

TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6:30pm**.

ORDINARY COUNCIL AGENDA

27 FEBRUARY 2024

PAUL BENNETT
GENERAL MANAGER

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 PLANNING PROPOSAL - PHASE 1 REVIEW OF THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Mitchell Gillogly, Team Leader – Strategic Planning
Christopher Faley, Strategic Planner

3 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Planning Proposal - Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010”, Council:

- (i) prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of the Tamworth Regional Local Environmental Plan 2010, in relation to the Phase 1 items generally described in this report;*
- (ii) forward the Planning Proposal to the Department of Planning, Housing and Infrastructure requesting a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, with the submission to include a request to issue Council with Delegation to be the plan making authority;*
- (iii) grant delegation to the Director Liveable Communities to make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders;*
- (iv) publicly exhibit the planning proposal in accordance with the conditions of the Gateway Determination and Council’s Community Participation Plan 2019; and*
- (v) receive a further report following public exhibition of the Planning Proposal detailing any submissions received.*

SUMMARY

The purpose of this report is to seek Council’s approval to prepare a Planning Proposal to amend the *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010) as part of Council’s Local Environmental Plan review program, and to forward the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) requesting the issue of a Gateway Determination to publicly exhibit the Planning Proposal. This Planning Proposal will be Phase 1 of the broader comprehensive review of the TRLEP 2010.

COMMENTARY

Background

On 26 May 2020, Council adopted the *Tamworth Regional Blueprint 100 Part Two: Local Strategic Planning Statement 2020* (LSPS 2020). The LSPS 2020 underpins future land use planning relating to master plans, development control plan amendments and the comprehensive review of the TRLEP 2010.

Consistent with the Actions identified within the LSPS 2020, Council's Future Communities Division has been engaged in the comprehensive review of the TRLEP 2010. Importantly the process of review has included:

- an invitation to every property owner within the Tamworth CBD to meet with senior planning staff and the Director Liveable Communities to discuss future plans for their specific property as well as their thoughts on potential changes to planning controls and initiatives for the CBD;
- a similar invitation to owners of significant property within the Bridge Street precinct to discuss future plans and options for their land as well as their views on potential changes to planning controls and initiatives for the precinct;
- a community wide expression of interest (EOI) process in 2022 inviting property owners to identify potential amendments to the TRLEP 2010, either specifically relating to their property and/or generally relating to a zone, control or other.

As an outcome of the comprehensive review undertaken, the property owner engagement, and the EOI process, a large number of potential amendments to the TRLEP 2010 have been identified, some of which require further planning studies, either by Council or the proponent. To this end, in order to balance the timely completion of Actions from the LSPS 2020 with the required timeframes to undertake further strategy work, it is proposed to complete the comprehensive review of the TRLEP 2010 in phases.

The proposed phases of the comprehensive review of the TRLEP 2010 are shown in Table 1. At this point in time the Outcomes and Timing of Phases 2, 3 and 4 are indicative only, with these phases being subject to the finalisation of further studies.

TRLEP Review Phase	Outcomes of Review	Commencement
Phase 1	<ul style="list-style-type: none"> • Items listed in Table 2 	Planning Proposal to be prepared February / March 2024.
Phase 2	<ul style="list-style-type: none"> • Review rural zones and minimum lot sizes – Rural Lands Strategy to be completed; • Review residential zones and minimum lot sizes – Local Housing Strategy to be completed; • Review planning controls for Villages; • Heritage Review (Round 2), including new local items and de-listings; • Review buffer zones around Council infrastructure; • Expressions of Interest (Round 	End 2024

	2) – Strategic or site-specific planning studies to be completed; and <ul style="list-style-type: none"> Review planning controls for the Tamworth Central Business District. 	
Phase 3	<ul style="list-style-type: none"> Reclassification of community and operational land. 	2025
Phase 4	<ul style="list-style-type: none"> Any outstanding or deferred matter. 	To be determined.

Table 1 – TRLEP 2010 Review phases

Planning Proposal – Phase 1 of the Comprehensive Review of the Tamworth Regional Local Environmental Plan 2010

The preparation of a Planning Proposal is the first step in the DPHI Gateway Process for making or amending Local Environmental Plans (LEPs). Council officers are in the process of preparing a Planning Proposal for the Phase 1 Review of the TRLEP 2010 to submit to DPHI for a Gateway Determination.

