



Stratheden Planning Proposal 2021

PP-2021-7149

Version 2 – Exhibition

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Table of Contents

Background.....	4
Part 1: Objectives or Intended Outcomes.....	5
Part 2: Explanation of Provisions	5
Part 3: Justification.....	5
Section A: Need for the planning proposal.....	5
Section B: Relationship to strategic planning framework	6
Section C: Environmental, social and economic impact.....	20
Section D: State and Commonwealth Interests	21
Section E: State and Commonwealth Interests.....	22
Part 4: Maps	23
Part 5: Community Consultation.....	23
Part 6: Project Timeline.....	24

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 and Environment (DPE).

This exhibition version of the planning proposal has been amended to reflect the requirements of the Gateway Determination issued on 24 December 2021.

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 the 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.

A Gateway Determination was issued on 24 December 2021 prescribing a number of amendments be made to the planning proposal prior to exhibition. The determination required six (6) studies or strategies be undertaken or updated and the recommendations of these investigations be included in this amended 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 shows the extent of the subject land. The extent of the subject land has been reduced slightly to take into account the Westdale Wastewater Treatment Plant buffer.

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 provisions 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 but will likely reflect the working introduced by the recent Arcadia Estate 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 LSPS, strategic study or report?

Yes. This planning proposal arises from the Tamworth Regional Council (TRC) Blueprint 100 strategic plan which includes the *Tamworth Regional Local Strategic Planning Statement 2020* (LSPS) [Tamworth Regional Blueprint 100 | Tamworth Regional Council \(nsw.gov.au\)](https://www.nsw.gov.au/tamworth-regional-blueprint-100)

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 *TRLEP 2010* 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* as a Future Residential Area. The following section assesses the proposal against key Directions of the Regional Plan 2036 (see **Appendix 3**).

The land remains identified in the *New England North West Regional Plan 2041* that was adopted following the issue of the Gateway Determination in December 2021. An additional section is included further below that assesses the proposal against key sections of the adopted Regional Plan 2041.

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 is not inconsistent with this direction and action because the subject land is identified in an endorsed strategy and is consistent with guidelines on important agricultural land.

Large lot residential uses adjoin the site on three sides. A transition area is proposed between the general residential area and better farming lands to the west via the implementation of the *R2 – Low Density Residential* zone and related 4000m² Lot Size provisions. Consequently, it is considered that the planning proposal includes mitigation measures that facilitate the effective management of any potential land use conflicts.

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 2041. 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 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.

As stated above, the planning proposal is in accordance with the Interim Settlement Planning Principles with an assessment of the planning proposal in consideration of these Principles undertaken in the table below.

	Principles
Land suitability	<p>The subject site is adjacent to existing urban areas to maximise the efficient use of infrastructure and services in the locality, including water, sewer, road, and waste services. The attached water and sewer servicing strategy demonstrate suitable capacity to cater for the increase in densities. Refer to Attachment 7 – Water Sewer Servicing Strategy.</p> <p>The cost of providing these services will be borne by developers and landowners in the locality either directly or via development servicing plans (DSPs) and contributions plans that build on those already in place.</p> <p>The subject site is not identified a bushfire prone land. The subject site is located out of the riparian flood planning area relating to the Peel River. Areas of known environmental, cultural and heritage significance have been identified and will be managed and protected by site-specific development controls. This is consistent with the approach taken in recent planning proposals.</p> <p>The subject site is currently identified in the <i>New England North West Regional Plan 2041</i>. The surrounding area includes a mixture of residential and rural residential land uses. The better agricultural land is located to the west in the floodplain which is not subject to this planning proposal. It is not considered the planning proposal will lead to an increase in land use conflicts. In particular a transition area is proposed between the general residential area and better farming lands via the implementation of the <i>R2 – Low Density Residential</i> zone and related 4000m2 Lot Size provisions.</p>
Development structure and form	<p>The Stratheden site has been the subject of significant masterplanning with the involvement of landowners, Council Divisions and Government Agencies. This has led to the formulation of a draft structure plan that will form the basis of development controls for the site. As a draft that is subject</p>

