



Planning &
Environment

IRF21/5111

Gateway determination report – PP-2021-7149

To rezone and amend associated development controls and introduce dwelling density and restricted lot yield development controls for part of Stratheden, corner of Manilla Road and Browns Lane, Tamworth

December 21



Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2021-7149

Subtitle: To rezone and amend associated development controls and introduce dwelling density and restricted lot yield development controls for part of Stratheden, corner of Manilla Road and Browns Lane, Tamworth

© State of New South Wales through Department of Planning and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 21) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	2
1.4	Site description and surrounding area.....	2
1.5	Existing Planning Controls	4
1.6	Mapping.....	5
2	Need for the planning proposal	7
3	Strategic assessment	8
3.1	Regional Plan	8
3.2	Local.....	14
3.3	Section 9.1 Ministerial Directions	15
3.4	State environmental planning policies (SEPPs)	17
4	Site-specific assessment	17
4.1	Environmental.....	17
4.2	Social and economic.....	18
4.3	Infrastructure	18
5	Consultation.....	18
5.1	Community	18
5.2	Agencies.....	19
6	Timeframe	19
7	Local plan-making authority	19
8	Assessment summary	19
9	Recommendation.....	20

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
New England North West Regional Plan (NNWRP) 2036
Stratheden PP Appendix 1 – Subject lands map
Stratheden PP Appendix 4 – Tamworth City-Wide Flooding Investigation map

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	TAMWORTH
PPA	Tamworth Regional Council
NAME	To rezone and amend associated development controls and introduce dwelling density and restricted lot yield development controls for part of Stratheden, corner of Manilla Road and Browns Lane, Tamworth
NUMBER	PP-2021-7149
LEP TO BE AMENDED	Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)
ADDRESS	Stratheden, Corner of Manilla Road and Browns Lane, Tamworth
DESCRIPTION	<ul style="list-style-type: none"> • Lot 1, 2 & Part Lot 3 DP 997767; • Lot 341 DP 622077; • Lot 12 DP 245544; • Lot 3 & 5 DP 209387; • Part Lot 4 DP 212658; and • Part Lot 708 DP 1252037
RECEIVED	6/12/2021
FILE NO.	IRF21/5111
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- rezone certain land for residential purposes within the property known as Stratheden, Tamworth' and amend the associated lot size to facilitate future residential development; and
- apply a dwelling density per hectare and restricted dwelling yield.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Tamworth Regional LEP 2010 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU4 Primary Production Small Lots	R1 General Residential R2 Low Density Residential
Minimum lot size (MLS)	40ha	450m ² (R1) 4000m ² (R2)
Number of dwellings		895

The planning proposal indicates that reticulated water and gravity sewerage can service approximately 83ha of the site which will be zoned R1 General Residential. A MLS of 450m² will be applied to this land.

The remaining 22ha that is subject to the planning proposal will be zoned R2 Low Density Residential zone as parts are unsuitable to be serviced with reticulated water and gravity sewerage. A MLS of 4,000m² will be applied to this land.

The planning proposal proposes to utilise a new local clause and associated maps for the subject site to provide:

- a maximum dwelling density of approximately 10 dwellings per hectare in the R1 zone and two dwellings per hectare in the R2 zone; and
- a maximum dwelling capacity to match the long-term dwelling density with water and sewerage infrastructure.

It is noted that the same clause is proposed to be introduced and implemented under PP-2021-4286 for the Arcadia Estate on for which a Gateway determination was issued on 5 August 2021. This is considered appropriate and the clause can be implemented into the LEP via whichever proposal is made first.

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

1.4 Site description and surrounding area

Stratheden is a horse stud and breeding facility located approximately 7.4km north west of the Tamworth CBD. The subject site is on the corner of Manilla Road (western side) and Browns Lane (southern side) (Figure 1). The area is predominantly cleared agricultural land with some cropping and grazing. The subject site has farm dams and farm infrastructure buildings, including scattered horse stables within various paddocks. The Stratheden main homestead is located on Lot 1 & 2 DP 997787, with an access point to Manilla Road and secondary access via Browns Lane. Lot 708 DP 1252037 also has a dwelling and farm infrastructure buildings located on it with an access handle to Manilla Road. The Peel River is along the southern edge of the locality and is within the flood planning area.

The adjacent northern side of Browns Lane is an established R5 Large Lot Residential area with a minimum lot size of 2ha. The eastern side of Manilla Road is zoned RU4 Primary Production Small Lots with a 40ha MLS.



Figure 1 – Location of subject site

(Source: Planning Proposal & Nearmap)

Note – Lot 2 DP212658 in red above has been omitted from the PP description of the subject site

1.5 Existing Planning Controls

The existing planning controls on the subject site are:

- Land Zone - RU4 Primary Production Small Lots (Figure 2)
- Lot Size – 40ha (Figure 3)
- Obstacle Limitation Surface Height 45m above ground level (Figure 4)
- Sewerage Treatment Plant Buffer (Figure 5).

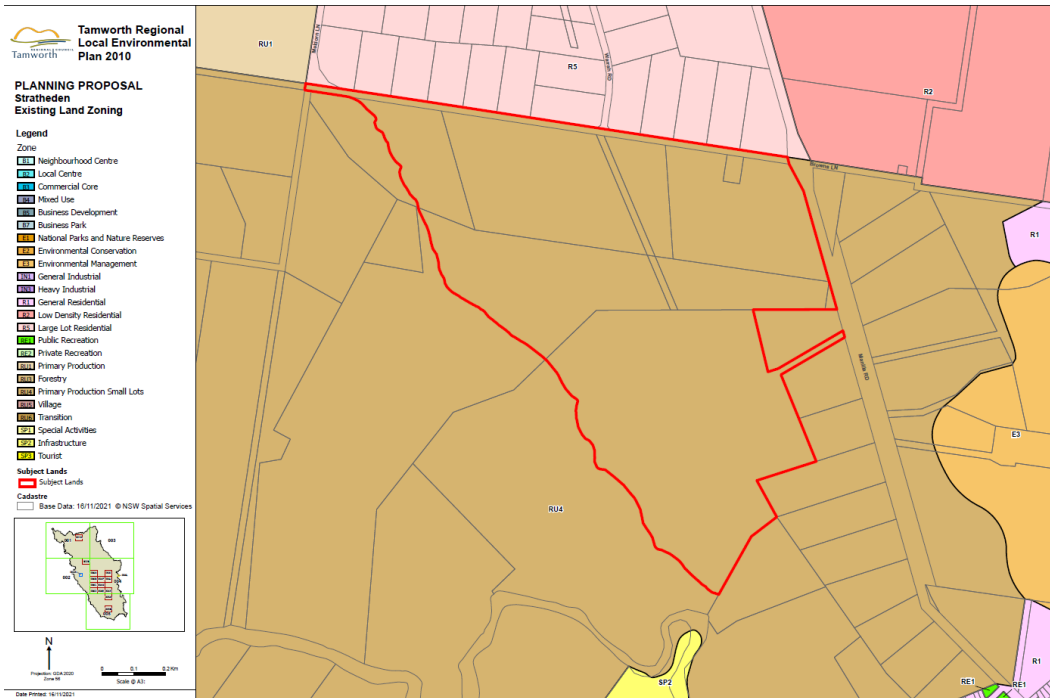


Figure 2 – Current Land Zone
(Source: Planning Proposal)

