



Planning,  
Industry &  
Environment

IRF21/4668

## Gateway determination report – PP-2021-6591

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Design Excellence Clause for Tamworth CBD –  
Tamworth Regional Council

November 21



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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans  |
|---|
| Attachment A - Planning Proposal – Design Excellence Clause for Tamworth CBD 2021 (November 2021) |
| Attachment B - Gateway determination  |
| Attachment C - Letter to Council  |

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | <b>Tamworth</b>  |
| <b>PPA</b>                      | <b>Tamworth Regional Council</b>   |
| <b>NAME</b>                     | <b>Design Excellence Clause for Tamworth CBD</b>   |
| <b>NUMBER</b>                   | <b>PP-2021-6591</b>  |
| <b>LEP TO BE AMENDED</b>        | <b>Tamworth Regional LEP 2010</b>  |
| <b>ADDRESS</b>                  | <b>Various</b>   |
| <b>DESCRIPTION</b>              | <b>Tamworth CBD</b>  |
| <b>RECEIVED</b>                 | <b>1/11/2021</b>   |
| <b>FILE NO.</b>                 | <b>IRF21/16187</b>   |
| <b>POLITICAL DONATIONS</b>      | <b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>       |
| <b>LOBBYIST CODE OF CONDUCT</b> | <b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b> |

## 1.2 Objectives of planning proposal

The planning proposal contains a clear objective and intended outcome that adequately explains the intent of the proposal.

The objective of the planning proposal is to insert an additional local clause into the Tamworth Regional LEP 2010 to introduce design criteria to assess future development applications within the Tamworth Central Business District (CBD).

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Tamworth Regional LEP 2010 as follows:

1. Insert an additional local clause that will apply to all land located within the Tamworth CBD as identified on the *Significant Urban Area* map; and
2. Introduce a *Significant Urban Area* map.

The planning proposal contains an explanation of provisions that adequately explains how the objective of the proposal will be achieved.

It is noted that the proposal includes a draft clause prepared by Council. The planning proposal recognises that the draft clause appended to the planning proposal will be subject to Parliamentary



Council Opinion and the draft is provided only for the purpose of showing how the proposed outcome will be achieved.

## 1.4 Site description and surrounding area

This planning proposal applies to a number of land parcels within the Tamworth CBD, as identified on the *Significant Urban Area* map (**Figure 1**).

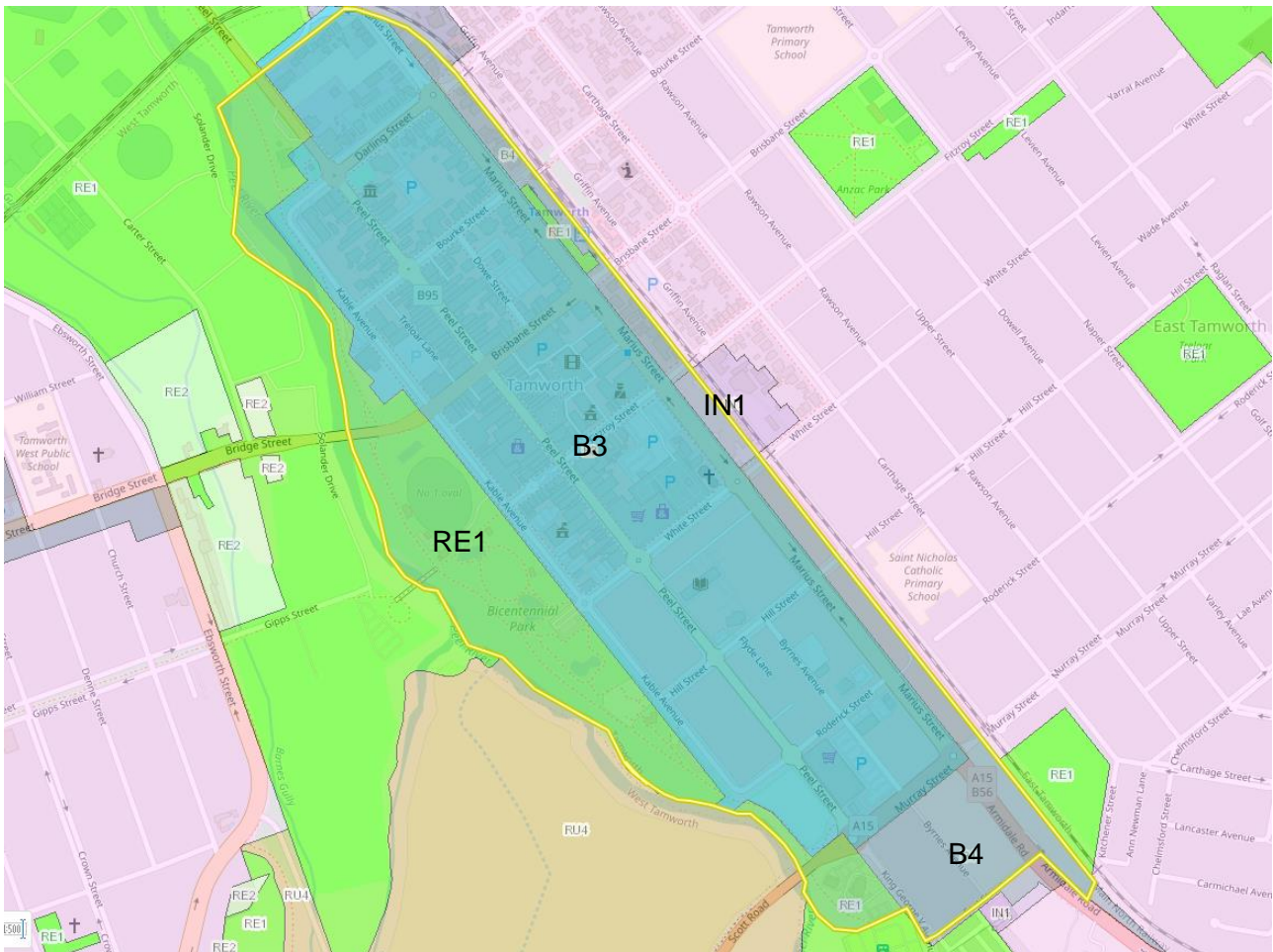
The CBD precinct is bounded by Macquarie Street to the north, properties fronting Marius Street to the east, East Street to the south and the Peel River to the west.

