

7.1 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - STRATHEDEN PLANNING PROPOSAL 2021

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Genevieve Harrison, Manager Integrated Planning

1 ANNEXURES ATTACHED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 - Stratheden Planning Proposal 2021”, Council:

- (i) forward the planning proposal to the Department of Planning, Industry and Environment (DPIE) requesting a Gateway Determination in accordance with Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;*
- (ii) request that the Minister for Planning, Industry and Environment exercise his plan making powers to delegate to Council the authority to make the plan pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979; and*
- (iii) upon receipt of a Gateway Determination (and completion of adequate studies and further supporting information relating to the subject land) publicly exhibit the planning proposal in accordance with the terms of the Gateway Determination.*

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 lands identified as Stratheden, Tamworth, to achieve a land use planning outcome which aligns with Blueprint 100 and the future growth of the Tamworth region.

Site Details

The land which is the subject of this planning proposal is occupied mainly by the Stratheden horse breeding facility, described throughout this report as “Stratheden”. The subject land is identified as Lots 1, 2 and Part Lot 3 in DP 997767, Part Lot 708 DP 1252037, Lot 12 DP 245544, Part Lot 4 DP 212658, Lot 3 DP 209387, Lot 341 DP 622077 and Lot 5 DP 209387. The land is currently zoned RU4 Primary Production Small Lots and is used as a horse stud, horse agistment and for animal feed production.

A map showing the subject land is **ATTACHED**, refer to **ANNEXURE 1**.

Stratheden is specifically referenced in Blueprint 100 as a major site of residential accommodation for the growing population of Tamworth and the wider region. As such, it is important to implement appropriate land use planning controls that facilitate the effective use of the land by promoting housing diversity, high quality urban design and green spaces to meet the demands of future residents.

The intent of the amendment is to facilitate housing diversity and cater for the future growth of Tamworth by applying residential zones and minimum lot sizes that reflect the extent of future water and sewerage infrastructure. As a key future residential release area for Tamworth, it is vital that the pre-requisite planning of the precinct be undertaken now to ensure that it is available to be brought to market in alignment with the Region’s growth projections and Blueprint 100 targets.

Extensive planning has been undertaken over the last three years for the Stratheden locality. This includes studies over parts of the land produced by the landowner,

master planning involving Council charrettes with all key parties and infrastructure planning for the area. However, further information and studies that are required prior to public exhibition and agency consultation include:

- A study/review of Aboriginal cultural heritage across the entire site undertaken by a qualified person in conjunction with Tamworth Local Aboriginal Land Council;
- A preliminary contaminated land investigation for the entire site, which includes sufficient soil test information to identify if there are any potential issues on this site with past use of agricultural chemicals, farm rubbish tips, lead paint or asbestos from building materials. Any report will need to allow Council to determine that the site is suitable for its proposed residential use and, if contaminated, that rehabilitation is plausible and can be undertaken prior to future development.
- An ecology assessment for the entire site that identifies any remnant ecological values and opportunities for habitat restoration in non-development areas.

The amendments proposed to the *TRLEP 2010*, via the planning proposal, are described as follows:

- Rezone the subject land from RU4 Primary Production Small Lots to part R1 General Residential and part R2 Low Density Residential.
- The R1 zone will be applied to land that can be serviced with reticulated water and sewerage etc. and is suitable for residential settlement at a density of approximately ten (10) dwellings per hectare. The R2 zone will be applied to small parts of the site that cannot be serviced with reticulated sewerage and are suitable for settlement at a density of approximately two (2) dwellings per hectare.
- The creek corridor, district park and local park, as nominated in the master plan for the site, will be incorporated within the R1 or R2 zones and identified in a future DCP for the locality.
- A minimum lot size of 450m² will be applied to the land zoned R1 General Residential. A minimum lot size of 4,000m² will be applied to the land zoned R2 Low Density Residential zone.
- In order to achieve residential settlement at a density of approximately ten (10) dwellings per hectare an overlay will be applied to that part of the site zoned R1. An overlay of two (2) dwellings per hectare will be applied over that part of the site zoned R2, linked to a special provision. In order to match the long-term development density with water and sewerage infrastructure, a maximum dwelling capacity overlay will also be applied to all of the subject land and linked to a special provision. The wording of these clauses is not included in this planning proposal and will be determined by NSW Parliamentary Counsel.
- No floor space ratio (FSR) or height limits will be imposed on the locality. This is consistent with these zones in other locations.

The planning proposal aims to increase housing choice, and align minimum lot size and residential density controls and support the delivery of appropriate infrastructure.

The planning proposal is consistent with the objectives of the *New England North West Regional Plan 2036*, Blueprint 100 Part 1 and Part 2, which is the *Tamworth Regional Local Strategic Planning Statement 2020 (LSPS)*.