	<p>to ongoing revisions, it is not specifically exhibited in this process but the concepts are reflected in the Traffic Impact Assessment and Servicing Strategies.</p> <p>A significant number of investigations have been undertaken to ensure the ultimate use of the site respects the natural features and promotes good urban design principles. Pedestrian and cycleway links will be provided throughout the estate which connect to two parks and other open space areas.</p> <p>Future commercial development will be limited to neighbourhood shops and like uses that are permissible in the <i>R1 - General Residential</i> zone. The proposed zoning will not support the development of a commercial hub and therefore will not impact the viability of planned or existing commercial areas in neighbouring suburbs or the Tamworth CBD. A major transport and amenity spine including an estate entry boulevard is planned to tie in the various sections of the estate including parks and open space and promote a legible urban fabric.</p> <p>The planning proposal includes new dwelling density provisions (10 dwellings/ha) and restricted dwelling yield (895 dwellings) to promote housing diversity within the estate. The site-specific development controls will include provisions for water sensitive design and the use of drainage lines for passive recreation and visual open space to the west over the Peel River floodplain.</p>
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The New England North West Regional Plan 2041

The *New England North West Regional Plan 2041* has been finalised and adopted by the Department of Planning and Environment. The plan is an update to the 2036 version and the Stratheden Planning Proposal alignment is substantially the same. In particular, the Stratheden subject lands remain mapped as a 'future residential investigation area'.

The *New England North West Regional Plan 2041* has a revised vision and structure of the document compared to the 2036 Regional Plan.

VISION

'Healthy and thriving communities, supported by a vibrant and dynamic economy that builds on the region's strengths.'

There are five parts to the plan;

- Growth, change and opportunity
- Productive and innovative
- Sustainable and resilient
- Housing and place
- Connected and accessible

Relevant to the Stratheden Planning Proposal the Regional Plan 2041 planning priorities include; the efficient use of water, the regional city of Tamworth and a wide range of housing and acknowledges that growth is expected to occur in the main around Tamworth and Armidale.

The subject land is within an area identified in the *New England North West Regional Plan 2041* (the Regional Plan) as a Future Residential Investigation Area, refer page 105 of the Regional Plan.

The planning proposal also gives effect to the Objectives contained within the *New England North West Regional Plan 2041* including:

OBJECTIVE 1: Coordinate land use planning for future growth, community need and regional economic development

The planning proposal reflects the Objectives and Strategies of the Regional Plan and based on the following key settlement planning principles:

1. Identify growth needs and opportunities

It has been established that demand for employment and housing will be generated by projected population growth in and around the Regional City of Tamworth. and Armidale.

2. Identify and direct suitable land for planned growth

In the New England North West, major growth planning is expected to be concentrated in the regional cities and strategic centres. Growth areas should generally avoid key constraints, such as flooding, bushfire, important farmland, areas of high environmental value, and steep land, to minimise the risk posed by these constraints in the long-term

3. Determine the required structure for development

Structure and precinct plans should be considered for significant new employment and housing growth areas in the New England North West to guide and facilitate new development and infrastructure. The structure plan should include a character analysis to ensure future development is consistent with preserving the individual character of places. High level designs should promote development that has good connectivity, environmental management builds resilience to natural hazards and the effects of climate change. It should consider the right mix of land uses and be prepared following consultation with key private and government stakeholders and the community

4. Encourage locally responsive, sustainable design

This is important to enhance the unique character of the region's cities, towns and villages and to protect the key qualities that are valued by the community. Priorities for each council are set out in Local Government Narratives within this Plan.

OBJECTIVE 13: Provide well located housing options to meet demand

Housing Diversity

A key feature of the Stratheden Planning Proposal is the focus on housing diversity including variety of lot sizes, density provisions, and encouragement of integrated housing with various numbers of bedrooms. The proposal recognises that planning for a diversity of housing choices gives people more options at different stages of life.

The proposal identifies that demand for smaller homes with fewer bedrooms can provide the option of lower cost and lower maintenance lifestyles. Demand for this type of housing is expected to increase over time due to an increasing proportion of lone-person and couple households. smaller households.

Infill, Greenfield, and Rural Residential Development

The Stratheden Proposal represents an important element in the desirable mix of well-planned infill, greenfield and rural residential locations. The precinct involves larger lots as a transition to rural lands to the west and a variety of smaller lots sizes to the east promoting sustainable land use outcomes.

