders and government stakeholders of the proposal and extend an invitation to make comment. Public exhibition following a Gateway determination can be expected to include advertising in local newspapers, displays at Council offices and publication of public exhibition material on Council's website, www.tamworth.nsw.gov.au, for the prescribed period. The planning proposal will also meet the requirements (Best Practice Guideline) for rezoning Council-owned land. This includes the preparation of a 'statement of interest', which will accompany the planning proposal should it proceed to exhibition.

In accordance with section 29 of the *Local Government Act 1993*, a public hearing is also required to be held for the Planning Proposal for Lots 1 and 4, DP 914794 and Lot 70, DP 755333. The public hearing will be undertaken in accordance with Section 5.5.3 of the Department's LEP guideline. See also **Attachment 8** regarding Council's response to the requirements of LEP Practice Note PN 16-001 for the classification and reclassification of public land through a LEP.

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

Part 6 - Timeframe

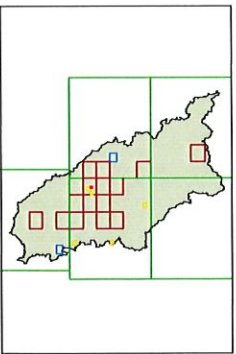
The following timeframe is indicative only and is subject to change. It is estimated that the expected total timeframe for this Planning Proposal (should it be approved) is six to eight months.

Table 1. Project Timeline

Item	Estimated Time Frame	Responsibility
Gateway Determination	Late January 2018	Department of Planning and Environment
Revisions/Additional Studies (if required)	N/A subject to Gateway Determination	Council
Public Exhibition	February 2018	Council
Public Hearing	March 2018	Council
Consideration of submissions and Public Hearing Report	April 2018	Council
Date of submission to Department to finalise LEP	May 2018	Council
Anticipated date Department of Planning will make the plan	June 2018	Parliamentary Counsel Office/Department of Planning

Attachment
Bass Street Taminda
Planning Proposal
Subject Lands
Lots 70 & 119
DP 755333

Cadastre
Base Data 27/03/2018 © NSW LPM/A
Planning Proposal
Subject Lands



Projection: GDA 1984
Zone 56
Scale 1:2500 @ A3
Map Identification Number



Attachment
Bass Street Taminda
Planning Proposal
Minimum Lot Size
Existing Conditions

Minimum Lot Size (sq m)

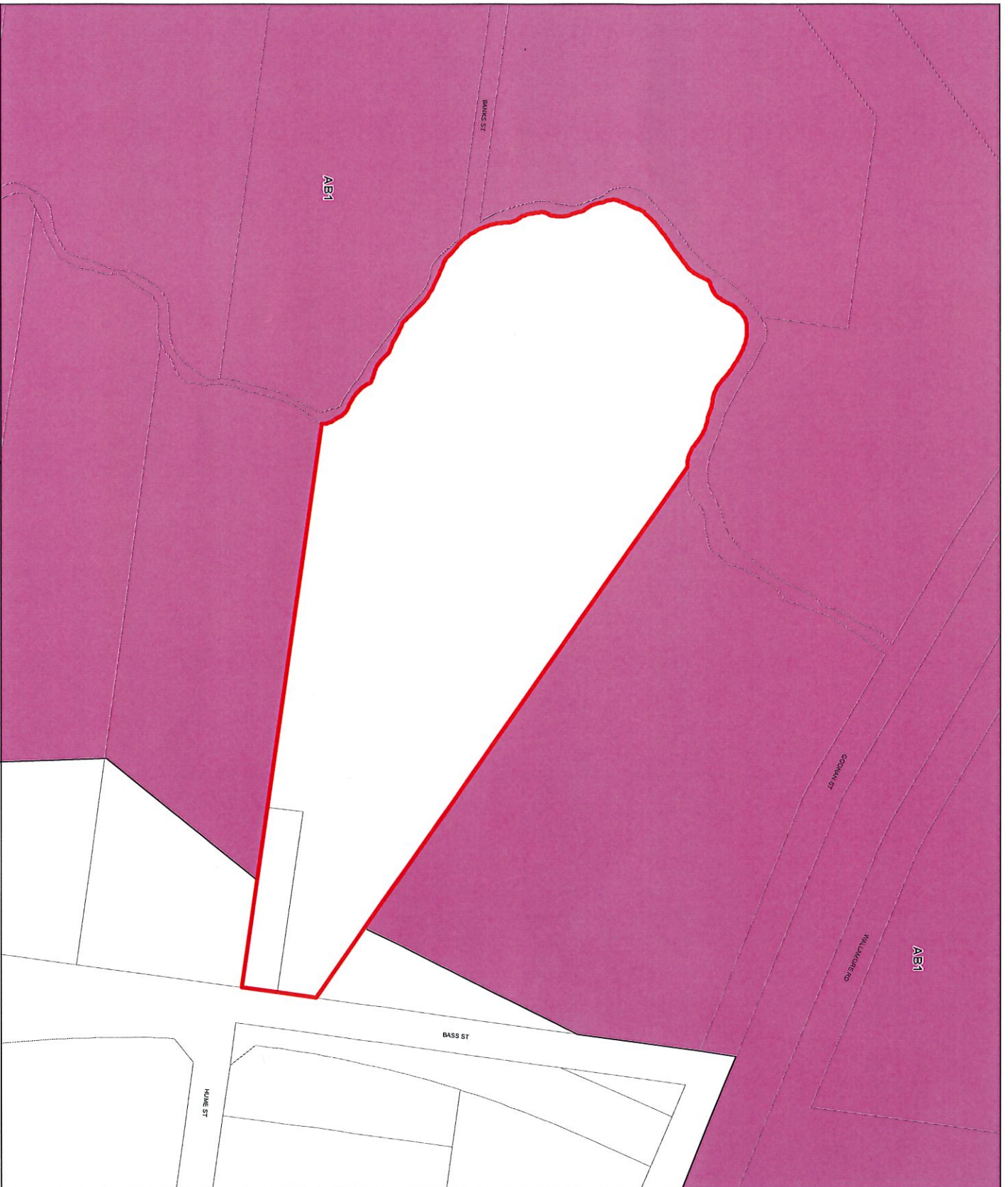
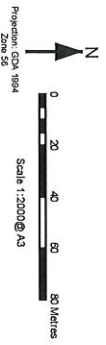
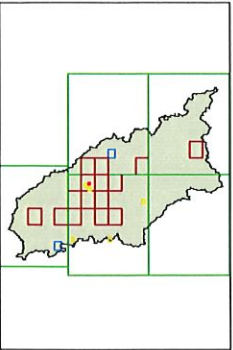
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U	1000m ²
V	2000m ²
W	4000m ²
X	1 ha
Y	2 ha
Z	5 ha
AA1	9.9 ha
AA2	20 ha
AB1	40 ha
AB2	100 ha
AO	400 ha
AE	800 ha

Cadastre

Base Data 09/01/2017 © NSW LPM/A

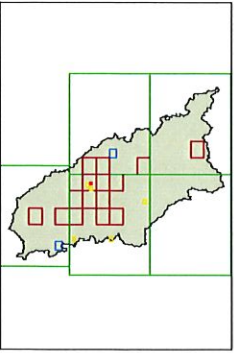


Subject Land

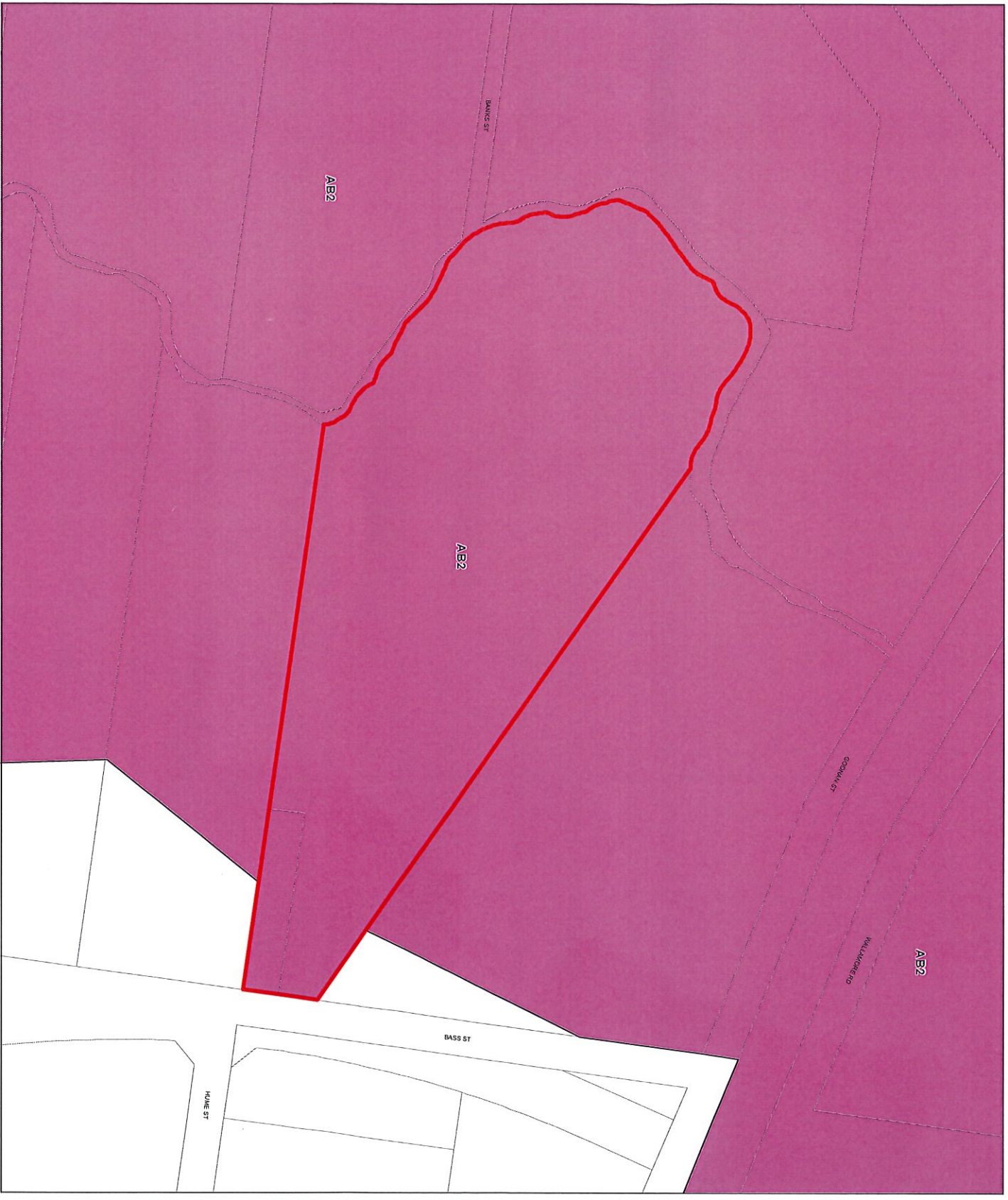


Attachment
Bass Street Taminda
Planning Proposal
Minimum Lot Size
Proposed Lot Size