COMMENTARY

Background

This planning proposal relates to a land parcel known as Stratheden situated on the northern outskirts of Tamworth at the corner of Manilla Road and Browns Lane. The land is privately owned and the current owner supports the conversion of the land from rural to residential land use.

The Stratheden locality was identified as having potential for future residential development during the Blueprint 100 strategic planning process in 2019. A planning charrette which focused on Stratheden was hosted by Council in November 2019. Since then, the locality has been the subject of a range of studies culminating in this planning proposal.

The planning proposal has strategic alignment with both Tamworth Regional Council's principal land use planning strategies and the *New England North West Regional Plan 2036*.

The subject site is identified as a key future residential release area in *New England North West Regional Plan 2036*, Blueprint 100 Part 1 and Blueprint 100 Part 2 which is the *Tamworth Regional Local Strategic Planning Statement (LSPS) 2020*. Modifying the current zoning and minimum lot size has the potential to supply high-quality residential land within close proximity of the Tamworth CBD. This is important when considering alternative options may have challenges in relation to urban sprawl and the capital cost associated with the provision of infrastructure.

Planning Proposal

The objective of the planning proposal is to amend the following parts of *TRLEP 2010* to realise the full potential of the subject lands.

Development Standard	Description of Amendment						
<i>Zoning</i>	<p>Under the <i>Tamworth Regional Local Environmental Plan 2010</i>, the precinct is currently zoned RU4 Primary Production Small Lots.</p> <p>The planning proposal aims to rezone the subject land from RU4 Primary Production Small Lots to part R1 General Residential and part R2 Low Density Residential.</p> <p>The total land area associated with each zone will be as per the table below:</p> <table border="1"> <thead> <tr> <th>Zone</th><th>Proposed (approx)</th></tr> </thead> <tbody> <tr> <td>R1</td><td>83 ha</td></tr> <tr> <td>R2</td><td>22 ha</td></tr> </tbody> </table> <p>The R1 zone is the dominant residential zone for Stratheden and will facilitate a mixture of housing choices. The R1 zone is located on the eastern portion of the site that can be serviced with reticulated water and sewerage.</p> <p>The R2 zone is proposed to be located along the western edge of the subject land which is unable to be connected to reticulated sewerage without at least one pump station. It is a zone that will buffer the higher density residential area from the remaining</p>	Zone	Proposed (approx)	R1	83 ha	R2	22 ha
Zone	Proposed (approx)						
R1	83 ha						
R2	22 ha						

	<p>farmland further to the west.</p> <p>The map indicating the changes to the zoning is ENCLOSED, refer CONFIDENTIAL ENCLOSURE 1.</p>						
<i>Lot Size</i>	<p>The planning proposal seeks to amend the Lot Size requirements for the R1 and R2 zone to permit residential development as per the table below:</p> <table border="1"> <thead> <tr> <th>Zone</th><th>Proposed MLS</th></tr> </thead> <tbody> <tr> <td>R1</td><td>450m²</td></tr> <tr> <td>R2</td><td>4,000m²</td></tr> </tbody> </table> <p>The intent of the 450m² minimum lot size is to provide flexibility for developers whilst ensuring housing diversity targets are achieved via the implementation of a minimum density requirement. This will ensure a variety of lot sizes and housing types are developed to cater for the growing needs of the community.</p> <p>The intent of the 4,000m² minimum lot size is to provide enough land for private onsite wastewater systems. Larger lots will also provide a buffer to the remaining RU4 land located to the west.</p>	Zone	Proposed MLS	R1	450m ²	R2	4,000m ²
Zone	Proposed MLS						
R1	450m ²						
R2	4,000m ²						
<i>Dwelling Density</i>	<p>The planning proposal seeks to include a new provision requiring a minimum net dwelling density to be implemented across the site. A target of ten (10) dwellings per hectare has been proposed for the R1 zoned land. Based on a net residential density which excludes open space, easements and drainage corridors, this equates to a yield of approximately 850 dwellings across the R1 zone on the subject site. A target of two (2) dwellings per hectare has been proposed for the R2 zoned land. This equates to a yield of approximately of 45 dwellings across the R2 zone on the subject site.</p> <p>Dwelling density targets are important to provide certainty for appropriate infrastructure delivery and effective utilisation of available high-quality residential land at the initial subdivision phase. The proposed density could be achieved by a range of lot sizes from 800m² down to 450m². A dwelling density target aims to promote the development of a mixture of housing typologies while ensuring dwelling yield is aligned with infrastructure provisioning.</p> <p>The density target will be enforced by a new clause and a dwelling density map in the <i>TRLEP 2010</i>.</p>						
<i>Dwelling Capacity</i>	<p>The planning proposal seeks to include a new provision restricting the maximum number of dwellings based on the capacity of downstream infrastructure.</p> <p>It is estimated that there will be a maximum of 850 dwellings in the R1 zone. This assumes that some of the R1 zoned lots will be used for dual occupancy or secondary dwellings (two dwellings) and some will be used for residential flat buildings or</p>						