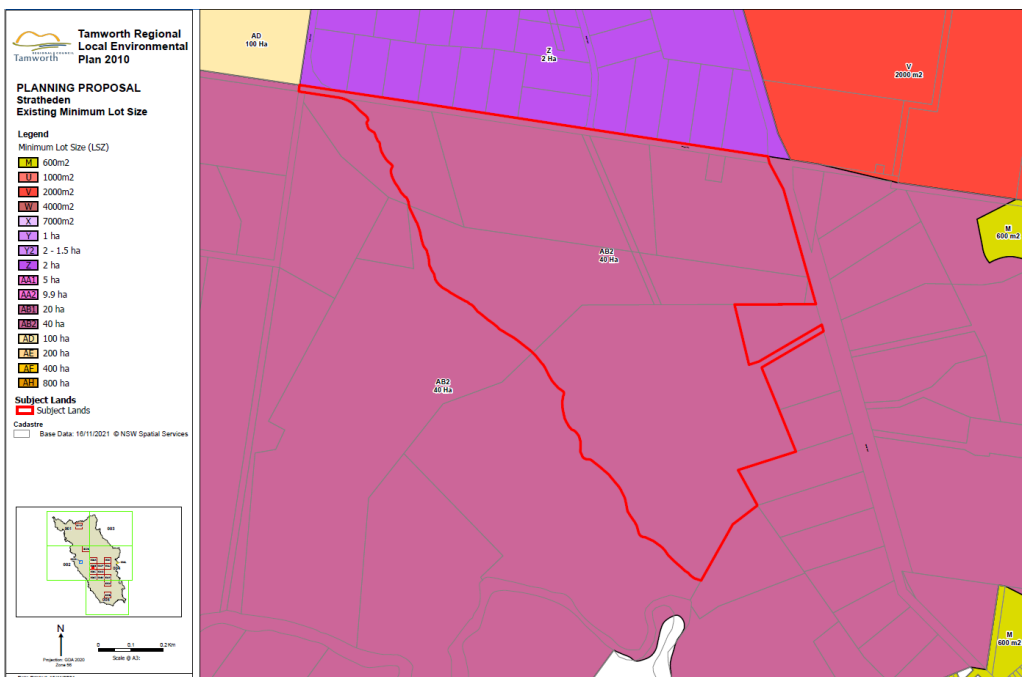


Figure 3 – Minimum Lot Size
(Source: Planning Proposal)

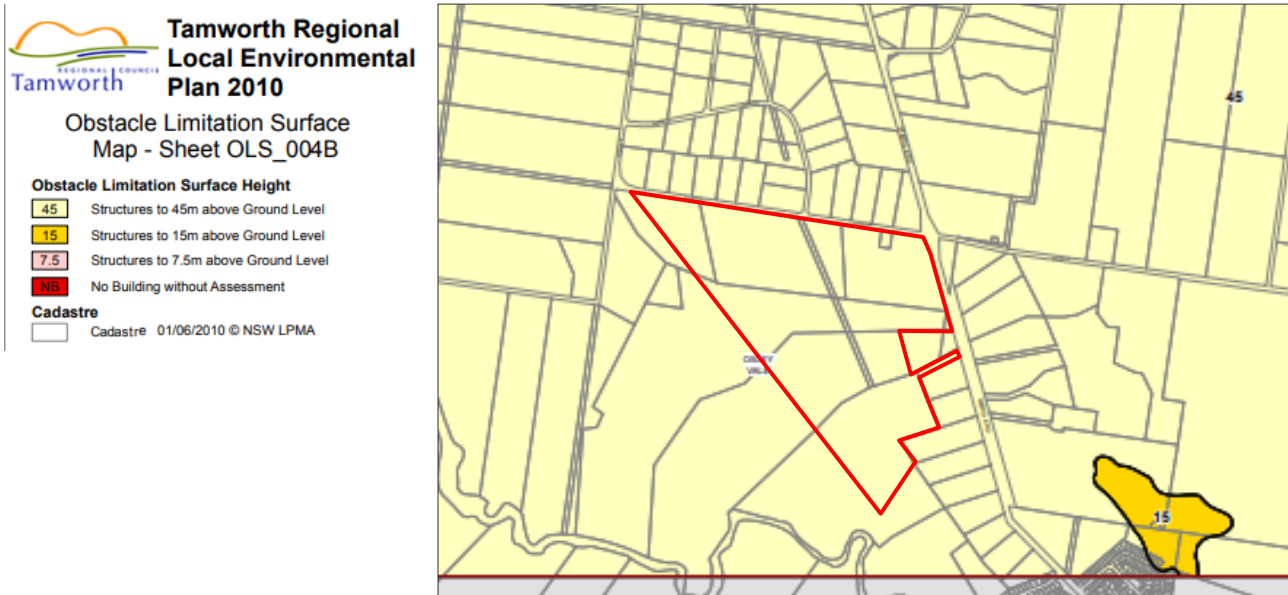


Figure 4 – Obstacle Limitation Surface Height

(Source: Legislation Tamworth Regional LEP map OLS_004B)

Note – Cadastre has changed since this map was gazetted and subject site is indicative only.