Minimum Lot Size (sq m)	
M	600m ²
U	1000m ²
X	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
AE	400 ha
AF	800 ha
Cadastre	
	Base Data 09/01/2017 @ NSW L.P.M.A
AB2	Subject Land



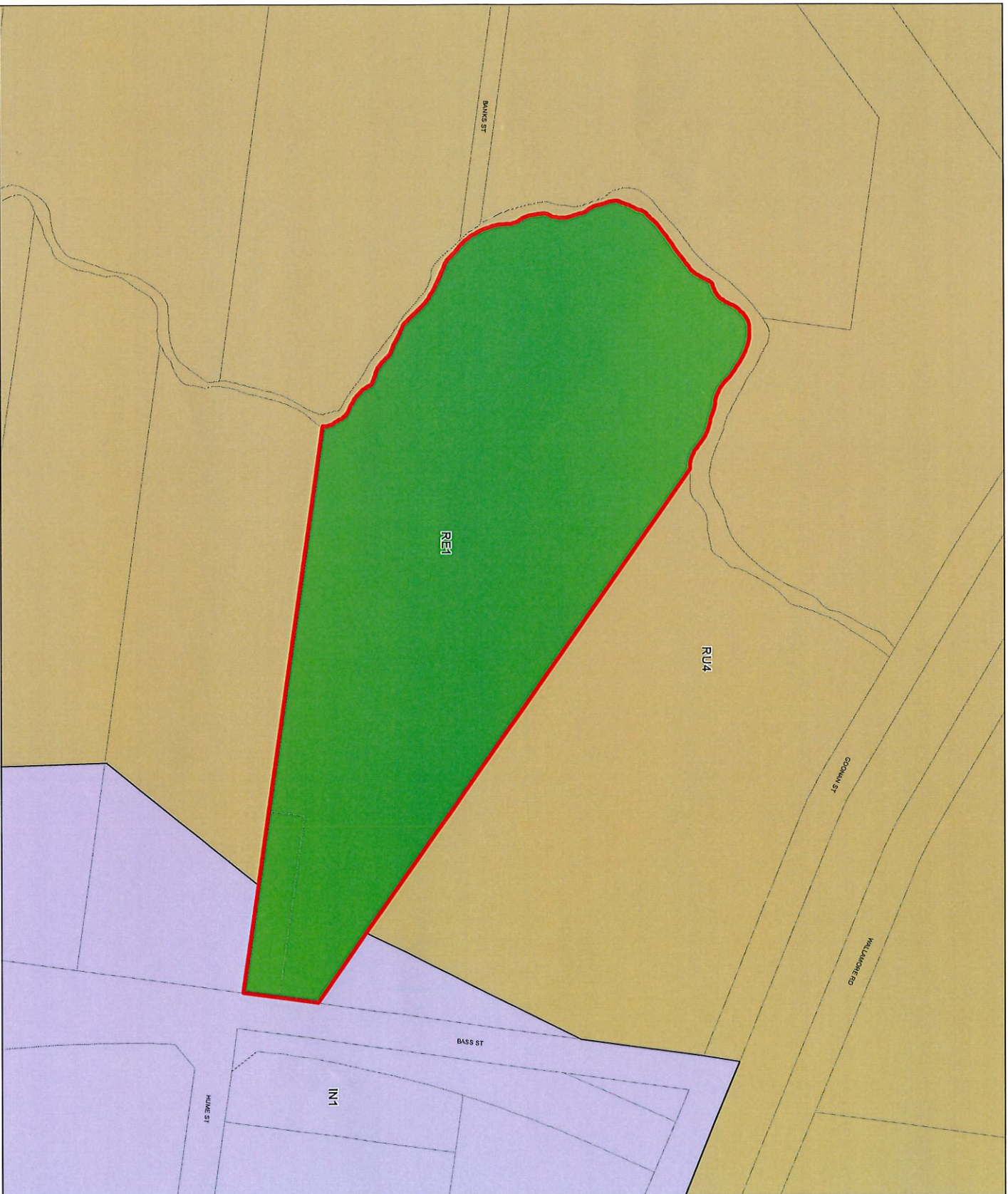
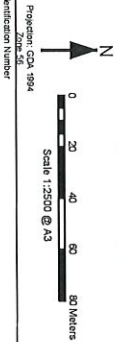
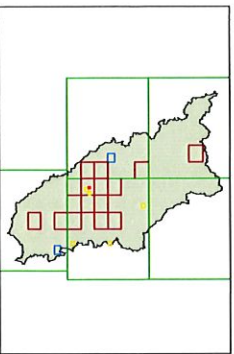
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Attachment Bass Street Taminda Planning Proposal Land Zoning Map

Existing Conditions

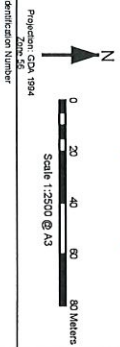
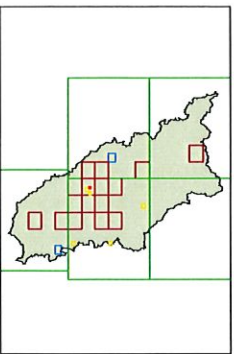
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- B1 Neighbourhood Centre
 - B2 Local Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - B5 Business Development
 - B7 Business Park
 - E1 National Parks and Nature Reserves
 - E2 Environmental Conservation
 - E3 Environmental Management
 - IN1 General Industrial
 - IN3 Heavy Industrial
 - R1 General Residential
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - RE2 Public Recreation
 - RE3 Private Recreation
 - RU1 Primary Production
 - RU3 Forestry
 - RU4 Primary Production Small Lots
 - RU5 Village
 - RU6 Transition
 - SP1 Special Activities
 - SP2 Infrastructure
 - SP3 Tourist
- Cadastrate**
- Base Data 27/03/2018 © NSW LPM/A
 - Planning Proposal
 - Subject Land



Attachment Bass Street Taminda Planning Proposal Land Zoning Map

Proposed Land Zoning

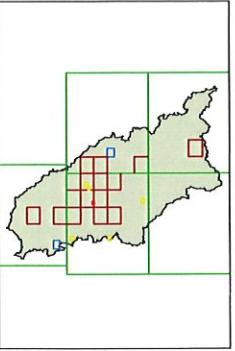
- Zone**
- R1 Neighbourhood Centre
 - R2 Local Centre
 - R3 Commercial Core
 - R4 Mixed Use
 - R5 Business Development
 - R7 Business Park
 - E1 National Parks and Nature Reserves
 - E2 Environmental Conservation
 - E3 Environmental Management
 - IN1 General Industrial
 - IN3 Heavy Industrial
 - R1 General Residential
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - RE2 Public Recreation
 - RE3 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 27/03/2018 @ NSW LPM/A
 - R2 Planning Proposal
 - R2 Subject Land



Attachment

Sandy Road Kootingal
Planning Proposal
Subject Lands
Lot 619 DP881986

Cadastre
Base Data 27/03/2018 © NSW LPM/A
Planning Proposal
Subject Land
Portion Of Affected Land

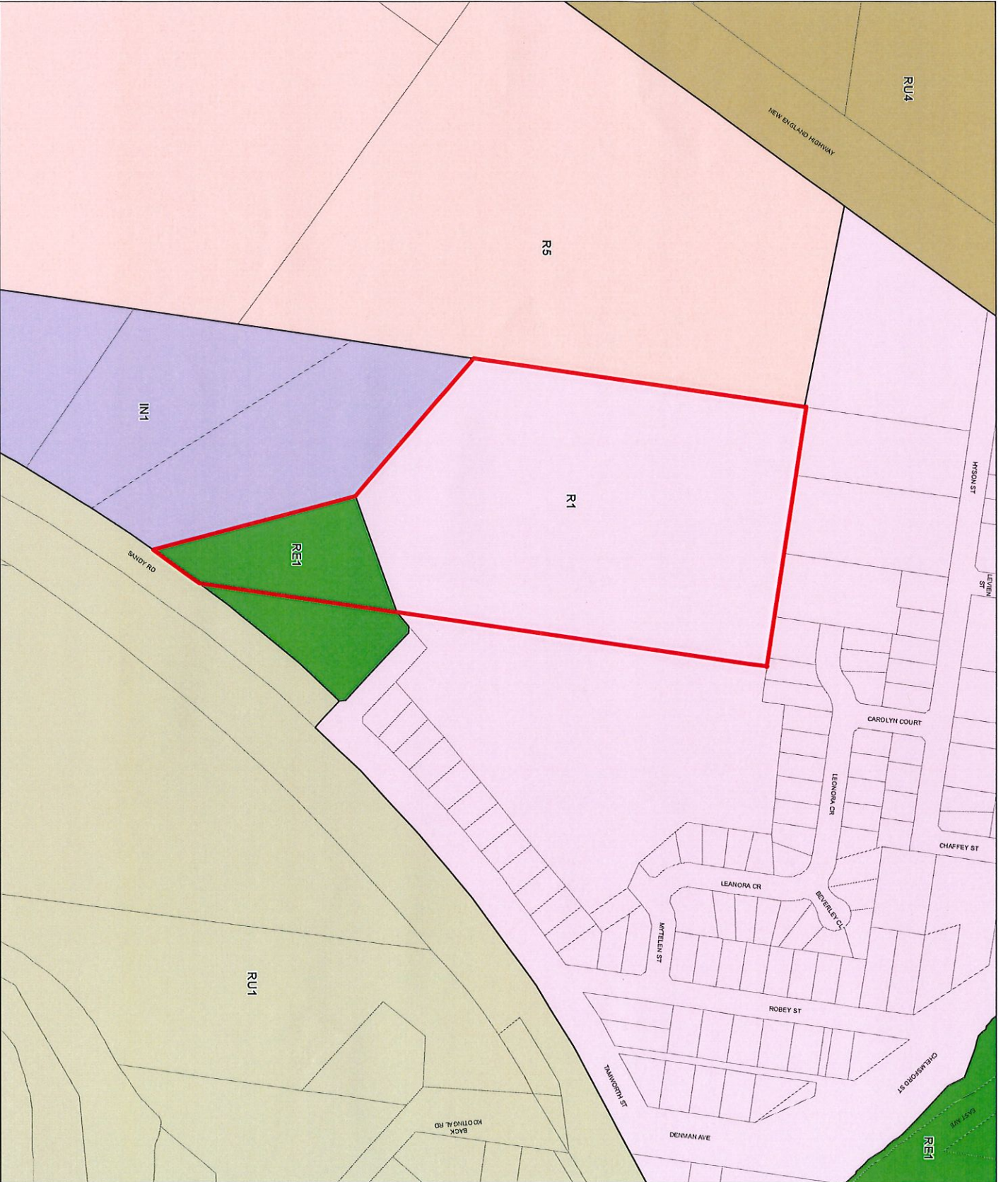
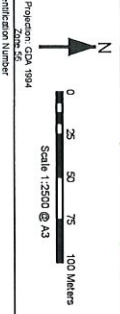
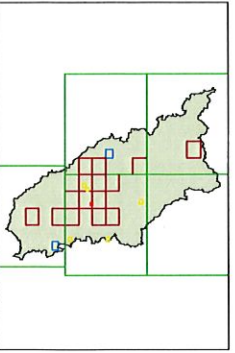