	<p>multi dwelling housing (assume three dwellings).</p> <p>It is estimated that there will be a maximum of 45 dwellings in the R2 zone as residential options are limited. This assumes that most of R2 zoned lots will be used for a single dwelling.</p> <p>The intent is to provide a mixture of housing and choices while ensuring dwelling capacity is controlled in a manner which aligns with infrastructure availability. Dwelling capacity will be enforced by a new clause and a dwelling capacity map in the <i>TRLEP 2010</i>.</p>
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A number of studies were undertaken in early 2019 relating to the majority of the subject lands including a flora and fauna assessment, cultural heritage assessment, contaminated land investigation, traffic modelling, flood investigation and servicing strategy (water, sewer and stormwater drainage). Subsequently, several additional properties have been purchased by the proponent and added to the subject land parcel. The Stratheden holding is now larger and therefore, supplementary investigation is required to cover the additional area. More detail is also required on some issues such as contaminated land. It is recommended that this additional work be undertaken as a condition of the Gateway approval so that the information is publicly available during the public exhibition process.

The New England North West Regional Plan 2036

The *New England North West Regional Plan 2036* (Regional Plan) prepared by the Department of Planning, Industry and Environment (DPIE) to guide land use planning priorities and decisions toward 2036, recognises the Tamworth Region as a strong economic centre with access to international opportunities. The Regional Plan provides an overarching framework to guide land use plans, development proposals and infrastructure decisions.

This Regional Plan specifically identifies Stratheden as a future residential investigation area. To ensure positive planning outcomes are achieved in accordance with the Regional Plan, the planning proposal aims to provide housing choice, an attractive lifestyle through sound urban design principles, active open spaces and passive green corridors.

It is considered that delivering greater housing choice will support the expected changes in household composition and, in conjunction with high quality employment, health and education, will contribute to population growth within the Tamworth region.

Blueprint 100

The basis for land use planning has been established by the Blueprint 100 process which includes Council's adopted LSPS. Stratheden is specifically referenced in Blueprint 100 as a significant site of residential accommodation for the growing population of Tamworth and the wider region. The priority themes of Blueprint 100 have been considered as part of the planning proposal process and the precinct aligns with Blueprint 100 in the following manner:

- Providing a more diverse range of housing choices for varying demographics;
- Increasing affordability by promoting a mixture of lot sizes and housing types;
- Supporting residential expansion in Stratheden;
- Promoting a compact urban growth area to ensure easy access to essential facilities, efficient delivery of infrastructure and protection of environmental lands.

The planning proposal is consistent with the objectives of Blueprint 100 Part 1 and Blueprint 100 Part 2 – *Tamworth Regional Local Strategic Planning Statement 2020 (LSPS)*. The Stratheden site is clearly identified as a preferred growth area within the LSPS. It is also consistent with LSPS Planning Priority 1 - Facilitate Smart Residential Growth and Housing Choices.

Development Control Plan

This subject land does not currently have a site-specific Development Control Plan (DCP). Once the planning proposal has been endorsed for public exhibition Council will work with the landowner to prepare a draft DCP building on the studies and structure planning that has already been undertaken. This will include the location of parks, drainage corridors and open space, environmental restoration areas, proposed future roads and water and sewer easements. The draft DCP will be reported to Council at a later date. It is not anticipated that the draft DCP will be exhibited with the Planning Proposal.

Planning Proposal Process

In order to amend the *TRLEP 2010*, Council is required to submit the planning proposal to the DPIE for a Gateway Determination. Upon the issue of a Gateway Determination any additional studies required by the Determination will be undertaken prior to the planning proposal being placed on public exhibition in 2022.

(a) Policy Implications

Nil – the planning proposal is a direct outcome of the policy position of Council developed via the Blueprint 100 process.

(b) Financial Implications

The cost of processing the planning proposal will be paid by the landowner. The landowner will also be responsible for the cost of all additional site studies.

(c) Legal Implications

Amendments to the *Tamworth Regional Local Environmental Plan 2010* will alter the planning provisions for the subject lands and allow residential subdivision and development. This has no adverse legal implications for Council.

(d) Community Consultation

Community and agency consultation requirements will be specified by the Department of Planning, Industry and Environment's Gateway Determination. A 28 day public exhibition period is anticipated.

(e) Delivery Program Objective/Strategy

A Prosperous Region – P11 Support and facilitate economic development and employment opportunities.

A Region for the Future- F1 Sound Asset and land planning to facilitate future community needs.

FOR ACTION

ORDINARY COUNCIL

23/11/2021

TO: Manager Integrated Planning (Harrison, Genevieve)

Subject: Amendment to the Tamworth Regional Local Environmental Plan 2010 - Stratheden Planning Proposal 2021

Target Date: 7/12/2021

File Reference

Notes:

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MOTION

Moved Cr Wilson/Cr Inglis

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333/21 RESOLVED

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