OBJECTIVE 14: Provide more affordable and low cost housing

As outlined above the planning proposal provides for housing diversity including variety of lot sizes, density provisions, and encouragement of integrated housing with various numbers of bedrooms. Council acknowledges that homes with fewer bedrooms or car parking spaces, smaller lots, or on strata title will tend to provide cheaper housing options. In this manner low-cost types of housing can also be achieved in the conventional housing market without impacting the financial feasibility of the development in precincts such as Stratheden where housing variety is provided.

4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Tamworth Regional LSPS 2020

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 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 – Part 1

[2020-162022 Blueprint 100 Part 1.pdf](#)

This planning proposal gives effect to the priority themes and actions contained within the *Tamworth Regional Council Blueprint 100 – Part 1 (Blueprint 100)* which accompanies Council's LSPS 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 any other applicable State or regional studies or strategies?

Yes. The subject land is within an area identified in the *New England North West Regional Plan 2041* (the Regional Plan) as a Future Residential Investigation Area (see **Appendix 3**).

The planning proposal is consistent with the strategic directions and priorities for the Tamworth Regional LGA such as "deliver a variety of dwelling types and levels of affordability in Tamworth, including for temporary workers." The planning proposal will result in dwelling

density guidelines which will deliver a range of dwelling types and opportunities for housing diversity.

6. Is the planning proposal consistent with applicable SEPPs?

In the course of 2022 revised SEPPs have been instituted by the NSW State Government. The SEPPs continue to be revised and the revised planning proposal is updated with an assessment of these new SEPPs in the table below.

State Environmental Planning Policy	Applicable to TRC	Consistent	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	Consistent	Planning proposal is not contrary to SEPP provisions. An updated Ecological (Flora and Fauna) Assessment has been undertaken for the subject lands. in accordance with the Gateway Determination of 24 December 2021 (see Appendix 6)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	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 (Housing) 2021	Yes	Consistent	This planning proposal is consistent with the principles of this policy and seeks to encourage the development of a variety of housing types in a location which is well serviced (or is able to be serviced) by public infrastructure. A Water and Sewer Servicing Strategy has been formulated in accordance with the Gateway Determination (see Appendix 7)
State Environmental Planning Policy (Industry and Employment) 2021	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.

State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development	Yes	Consistent	This planning proposal is consistent with the aims and objectives of this SEPP.
State Environmental Planning Policy (Planning Systems) 2021	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Precincts – Central River City) 2021	No	-	-
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	No	-	-
State Environmental Planning Policy (Precincts - Regional) 2021	Yes	N/A	The subject site is not a state significant or activation precinct
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	No	N/A	N/A
State Environmental Planning Policy (Primary Production) 2021	Yes	Consistent	Planning proposal is not contrary to SEPP provisions. The subject site is not State significant agricultural land. The planning proposal will not result in land use conflict as the subject land has been identified as suitable for rezoning for the purpose of residential development.
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	Consistent	Planning proposal is not contrary to SEPP provisions. An updated Contaminated Land Assessment required has been undertaken in accordance with the Gateway Determination of 24 December 2021 (see Appendix 8).
State Environmental Planning Policy (Resources and Energy) 2021	Yes	Consistent	Planning proposal is not contrary to SEPP provisions.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes	Consistent	Planning proposal is not contrary to SEPP provisions

			An update Traffic Impact Assessment has been completed in accordance with the Gateway Determination of 24 December 2021 (see Appendix 9)
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7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

In the course of 2022 revised S.9.1 Ministerial Directions have been instituted by the NSW State Government. This revised planning proposal is updated with an assessment of these new Directions in the table below.

Section 9.1 Ministerial Direction	Applicable	Consistent	Comment
Focus Area 1: Planning Systems			
1.1 Implementation of Regional Plans	Yes	<p>Inconsistent</p> <p>The Gateway Letter to Council dated 24/12/2021 states that Council may still need to obtain the agreement of Secretary to comply with the requirement of this Direction.</p> <p>The planning proposal has been updated in accordance with the Gateway Determination to address specified matters that will promote consistency with this Direction.</p>	<p>This planning proposal is justifiably inconsistent with the terms of this direction as the extent of inconsistency is of minor significance and the planning proposal achieves the overall intent of the <i>New England North West Regional Plan 2041</i> as outlined below.</p> <p>The planning proposal is consistent with Objective 1 of the Regional Plan as outlined above.</p> <p>Potential inconsistency with Strategy 12.7 (Protect biodiversity values in urban release areas) has been addressed by an updated ecological assessment.</p> <p>Objective 8 (Adapt to climate change and Natural Hazards and increase climate resilience) has been addressed by a discussion around water supply for Tamworth and the potential impact this development will have on existing supplies in the</p>