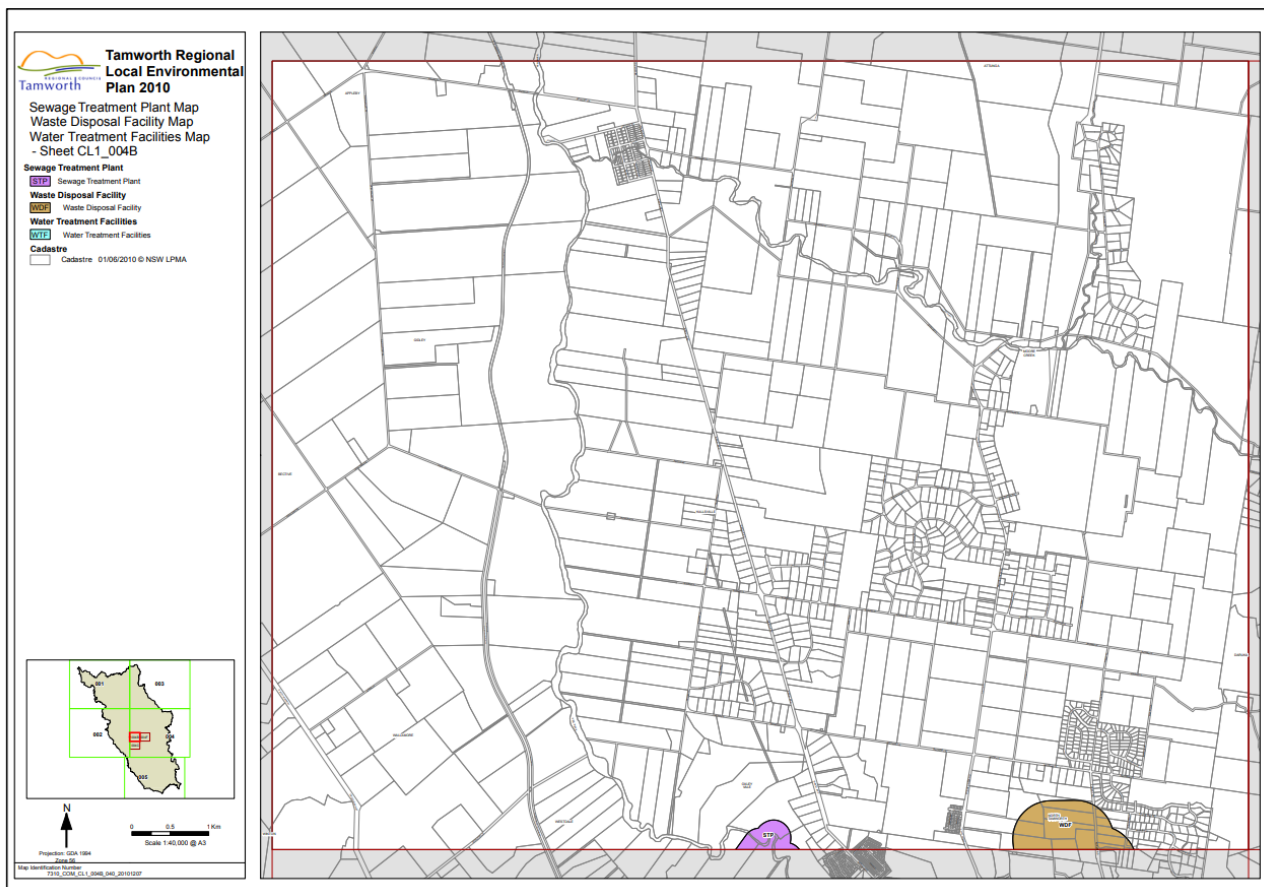


Figure 5 – Sewerage Treatment Plant Map

(Source: Legislation Tamworth Regional LEP map CL1_004B)

1.6 Mapping

The planning proposal includes maps showing the proposed changes to the land zoning map (Figure 6) and minimum lot size map (Figure 7).

It is noted that the proposed land zoning and lot size maps indicate that the Browns Lane road reserve to the north of Stratheden is to be rezoned R5 Large Lot Residential, with a minimum lot size of 2ha. However, these proposed amendments have not been addressed in the text of the planning proposal. This anomaly has been discussed with Council who have advised that they will amend the proposed map sheets to continue the R2 and R1 zones; and the W4000m² and G 450m² lot sizes across Browns Lane. It is therefore recommended that as a condition of the Gateway determination that the map sheets be amended prior to public exhibition.

Maps consistent with the Standard Technical Requirements will need to be prepared before the making of the LEP amendment.

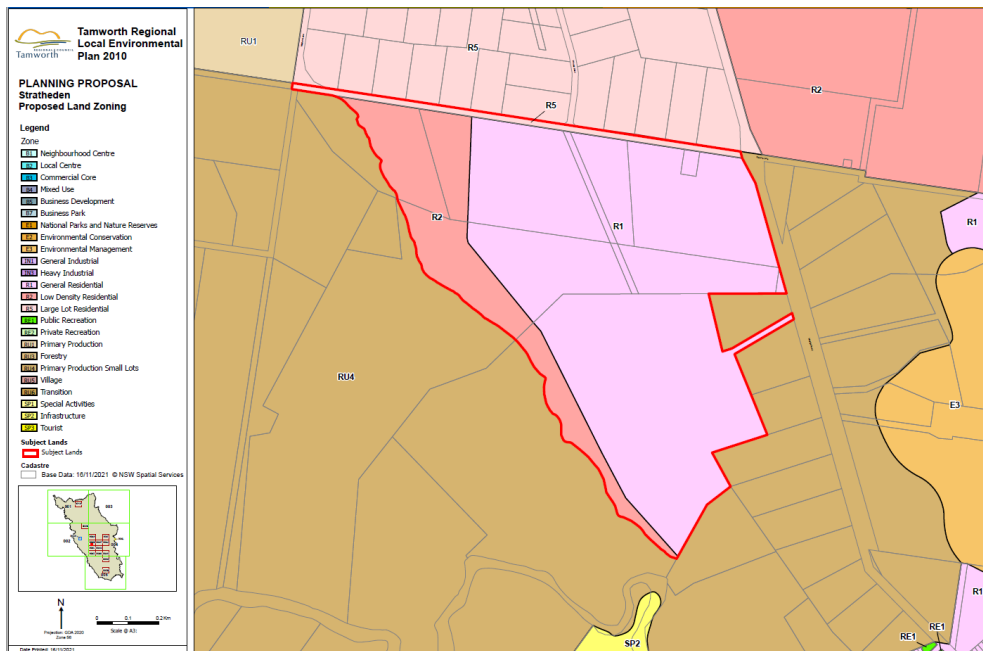


Figure 6 – Proposed Land Zone
(Source: Planning Proposal)

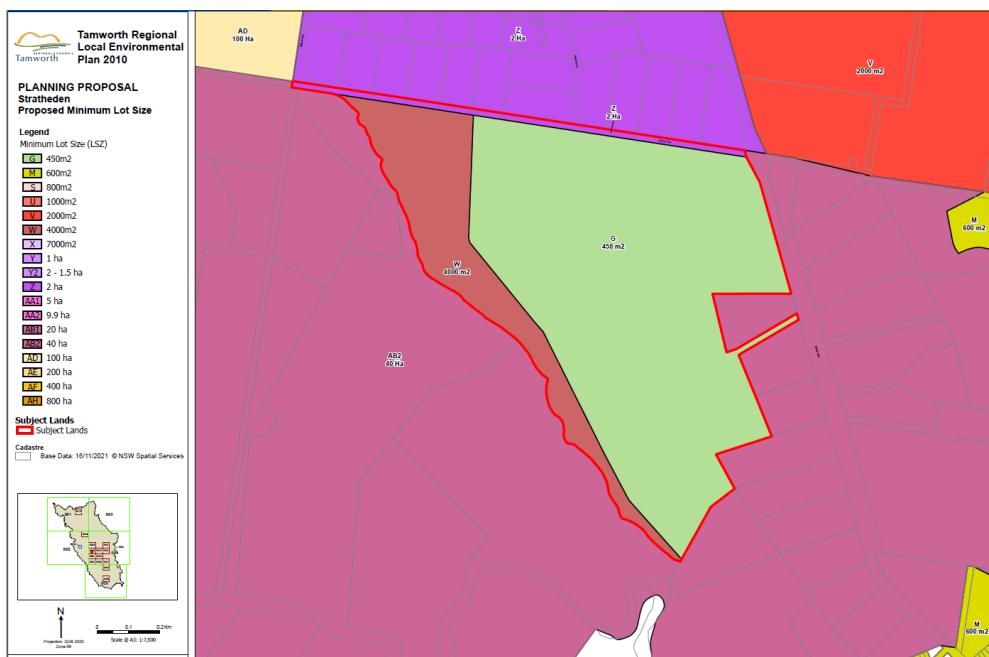


Figure 7 – Proposed Minimum Lot Size
(Source: Planning Proposal)

2 Need for the planning proposal

The subject area has also been identified in the New England North West Regional Plan 2036 (Figure 8) as a future residential investigation area and in the Tamworth Regional Local Strategic Planning Statement (LSPS) 2020 (Figure 9). The Stratheden residential development is identified in the Tamworth Regional Council Blueprint 100 – Part 1 Action 2.1.2 and the LSPS action SG1 to implement planning controls to support continued growth to the north of Tamworth and provide for the efficient use of land in new residential developments at Stratheden as a short term action.

It is considered the planning proposal is the best means to achieve the intended outcomes.