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Zone 56
Map Identification Number



Attachment Sandy Road Kootingal Planning Proposal Land Zoning Map Existing Conditions

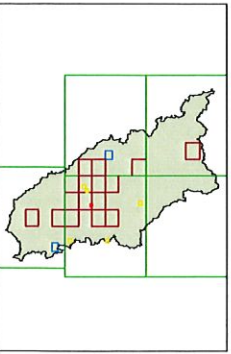
- Zone**
- R1 Neighbourhood Centre
 - R2 Local Centre
 - R3 Commercial Core
 - R4 Mixed Use
 - B5 Business Development
 - B7 Business Park
 - E1 National Parks and Nature Reserves
 - E2 Environmental Conservation
 - E3 Environmental Management
 - IN1 General Industrial
 - IN3 Heavy Industrial
 - R1 General Residential
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - RE2 Public Recreation
 - RE2 Private Recreation
 - RU1 Primary Production
 - RU3 Forestry
 - RU4 Primary Production Small Lots
 - RU5 Village
 - RU6 Transition
 - SP1 Special Activities
 - SP2 Infrastructure
 - SP3 Tourist
- Cadastre**
- Base Data 27/03/2018 @ NSW LPM/A
- Planning Proposal**
- Subject Land



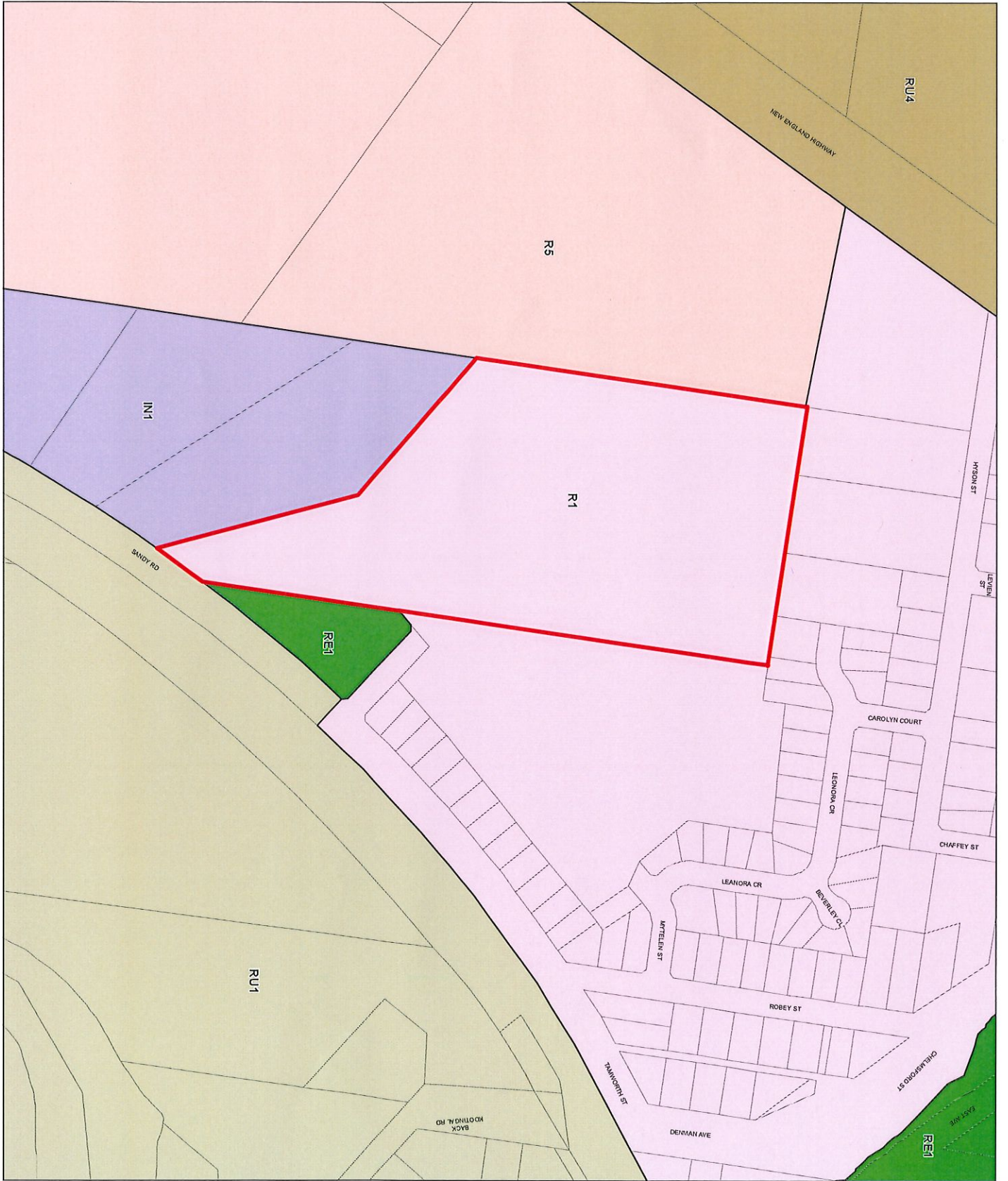
Attachment
Sandy Road Kootingal
Planning Proposal
Land Zoning Map

Proposed Land Zoning

- Zone**
- R1 Neighbourhood Centre
 - E2 Local Centre
 - E3 Commercial Core
 - E4 Mixed Use
 - E5 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 Primary Production Small Lots
 - RU5 Village
 - RU6 Transition
 - SP1 Special Activities
 - SP2 Infrastructure
 - SP3 Tourist
- Cadastre**
- Base Data 27/03/2018 © NSW LPM
- Planning Proposal**
- Subject Land



Projection: GDA 1994
Zone 56
Map Identification Number:



Sandy Road Kootingal
Planning Proposal
Minimum Lot Size
Existing Conditions

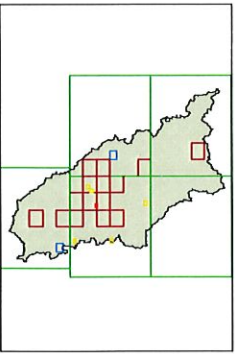
Minimum Lot Size (sq m)