The land is mostly zoned B3 Commercial Core and B4 Mixed Use, with a small portion of IN1 General Industrial. Land separating the developed area of the CBD from the Peel River is zoned RE1 Public Recreation (**Figure 2**).



**Figure 1 Proposed Significant Urban Area (bound by red) – Tamworth CBD (source: Planning Proposal)**





**Figure 2 Land zoning within Significant Urban Area (approx., bound by yellow) (source: DPIE)**

## 1.5 Mapping

Introduction of a new *Significant Urban Area* map is proposed to give effect to the planning proposal.

The planning proposal includes mapping showing the application of the proposed new Design Excellence provision, which is suitable for community consultation. The final map will need to be prepared to the Department's Standard Technical Requirements prior to the plan being made.

## 2 Need for the planning proposal

The planning proposal is not a direct result of any strategic study or report. However, the planning proposal arises from the need for Council to ensure that the LEP contains provisions that facilitate the high-quality urban design outcomes sought to be delivered by Council's Blueprint 100 strategy, which incorporates the *Tamworth Regional Local Strategic Planning Statement 2020* (LSPS). The LSPS emphasises the need to 'activate' the CBD, improve urban design, amenity and overall liveability to encourage inner city living and the night-time economy and provide a mix of opportunities for residential, tourist and commercial enterprises.

Council does not currently have any 'statutory' urban design controls. This planning proposal seeks to act as a specific enabler to achieving the desired vision and outcomes for the CBD.

The planning proposal is considered to be the best means of achieving the objectives and intended outcomes.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal is considered to be consistent with the relevant Goals and Directions of the New England North West Regional Plan 2036. In particular, the planning proposal will assist in achieving the following:

**Table 3 Regional Plan assessment**

| Regional Plan Objectives  | Justification  |
|---|--|
| Direction 7: Build strong economic centres  | The proposal will facilitate the activation and enhancement of the CBD, thus promoting its vitality.   |
| Direction 9: Coordinate growth in the Cities of Armidale and Tamworth                 | This planning proposal will facilitate the activation and enhancement of the CBD in a manner that is consistent with this Direction.   |
| Local Government Narrative - Tamworth LGA   | <p>The priority actions which are relevant to the Tamworth Regional Local Government Area include:</p> <ul style="list-style-type: none"> <li>• Deliver precinct plans to provide a holistic vision and planning framework for the regional cities (Armidale and Tamworth); and</li> <li>• Prepare activation plans for the regional cities.</li> </ul> <p>It is considered that this planning proposal provides opportunities for the Tamworth Regional community to ensure that future growth of the Tamworth CBD both activates and enhances the overall appearance of the CBD.</p> |
| Direction 19 - Support healthy, safe, socially engaged and well connected communities | The proposal supports Direction 19 in developing a healthy, safe, socially engaged and well connected CBD.   |

## 3.2 Local

The planning proposal is considered to be consistent with the following local plans and endorsed strategies:

**Table 4 Local strategic planning assessment**

| Local Strategies   | Justification   |
|--|---|
| Tamworth Regional Local Strategic Planning Statement 2020                            | The planning proposal gives effect to the vision and actions contained within the LSPS such as activating the CBD and improving the urban design, amenity and overall liveability to encourage inner city living and stimulate the night-time economy.  |
| Community Strategic Plan 2017-2027 and Blueprint 100 Annual Operational Plan 2021/22 | <p>The planning proposal supports the overall objectives and actions in the Plans, including:</p> <ul style="list-style-type: none"> <li>• Preserve and celebrate the character, heritage and culture of our city, towns and villages;</li> <li>• Manage streetscapes to improve the visual appeal of our CBD; and</li> <li>• Support and facilitate economic development and employment opportunities</li> </ul> |