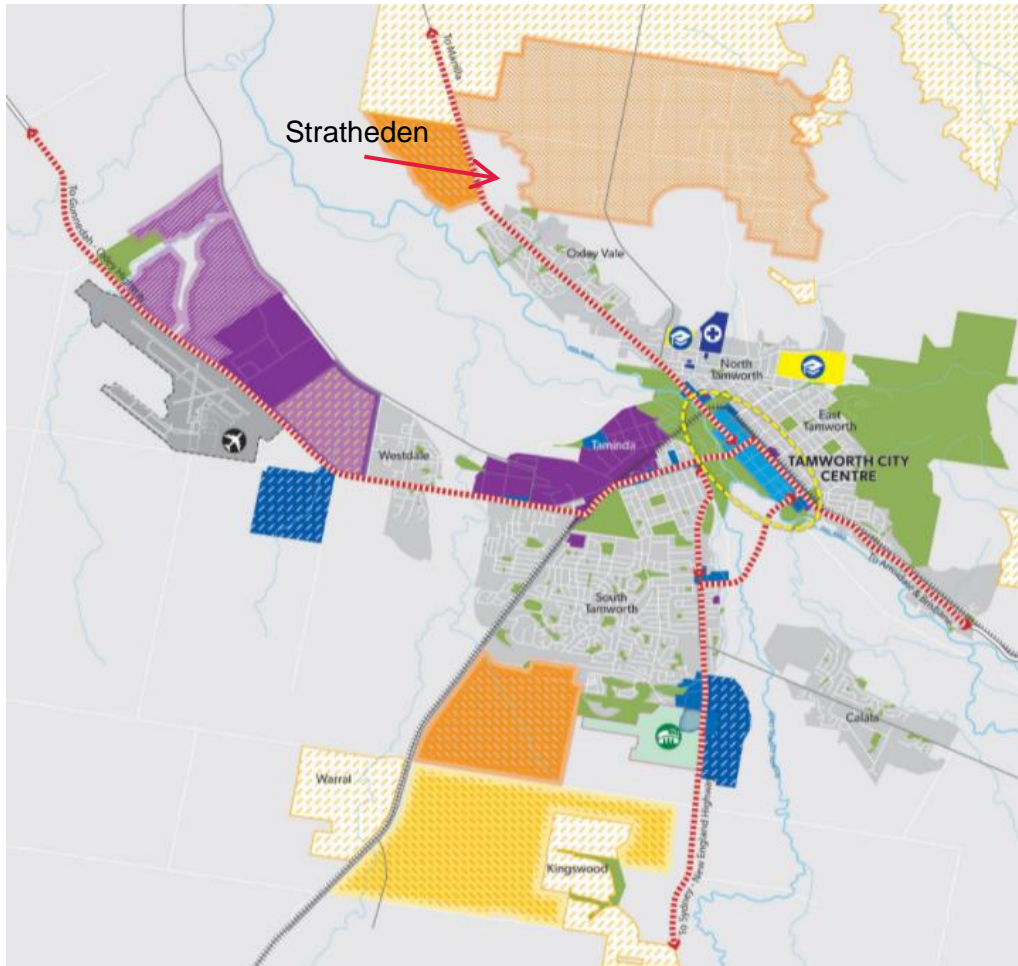


Figure 7: Tamworth Regional City Growth Precincts



Figure 8 – Tamworth Regional City Growth Precincts
(Source: New England North West Regional Plan 2036)

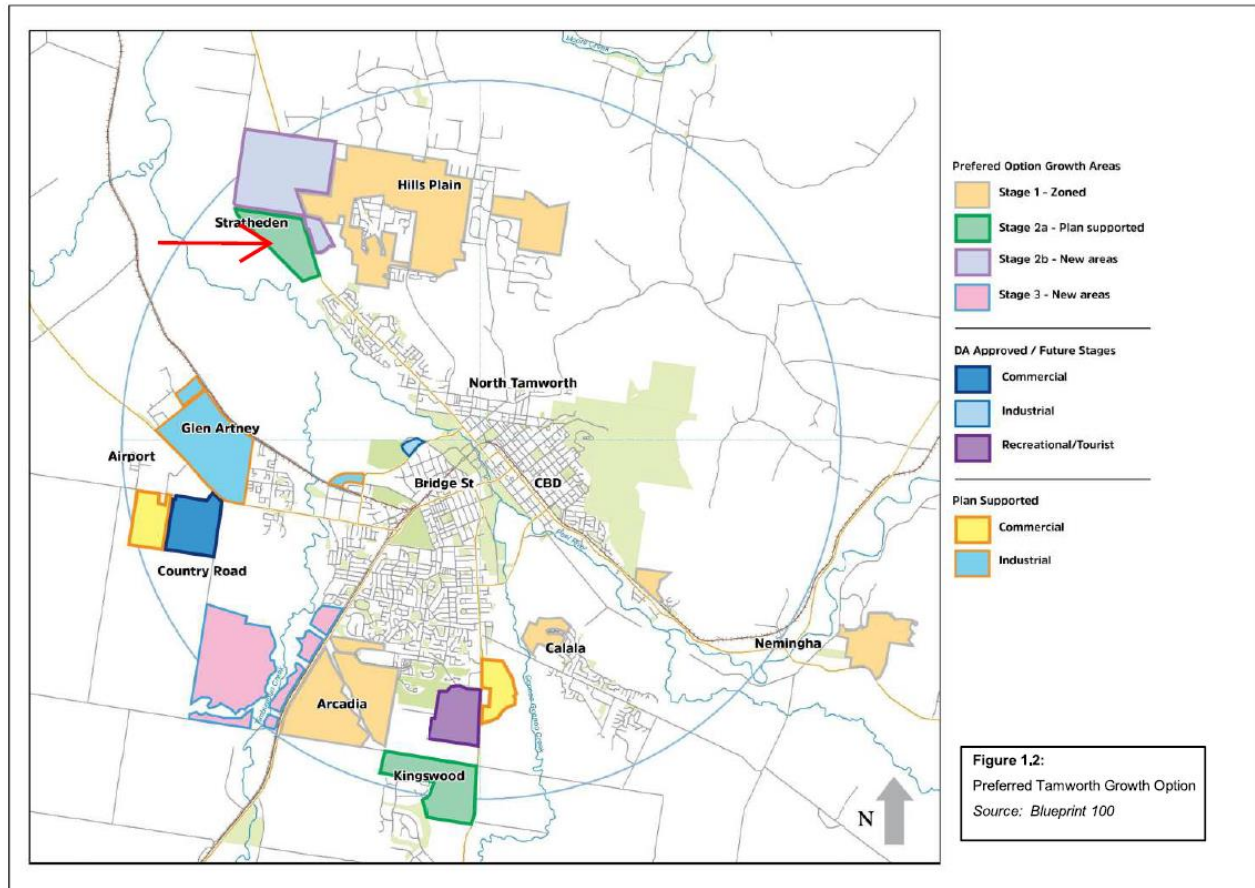


Figure 9 – Preferred Tamworth Growth Options
(Source: Tamworth Regional LSPS)


3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the New England North West Regional Plan (NENWRP) 2036.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 3: Protect and enhance productive agricultural lands	<p>The planning proposal is consistent with this direction.</p> <p>Part Lot 3 DP 997767, Part Lot 4 DP 212658 and Part Lot 708 DP 1252037 are identified as important farmland under the regional plan and Biophysical Strategic Agricultural Land (BSAL) under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Figure 10) and potential high environmental value (HEV) land (Figure 10). There is also a small area of potential high environmental land along the Peel River and southern boundary of Lot 708 DP1252037. These areas are not included within the area of the land to be rezoned.</p> <p>It is noted the planning proposal mentions the land is incorrectly mapped in a draft report as State Significant Agricultural Land (SSAL). It is recommended as a condition of the Gateway to avoid any confusion, this statement is removed as the NSW Department of Primary Industries SSAL project is only at an early draft stage</p>