An overview of the proposed TRLEP 2010 amendments to be undertaken in Phase 1 is provided in Table 2.

Item No.	Title
1	Review of Heritage Items (Schedule 5) of the <i>Tamworth Regional Local Environmental Plan 2010</i> .
2	New Heritage Conservation Areas under Schedule 5 of the <i>Tamworth Regional Local Environmental Plan 2010</i> .
3	Bridge Street Precinct - amend the Floor Space Ratio, amend Subdivision Provisions and apply Design Excellence Controls.
4	Review of Land Use Permissibility within existing Land Use Zones.
5	Amend existing Clauses of the <i>Tamworth Regional Local Environmental Plan 2010</i> .
6	Adopt Clause 5.9 <i>Dwelling house or secondary dwelling affected by natural disaster</i> of the Standard Instrument.
7	Adopt Clause 5.13 Eco-tourist Facilities of the Standard Instrument.
8	Insert a new 'Essential Services' Clause.
9	Insert a new 'Minimum Building Street Frontage' Clause.

10	Insert a new “Scenic Protection Area” Clause.
11	Housekeeping Amendments.
12	Expressions of Interest.

Table 2 – Proposed changes to the TRLEP 2010 (Phase 1)

Item 1 – Review of Heritage Items (Schedule 5) of the Tamworth Regional Local Environmental Plan 2010.

A total of 507 heritage items are listed within Schedule 5 of the TRLEP 2010 and identified on corresponding Heritage Maps in the TRLEP 2010.

In consultation with Council’s Heritage Advisor, Schedule 5 and the heritage mapping of the TRLEP 2010 has been reviewed for the purpose of:

- Adopting a consistent naming convention and ensuring Item Names correctly describe the significance of the item;
- Accurately identifying heritage items with a current address and property description;
- Correcting anomalies between Schedule 5 and the Heritage Maps;
- Including two state heritage items within the TRLEP 2010 that are not currently included in Schedule 5; and
- Identifying heritage items that require further detailed assessment. This may include large rural properties where the extent of the curtilage needs to be defined and/or those properties which may be eligible for de-listing (e.g., dilapidated buildings).

Table 3 summarises the heritage review outcomes to be included in the Phase 1 Planning Proposal to amend the TRLEP 2010.

Heritage Review Outcome	Items
Administrative amendments to Heritage Items in relation to Locality, Item Name, Address and/or Property Description	308 Items – 60% - These changes are detailed in ATTACHED , refer ANNEXURE 1 .
Administrative and Mapping Changes to Heritage Items.	57 Items – 12% - These changes are detailed in ATTACHED , refer ANNEXURE 1 .
Additional State Heritage Items to be included within TRLEP 2010	<ul style="list-style-type: none"> • King George V Avenue Memorial English Oaks; and • Manilla railway underbridge at Upper Manilla over Borah Creek. At present only the bridge at Oakey Creek is listed within the TRLEP 2010. <p>These changes are detailed in</p>

ATTACHED, refer ANNEXURE 1.

Table 3 – Summary of Heritage Outcomes for Phase 1 of the TRLEP 2010 Review

Of the remaining 142 heritage items not identified for amendment as part of the Phase 1 Planning Proposal:

- 96 items (19%) are not considered to require any amendments; and
- 46 items (9%) require further detailed investigation or studies. This includes:
 - i. incorrectly located heritage items;
 - ii. properties (e.g., large stations) where the heritage curtilage needs to be defined; and
 - iii. those properties that may be eligible for delisting (e.g., demolished and dilapidated items).

The remaining items will be subject to further investigations and will form part of the Phase 2 Review of the TRLEP 2010.

Item 2 – New Heritage Conservation Areas under Schedule 5 of the Tamworth Regional Local Environmental Plan 2010

Background

The modern City of Tamworth originally consisted of two nineteenth century villages divided by the Peel River (Figure 1). The earliest village is the original site chosen by the Australian Agricultural Company in West Tamworth (the company side of the Peel River). Its twin town is the later government village on the eastern side of the Peel River. The eastern village became the more dominant centre and is now known as the Tamworth Central Business District (CBD) and East Tamworth. The primary Civic Precinct for Tamworth was located in East Tamworth, in Darling Street between Peel Street and Marius Street.

