



Stratheden Planning Proposal 2021

December 2021

ISSUE	REV	DATE	AUTHOR	ISSUED TO
DRAFT	01	11 November 2021	Tamworth Regional Council – Mike Svikis	For Internal Review
DRAFT	02	12 November 2021	Tamworth Regional Council	Manager Integrated Planning & Director Liveable Communities
FINAL	03	1 December 2021	Tamworth Regional Council	NSW Department of Planning Industry and Environment

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Background

Introduction

This planning proposal has been prepared in accordance with Section 3.33(3) of the *Environmental Planning and Assessment Act 1979* (the Act) and guidelines “*A Guide to Preparing Planning Proposals*” published by the Department of Planning, Industry and Environment (DPIE).

This planning proposal addresses the following matters:

Section 3.33(2) of the Act states that a planning proposal must include the following components:

Part 1 - A statement of the objectives and intended outcomes of the proposed instrument;

Part 2 - An explanation of the proposed provisions that are to be included in the proposed instrument;

Part 3 - The justification for those objectives, outcomes and the process for their implementation;

Part 4 - Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies; and

Part 5 - Details of the community consultation that is to be undertaken on the planning proposal.

Section 3.33(3) of Act allows the Planning Secretary to issue requirements with respect the preparation of a planning proposal, these requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal.
- A project timeline to deal with the anticipated timeline for the plan making process for each planning proposal.

Background

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

The Stratheden locality was identified as having potential for future residential development during the Blueprint 100 strategic planning process in mid-2019. A planning charrette focussing 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.

Site Details

The land which is the subject of this planning proposal is occupied mainly by the Stratheden horse breeding facility. The land to be rezoned includes the following lots:

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; Lot 5 DP 209387.

Appendix 1 provides an aerial image of the subject land.

Part 1: Objectives or Intended Outcomes

The objective of this planning proposal is to amend *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* to permit residential use of the subject land.

Part 2: Explanation of Provisions

The proposed outcome will be achieved by rezoning 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 easily serviced with reticulated water and 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 master planning for the site will be included in either the R1 or R2 zone 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.

In order to achieve residential settlement at a density of approximately 10 dwellings per hectare in the R1 zone and 2 dwellings per hectare in the R2 zone a map will be applied to all the subject land and linked to a special provision. In order to match the long-term dwelling density with water and sewerage infrastructure, a maximum dwelling capacity overlay will also be applied to the subject land and linked to a special provision. The wording of these clauses is not included in this planning proposal.

No Floor Space Ratio (FSR) or height limits will be imposed on the locality which is consistent with these zones in other locations.

Part 3: Justification

Section A: Need for the planning proposal

- 1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

Yes. This planning proposal arises from the TRC Blueprint 100 strategic plan which includes the *Tamworth Regional Local Strategic Planning Statement 2020 (LSPS)*

The LSPS provides the direction for land use planning across the Tamworth Regional Local Government Area (LGA) for the next 20 years. Facilitating additional housing is an essential component of the principles outlined in these documents. The Stratheden site is specifically identified as a future residential area in the LSPS (**see Appendix 2**).

The LSPS actions implementation schedule identifies amending the TRC LEP to rezone Stratheden as a short-term priority action (**see Appendix 2**).

- 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

This planning proposal is the only method of amending the *TRLEP 2010* to permit residential development on the subject land.

Section B: Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The subject land is within an area identified in the *New England North West Regional Plan 2036* (the Regional Plan) as a Future Residential Investigation Area (see Appendix 3).

The planning proposal also gives effect to the Directions contained within the *New England North West Regional Plan 2036* (the Regional Plan), such as:

Direction 3: Protect and enhance productive agricultural lands

Action 3.2 Limit urban and rural residential development on important agricultural land, including mapped Biophysical Strategic Agricultural Land, unless it is in a strategy that is:

- *agreed between council and the Department of Planning and Environment; and*
- *consistent with the guidelines for councils on important agricultural land.*

This planning proposal will permit urban development on land that is currently incorrectly mapped in a draft report as State Significant Agricultural Land (SSAL). It is however consistent with this direction and action because the subject land is identified in an endorsed strategy and is consistent with guidelines on important agricultural land.