Regional Plan Objectives	Justification
	<p>and the current exhibition period aims to collect information about the accuracy of the preliminary draft maps. Whether or not the SSAL maps are correct will be determined by a separate validation process by the Department of Primary Industries.</p>  <p>Figure 10 – Biophysical Strategic Agricultural Land and Potential High Environmental Value Land (Source: Northern Region Spatial Viewer) Note –Subject site is indicative only.</p>
<p>Direction 11: Protect areas of potential high environmental value</p>	<p>The planning proposal area does not contain areas of mapped HEV (Figure 9). An Environmental and Archaeological Constraints Preliminary Assessment (January 2019) was undertaken which considers matters including flora and fauna, contamination and archaeology and includes preliminary recommendations.</p> <p>In relation to flora and fauna the report indicates that the dominant natural ecological community across the local area is White box Yellow box Blakely's Red Gum woodland which is a critically endangered ecological community in NSW. It also nominates that on Stratheden, the community has been cleared and the property is developed for cultivation of crops and pasture with only a few isolated paddock trees remaining from the natural woodland. The report recommends that existing mature native trees and tree corridors around the boundary of the property are retained.</p> <p>Given it is a preliminary study, was prepared nearly three years ago and does not cover the entire site, it is considered that a condition should be imposed to require that an updated ecological assessment be prepared. It is also recommended that consultation is undertaken with the NSW Biodiversity and Conservation Division (BCD) to confirm the suitability of the proposal. Until an updated ecological assessment and consultation has been undertaken, the proposal is considered to be potentially inconsistent with this Direction.</p>
<p>Direction 12: Adapt to natural hazards and climate change</p>	<p>The New England North West Climate Change Snapshot (2014) projections indicate a warmer climate will result in altered rainfall patterns and more intense bushfires, droughts, and floods to 2050 and beyond.</p> <p><i>Action 12.1 Minimise the risk from natural hazards and the projected effects of climate change by identifying hazards, managing rises, and avoiding vulnerable areas, particularly when considering new urban release areas.</i></p>

Regional Plan Objectives	Justification
	<p>The planning proposal avoids the floodway and the land is not mapped as bushfire prone. There has been no discussion of drought and any potential impacts on the current water supply for the city of Tamworth. The planning proposal is potentially introducing approximately 895 new dwellings and therefore will have an impact on the water supply for Tamworth.</p> <p>It is recommended as a condition of the Gateway determination that discussion of the proposed development, potentially 895 new dwellings, on the available water supply be included in the planning proposal prior to public exhibition.</p> <p>It is recommended that consultation to confirm the suitability of the planning proposal is undertaken with Water NSW.</p>
Direction 16: Coordinate infrastructure delivery	<p>Urban growth must be directed to areas with infrastructure capacity, or where upgrades or new infrastructure is cost-effective. Rezoning should only occur when land for release or development can demonstrate that servicing can occur from existing infrastructure or that new infrastructure can be properly funded.</p> <p><i>Action 16.1 Undertake detailed infrastructure service planning to establish that land can be feasibly and economically serviced prior to rezoning.</i></p> <p>The planning proposal is aiming to rezone 105ha of RU4 zoned land to enable 895 residential dwellings. The planning proposal advises that new water and sewer trunk mains will be required but does not include sufficient discussion in relation to all required infrastructure.</p> <p>The planning proposal does not indicate if a specific servicing plan for the Stratheden subject site has been undertaken.</p> <p>It is recommended that as a condition of the Gateway determination that a servicing strategy is prepared to demonstrate that all public infrastructure can be provided to the site. Consultation should also be required with State agencies to determine whether any additional State infrastructure will be required and the land identified as an urban release areas under Part 6 of Tamworth LEP 2010.</p>
Direction 18: Provide Great Places to Live	<p>The planning proposal is generally consistent with this direction. The NENWRP 2036 identifies that additional homes will be required to support future growth and provide for changing household types; and well located land for residential development will help to create downward pressure on house prices. Focusing growth in or adjacent to existing urban development will foster liveability and a stronger sense of community.</p>
	<p><i>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.</i></p> <p><u>Appendix A – Interim Settlement Planning Principles</u></p> <p><u>Land suitability</u></p> <p>1. New land release areas are to be located adjacent to existing urban settlements to maximise the efficient use of existing infrastructure and services, including water, sewer, road, and waste services.</p> <p>The subject area is adjacent to R5 Large Lot Residential area (north) and R2 Low Density Residential (north east). The subject area has been identified in the NENWRP 2036; the Tamworth Regional LSPS and the Tamworth Blueprint 100 as being potentially suitable for residential development.</p>

Regional Plan Objectives	Justification
	<p>The planning proposal identifies good road access opportunities via Browns Lane and Manilla Road (State road). The proposed development will however increase the traffic volumes in the area. These roads will potentially require upgrades at intersections and access points. There is no discussion on expected traffic volume and distribution, any potential upgrades to road networks, any constraints that may exist to future upgrades, nor the financial feasibility of upgrades. A traffic impact assessment was prepared in 2019, but does not cover all of the allotments within the planning proposal area. As such, the TIA will need to be updated prior to agency and community consultation to include all land. Consultation is also recommended with Transport for NSW.</p> <p>The planning proposal states that water supply to the subject area will require a new trunk main along Manilla Road. There is no discussion on the feasibility for Council to upgrade the current system or whether Council intends to conduct further investigation and assessment.</p> <p>Sewer servicing has been identified as an issue, particularly in the north west corner of the subject site as it cannot be serviced with gravity sewer. On-site effluent disposal will be required in this area, which will be zoned R2 Low Density Residential.</p> <p>The sewer 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 Glengarvin Drive and further investigation and modelling will be required to confirm a sewer servicing strategy for the precinct. Given the need to access privately owned land for the construction, investigation into whether this option is feasible, or whether another may exist is required.</p> <p>The planning proposal makes no mention of mitigation of stormwater.</p> <p>It is noted the planning proposal makes mention of master planning for the site which includes a creek corridor, district park and local park being included and to be identified in a future DCP for the locality, however, provides no detail around the master planning.</p> <p>It is also noted that the land directly adjoins a sewage treatment plant to the west and that a small part of the land to be rezoned appears to be within the identified sewage treatment plant buffer. The proposal does not address this issue. It is recommended that prior to consultation that the proposal be amended to locate the rezoning area to be outside of the buffer and that an odour impact assessment be undertaken confirming that no adverse impact on the future residential land or on the operation of the sewage treatment plant will occur.</p> <p>2. New land release areas should be directed to unconstrained land by avoiding areas of high environmental value, cultural, and heritage significance and or areas affected by natural hazards such as flooding or bushfire.</p> <p>As discussed above under direction 3, the planning proposal avoids the BSAL and potential HEV areas.</p> <p>The subject site is also adjacent to the flood planning area (Figure 11). The flooding areas are not included within the subject site rezoning, with Part Lot 3 DP 997767, Part Lot 4 DP 212658 and Part Lot 708 DP 1252037 excluded. The planning proposal notes that the residential zones will be located above the 1:100 (+0.5m) Flood Planning Level and boundaries will be informed by the Tamworth City Wide Flood Study.</p> <p>The subject site is not mapped as being bushfire prone.</p> <p>A preliminary assessment has been undertaken for environmental and archaeological constraints; however, this assessment does not include all lots for</p>

Regional Plan
Objectives

Justification

the current subject site. The assessment did identify a tree with a scar on the lower trunk which had been protected by wire netting (Figure 12) and will require further investigation, including consultation with the Tamworth Local Aboriginal Land Council (LALC) and Heritage NSW.