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

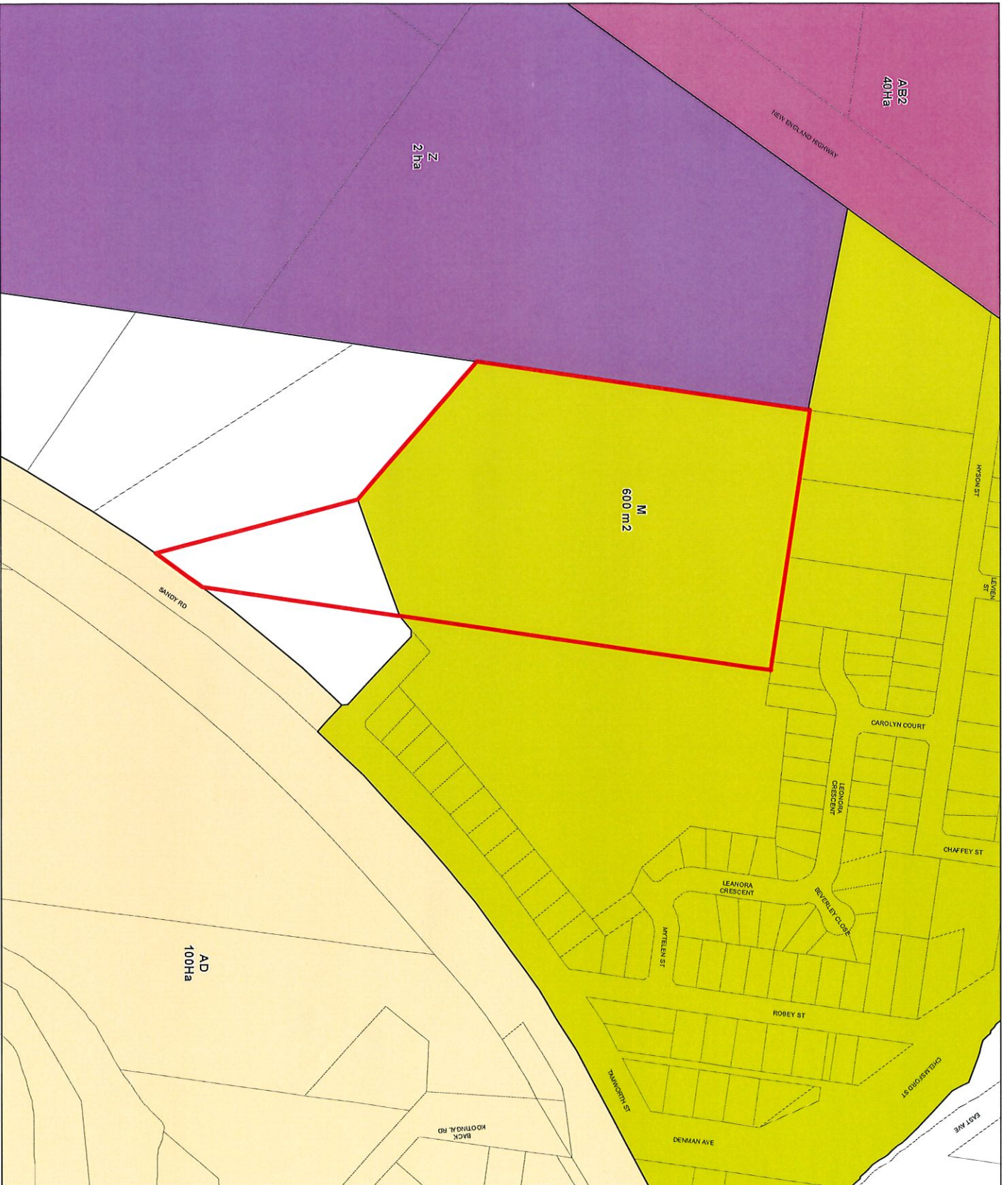
Cadastre

Base Data 20/06/2011 © NSW LPMMA

Planning Proposal
Subject Land



Projection: GDA 1984
Zone: 56
Map Identifier: Plan Number



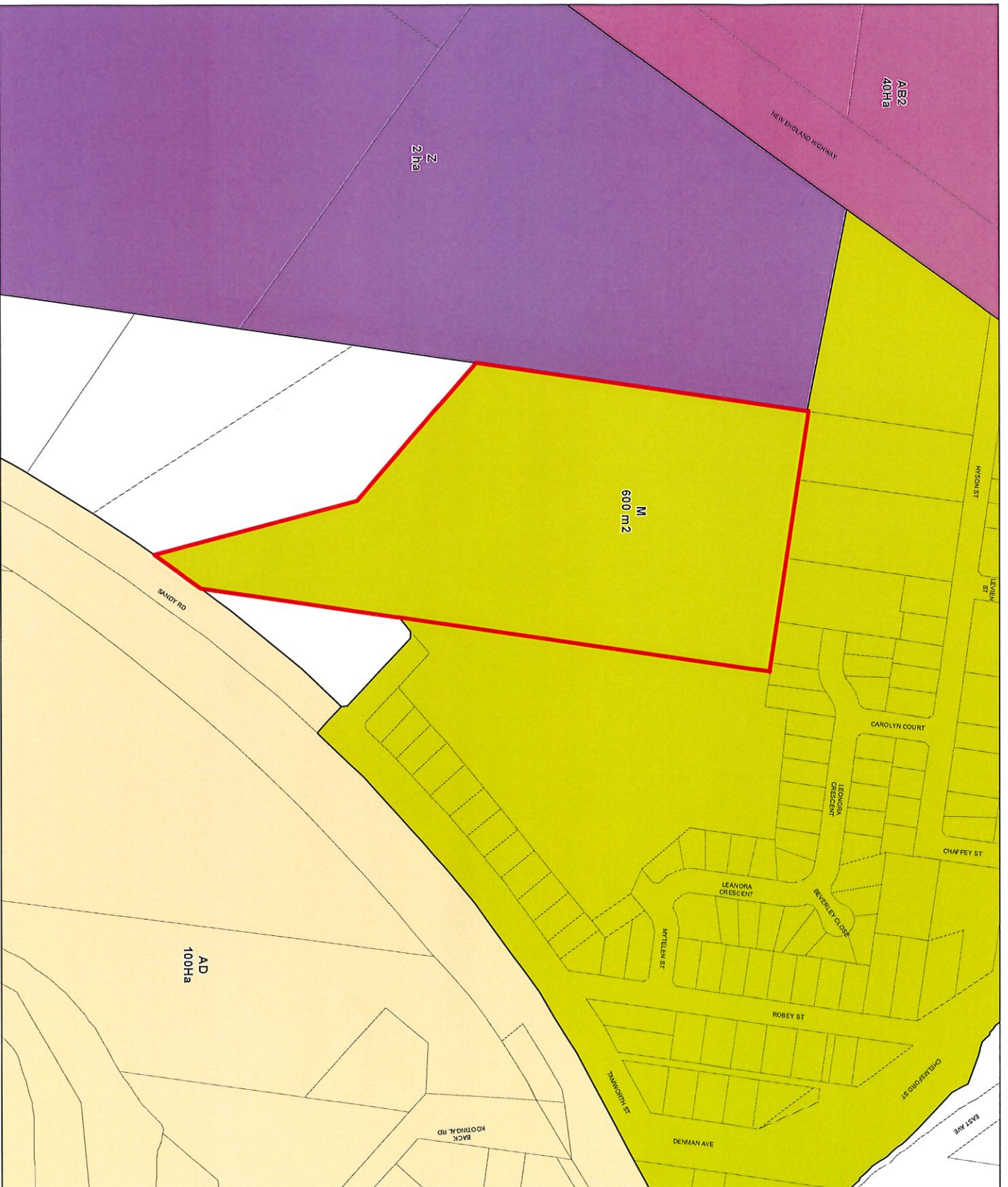
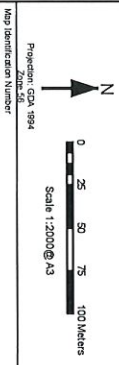
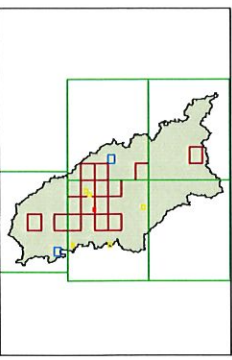
Sandy Road Kootingal
Planning Proposal
Minimum Lot Size
Proposed Lot Size

Minimum Lot Size (sq m)

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

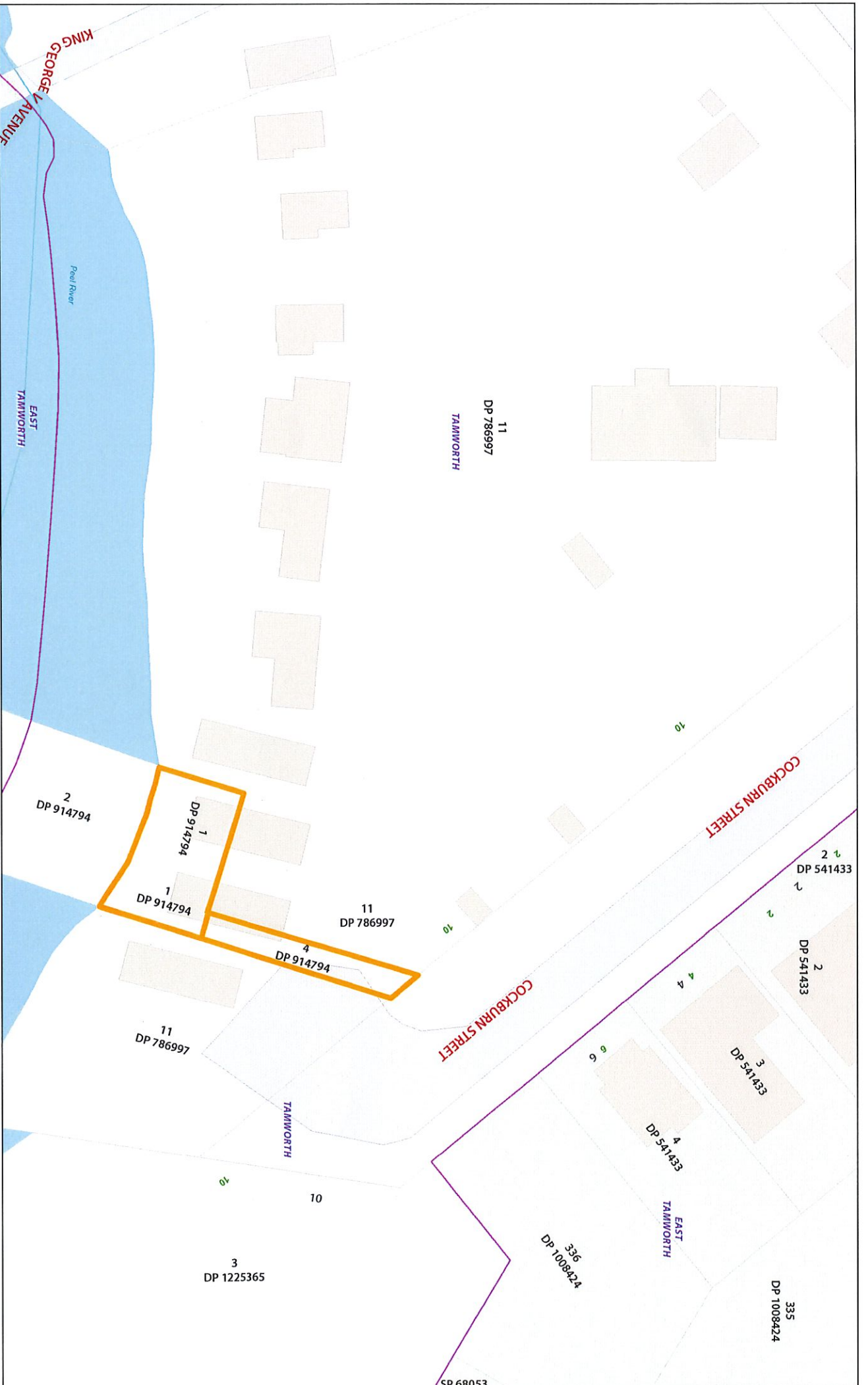
Cadastre
Base Data 20/06/2011 © NSW LPM/A

Planning Proposal
Subject Land



SUBJECT LANDS

Cockburn Street, Lots 1 and 4, DP 914794 - PLANNING PROPOSAL



Datum/Projection: GDA 1994 MGA Zone 56
Scale @ A3: 1:450
Printed By: Nathan Bartlett
Date Printed: 04/12/2017



Disclaimer:
This map has been produced by the Geographic Information Section of Tamworth Regional Council using information captured by Tamworth Regional Council and NSW Land and Property Information.
Tamworth Regional Council accepts no responsibility both in contract or tort (and particularly in negligence) for any errors, omissions or inaccuracies whatsoever contained within or arising from this map.

ATTACHMENT 2 – CHANGES TO SCHEDULE OF TAMWORTH LOCAL ENVIRONMENTAL PLAN 2010

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
38 Ridge St, Attunga	Lot 3, DP 793161	Nil
Maude St, Barraba	Section 7, DP 758059 Unnumbered Lot	Nil
71 Queen St, Barraba	Lot 2, DP 583209 Nandewar Historical Society	Nil
80 Wittens La, Barraba	Lot 205, DP 752197 Old Rubbish Depot	Nil
Wittens La, Barraba	Lot 122, DP 873257 New Rubbish Depot	Nil
12-16 Campbell Rd, Calala	Lot 2, DP 793151 Village Park	Nil
410 Armidale Rd, East Tamworth	Lot 10, DP 237064 Armidale Road Reserve	Nil
24 Carinya Ave, Manilla	Lot 174, DP 584540 Manilla Pre School	Nil
123a Forest Rd, Moore Creek	Lot 1, DP 876543 Tamworth Rubbish Depot	Nil
Ogunbil Rd, Ogunbil	Lot 1, DP 587343 Dungowan Water Main Pump	Nil
Ogunbil Rd, Ogunbil	Lot 2, DP 587343 Dungowan Water Main Pump	Nil
Ogunbil Rd, Ogunbil	Lot 1, DP 212610 Ogunbil RFS Shed	Nil
Hillvue Rd, South Tamworth	Lot 21, DP 808368 Hillvue Rd Reserve	Nil
64-68 Wilburree St, South Tamworth	Lot 16, DP 258197 Wilga Park	Nil
561 Peel St, Tamworth	Lot 93, DP 832628 Visitors Information Centre and H. Jacks	Nil
Cole Road, West Tamworth	Lot 11, DP 261929 Park No 48	Nil
62 Northview St, West Tamworth	Lot 52, DP 218403 Hathaway Park	Nil
43-45 Bass Street, Taminda	Lot 70, DP 755333 Park No 44	Nil
Cockburn Street, East Tamworth	Lots 1, DP 914794	Nil
Cockburn Street, East Tamworth	Lots 4, DP 914794	Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

- 7.1 PLANNING PROPOSAL - RECLASSIFICATION OF LOTS 1 AND 4, DP 914794 COCKBURN STREET, EAST TAMWORTH AND LOT 70, DP 755333, 'PARK 44' 43-45 BASS STREET, TAMINDA FROM COMMUNITY TO OPERATIONAL LAND – FILE NO SF8236

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Nathan Bartlett, Strategic Planner

MOTION

Moved Cr Webb/Cr Wilson

That in relation to the report "Planning Proposal - Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda from Community to Operational Land", Council:

- (i) forward the Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979; and
- (ii) place the Planning Proposal on public exhibition upon receipt of a Gateway Determination.