Direction 18: Provide great places to live

Action 18.1 Identify future areas of urban expansion or intensification in local growth management strategies that are consistent with the Interim Settlement Planning Principles, (Appendix A) or comprehensive settlement planning guidelines once released.

Action 18.2 Secure an appropriate supply of residential land to meet projected housing needs within local growth management strategies endorsed by the Department of Planning and Environment.

According to the Regional Plan, the two centres of Armidale and Tamworth will accommodate over half of the region's population by 2036. A ready supply of well-located land for residential development will create downward pressure on house prices, maximise infrastructure use and protect environmental and agricultural values.

This planning proposal will rezone the subject lands which are identified for future residential use in both local and regional strategies. The land that is to be zoned for urban use is consistent with the Interim Settlement Planning Principles in Appendix A of the Regional Plan. It is largely free from physical constraints and hazards and capable of servicing with urban infrastructure.

Direction 20: Deliver great housing diversity to suit changing needs.

Action 20.1 Develop local growth management strategies to respond to changing housing needs, including household and demographic changes.

The Tamworth housing market is currently under stress. Rental vacancy rates are low and affordable housing options for existing residents are becoming increasingly limited. Opportunities to increase the supply of housing will relieve pressure on the private sector housing market. Early estimates of density indicate that the subject area (approximately 105 hectares) could deliver a range of dwellings including single family dwellings, dual occupancies, and multi dwelling housing. The projected dwelling yield is estimated at 895 dwellings.

The Regional Plan (page 63) lists a priority as "Deliver a variety of housing options in Tamworth". This planning proposal aims to facilitate a variety of housing options with detailed master planning that will be produced to support the rezoning.

4. Will the planning proposal give effect to a council endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Tamworth Regional LSPS

Yes. The subject site is clearly identified as a preferred growth area within the *Tamworth Regional Local Strategic Planning Statement 2020* (LSPS) (**see Appendix 2**).

It is also consistent with LSPS *Planning Priority 1. Facilitate Smart Residential Growth and Housing Choices*

Improvements in housing choice and expansion of urban areas in suitable locations is a key priority for Tamworth. This planning proposal will increase housing choice in Tamworth and add to the supply of land for housing in an appropriate location.

Blueprint 100

This planning proposal gives effect to the priority themes and actions contained within the *Tamworth Regional Council Blueprint 100* (*Blueprint 100*) as follows:

Priority 2.1 Expansion in suitable locations

This strategy aims for urban growth to be coherent and compact. A compact urban area will ensure that residents will continue to have easy access to essential facilities, not only by car, but also by bus, bicycle or walking. This also allows infrastructure to be used more efficiently and less pressure to be put on precious land with an ecological or rural production value. Tamworth's growth should be accommodated both within its current urban boundaries and in suitable locations just outside it, especially where some growth has already taken place.

- *Action 2.1.1 Support growth to the north of Tamworth to continue, and ensure that land is used efficiently.*
- *Action 2.1.2 Support residential development in Stratheden*

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy	Applicable to Tamworth Regional LGA	Consistent	Comment
State Environmental Planning Policy (Aboriginal Land) 2019	No	-	-
State Environmental Planning Policy (Activation Precincts) 2020	No	-	-
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Building	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.

Sustainability Index: BASIX) 2004			
State Environmental Planning Policy (Coastal Management) 2018	No	-	-
State Environmental Planning Policy (Concurrences and Consents) 2018	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Gosford City Centre) 2018	No	-	-
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Infrastructure) 2007	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Koala Habitat Protection) 2020	Yes	Not Applicable to site	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Koala Habitat Protection) 2021	Yes	Not Applicable to site	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	-	-
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	-	-
State Environmental Planning Policy (Major Infrastructure Corridors) 2020	No	-	-
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy No 19— Bushland in Urban Areas	No	-	-

State Environmental Planning Policy No 21—Caravan Parks	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy No 36—Manufactured Home Estates	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy No 47—Moore Park Showground	No	-	-
State Environmental Planning Policy No 50—Canal Estate Development	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy No 55—Remediation of Land	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy No 64—Advertising and Signage	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	-	-
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Yes	Consistent	Planning proposal is not contrary to SEPP provisions
State Environmental Planning Policy (State and Regional Development) 2011	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (State Significant Precincts) 2005	Yes	Not Applicable to site	-
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	-	-
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	-	-