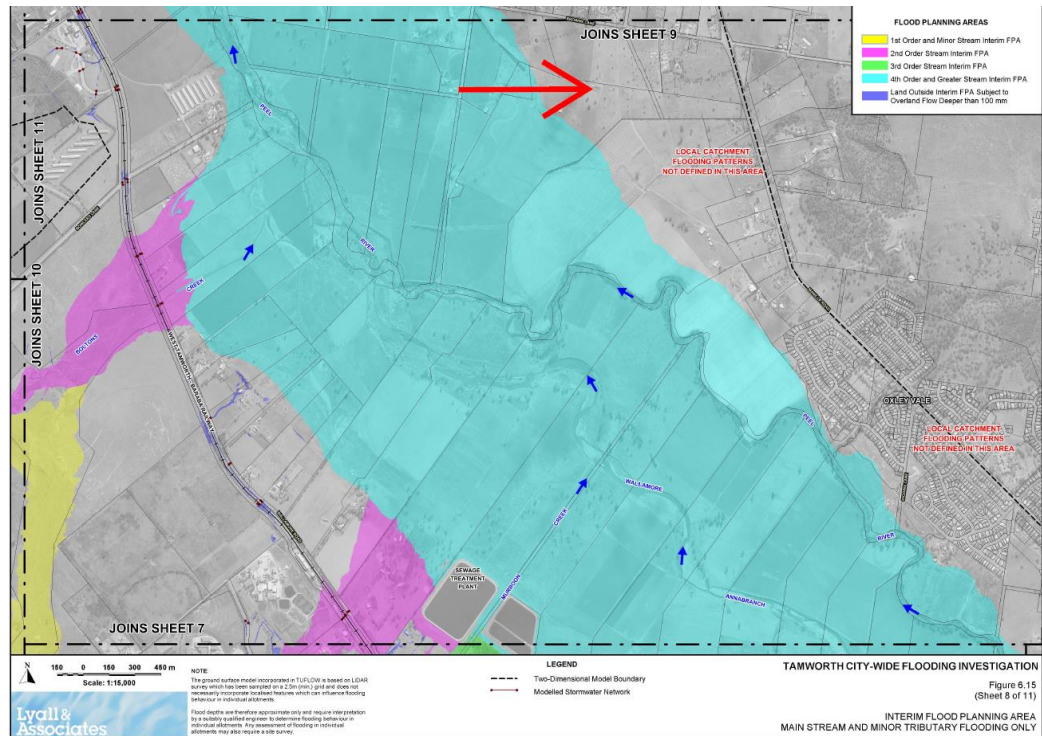


Figure 5 – Flood Planning Area
(Source: Planning Proposal)



Figure 12 – Potential scar tree in paddock at Stratheden
(Source: Environmental and Heritage Constraints Assessment, Stratheden (SMK Consultants))

3. New land release areas should be directed to avoid and manage the potential for land use conflicts with existing and likely future adjoining uses and infrastructure, including important agricultural land, and productive resource lands.

The potential for land use conflict has not been addressed by the planning proposal. Given the northern and eastern boundaries are adjacent to established residential zones, and the R2 Low Density Residential zone will adjoin the agricultural land to the west and south of the subject area and dwelling density is

Regional Plan Objectives	Justification
	<p>intended to be limited to two dwelling p/ha, the potential for land use conflict is considered to be limited. Notwithstanding, it is recommended that as a condition of the Gateway determination, that the planning proposal be updated to consider and address any potential impacts and required mitigation measures and that the proposal be referred to the Department of Primary Industries for comment.</p> <p>The subject area excludes the nearby BSAL and HEV land, and there is no known potential for productive resource land within the subject area.</p> <p><u>Development structure and form</u></p> <p>4. New land release areas should provide links to adjoining areas to ensure new areas are well integrated and maximise efficiency and shared use of services and facilities.</p> <p>The subject area has been strategically identified for residential development and adjoins established rural residential and residential developments (Figure 8 & Figure 9). There are no identified links, other than road network, identified in the planning proposal, however this can be further investigated during the site specific DCP.</p> <p>5. Recognise, protect and be compatible with any unique topographic, natural, or built cultural features essential to the visual setting, character, identity, or heritage significance of the area.</p> <p>The topography and natural constraints of the subject site have been considered with the alignment of the zoning, lot size, dwelling density and dwelling yield locating proposed development away from any constrained areas. Further considerations regarding visual setting, character, identity, and heritage significance can be considered and implemented during the site specific DCP.</p> <p>6. The planning proposal will help to support the Tamworth central business district as there is no business zones proposed within the subject site thereby supporting the viability of existing centres.</p> <p>7. The rezoning of the subject site to R1 and R2, and alignment of minimum lot sizes, and proposed dwelling density and dwelling yield will all help to provide housing diversity and support a variety of dwelling types.</p> <p>8. The subject site has been identified in multiple strategic plans. The Tamworth LSPS (Blueprint 100 Part 2) identifies reducing the minimum lot size and setting a minimum dwelling per hectare standard to support and provide for efficient use of infrastructure and services.</p> <p>9, 10 & 11. The proposed DCP for the subject site, to be undertaken post Gateway determination, will consider design, environmental, community and local services such as open space.</p> <p>It is recommended as a condition of the gateway that the planning proposal is updated prior to public exhibition to address the Interim Settlement Planning Principles (Appendix A) to include a more detailed discussion.</p> <p>It is also recommended as a condition of the Gateway determination that the following assessment reports are undertaken and the planning proposal is updated with any recommendations prior to public exhibition:</p> <ul style="list-style-type: none"> • a traffic impact assessment; • an ecological assessment; • an odour impact assessment; and • an Aboriginal cultural heritage assessment.

Regional Plan Objectives	Justification
	<p>It is recommended that consultation to confirm the suitability of the planning proposal is undertaken with:</p> <ul style="list-style-type: none"> • Transport for NSW (TfNSW); • Department of Primary Industries; • Heritage NSW; and • Tamworth Local Aboriginal Land Council.
Direction 20: Deliver greater housing diversity to suit changing needs	The planning proposal is consistent with this direction. The Tamworth LSPS planning priority 1. Facilitate Smart Residential Growth and Housing Choices; outlines a vision to increase density and affordable housing choice in new land release areas. The Stratheden locality is one of the preferred options for future residential investigation within the current Tamworth urban boundary, and is linked to established residential areas such as the Hills Plains precinct.
Direction 23: Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage & Direction 24: Protect the region's historical heritage assets	<p>The planning proposal is currently inconsistent with these Directions until further investigations can be undertaken because the preliminary archaeological assessment identified a tree with a scar on the lower trunk which has been protected by wire netting (Figure). The report concludes that further investigation is required in relation to this tree to establish if it is of Aboriginal origin. In addition, the report does not cover all of the land subject to the planning proposal.</p> <p>An Aboriginal cultural heritage assessment is required to be undertaken as a condition of the Gateway determination for the entire area contained within the planning proposal. Consultation is also required with the LALC and Heritage NSW.</p>

It is also noted that the draft New England North West Regional Plan 2041 is currently on exhibition. The subject site is identified as a future residential investigation area under the draft plan and the proposal is considered to be generally consistent with the draft plan. It is recommended however that the proposal be amended prior to exhibition to include a discussion on the proposal's consistency with the draft plan. This is considered appropriate as the New England North West Regional Plan 2041 is expected to be the relevant regional plan by the time this proposal is finalised.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Blueprint 100 (Part 1)	The planning proposal is consistent with Blueprint 100 Part 1, and aligns with Priority 2.1 Expansion in suitable locations; and in particular Action 2.1.1 Support growth to the north of Tamworth to continue, and ensure that land is used efficiently; and Action 2.1.2 Support residential development in Stratheden 1 & 2.