			<p>updated Planning Proposal along with appended flood mapping.</p> <p>The planning proposal focusses on fulfilling the goals and achieving the strategies of Objective 13 – Provide well located housing options to meet demand. The focus on housing supply and diversity in a suitable location endorsed by the Regional Plan if the core of the proposal.</p> <p>Interim Settlement Planning Principles: A more detailed discussion around <u>Land Suitability</u>, <u>Development Structure and Form</u> has been included in the updated Planning Proposal.</p> <p>Objective 15: An Updated Aboriginal Cultural Heritage report has been completed in consultation with the Tamworth Aboriginal Land Council (see Appendix 10).</p>
1.2 Development of Aboriginal Land Council land	No	Not Applicable	This Direction is applicable only to the Central Coast LGA
1.3 Approval and Referral Requirements	Yes	Consistent	The planning proposal is consistent with the requirements of this Direction.
1.4 Site Specific Provisions	Yes	<p>Justifiably Inconsistent</p> <p>The Gateway Letter to Council dated 24/12/2021 states that no further approval is required in relation to this Direction.</p>	<p>The planning proposal is inconsistent with this Direction due to the proposed implementation of site-specific density controls. The inconsistency with this Direction is considered to be justifiable due to the infrastructure constraints which impact the site and Council's desire to improve housing choice and the expansion of urban areas in suitable locations. This planning proposal will increase housing choice in Tamworth and add to</p>

			the supply of land for housing in an appropriate location.
Focus Area 1: Planning Systems – Place Based			
This place-based focus area is not applicable to the TRC LGA			
Focus Area 2: Design and Place			
Not adopted			
Focus Area 3: Biodiversity and Conservation			
3.1 Conservation Zones	Yes	<p>Justifiably inconsistent</p> <p>The Gateway Letter to Council dated 24/12/2021 states that Council may still need to obtain the agreement of Secretary to comply with the requirement of this Direction.</p> <p>The planning proposal has been updated in accordance with the Gateway Determination to address specified matters that will promote consistency with this Direction.</p>	<p>This planning proposal is generally consistent with the objectives of this Direction.</p> <p>The subject lands do not contain any conservation zones, however, it is recognised that a satisfactory ecological report is required over the entirety of the subject land (the original report covered part of the land).</p> <p>A full ecological assessment has been completed and will be included in the exhibition and Agency consultation process (see Appendix 6).</p>
3.2 Heritage Conservation	Yes	<p>Justifiably Inconsistent</p> <p>The planning proposal has been updated in accordance with the Gateway Determination to address specified matters that will promote consistency with this Direction</p>	<p>There are no known items of European cultural heritage on the subject lands. Consultation with the Tamworth Local Aboriginal Land Council has been undertaken in accordance with the Gateway Determination.</p> <p>An Archaeological Cultural Heritage Assessment has been completed resulting in the identification of two previously unrecorded Aboriginal sites. The sites are not considered significant and the proposed rezoning will not impact the sites (see Appendix 10).</p> <p>Consultation with Heritage NSW</p>

			will be undertaken to confirm the suitability of the planning proposal as it relates to the subject site.
3.3 Sydney Drinking Water Catchments	No	Not Applicable	This Direction is not applicable to the Tamworth Regional LGA.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	Not Applicable	This Direction is not applicable to the Tamworth Regional LGA.
3.5 Recreation Vehicle Areas	Yes	Not Applicable	This Direction not applicable to the subject area.
3.6 Strategic Conservation Planning	Yes	Not Applicable	This Direction not applicable to the subject area.
Focus Area 4: Resilience and Hazards			
4.1 Flooding	Yes	Consistent	<p>The flood prone parts of the subject land will not be included in a residential zone. These areas will remain with rural zoning.</p> <p><i>TRLEP 2010</i> already contains flood provisions.</p>
4.2 Coastal Management	No	Not Applicable	This Direction is not applicable to the Tamworth Regional LGA.
4.3 Planning for Bushfire Protection	Yes	Consistent	This Direction is not applicable to the subject area. The subject lands are not mapped as bushfire prone land.
4.4 Remediation of Contaminated Land	Yes	<p>Justifiably Inconsistent</p> <p>The planning proposal has been updated in accordance with the Gateway Determination to address specified matters that will promote consistency with this Direction</p>	<p>The historical use of the land was for agricultural purposes as listed in Table 1 of the Contaminated Land Planning Guidelines.</p> <p>The subject site is not an investigation area within the meaning of the Contaminated Land Management Act 1997.</p> <p>An updated Contaminated Land Assessment required has been undertaken in accordance with</p>