## 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 5 9.1 Ministerial Direction assessment**

| Directions                        | Consistent/<br>Not Applicable | Reasons for Consistency or Inconsistency  |
|-----------------------------------|-------------------------------|---|
| 1.1 Business and Industrial Zones | Yes                           | <p>The proposal introduces design criteria to assess development applications in the CBD, including within the existing B4 Mixed Use and B3 Commercial Core zones. It does not rezone land or reduce land available for employment uses or public services.</p> <p>The proposal is therefore consistent with the Direction.</p>   |
| 2.3 Heritage Conservation         | Yes                           | <p>The planning proposal introduces design criteria to assess development applications. It does not alter the LEP provisions that facilitate the conservation of items, areas, objects and places of environmental and indigenous heritage significance, nor does it affect the conservation status or heritage significance of any item, area, object or place.</p> <p>The proposal is therefore consistent with this Direction.</p> |



|  |     |  |
|--|-----|--|
| 3.4 Integrating Land Use and Transport | Yes | <p>The planning proposal introduces design criteria to assess development applications in the CBD, including within the existing B4 Mixed Use and B3 Commercial Core zones. It does not rezone any land for urban purposes. Further, the proposed amendments are not inconsistent with the aims, objectives and principles of the relevant guidelines and policy, as listed in the Direction.</p> <p>The proposal is therefore considered to be consistent with the Direction.</p> |
| 4.3 Flood Prone Land                   | Yes | <p>Part of the land is flood prone. However, the planning proposal does not rezone land, nor permit intensification of development or development without consent.</p> <p>The planning proposal is therefore consistent with this Direction.</p>   |
| 5.10 Implementation of Regional Plans  | Yes | <p>The planning proposal is consistent with the New England North West Regional Plan, as discussed in Section 3.1 above.</p>   |

## 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, as discussed in the table below.

**Table 6 Assessment of planning proposal against relevant SEPPs**

| SEPPs  | Requirement  | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency  |
|--|--|----------------------------|---|
| SEPP No 65—Design Quality of Residential Apartment Development | The SEPP sets design quality principles for residential apartment development, including development, redevelopment or conversion of buildings for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component. | Yes                        | The planning proposal seeks to facilitate high quality urban design outcomes in relation to the exterior of buildings. The proposal is not inconsistent with the listed Design Quality Principles in the SEPP. The proposal will complement the SEPP in so far as development in the CBD involves residential uses and will not affect any requirement for consideration of the Apartment Design Guide. |

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal seeks to introduce design criteria to assess future development applications in the CBD. There is no identified likelihood that the planning proposal will result in any adverse impact on the environment including critical habitat or threatened communities.

## 4.2 Social and economic

The proposed amendment is unlikely to create any adverse social or economic impacts. Rather, the planning proposal would facilitate a high quality of design for development in the CBD to enhance its overall appearance and amenity.

## 4.3 Infrastructure

The planning proposal will not place any additional demand on public infrastructure.

# 5 Consultation

## 5.1 Community

Council does not propose community consultation. However Council's resolution indicates that community consultation will occur if required by the Gateway Determination. An exhibition period of 14 days is considered appropriate as it is a low impact proposal in accordance with Local Environmental Plans - A guide to preparing local environmental plans (DPIE, 2018). A condition in relation to community consultation forms part of the conditions of the Gateway determination.

## 5.2 Agencies

Council has not nominated any public agencies or organisations to be consulted about the planning proposal. The proposal is not considered to be directly relevant to any particular public agencies or organisations.

No specific consultation requirements with regards to public agencies or organisations are therefore recommended for inclusion in the conditions of the Gateway determination.

# 6 Timeframe

Council propose a 2 month time frame to complete the LEP. This timeframe is not considered to be sufficient to complete the planning proposal, as community consultation will be required as a condition of the Gateway determination.

A 6 month timeframe is considered a more appropriate timeframe to complete the planning proposal. A condition to the above effect is recommended in the Gateway determination.

# 7 Local plan-making authority

Council has not indicated whether it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is consistent with the State, regional and local planning framework and deals with matters of local significance, it is considered appropriate that Council be provided authorisation to act as the local making authority.

# 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

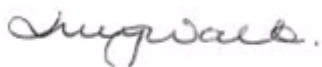
- The planning proposal is consistent with all local and regional plans or strategies, section 9.1 Directions and SEPPs; and

- The planning proposal will facilitate a high quality of design for development in the CBD to enhance its overall appearance and amenity.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
3. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



23 November 2021

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

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