Local Strategies	Justification
Tamworth LSPS (Blueprint 100 Part 2)	The subject site is within the identified Stratheden locality (Figure 9) and consistent with planning priority 1. Facilitate Smart Residential Growth and Housing Choices.
Community Strategic Plan	The planning proposal is not inconsistent with the Community Strategic Plan (CSP) and aligns with the identified priorities.

It is also noted that the proposal is consistent with the Tamworth Regional Development Strategy 2008 that was endorsed by the Department in April 2008 and identifies the land as investigation area for potential future residential development.

3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with all relevant section 9.1 Directions except for the following as discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Rural Zones	Inconsistent – Justified	The planning proposal is inconsistent with this Direction as it is rezoning rural land to residential land. The inconsistency is considered to be justified as the subject site has been identified in the Tamworth Regional Blueprint 100 (Part 1), Tamworth LSPS (Blueprint 100 (Part 2)) and the NENWRP 2036.
1.3 Mining, Petroleum Production and Extractive Industries	Inconsistent - Unresolved	<p>This Direction applies as the proposed rezoning of the site will have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials.</p> <p>It is recommended that consultation is undertaken with the Mining, Exploration and Geoscience Division of the Department of Regional NSW (GCNSW) in relation to the suitability of the planning proposal. Until consultation has occurred, consistency with this Direction remains unresolved.</p>
1.5 Rural Lands	Inconsistent – Justified	The planning proposal is inconsistent with this Direction as it affects land that is within a rural zone and unable to satisfy all the requirements of the Direction. The inconsistency is considered to be justified as the subject site has been identified in the Department endorsed Tamworth LSPS (Blueprint 100 (Part 2)) and the NENWRP 2036.
2.1 Environment Protection Zones	Inconsistent – Unresolved	<p>The planning proposal is inconsistent with this Direction as the preliminary information supplied in relation to flora and fauna is incomplete, covering only part of the planning proposal area.</p> <p>It is recommended that an ecological assessment is undertaken in relation to the entire site. It is further recommended that consultation is undertaken with BCD to confirm the suitability of the proposal.</p> <p>The Direction will remain unresolved until consultation has been undertaken and an ecological assessment has been completed.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.3 Heritage Conservation	Inconsistent – Unresolved	<p>The planning proposal is inconsistent with this Direction as it provides that a planning proposal must contain provisions which facilitate the conservation of heritage and Aboriginal cultural significance.</p> <p>As discussed above, an Aboriginal cultural heritage assessment is required to be undertaken for the whole of the planning proposal area. A preliminary assessment (not covering the entire site) identified a tree with a scar on the lower trunk which had been protected by wire netting (Figure) and will require further investigation to determine if it is of Aboriginal origin.</p> <p>It is recommended that as a condition of the Gateway determination that an Aboriginal Cultural heritage assessment is undertaken for the planning proposal area, and the recommendations of the assessment be included in the planning proposal prior to public exhibition.</p> <p>It is recommended that consultation is undertaken with Heritage NSW and the Tamworth Local Aboriginal Land Council to confirm the suitability of the planning proposal.</p> <p>The Direction will remain unresolved until comments are received from the agencies, an Aboriginal cultural heritage assessment has been completed and the relevant recommendations updated in the planning proposal.</p>
2.6 Remediation of Contaminated Land	Inconsistent – Unresolved	<p>This Direction applies to the planning proposal is rezoning the land to a residential zone. The historical use of the land was for agricultural purposes which is listed in Table 1 of the Contaminated Land Planning Guidelines.</p> <p>Contamination was considered as part of the Environmental and Archaeological Constraints Preliminary Assessment (January 2019). However, this does not cover the entire area the subject of the planning proposal.</p> <p>It is recommended that as a condition of the Gateway determination that a preliminary contamination assessment report is undertaken for the entire site and the recommendations of the assessment are to be included in the planning proposal prior to public exhibition.</p> <p>The inconsistency with the Direction will remain unresolved until a contamination assessment has been completed for the current subject site and the relevant findings updated in the planning proposal prior to community consultation.</p>
3.2 Caravan Parks and Manufactured Home Estates	Inconsistent – Justified	<p>The planning proposal is inconsistent with this Direction as it will not retain provisions that permit development for the purposes of a caravan park on the land being zoned R2 Low Density Residential.</p> <p>The inconsistency is considered to be of minor significance as the R2 zone will occupy only 22ha of the 105ha site, and caravan parks are permitted within the proposed R1 General Residential and existing RU1 Primary Production zones on the subject site.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.4 Integrating Land Use and Transport	Inconsistent – Unresolved	<p>The planning proposal is inconsistent with this Direction as it does not meet the objectives of the Direction.</p> <p>The planning proposal does not demonstrate how it will provide connectivity for walking and cycling, public transport options and school bus routes or how it will increase the choice of available transport and reduce dependence on cars.</p> <p>The projected dwelling yield is estimated at 895 dwellings. It is considered there will be a significant increase in the demand on the local road network and the number of trips generated by the development.</p> <p>As noted above in Table 4, it is recommended that an updated Traffic Impact Assessment be prepared to consider impacts on adjoining road networks, prior to community consultation.</p> <p>It is also recommended that consultation be undertaken with Transport for NSW (TfNSW) once the Traffic Impact Statement has been completed.</p> <p>The Direction will remain unresolved until TfNSW has reviewed the planning proposal and the Traffic Impact Assessment, provided comments and recommendations and the planning proposal has been updated with the final recommendations.</p>
6.3 Site Specific Provisions	Inconsistent – Justified	<p>The planning proposal is inconsistent with this Direction as it proposes to implement site specific density controls.</p> <p>As the density controls are being implemented due to known infrastructure issues this inconsistency is considered to be of minor significance.</p>
5.10 Implementation of Regional Plans	Inconsistent- Unresolved	<p>The planning proposal is potentially inconsistent with this Direction for the reasons discussed above in relation to the NENW Regional Plan 2036 and until further investigations can be undertaken to confirm the suitability of the proposal.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is considered consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

As noted above in Table 4 and Table 6, a contamination assessment report is required prior to public exhibition.

The subject site is predominantly cleared of vegetation and previously used as agricultural land. A preliminary Environmental Assessment was carried out in January 2019 which considered flora and fauna, contamination and archaeology, however this does not cover the current subject site, and as noted in Table 4 and Table 6, an updated report covering the current subject site is required. In the preliminary assessment, one tree was noted on the property as being scarred. The

preliminary assessment also noted the probability that this scar resulted from trauma associated with either a storm or clearing of the land is high due to the depth of the scar and as it would be unusual for a scar of aboriginal origin to be extended into the inner layers of the tree. This will, however, need further investigation and consultation undertaken with the Tamworth LALC.

Due to the location of the adjoining sewage treatment plant an odour impact assessment is recommended to confirm no adverse impact on future residential development or the operation of the plant.