161/17 RESOLVED

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PROPOSED AMENDMENT OF LOT 619 DP 881986, 259 SANDY ROAD, KOOTINGAL; LOTS 70 AND 119 DP 755333, 43-45 BASS STREET, TAMINDA; AND LOTS 1 AND 4 DP 914794, COCKBURN STREET, EAST TAMWORTH – FILE NO SF8470

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Nathan Bartlett, Strategic Planner

Reference: Item 7.1 to Ordinary Council 13 June 2017 - Minute No 161/17
4 ANNEXURES ATTACHED
2 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report "Tamworth Regional Local Environmental Plan 2010 - Proposed Amendment of Lot 619 DP 881986, 259 Sandy Road, Kootingal; Lots 70 and 119 DP 755333, 43-45 Bass Street, Taminda; and Lots 1 and 4 DP 914794, Cockburn Street, East Tamworth", Council:

- (i) forward the Planning Proposal, to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979; and*
- (ii) upon receipt of a Gateway Determination in relation to the planning proposal, publicly exhibit the proposal.*

SUMMARY

The purpose of this report is to seek a resolution of Council to amend the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* in relation to the parcels of land identified as: Lot 619 DP 881986, 259 Sandy Road, Kootingal; Lots 70 and 119 DP 755333, 43-45 Bass Street, Taminda; and Lots 1 and 4 DP 914794, Cockburn Street, East Tamworth, as follows:

- rezoning and amending the Minimum Lot Size of Lot 619 DP 881986, Sandy Road, Kootingal, to allow for the correction of a zoning anomaly;
- rezoning and amending the Minimum Lot Size of Lot 70 DP 755333 and 119 DP 755333, Bass Street, Taminda, and reclassification of Lot 70 DP 755333 from Community to Operational to correct a reclassification error; and
- include the reclassification of land at Lots 1 and 4 DP 914794, Cockburn Street, East Tamworth to Operational, as endorsed at the Ordinary Meeting of Council held 13 June 2017.

Therefore the Planning Proposal will contain three components that are outlined in the body of this report.

COMMENTARY

Under the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* the subject sites require an amendment to either the zone and Minimum Lot Size (MLS) or the

classification of the land. The motivation behind an amendment to each of the land parcels is as follows:

Lot 619, DP 881986, 259 Sandy Road, Kootingal

The subject site known as Lot 619, DP 881986, 259 Sandy Road, Kootingal, is identified on the **ATTACHED** map, refer **ANNEXURE 1**, and currently has two zones. The site is zoned part *R1 – General Residential* and part *RE1 – Public Recreation*. The primary aim of this site specific amendment is to rezone part of the land that is currently zoned *RE1 – Public Recreation* to *R1 – General Residential* to rectify a mapping anomaly, which occurred in the original gazettal of the *TRLEP 2010* on 21 January 2011. In this regard, the site was mistakenly zoned as Part *RE1 Public Recreation* and not *R1 General Residential*. The MLS will also need to be changed from zero to 600m².

Lots 70 and 119 DP 755333, 43-45 Bass Street, Taminda

The subject site known as Lots 70 and 119, DP 755333, 43-45 Bass Street, Taminda, as identified on the **ATTACHED** map, refer **ANNEXURE 2**, is currently zoned *RE1 – Public Recreation*. One of the aims of this *TRLEP 2010* amendment is to rezone both lots that are currently zoned *RE1 – Public Recreation* to *RU4 – Primary Production Small Lots*. The MLS of the lots will also need to change from zero to 40 hectares.

It should be noted that Lot 70 DP 755333 Bass Street was presented to an Ordinary Council Meeting on 13 June 2017, for the purpose of correcting a previous *TRLEP 2010* amendment error whereby an incorrect lot was described in the *TRLEP 2010* schedule, which rendered the reclassification invalid. A copy of the previous report with Council resolution 161/17 is **ATTACHED**, refer **ANNEXURE 3**. Further investigations have been undertaken since this report which concluded that, in addition to the reclassification of Lot 70, rezoning of both Lots 70 and 119 DP 755333 was required in order to facilitate the future sale of the land. Upon the gazettal of this amendment it is anticipated that the subject sites, that are Council owned land, will be sold.

Lots 1 and 4 DP 914794, Cockburn Street, East Tamworth

The reclassification of these two parcels of land, as identified on the **ATTACHED** map, refer **ANNEXURE 4**, from Community land to Operational land was previously endorsed by Council at the Ordinary Meeting 13 June 2017, as **ATTACHED**, refer **ANNEXURE 3**. Given the nature of the current planning proposal, it makes sense to include these two parcels in this amendment to the *TRLEP 2010*.

CONCLUSION

Consequently, the Planning Proposal will form three components that are listed as follows:

- i) Lot 619, DP 881986, 259 Sandy Road, Kootingal - rezone part of the land that is currently zoned *RE1 – Public Recreation* to *R1 – General Residential* and amend the MLS to 600m²;
- ii) Lots 70 and 119, DP 755333, 43-45 Bass Street, Taminda – reclassification of Lot 70 DP 755333 to Operational and rezoning of both lots that are currently zoned *RE1 – Public Recreation* to *RU4 – Primary Production Small Lots* and amend the MLS to 40Ha; and
- iii) Lots 1 and 4 DP 914794, Cockburn Street, East Tamworth - Council resolution 161/17 - reclassification of land to Operational.

Maps depicting the current and proposed Zoning and Minimum Lot Size for each relevant subject site are **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 1** and **CONFIDENTIAL ENCLOSURE 2**.

In order to amend the *TRLEP 2010*, Council is required to submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination. The Planning Proposal will be written in accordance with the Department of Planning and Environment's 'A Guide to preparing Local Environmental Plans' and 'A Guide to preparing Planning Proposals'.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

The planning proposal will, if supported, result in an amendment of the *Tamworth Regional Local Environmental Plan 2010* in the future regarding the Land Zoning Map and Lot Size Map and reclassification of the relevant land parcels.

Any potential amendment to the *TRLEP 2010* would change the legal planning controls for the affected land.

(d) Community Consultation

Should the Planning Proposal proceed, community consultation will be required to be undertaken via the public exhibition and in addition, a public hearing will be required for the reclassification.

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

- 7.1 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PROPOSED AMENDMENT OF LOT 619 DP 881986, 259 SANDY ROAD, KOOTINGAL; LOTS 70 AND 119 DP 755333, 43-45 BASS STREET, TAMINDA; AND LOTS 1 AND 4 DP 914794, COCKBURN STREET, EAST TAMWORTH – FILE NO SF8470

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Nathan Bartlett, Strategic Planner

Reference: Item 7.1 to Ordinary Council 13 June 2017 - Minute No 161/17

MOTION

Moved Cr Maxwell/Cr Webb

That in relation to the report "Tamworth Regional Local Environmental Plan 2010 - Proposed Amendment of Lot 619 DP 881986, 259 Sandy Road, Kootingal; Lots 70 and 119 DP 755333, 43-45 Bass Street, Taminda; and Lots 1 and 4 DP 914794, Cockburn Street, East Tamworth", Council:

- (i) forward the Planning Proposal, to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979; and
- (ii) upon receipt of a Gateway Determination in relation to the planning proposal, publicly exhibit the proposal.

419/17 RESOLVED



Land & Property Information

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/914794

SEARCH DATE	TIME	EDITION NO	DATE
21/4/2016	10:01 AM	1	19/1/2016

LAND

LOT 1 IN DEPOSITED PLAN 914794
AT EAST TAMWORTH
LOCAL GOVERNMENT AREA TAMWORTH REGIONAL
PARISH OF NEMINGHA COUNTY OF PARRY
TITLE DIAGRAM DP914794

FIRST SCHEDULE

WATER ADMINISTRATION MINISTERIAL CORPORATION (CA164306)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- 2 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

lg:tamw-elliotts WAMC Paradise

PRINTED ON 21/4/2016

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

BOX 582W
(AM351815)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
4/914794	
EDITION	DATE OF ISSUE
1	26/5/2017
CERTIFICATE AUTHENTICATION CODE	
3FJ3-K5-D2D3	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 4 IN DEPOSITED PLAN 914794
AT EAST TAMWORTH.
LOCAL GOVERNMENT AREA: TAMWORTH REGIONAL.
PARISH OF TAMWORTH COUNTY OF INGLIS
TITLE DIAGRAM: DP914794

FIRST SCHEDULE

TAMWORTH REGIONAL COUNCIL

(R AM351815)

SECOND SCHEDULE

1. LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
2. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
3. NOTIFICATION IN GOVERNMENT GAZETTE DATED 14.3.1952 FOLIO 830 EASEMENT FOR ACCESS AFFECTING THE LAND ABOVE DESCRIBED
4. DP1225365 EASEMENT TO DRAIN SEWAGE 3 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1225365
5. DP1225365 EASEMENT TO DRAIN WATER 1.5 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1225365

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE WILL RESULT IN HEAVY FINES OR IMPRISONMENT IN THE REAL PROPERTY ACT.