State Environmental Planning Policy (Three Ports) 2013	No	-	-
State Environmental Planning Policy (Urban Renewal) 2010	No	-	-
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	No	-	-
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	-	-
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	-	-

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Section 9.1 Ministerial Direction	Applicable	Consistent	Comment
1.0 Employment and Resources			
1.1 Business and Industrial Zones	Yes	Not relevant to this planning proposal	The subject site is not affected by Business or Industrial zones. The planning proposal is not contrary to the objective of the Direction.
1.2 Rural Zones	Yes	Yes	This direction requires that Council's not rezone land from a rural zone to a residential, business, industrial, village or tourist zone unless consistent with an agreed local or regional strategy. This planning proposal is consistent with the <i>TRC LSPS 2020</i> and the <i>New England North West Regional Plan 2036</i> .
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Justifiably Inconsistent	The planning proposal will result in restrictions on mining (etc) which requires consultation with Government agencies. This can be done as part of public and agency consultation and the planning proposal will then be

			consistent. No concerns are anticipated.
1.4 Oyster Aquaculture	No	Not relevant to this planning proposal	Not Applicable
1.5 Rural Lands	Yes	Justifiably Inconsistent	<p>The subject land is zoned RU4 and the direction applies. The inconsistency with this direction is justified by strategies which:</p> <ul style="list-style-type: none"> i. give consideration to the objectives of this direction, ii. identify the land which is the subject of the planning proposal, and iii. are approved by the Secretary of the Department of Planning, Industry and Environment and are in force. <p>The relevant strategies are the Tamworth Regional LSPS 2020 and the New England North West Regional Plan 2036.</p>
2.0 Environment and Heritage			
2.1 Environment Protection Zones	Yes	The planning proposal does not affect Environment Protection Zones.	The land to be rezoned has no evident environmentally sensitive areas. Nonetheless, the information to date does not assess all of the subject land for ecological significance. This can be a condition of Gateway Determination.
2.2 Coastal Management	No	Not relevant to this planning proposal	Not Applicable
2.3 Heritage Conservation	Yes	No	<p><i>TRLEP 2010</i> already contains heritage provisions.</p> <p>There are no known items of environmental heritage on the subject land.</p> <p>The information to date does not assess all of the subject land for Aboriginal cultural heritage significance. This can be a</p>

			condition of Gateway Determination.
2.4 Recreation Vehicle Areas	Yes	Not relevant to this planning proposal	Not Applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	Not relevant to this planning proposal	Not Applicable
2.6 Remediation of Contaminated Land	Yes	No	The information to date does not assess all of the subject land for contamination from past land use. This can be a condition of Gateway Determination.
3.0 Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	The planning proposal is consistent with the objectives of the Direction.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The planning proposal is not contrary to the objectives of the Direction.
3.4 Integrating Land Use and Transport	Yes	Yes	The planning proposal is consistent with the objectives of the Direction. Any inconsistency is justified by the endorsed strategies (LSPS 2020 and the NENW Regional Plan 2036).
3.5 Development Near Regulated Airports and Defence Airfields	Yes	Not relevant to this planning proposal	The site which is the subject of this planning proposal is not located near a regulated Airport (the Tamworth Regional Airport).
3.6 Shooting Ranges	Yes	Not relevant to this planning proposal	Not Applicable
3.7 Reduction in non-hosted short term rental accommodation period	No	Not Applicable	Not Applicable
4.0 Hazard and Risk			
4.1 Acid Sulfate Soils	Yes	Not relevant to this planning proposal	Not Applicable

4.2 Mine Subsidence and Unstable Land	Yes	Not relevant to this planning proposal	Not applicable
4.3 Flood Prone Land	Yes	Yes	The flood prone parts of the subject land will not be included in a residential zone. These areas will remain rural. <i>TRLEP 2010</i> already contains flood provisions.
4.4 Planning for Bushfire Protection	Yes	Not Applicable	The subject land is not mapped as bushfire prone.
5.0 Regional Planning			
5.2 – 5.8 N/A	Not applicable to the Tamworth Regional Council LGA.		
5.9 North West Rail Link Corridor Strategy	No	Not applicable	Not applicable
5.10 Implementation of Regional Plans	Yes	Yes	The planning proposal is consistent with the aims and objectives of the <i>New England North West Regional Plan 2036</i> . It is consistent with the mapped future residential areas and key Directions and Actions.
5.11 Development of Aboriginal Land Council land	No	Not applicable	Not applicable
6.0 Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Consistent	The planning proposal is consistent with the requirements of this Direction.
6.2 Reserving Land for Public Purposes	Yes	Consistent	The planning proposal will not create, alter or reduce existing zonings or reservations of land for public purposes
6.3 Site Specific Provisions	Yes	Consistent	The planning proposal is consistent with the requirements of this Direction.
7.0 Metropolitan Planning – N/A to the Tamworth Regional LGA			