The subject site is not bushfire prone and has taken into consideration the adjacent important farmland, BSAL, mapped HEV and flooding areas and development has been directed away from these areas.

4.2 Social and economic

It is considered the social and economic impacts will be positive, supporting future investment and delivery of a range of housing options within Tamworth. The proposal will support housing construction to provide employment, increased housing diversity and choice and an increased capacity for the city to absorb and encourage inbound population increases which will have positive economic spending outcomes that will support the CBD and local industries.

4.3 Infrastructure

A Traffic Impact Assessment is required to be prepared, considering impacts on adjoining road networks prior to community consultation. It is expected that upgrades to the Manilla Road and Browns Lane intersection are likely to be required and consultation with TfNSW is also required to be undertaken.

Infrastructure upgrades for sewer and water have been identified in the planning proposal, however stormwater and electricity to service the site have not been discussed. Other infrastructure that potentially will be required, due to the size of the rezoning and potential number of dwellings to be serviced would be bus stops, pedestrian pathways and cycleways, and new intersections. The planning proposal advises that some master planning has been undertaken, however, there is no detail except to mention the creek corridor, district park and local park have been nominated in the master plan. It is considered that the planning proposal should be updated to discuss this in more detail. Consultation should also be undertaken with the Natural Resource Access Regulator (NRAR) due to the presence of the creek.

The planning proposal is aiming to rezone 105ha of RU4 zoned land to create a potential 895 dwellings. As a result of the large potential lot yield, this site may be determined to be an Urban Release Area under Part 6 of the Tamworth LEP 2010 and therefore trigger the need to make satisfactory arrangements for State Public Infrastructure contributions under clause 6.1.

The planning proposal has not specifically addressed the potential need for State Public Infrastructure. It will be necessary therefore that the Gateway determination be conditioned to ensure consultation with all relevant agencies to determine the potential need for State Public Infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

In accordance with the Local Environmental Plan Making Guideline (December 2021) the maximum period of public exhibition for the standard category of planning proposal is 20 working days. This requirement forms part of the conditions of the Gateway determination.

5.2 Agencies

Tamworth Regional Council have nominated some public agencies for consultation, however, as the planning proposal has not addressed the potential need for State Public Infrastructure, it is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment based on the planning proposal category:

- Natural Resource Access Regulator
- NSW Department of Education
- Transport for NSW
- Department of Primary Industries
- Hunter New England Health
- NSW Police
- NSW Ambulance
- NSW Fire and Rescue
- NSW Department of Justice
- Heritage NSW
- Water NSW
- Mining, Exploration and Geoscience Division of the Department of Regional NSW
- Essential Energy
- Transgrid
- Tamworth Local Aboriginal Land Council

6 Timeframe

Council proposes a nine month time frame to complete the LEP.

The Department recommends the LEP be completed by 24 September 2022 to ensure it is completed in line with the commitment to reduce processing times. The nine month period proposed by Council and conditioned on the gateway determination is within the benchmark timeframe target for a standard planning proposal, being 225 working days. The target deadline of 225 working days is 8 November 2022.

7 Local plan-making authority

Council has advised in a covering letter that it would like to exercise its functions as a Local Plan-Making authority.

As the proposed residential area is identified in the NENWRP 2036 and the Tamworth LSPS, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- the subject land is identified as a future residential investigation area in the NENWP and the Tamworth LSPS;
- rezoning of the land will assist in delivering additional housing supply, diversity, and choice in Tamworth; and
- rezoning of the subject site will assist in achieving relevant planning priorities in Council's LSPS.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- update the proposed land zoning and minimum lot size (MLS) maps to include Browns Lane within the new proposed zone and MLS;
- remove the reference to the land being incorrectly mapped in a draft report as State Significant Agricultural Land (SSAL);
- address the specific requirements of the New England North West Regional Plan 2036, Appendix A - Interim Settlement Planning Principles to include a more detailed discussion;
- include a discussion on the proposal's consistency with the draft New England North West Regional Plan 2041;
- discuss any potential impacts on the current water supply for the city of Tamworth;
- address the potential for an increased risk of land use conflict resulting from increased density adjoining agricultural land, and mitigation to manage this risk;
- amend the rezoning footprint if required to be located fully outside the existing sewage treatment plant buffer identified under Tamworth Regional LEP 2010;
- prepare the following assessment reports and include any recommendations in an updated planning proposal:
 - Traffic Impact Assessment
 - Aboriginal Cultural Heritage Assessment;
 - Ecological Assessment;
 - Odour Impact Assessment (associated with the adjoining sewage treatment plant);
 - Servicing Strategy; and
 - Preliminary Contamination Assessment

9 Recommendation

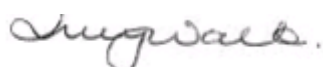
It is recommended the Acting Director, as delegate of the Secretary:

- **Agree** that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.2 Caravan Parks and Manufactured Home Estates and 6.3 Site Specific Provisions are minor or justified; and
- **Note** that the consistency with section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries; 2.1 Environmental Zones; 2.3 Heritage Conservation; 2.6 Remediation of Contaminated Land; 3.4 Integrating Land Use and Transport and 5.10 Implementation of Regional Plans are unresolved and will require justification.

It is recommended the Acting Director, as delegate of the Minister:

- **note** the planning proposal (Attachment A);
- **determine** that the planning proposal should proceed subject to the following conditions:
 1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - update the proposed land zoning and minimum lot size (MLS) maps to include Browns Lane within the new proposed zone and MLS;
 - remove the reference to the land being incorrectly mapped in a draft report as State Significant Agricultural Land (SSAL);
 - address the specific requirements of the New England North West Regional Plan 2036, Appendix A - Interim Settlement Planning Principles to include a more detailed discussion;

- include a discussion on the proposal's consistency with the draft New England North West Regional Plan 2041;
 - discuss any potential impacts on the current water supply for the city of Tamworth;
 - address the potential for an increased risk of land use conflict resulting from increased density adjoining agricultural land, and mitigation to manage this risk;
 - amend the rezoning footprint if required to be located fully outside the existing sewage treatment plant buffer identified under Tamworth Regional LEP 2010;
 - prepare the following assessment reports and include any recommendations in an updated planning proposal:
 - Traffic Impact Assessment
 - Aboriginal Cultural Heritage Assessment;
 - Ecological Assessment;
 - Odour Impact Assessment (with the adjoining sewage treatment plant);
 - Servicing Strategy; and
 - Preliminary Contamination Assessment
2. Consultation is required with the following public authorities:
- Natural Resource Access Regulator
 - NSW Department of Education
 - NSW Biodiversity and Conservation Division
 - Department of Primary Industries
 - Transport for NSW
 - Hunter New England Health
 - NSW Police
 - NSW Ambulance
 - NSW Fire and Rescue
 - NSW Department of Justice
 - Heritage NSW
 - Water NSW
 - Mining, Exploration and Geoscience Division of the Department of Regional NSW
 - Essential Energy
 - Transgrid
 - Tamworth Local Aboriginal Land Council
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The LEP should be completed on or before 24 September 2022.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



23/12/2021

(Signature)

(Date)

Lucy Walker
Specialist Planning Officer, Local and Regional Planning
Northern Region



24/12/21

(Signature)

(Date)

Craig Diss
Acting Director, Northern Region
Local and Regional Planning

Assessment officer

Helen Willis
A/Planning Officer
5778 1489