			the Gateway Determination of 24 December 2021 (see Appendix 8).
4.5 Acid Sulfate Soils	No	Not relevant to the planning proposal	This planning proposal is consistent with the objective of this Direction. The subject lands do not contain any known acid sulfate soils.
4.6 Mine Subsidence and Unstable Land	No	Not Applicable	This Direction not applicable to the subject area.
Focus Area 5: Transport and Infrastructure			
5.1 Integrating Land Use and Transport	Yes	Justifiably Inconsistent	The planning proposal will result in an estimated dwelling yield of approximately 895 dwellings. Consultation with Transport for NSW (TfNSW) has been undertaken in association with previous structure planning and planning proposals in the locality. An updated Traffic Impact Statement has been completed for public exhibition and agency consultation (see Appendix 9).
5.2 Reserving Land for Public Purposes	Yes	Consistent	The planning proposal is consistent with the requirements of this Direction.
5.3 Development Near Regulated Airports and Defence Airfields	Yes	Not Applicable	Not Applicable
5.4 Shooting Ranges	Yes	Not Applicable	Not Applicable
Focus Area 6: Housing			
6.1 Residential Zones	Yes	Consistent	The planning proposal is consistent with the requirements of this Direction.
6.2 Caravan Parks and Manufactured Home Estates	Yes	Justifiably Inconsistent	The planning proposal is inconsistent with this Direction as it will introduce provisions that prohibit development for the purposes of a caravan park on land proposed for zoning to R2

			Low Density Residential. However, the inconsistency is considered to be of minor significance as the R2 zone will only occupy 22ha of the 105ha site and caravan parks are permissible within the R1 General Residential zoning proposed for the subject lands.
Focus Area 7: Industry and Employment			
7.1 Business and Industrial Zones	Yes	Consistent	The subject site is not affected by Business or Industrial zones. The planning proposal is not contrary to the objective of the Direction.
7.2 Reduction in non-hosted short-term rental accommodation period	No	Not Applicable	Not Applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not Applicable	Not Applicable
Focus Area 8: Resources and Energy			
8.1 Mining, Petroleum and Extractive Industries	Yes	Justifiably Inconsistent	The planning proposal will have the effect of prohibiting the mining of coal or other mineral, production of petroleum, or winning or obtaining of extractive materials. Consultation with the Mining, Exploration and Geoscience Division of the Department of Regional NSW (GCNSW) will be undertaken in order to resolve the inconsistency with this Direction.
Focus Area 9: Primary Production			
9.1 Rural Zones	Yes	Justifiably Inconsistent	The planning proposal will rezone land from a rural zone to a residential zone. The inconsistency with this Direction is justified as the subject site is

			<p>identified in the <i>Tamworth Regional LSPS 2020 (Blueprint Part 2)</i>, the <i>New England North West Regional Plan 2041</i>. The lands were also identified in Council's <i>Blueprint 100 (Part 1)</i> as a future residential investigation area and the previous Regional Plan 2036. The planning proposal will result in the rezoning of rural lands considered suitable and appropriate for residential development.</p>
9.2 Rural Lands	Yes	Justifiably Inconsistent	<p>The planning proposal will affect land within an existing rural zone. The inconsistency with this Direction is justified as the subject site is identified in the <i>Tamworth Regional LSPS (Blueprint Part 2)</i>, the <i>New England North West Regional Plan 2041</i> and <i>Tamworth Regional Blueprint 100 (Part 1)</i> as a future residential investigation area. The planning proposal will not result in the loss of agricultural land of state or regional significance. The proposed rezoning will result in a more efficient use of land which is appropriately located and considered suitable and appropriate for residential development.</p>
9.3 Oyster Aquaculture	Yes	Consistent	<p>Oyster aquaculture is a permissible land use in the R1 General Residential and R2 Low Density Residential zones. Tamworth Regional Council does not contain any 'Priority Oyster Aquaculture Areas'.</p>

9.4 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not Applicable	Not Applicable
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Section C: Environmental, social and economic impact

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because 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 has been verified by a more comprehensive review of the complete site as recommended as a condition of the gateway approval (see Appendix 6).