Certificate of Title

Certificate of Title

BOX 47V
(PA53784)

NEW SOUTH WALES

CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TORRENS TITLE

REFERENCE TO FOLIO OF THE REGISTER

IDENTIFIER 70/755333

EDITION

DATE OF ISSUE

12

16. 8. 1988

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 70 IN DEPOSITED PLAN 755333
AT TAMWORTH
CITY OF TAMWORTH
PARISH OF MURROON COUNTY OF PARRY
TITLE DIAGRAM: SEE CROWN PLAN 2552.1764

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF TAMWORTH

SECOND SCHEDULE

1. LAND EXCLUDES MINERALS-SEE NOTIFICATION IN GOVERNMENT GAZETTE DATED 25.3.1977 FOL 1207
2. THE PROPRIETOR HOLDS SUBJECT TO THE PROVISIONS OF THE PART 111C CROWN LANDS CONSOLIDATION ACT, 1913

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

376324 PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

**Consideration of State Environmental Planning Policies Relative to the
Planning Proposal for Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East
Tamworth, Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street,
Taminda, Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and
Rezoning of Lot 619, DP 881986, 259 Sandy Road, Kootingal**

The following SEPP's apply to the Tamworth Regional Council Area Local Government Area, as at 21 September 2017.

SEPP	Applicable to TRC?	Consistent/ Inconsistent	Reason for inconsistency or comment
State Environmental Planning Policy No. 1 - Development Standards	No	N/A	The planning proposal has no implications in terms of SEPP 1
State Environmental Planning Policy No. 14 - Coastal Wetlands	No	N/A	Not applicable
State Environmental Planning Policy No. 15 - Rural Land sharing Communities	Yes	Consistent	Not applicable
State Environmental Planning Policy No. 19 - Bushland in Urban Areas	No	N/A	Not applicable
State Environmental Planning Policy No. 21 - Caravan Parks	Yes	Consistent	The planning proposal has no implications in terms of the application of the SEPP.
State Environmental Planning Policy No. 26 – Littoral Rainforests	No	N/A	Not applicable
State Environmental Planning Policy No. 29 – Western Sydney Recreational Area	No	N/A	Not applicable
State Environmental Planning Policy No. 30 - Intensive Agriculture	Yes	N/A	Intensive livestock agriculture is not a permissible use in the RE1 zone. The provisions of the SEPP are additional to those in TRLEP 2010.
State Environmental Planning Policy No. 32 - Urban Land Consolidation (Redevelopment of Urban Land)	Yes	N/A	Not applicable to the lands
State Environmental Planning Policy No. 33 - Hazardous and Offensive Development	Yes	N/A	Not applicable to the lands
State Environmental Planning Policy No. 36 - Manufactured Home Estates	Yes	Consistent	The planning proposal has no implications in terms of the application of the SEPP.
State Environmental Planning Policy No. 39 – Spit Island Bird Habitat	No	N/A	Not applicable
State Environmental Planning Policy No. 44 - Koala Habitat Protection	No	N/A	Not applicable
State Environmental Planning Policy No. 47 – Moore Park Showground	No	N/A	Not applicable
State Environmental Planning Policy No. 50 - Canal Estate Development	No	N/A	Not applicable
State Environmental Planning Policy No. 52 – Farm Dams and other works in Land and Water Management Plan Area	No	N/A	Not applicable

**Consideration of State Environmental Planning Policies Relative to the
Planning Proposal for Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East
Tamworth, Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street,
Taminda, Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and
Rezoning of Lot 619, DP 881986, 259 Sandy Road, Kootingal**

SEPP	Applicable to TRC?	Consistent/ Inconsistent	Reason for inconsistency or comment
State Environmental Planning Policy No. 55 - Remediation of Land	Yes	Consistent	A desktop analysis has been undertaken in relation to site contamination for the planning proposal. There are no identified implications in relation to SEPP 55.
State Environmental Planning Policy No. 59 – Central Western Sydney Regional Open Space and Residential	No	N/A	Not applicable
State Environmental Planning Policy No. 62 - Sustainable Aquaculture	Yes	N/A	Not applicable
State Environmental Planning Policy No. 64 - Advertising and Signage	Yes	N/A	Not applicable
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development	Yes	N/A	Not applicable
State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)	No	N/A	Not applicable
State Environmental Planning Policy No. 71 – Coastal Protection	No	N/A	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	N/A	Not applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	N/A	Not applicable
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	N/A	Not applicable
State Environmental Planning Policy Housing for Seniors or People with a Disability 2004	Yes	N/A	Not applicable
State Environmental Planning Policy (Infrastructure) 2007	Yes	N/A	Not applicable
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	N/A	Not applicable
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A	Not applicable
State Environmental Planning Policy (Major Development) 2005	Yes	N/A	Not applicable
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	N/A	Not applicable
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A	Not applicable
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A	Not applicable
State Environmental Planning Policy (Rural Lands) 2008	No	N/A	Not applicable

**Consideration of State Environmental Planning Policies Relative to the
Planning Proposal for Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East
Tamworth, Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street,
Taminda, Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and
Rezoning of Lot 619, DP 881986, 259 Sandy Road, Kootingal**

SEPP	Applicable to TRC?	Consistent/ Inconsistent	Reason for inconsistency or comment
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	No	N/A	Not applicable
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A	Not applicable
State Environmental Planning Policy (State Significant Precincts)	No	N/A	Not applicable
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A	Not applicable
State Environmental Planning Policy (Three Ports) 2013	No	N/A	Not applicable
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A	Not applicable
State Environmental Planning Policy (Western Sydney Employment Area)	No	N/A	Not applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A	Not applicable

**Consideration of State Environmental Planning Policies Relative to the
Planning Proposal for Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East
Tamworth, Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street,
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State Environmental Planning Policy No. 19 - Bushland in Urban Areas	No	N/A	Not applicable
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State Environmental Planning Policy No. 29 – Western Sydney Recreational Area	No	N/A	Not applicable
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State Environmental Planning Policy No. 47 – Moore Park Showground	No	N/A	Not applicable
State Environmental Planning Policy No. 50 - Canal Estate Development	No	N/A	Not applicable
State Environmental Planning Policy No. 52 – Farm Dams and other works in Land and Water Management Plan Area	No	N/A	Not applicable

**Consideration of State Environmental Planning Policies Relative to the
Planning Proposal for Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East
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Taminda, Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and
Rezoning of Lot 619, DP 881986, 259 Sandy Road, Kootingal**

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State Environmental Planning Policy No. 59 – Central Western Sydney Regional Open Space and Residential	No	N/A	Not applicable
State Environmental Planning Policy No. 62 - Sustainable Aquaculture	Yes	N/A	Not applicable
State Environmental Planning Policy No. 64 - Advertising and Signage	Yes	N/A	Not applicable
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development	Yes	N/A	Not applicable
State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)	No	N/A	Not applicable
State Environmental Planning Policy No. 71 – Coastal Protection	No	N/A	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	N/A	Not applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	N/A	Not applicable
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	N/A	Not applicable
State Environmental Planning Policy Housing for Seniors or People with a Disability 2004	Yes	N/A	Not applicable
State Environmental Planning Policy (Infrastructure) 2007	Yes	N/A	Not applicable
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	N/A	Not applicable
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A	Not applicable
State Environmental Planning Policy (Major Development) 2005	Yes	N/A	Not applicable
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	N/A	Not applicable
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A	Not applicable
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A	Not applicable
State Environmental Planning Policy (Rural Lands) 2008	No	N/A	Not applicable

**Consideration of State Environmental Planning Policies Relative to the
Planning Proposal for Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East
Tamworth, Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street,
Taminda, Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and
Rezoning of Lot 619, DP 881986, 259 Sandy Road, Kootingal**

SEPP	Applicable to TRC?	Consistent/ Inconsistent	Reason for inconsistency or comment
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	No	N/A	Not applicable
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A	Not applicable
State Environmental Planning Policy (State Significant Precincts)	No	N/A	Not applicable
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A	Not applicable
State Environmental Planning Policy (Three Ports) 2013	No	N/A	Not applicable
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A	Not applicable
State Environmental Planning Policy (Western Sydney Employment Area)	No	N/A	Not applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A	Not applicable

Consideration of Section 117 Ministerial Directions
Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth,
Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda,
Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and Rezoning of Lot
619, DP 881986, 259 Sandy Road, Kootingal

1. Employment and Resources

Direction	Applicable To TRC	Consistent	Reason for inconsistency or comment
1.1 Business and Industrial Zones	Yes	Not Applicable	<p>Lot 619, DP 881986 - Kootingal</p> <p>Lot 619, DP 881986 is zoned part <i>RE1 - Public Recreation</i> and part <i>R1- General Residential</i>. The land currently identified as public recreation will be rezoned to R1 to correct on error in the original publication of the instrument.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>Lots 70 and 119, DP 755333 are zoned <i>RE1 - Public Recreation</i> and is vacant land.</p> <p>The classification of Lot 70 is currently identified as Community Land which is an error in a previous amendment that requires correction.</p> <p>Lots 1 and 4, DP 914794 – East Tamworth</p> <p>Lots 1 and 4, DP 914794 are zoned part <i>RE1 - Public Recreation</i> and part <i>RU4 - Primary Production Small Lots</i>. The Planning Proposal intends to amend the classification of both lots to Operational Land in order to transfer ownership to the current occupants of the land (Caravan Park).</p>
1.2 Rural Zones	Yes	Consistent	<p>Lot 619, DP 881986 - Kootingal</p> <p>Lot 619, DP 881986 is zoned part <i>RE1 - Public Recreation</i> and part <i>R1- General Residential</i>. The land currently identified as public recreation will be rezoned to R1 to correct on error in the original publication of the instrument.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>Lots 70 and 119, DP 755333 are zoned <i>RE1 - Public Recreation</i> and is vacant land. The land is to be rezoned to <i>RU4 - Primary Production Small Lots</i> with a MLS of 40 hectares.</p> <p>The classification of Lot 70 is currently identified as Community Land which is an error that requires correction.</p>

Consideration of Section 117 Ministerial Directions

**Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth,
 Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda,
 Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and Rezoning of Lot
 619, DP 881986, 259 Sandy Road, Kootingal**

			<p>Lots 1 and 4, DP 914794 – East Tamworth</p> <p>The current uses of the land will continue to be carried out on site and only ownership will change should the Planning Proposal be supported.</p> <p>The proposed amendments will not increase the permissible density of land and accordingly complies with this direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Consistent	<p>Planning Proposal is in accordance with all requirements of S.117 Directions. The subject site is not affected by this Direction.</p>
1.4 Oyster Aquaculture	No	Not Applicable	<p>Does not affect the Tamworth LGA.</p>
1.5 Rural Lands	Yes	Consistent	<p>Lot 619, DP 881986 - Kootingal</p> <p>Lot 619, DP 881986 is zoned part <i>RE1 - Public Recreation</i> and part <i>R1- General Residential</i>. The land currently identified as public recreation will be rezoned to R1 to correct on error in the original publication of the instrument.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>The classification of Lot 70 is currently identified as Community Land which is an error that requires correction.</p> <p>Lots 70 and 119, DP 755333 are zoned <i>RE1 - Public Recreation</i> and is vacant land. The land is proposed to be rezoned to <i>RU4 - Primary Production Small Lots</i> with a MLS of 40 hectares. The Planning Proposal will make available approximately 6 hectares of rural land.</p> <p>Proposed rezoning will be consistent with the adjoining lands and will have minimal impact. The current RE1 zone has higher order uses than the RU4 zone. In this regard the proposal is of minor significance in a rural context.</p> <p>Lots 1 and 4, DP 914794 – East Tamworth</p> <p>The current uses of the land will continue to be carried out on site and only ownership will change should the Planning Proposal be supported.</p>

Consideration of Section 117 Ministerial Directions
Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth,
Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda,
Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and Rezoning of Lot
619, DP 881986, 259 Sandy Road, Kootingal

2. Environment and Heritage

Direction	Applicable	Consistent	Reason for inconsistency or comment
2.1 Environment Protection Zones	Yes	Consistent	The proposal is consistent with the objective in that none of the land is identified to be within a high environmental protection zone.
2.2 Coastal Protection	No	Not Applicable	Does not affect Tamworth LGA
2.3 Heritage Conservation	Yes	Not Applicable	Does not affect the subject lands.
2.4 Recreation Vehicle Areas	Yes	Not Applicable	Does not affect the subject lands.