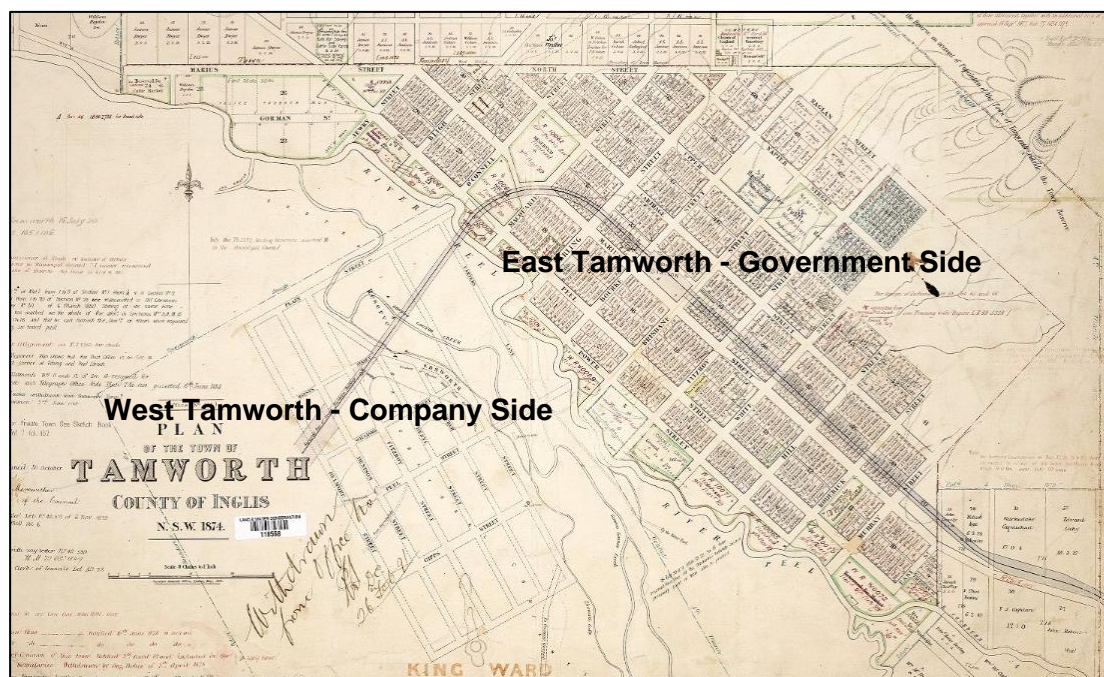


Figure 1 – 1874 Plan of Tamworth

History of West Tamworth

West Tamworth, the company side of the Peel River, was the first area settled. By 1838, within a few years of its occupation by the Australian Agricultural Company, arrangements had been made for clergymen, doctors, a hospital, a cemetery and a courthouse. In response to the development of the government side of the Peel River, the Australian Agricultural Company offered land for sale in 1851 and a government survey of West Tamworth was undertaken in 1855. Despite these efforts, the growth of West Tamworth was slow because of the dominance of other company interests on the western side of the Peel River.

The area of the original West Tamworth village is divided by Bridge Street and is generally defined by the borders of Ebsworth Street, Mathews Street, Belmore Street and Plain Street as shown on Figure 2.