- 9. 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, an assessment of all of the subject land for contamination from past land use. This comprehensive review of the complete site is recommended as a condition of the gateway approval (see Appendix 8).

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).

- 10. 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.

Westdale Wastewater Treatment Plant Buffer

The Gateway Determination issued on 24 December 2021 made specific reference to the Westdale Wastewater Treatment Plant (WWTP) Buffer which impacts a small area in the south-east of the subject lands. The determination required an odour impact assessment be undertaken and the footprint of the proposed rezoning area to be modified if necessary.

Without needing to undertake an assessment at this time, Council has a thorough report which is submitted to fulfil the requirements of Gateway. While quite detailed and complex, the essential fact is that Stratheden is not mentioned at all and not included in any of the maps or diagrams of lands affected by the WWTP.

This means that the study does not recommend the reduction in the footprint of potential rezoning area and indeed provides indications that the buffer may be better located on the north-western boundary of the WWTP site which follows the Peel River in that location.

Nonetheless, further consultation with the Department of Planning and Environment indicated that the Environmental Protection Authority had concerns regarding the distant Swan Street Sewer Pump Station based on historic complaints. It was determined that due to the small impact on the Stratheden Planning Proposal that an odour study for the extensive floodplain was not justifiable and the subject lands would be amended to exclude the buffer area (**see Appendix 1**).

A future housekeeping amendment may investigate the issues further and consider the adjustment of the buffer area associated with the Westdale Wastewater Treatment Plant.

Section D: State and Commonwealth Interests

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

Roads

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.

An updated Traffic Impact Assessment (TIA) has been undertaken in accordance with the Gateway Determination (**see Appendix 9**).

The updated TIA builds on the original report undertaken by SECA Consultants and includes structure plans showing planned access points onto Manilla Road. An important amendment from the original is the confirmed option to adjust the access point approximately 100m to the north toward Browns Lane. This has the effect of moving the access point away from the bridge adjacent to the first option so that the access option is 160m separated from the bridge. This option provides considerably more scope for access both in the short and long-term working with the relatively level 60m wide road reserve.

The updated TIA includes previous analysis and comment relating to the Hills Plain Planning Proposal 2016 which included traffic generation from Stratheden and Hills Plain and the impact on the Browns Lane/Manilla Road intersection. It was concluded that a roundabout would ultimately be required and this was confirmed by TfNSW (previously RMS) comment at that time.

Tamworth Water Supply

The current Tamworth water supply scheme serves approximately 20,000 residences plus business and industry consumers in Tamworth, Kootingal, Moonbi and peri-urban areas around Tamworth City. Since the 1990's, ongoing Council and business initiatives and public awareness has seen consumption maintain a constant level despite the number of customers substantially increasing (e.g., 3,500 additional residences since 2005), as shown below.