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Reason for inconsistency or comment
3.1 Residential Zones	Yes	Consistent	<p>Lot 619, DP 881986 - Kootingal</p> <p>Part of the subject land is proposed <i>R1 - General Residential</i> to correct an error in the TRLEP 2010.</p> <p>This site will generate approximately 10,400m² of land available for residential development and provide for housing needs. This is considered to be consistent with the objectives of the direction.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>The land will change from RE1 to RU4. Lot 70 will also be reclassified to Operational Land to be consistent with Lot 119 (already operational) to facilitate the future sale of council owned land.</p> <p>Lots 1 and 4, DP 914794 - East Tamworth</p> <p>The land is to be reclassified to operational. There is no impact on the supply of residential land.</p>
3.2 Caravan Parks and Manufactured Home Estates	Yes	Consistent	<p>Lot 619, DP 881986 - Kootingal</p> <p>Not applicable</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>Not applicable</p>

Consideration of Section 117 Ministerial Directions

**Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth,
Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda,
Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and Rezoning of Lot
619, DP 881986, 259 Sandy Road, Kootingal**

			<p>Lots 1 and 4, DP 914794 - East Tamworth</p> <p>Paradise Tourist Park (Caravan Park) exists on Lots 1 and 4, DP 914794. The current zones are not subject to any change and the Planning Proposal is consistent with the objectives of the Direction.</p>
3.3 Home Occupations	No	Not Applicable	<p>The Planning Proposal will facilitate the sale and transfer of land. Home Occupations are not permitted within the <i>RE1 - Public Recreation</i> zone.</p>
3.4 Integrating Land Use and Transport	Yes	Consistent	<p>Lot 619, DP 881986 - Kootingal</p> <p>Once part of the land is rezoned the development application process will determine the most appropriate access to the site.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>The subject land is currently zoned <i>RE1 - Public Recreation</i>. A rezoning to <i>RU4 - Primary Production Small Lots</i> could lead to improvements on the land as a result of development.</p> <p>Lots 1 and 4, DP 914794 - East Tamworth</p> <p>The land is to be reclassified to operational. There will be no changes to existing public infrastructure.</p> <p>There is infrastructure capacity to support future public transport from the proposal. Consequently, the Planning Proposal is consistent with the direction in this instance.</p>
3.5 Development Near Licensed Aerodromes	No	Not Applicable	Does not affect the subject lands.
3.6 Shooting Ranges	No	Not Applicable	Does not affect the subject lands.

4. Hazard and Risk

Direction	Applicable	Consistent	Reason for inconsistency or comment
4.1 Acid Sulfate Soils	No	Not Applicable	Does not affect the LGA.
4.2 Mine Subsidence and Unstable Land	No	Not Applicable	Does not affect the LGA.
4.3 Flood Prone Land	Yes	Consistent	<p>Lot 619, DP 881986 - Kootingal</p> <p>The subject and is not flood affected.</p> <p>Lots 70 and 119, DP 755333 – Taminda</p> <p>The subject land is identified as Flood Prone. The proposal does not propose to amend planning provisions that affect flood prone land.</p>

Consideration of Section 117 Ministerial Directions

***Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth,
Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda,
Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and Rezoning of Lot
619, DP 881986, 259 Sandy Road, Kootingal***

			Lots 1 and 4, DP 914794 - East Tamworth The subject land is identified as Flood Prone. The proposal does not propose to amend planning provisions that affect flood prone land.
4.4 Planning for Bushfire Protection	Yes	Yes	The proposal does not affect land that is covered by bushfire mapping.

5. Regional Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
5.1 Implementation of Regional Strategies	No	Not applicable	Does not affect the Tamworth LGA.
5.2 Sydney Drinking Water Catchments	No	Not applicable	Does not affect the Tamworth LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	Does not affect the Tamworth LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	Does not affect the Tamworth LGA.
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	Does not affect the Tamworth LGA.
5.9 North West Rail Link Corridor Strategy	No	Not applicable	Does not affect the Tamworth LGA.
5.10 Implementation of Regional Plans	Yes	Yes	The planning proposal is in accordance with the <i>New England North West Regional Plan 2036</i> .

6. Local Plan Making

Direction	Applicable	Consistent	Reason for inconsistency or comment
6.1 Approval and Referral Requirements	Yes	Consistent	The Planning Proposal is in accordance with the requirements of the S.117 Direction.
6.2 Reserving Land for Public Purposes	Yes	Consistent	The Planning Proposal has been prepared for the purpose of correcting errors that have occurred in previous publication of the planning instrument. The proposal will also facilitate the sale and transfer of land.

Consideration of Section 117 Ministerial Directions

**Reclassification of Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth,
 Reclassification and Rezoning of Lot 70, DP 755333, 'Park 44' 43-45 Bass Street, Taminda,
 Rezoning of Lot 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda and Rezoning of Lot
 619, DP 881986, 259 Sandy Road, Kootingal**

			The Planning Proposal is in accordance with the requirements of the S.117 Direction.
6.3 Site Specific Provisions	Yes	Consistent	The Planning Proposal has been prepared for the purpose of correcting errors that have occurred in previous publication of the instrument. The proposal will also facilitate the sale and transfer of land. Furthermore, no site specific provisions or development standards in addition to those already contained within the LEP will be applied. The Planning proposal is in accordance with the requirements of the S.117 Direction.

7. Metropolitan Planning

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

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kootingal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

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 LEP be compatible with agreed State and Regional strategic direction for development in the area? YES	<p>The proposal is compatible with the New England North West Regional Plan 2036 prepared by the Department of Planning and Environment and the Tamworth Regional Development Strategy 2008.</p> <p>Lot 619, DP 881986 – Kootingal</p> <p>The part zoning RE1 – <i>Public Recreation</i> is an anomaly which occurred during the original gazettal of the TRLEP 2010.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>Lot 70 is currently classified as Community Land due to an error which occurred in a previous amendment to the LEP. Both lots 70 and 119 are currently zoned RE1 – <i>Public Recreation</i> zoning does not permit agricultural development and limits the development potential of the land.</p>	<p>Lot 619, DP 881986 – Kootingal</p> <p>The planning proposal for part of the land that is - will facilitate residential land uses.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>The planning proposal for land proposed RU4 - <i>Primary Production Small Lots</i> will facilitate agricultural land uses. The reclassification of Lot 70 to Operational Land will facilitate the future sale of Council owned land.</p>	<p>The community will benefit as a result of corrections to the TRLEP 2010. The rezoning of the land will also facilitate residential and agricultural development.</p>

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kootingal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
	<p>Lots 1 and 4, DP 914794 – East Tamworth</p> <p>The land is currently classified as Community Land and the ownership of the land cannot be transferred to Paradise Caravan Park who currently occupies the land.</p>	<p>Lots 1 and 4, DP 914794 – East Tamworth</p> <p>The land is proposed to be reclassified to Operational Land and transferred to the current occupants (Caravan Park).</p>	
<p>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?</p> <p>YES</p>	<p>The proposal is compatible with the <i>New England North West Regional Plan 2036</i> prepared by the Department of Planning and Environment and the <i>Tamworth Regional Development Strategy 2008</i>.</p>	<p>The proposed changes to the lands are supported by the goals identified by the <i>New England North West Regional Plan 2036</i>.</p>	<p>The <i>New England North West Regional Plan 2036</i> supports the Planning Proposal. A community benefit is identified as a result of the proposed changes.</p>
<p>Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?</p> <p>YES</p>	<p>The proposal is compatible with the <i>New England North West Regional Plan 2036</i> prepared by the Department of Planning and Environment and the <i>Tamworth Regional Development Strategy 2008</i>.</p> <p>Lot 619, DP 881986 – Kootingal</p> <p>The subject site is currently zoned part R1 - General Residential and part RE1 - Public Recreation and is vacant land. It is an error which occurred during the original gazettal</p>	<p>Lot 619, DP 881986 – Kootingal</p> <p>Rezoning part of the land will change the expectations from RE1 to R1. The Minimum Lot Size (MLS) for those lots will also be affected.</p> <p>Lots 70 and 119, DP 755333 – Taminda</p> <p>Rezoning of the land, which includes Council land, will change</p>	<p>The community will benefit from the change to R1- General Residential zone. Future development will provide an increase of available residential land in close proximity to the town of Kootingal. Additionally, land zoned RU4 - Primary Production Small Lots will provide suitable potential agricultural/commercial land. This is considered to be a benefit based on this criterion.</p>

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kootinjal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
	<p>of the TRLEP 2010.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>Lot 70 is currently classified as Community Land due to an error which occurred in a previous amendment to the LEP. Both Lots 70 and 119 are currently zoned RE1 – <i>Public Recreation</i>, which limits the development potential of the land.</p>	<p>the expectations from RE1 to RU4. Lot 70 will also be reclassified to Operational Land to facilitate the future sale of the land.</p>	
	<p>Lots 1 and 4, DP 914794 – East Tamworth</p> <p>The land is currently classified as Community Land and the ownership of the land cannot be transferred to Paradise Caravan Park who currently occupies the land</p>	<p>Lots 1 and 4, DP 914794 – East Tamworth</p> <p>The reclassification of the land will enable the transfer of ownership of the land from Council to the current occupants (Paradise Caravan Park).</p>	
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? N/A	Not applicable. There have not been other spot rezoning's affected in the locality.	Not applicable	Not applicable

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kootिंगal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