Section C: Environmental, social and economic impact

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The initial ecological analysis of the northern part of the subject land found no critical habitat, threatened species, etc. The balance of the subject land is similar and has a similar history of clearing and past agricultural use. The planning proposal is unlikely to result in any adverse impact on the environment including critical habitat or threatened communities. This will need to be verified by a more comprehensive review of the complete site and this is recommended as a condition of the gateway approval.

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

The planning proposal is unlikely to result in any adverse environmental effects. However, the information to date does not assess all of the subject land for contamination from past land use. A comprehensive review of the complete site is recommended as a condition of the gateway approval.

The Stratheden precinct is subject to flooding from the Peel River. In this regard, any residential zones on the site will be located above the 1:100 (+0.5m) Flood Planning Level (FPL). Zone boundaries will be informed by the recent *Tamworth City Wide Flood Study* (see Appendix 4).

- 9. Has the planning proposal adequately addressed any social and economic effects? Economic Impact**

The planning proposal will allow residential development at various densities. This will have a direct positive effect on the economy initially during infrastructure installation and then through housing construction. Over the long term, the subject land will provide a place for families that live and work in the Tamworth region in a variety of industries.

Section D: State and Commonwealth Interests

- 10. Is there adequate public infrastructure for the planning proposal?**

The Stratheden precinct has good road access opportunities to both Manilla Road and Browns Lane. Transport for NSW (TfNSW) approval will be required for any intersection upgrades along Manilla Road. Blueprint 100 has also identified potential for Browns Lane to be utilised as an additional access for the city across the Peel River.

Water supply will be available to the site via a proposed new trunk main along Manilla Road.

Sewer servicing is an identified issue. Approximately 22 hectares of the precinct (mainly in the north west corner) is unable to be serviced with gravity sewer. Lots within this unserviceable area will be required to provide on-site effluent disposal. The area is to be zoned R2 Low Density Residential. The trunk main located on Manilla Road has not been designed to take sewer flows from the Stratheden precinct. A new gravity trunk main will need to be constructed through privately owned land near to Glengarvin Drive. Further investigation and modelling will be required to confirm a sewer servicing strategy for the precinct.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

A Gateway Determination has not yet been issued for this planning proposal. All relevant public authorities will be consulted in accordance with the requirements of the Gateway Determination.

The views of consulted public authorities will be summarised and addressed as appropriate in the processing of the planning proposal in advance of the potential amendment of the TRLEP 2010.

Part 4: Mapping

The planning proposal will amend the existing *Tamworth Regional Local Environmental Plan 2010* maps:

- Land Zoning Map
- Lot Size Map

The planning proposal will amend the *Tamworth Regional Local Environmental Plan 2010* to include the following map:

- Dwelling Density Map
- Dwelling Capacity Map

The maps indicating the amendments to *Tamworth Regional Local Environmental Plan 2010* are attached (**see Appendix 5 – LEP Maps**).

Part 5: Community Consultation

Community consultation will be undertaken in accordance with the requirements of the Gateway Determination. It is anticipated that this would include:

- Publication of this planning proposal on the Planning Portal for a minimum of 28 days.
- Notification via email and letter to land owners within and adjoining the subject lands as far as is practicable.
- The display of materials relation to the planning proposal will be provided in Council offices, considering any restrictions relating to COVID-19 applicable at the time.

Part 6: Project Timeline

Plan Making Step	Estimated Completion
Anticipated date of Gateway Determination	December 2021
Completion of required technical information	March 2022
Government agency consultation as required by Gateway Determination	Subject to DPIE Gateway Determination
Public exhibition period	May 2022
Public Hearing	N/A
Consideration of Submissions	June 2022
Consideration of proposal post exhibition	August 2022
Submission to the Department to finalise the LEP	September 2022