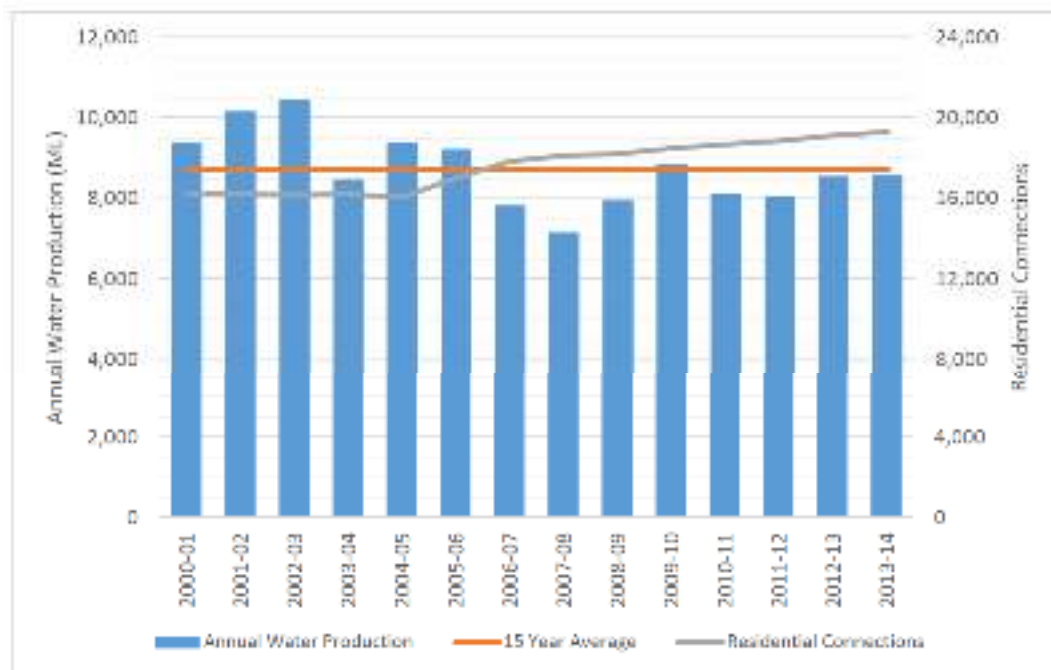


Figure 2.1 Annual Treated Water Production – Tamworth Water Supply (15 years)

Tamworth Regional Council – 2016 Demand Management Plan (page 2).

Council, NSW State and Commonwealth Government are continuing forward-planning for the Tamworth supply including the new Dungowan Dam and Pipeline Project. Not only a significant boost to Town water supplies it also incorporates efficiency measures, most notably the pipeline to reduce transmission losses on its passage to the Calala Water Treatment Plant at Calala. It is considered that the potential impact of Stratheden’s development over coming decades on Tamworth’s water supply will not be detrimental.

Water and Sewer Servicing

Water supply will be available to the site via a proposed new trunk main along Manilla Road and is expanded upon in the servicing strategies.

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 without a sewer pump station. Lots within this unserviced 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 regarding water and sewer servicing has been undertaken in accordance with the relevant condition of Gateway (**see Appendix 7**).

Section E: State and Commonwealth Interests

12. What are the views of State and federal public authorities and government agencies consulted in order to inform the Gateway Determination?

A Gateway Determination has been issued for this planning proposal. All relevant public authorities will be consulted in accordance with the requirements of the Gateway Determination. The list of public authorities and Government Agencies is shown In Part 5 of this planning proposal.

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: Maps

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

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

Part 5: Community Consultation

Community consultation will be undertaken in accordance with the requirements of the Gateway Determination issued on 24 December 2021 and includes:

- Publication of this planning proposal on the Planning Portal and be publicly available for a minimum of 20 working days and comply with the notice requirements for public exhibition of planning proposals.

In accordance with, and potentially in addition to, these requirements Council intends to undertake the following:

- 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.

The Gateway Determination specifies that consultation be undertaken with the following public authorities and Government Agencies once pre-exhibition requirements of the determination have been fulfilled:

- 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
- Essential Energy
- Transgrid
- Tamworth Local Aboriginal Land Council

The Tamworth Local Aboriginal Land Council (TLALC) was involved in the updated Aboriginal Cultural Heritage Report in 2022 including on site inspection with the consultant undertaking the assessment. TLALC will be consulted again during the Agency consultation process.

Agencies will be provided with a minimum of 30 working days to comment on the proposal in accordance with the Gateway Determination and prescribed guidelines.

Part 6: Project Timeline - Updated

Plan Making Step	Estimated Completion
Date of Gateway Determination	December 2021
Completion of required technical information	November 2022
Government agency consultation as required by Gateway Determination	February 2023
Public exhibition period	February/March 2023
Public Hearing	N/A
Consideration of Submissions	March 2023
Consideration of proposal post exhibition	March 2023
Submission to the Department to finalise the LEP	April 2023



APPENDIX LIST

1. Subject Lands Map – **UPDATED**
2. Tamworth Local Strategic Planning Statement 2020 – Map and Action
3. New England North West Regional Plan 2036 – Map
4. City Wide Flood Study – Stratheden Flood Mapping
5. Draft Stratheden Local Environmental Plan Mapping – **UPDATED**
6. Ecological Assessment (Flora and Fauna) – **UPDATED**
7. Water and Sewer Servicing Strategies – **UPDATED**
8. Contamination Assessment Report – **UPDATED**
9. Traffic Impact Assessment – **UPDATED**
10. Aboriginal Cultural Heritage Report – **UPDATED**