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 planning proposal facilitate a permanent employment generating activity? NO	<p>Lot 619, DP 881986 – Kootिंगal</p> <p>The current part zoning RE1 – <i>Public Recreation</i> is an anomaly.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>Lot 70 is currently classified as Community Land due to an error in a previous amendment to the LEP. Both lots 70 and 119 are currently zoned RE1 – <i>Public Recreation</i> and limits the development potential of the land.</p> <p>Lots 1 and 4, DP 914794 – East Tamworth</p>	<p>Lot 619, DP 881986 – Kootिंगal</p> <p>The proposal will amend part of the land from RE1 to R1. The Minimum Lot Size (MLS) for this lot will also be affected.</p> <p>Lots 70 and 119, DP 755333 – Taminda</p> <p>The proposal will amend the current zone from RE1 to RU4. The Minimum Lot Size (MLS) for those lots will also be affected. Lot 70 will also be reclassified to Operational Land to facilitate the future sale of the land.</p> <p>Lots 1 and 4, DP 914794 – East Tamworth</p>	<p>No permanent employment generating activities will occur on any of the lands as a result of the planning proposal.</p>
Will the planning proposal impact upon the supply of residential land and therefore housing supply and affordability? YES	<p>Lot 619, DP 881986 - Kootिंगal</p> <p>The subject land is currently zoned part R1 – <i>General Residential</i> and part RE1 - <i>Public Recreation</i>.</p>	<p>Lot 619, DP 881986 - Kootिंगal</p> <p>Part of the subject land is proposed R1 - <i>General Residential</i> to correct an error in the TRLEP 2010.</p>	<p>Lot 619, DP 881986 – Kootिंगal</p> <p>This site will generate approximately 10,400m² of land available for residential development. This is considered to be a benefit based on</p>

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kootingal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

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 existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? YES	Lots 70 and 119, DP 755333 - Taminda The subject land is currently zoned RE1 - Public Recreation.	Lots 70 and 119, DP 755333 – Taminda The land will change from RE1 to RU4. Lot 70 will also be reclassified to Operational Land to be consistent with Lot 119 (already operational) facilitate the future sale of council owned land.	this criterion.
	Lots 1 and 4, DP 914794 - East Tamworth The subject land is currently zoned part RE1 – Public Recreation and part RU4 – Primary Production Small Lots. The classification of both lots is currently community.	Lots 1 and 4, DP 914794 - East Tamworth The land is to be reclassified to operational. There is no impact on the supply of residential land.	
	Lot 619, DP 881986 - Kootingal The subject site is currently serviced by Sandy Road. The subject site is also currently serviced by electricity and water infrastructure.	Lot 619, DP 881986 - Kootingal Once part of the land is rezoned the development application process will determine the most appropriate access to the site. Facilities including water, electricity etc. will be extended to service future development on the land.	Lot 619, DP 881986 - Kootingal The Planning Proposal will rezone the land to R1 - General Residential, providing an opportunity for further development of the land. This will enable a better future public and community service. This is considered to be a benefit based on this criterion.
	Lots 70 and 119, DP 755333 - Taminda The subject site is currently serviced	Lots 70 and 119, DP 755333 - Taminda The subject land is currently zoned RE1 - Public Recreation. A	Lots 70 and 119, DP 755333 - Taminda The Planning Proposal will rezone

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kootingal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
	<p>by Bass Street.</p> <p>The subject site is also currently serviced by electricity, sewer and water infrastructure.</p> <p>Lots 1 and 4, DP 914794 - East Tamworth</p> <p>The subject site exists within a caravan park.</p> <p>The subject site is also currently serviced by electricity, sewer and water infrastructure.</p>	<p>rezoning to <i>RU4 - Primary Production Small Lots</i> could lead to improvements on the land as a result of development</p> <p>Lots 1 and 4, DP 914794 - East Tamworth</p> <p>The land is to be reclassified to operational. There will be no changes to existing public infrastructure.</p>	<p>land to facilitate sale of land to provide an opportunity for further development of the land. This will enable a better future public and community service (benefit).</p> <p>Lots 1 and 4, DP 914794 - East Tamworth</p> <p>This reclassification of the land parcels to operational will allow the occupants of the land to take ownership.</p>
Is public transport currently available or is there infrastructure capacity to support future public transport?	A public bus service is currently available to services all the subject sites.	There is infrastructure capacity to support future public transport	The existing Sandy Road and Bass Street are capable of providing adequate road widths to support access to the site should development occur in the future.
YES			
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers?	Lot 619, DP 881986 - Kootingal	Lot 619, DP 881986 - Kootingal	The rezoning and land reclassification will not affect any travelling distances or compromise services within this location.
NO	The subject site is located in close proximity to the town of Kootingal. The land is currently vacant.	The rezoning of the land will not affect the car distances travelled by cars, buses, employees and suppliers. The subject sites are located in where there is existing vehicle movement.	Road safety measures will be implemented throughout any stage of development on the relevant subject land.
If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?			

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kooltingal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
	Lots 70 and 119, DP 755333 - Taminda The subject site is located in close proximity to the City of Tamworth and is vacant land.	Lots 70 and 119, DP 755333 - Taminda The rezoning and land reclassification of the land will not affect the car distances travelled by cars, buses, employees and suppliers. The subject sites are located in where there is existing vehicle movement.	
	Lots 1 and 4, DP 914794 - East Tamworth The subject site is located in close proximity to the centre City of Tamworth and is vacant land.	Lots 1 and 4, DP 914794 - East Tamworth The subject site is located in close proximity to the City of Tamworth. As this location is central in the Tamworth city community members travel a small distance to access the existing site. This will not change as a result of the planning proposal.	
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal?	The subject site is not located in an area that contains significant Government investments in infrastructure or services.	Not applicable.	Not applicable.
NO			
If so, what is the expected impact?			

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kootingal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

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 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?	The subject site is not constrained by environmental impacts or factors.	Not applicable.	Not applicable.
NO			
Will the LEP be compatible or complementary with surrounding land uses? What is the impact on amenity in the location and wider community?	Lot 619, DP 881986 - Kootingal The subject land is currently zoned part RE1 - <i>Public Recreation</i> and part R1 - <i>General Residential</i> .	Lot 619, DP 881986 - Kootingal The rezoning of part of the subject site to a R1 - <i>General Residential</i> zone to correct an anomaly will be compatible with the existing surrounding land uses and the impact of any future development of the site will be negligible.	The public domain will benefit as a result of corrections to the TRLEP 2010. The rezoning of the land will also facilitate residential and agricultural development.
Will the public domain improve? YES	Lots 70 and 119, DP 755333 - Taminda The subject land is currently zoned RE1 - <i>Public Recreation</i> . The classification of Lot 70 is currently identified as Community Land.	Lots 70 and 119, DP 755333 - Taminda The rezoning of the subject site to RU4 zone will be compatible with the existing surrounding land uses and the impact of any future development of the site will be negligible.	

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kootingal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
	<p>Lots 1 and 4, DP 914794 - East Tamworth</p> <p>The subject land is currently zoned part <i>RE1 – Public Recreation and part RU4 – Primary Production Small Lots</i>. The classification of both lots is currently Community.</p>	<p>Lots 1 and 4, DP 914794 - East Tamworth</p> <p>Reclassifying the lots to Operational Land will have no impact on existing surrounding land uses and the impact of any future development of the site will be negligible.</p>	
<p>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</p> <p>NO</p>	<p>Lot 619, DP 881986 - Kootingal</p> <p>The subject land is currently zoned part <i>RE1 – Public Recreation</i> and part <i>R1 – General Residential</i>. The area that is zoned RE1 is vacant land.</p> <p>Lots 70 and 119, DP 755333 - Taminda</p> <p>The subject land is currently zoned <i>RE1 – Public Recreation</i> and is vacant land. The classification of Lot 70 is currently identified as Community Land.</p> <p>Lots 1 and 4, DP 914794 - East Tamworth</p> <p>The subject land is currently zoned part <i>RE1 – Public Recreation</i> and part <i>RU4 – Primary Production Small</i></p>	<p>The Planning Proposal will increase the availability of residential and rural land.</p>	<p>The introduction of the <i>R1 – Residential</i> zone in Kootingal will provide the opportunity for additional residential development. A net community benefit will be gained due to the provision of additional residential land.</p>

Analysis of Net Community Benefit Criteria

Planning Proposal for Lot 619, DP 881986, 259 Sandy Road, Kootingal, Lots 1 and 4, DP 914794 Cockburn Street, East Tamworth and Lots 70 and 119, DP 755333, 'Park 44' 43-45 Bass Street, Taminda

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
	<i>Lots: The classification of both lots is currently Community and is occupied by a Tourist Caravan Park.</i>		
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Lot 619, DP 881986 - Kootingal The subject land is currently zoned part <i>RE1 - Public Recreation</i> and part <i>R1 - General Residential</i> . The area that is zoned <i>RE1</i> is vacant land.	The proposed rezoning and reclassification of the lands are essentially to correct errors that have been made in previous publication of the LEP.	A desirable outcome of the Planning Proposal will be the availability of 10,400m ² of residential land in Kootingal. This is considered to be a benefit based on this criterion.
N/A	Lots 70 and 119, DP 755333 - Taminda The subject land is currently zoned <i>RE1 - Public Recreation</i> and is vacant land. The classification of Lot 70 is currently identified as Community Land.		
	Lots 1 and 4, DP 914794 - East Tamworth The subject land is currently zoned part <i>RE1 – Public Recreation</i> and part <i>RU4 – Primary Production Small Lots</i> . The classification of both lots is currently Community and is occupied by a Tourist Caravan Park.		

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
What are the public interest reasons for preparing the draft plan?	Lot 619, DP 881986 - Kootingal	The Planning Proposal will rectify errors that have occurred in previous publication of the LEP.	The community will benefit as a result of corrections to the TRLEP 2010. The rezoning of the land will also facilitate residential and agricultural development.
What are the implications of not proceeding at that time?	The subject land is currently zoned part RE1 - <i>Public Recreation</i> which is an anomaly that has been identified. Lots 70 and 119, DP 755333 - Taminda The subject land is currently zoned RE1 - <i>Public Recreation</i> and is vacant land. The classification of Lot 70 is currently identified as Community Land which is an error that requires correction. Lots 1 and 4, DP 914794 - East Tamworth The subject land is currently zoned part RE1 – <i>Public Recreation</i> and part RU4 – <i>Primary/Production Small Lots</i> . The classification of both lots is currently Community. Council is unable to transfer ownership to the Caravan Park until the subject site is identified as Operation Land.	Not proceeding with the proposed changes will result in incorrect zoning and land classifications in the planning instrument.	
Summary	<p>Net Community Benefit = 9 of the 12 applicable criteria above identify a clear community benefit. 3 of the 12 applicable criteria are assessed as being potentially benefit/cost neutral. 0 or the 12 applicable criteria identify a significant cost to the community.</p> <p>Overall, a notable net community benefit is identified in relation to this Planning Proposal.</p>		