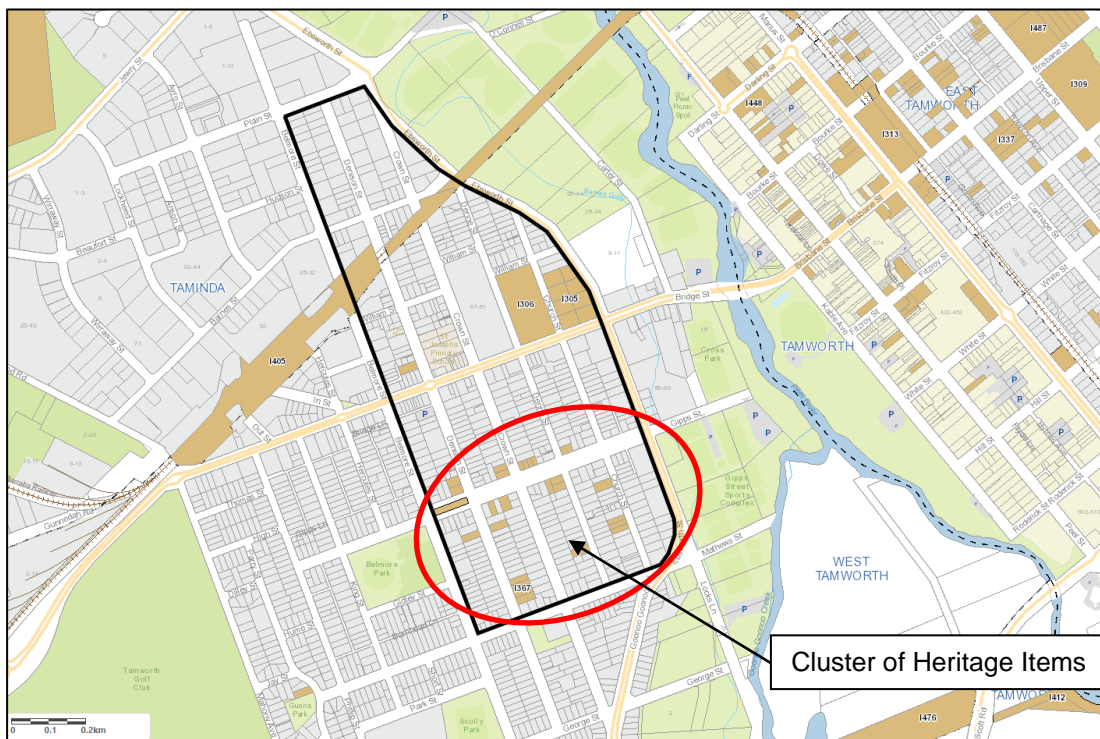


Figure 2 – Approximate Outline of Original West Tamworth Village (black line) based on 1874 Plan (Figure 1) and Heritage Items (brown fill)

Bridge Street and the area north to Plain Street have seen significant change since the nineteenth century being subject to commercial and industrial development. Surviving buildings identified as items of environmental heritage include a church, the railway and two dwellings. Whilst these items retain their individual significance, the surrounding area has substantially changed and is considered to have less importance.

The area south of Bridge Street has largely been retained as a residential area with a cluster of heritage items between Gipps Street and Matthews Street, and Church Street and Belmore Street (Figure 2). This cluster includes the significant Gipps Street War Memorial Avenue planted in 1918 and Calala Cottage built by Philp Gidley King (first Mayor of Tamworth) in 1875. Another important feature of the area is the wide street reserves widths

(up to 30 and 50 metres) created in the nineteenth century likely in direct response to the design of East Tamworth. These wide street reserves, coupled with street plantings, contribute to the character of the area.

History of East Tamworth

East Tamworth was surveyed in 1849 and was confined to the land between the Peel River and the foothills. Despite the flooding, Peel Street was the commercial centre of the town from the beginning and the subsequent railway constructed in the 1880s divided the area into the separate Tamworth CBD and East Tamworth residential area.

The residential area was located between the railway and foothills as shown on Figure 3. Merchants and professional men built their homes in the 1880s and 1890s in this area. In Carthage, Brisbane and Upper Street, storekeepers (Cohen, Treloar, Lewis), industrialists (Britten, Fielder, Hyman) and auctioneers (Cousens, Garvin) built their homes together with lawyers, chemists and government officials. In addition to dwellings, the residential areas also contain prominent landmarks developed in the nineteenth and early twentieth centuries, including:

- Tamworth Public School;
- St John Anglican Church;
- Calrossy Anglican School;
- St Nicholas Primary School; and
- Anzac Park.

There are numerous heritage items located across the East Tamworth area, however, the main cluster of items is generally between Carthage Street and Raglan Street, and Macquarie Street and Murray Street.

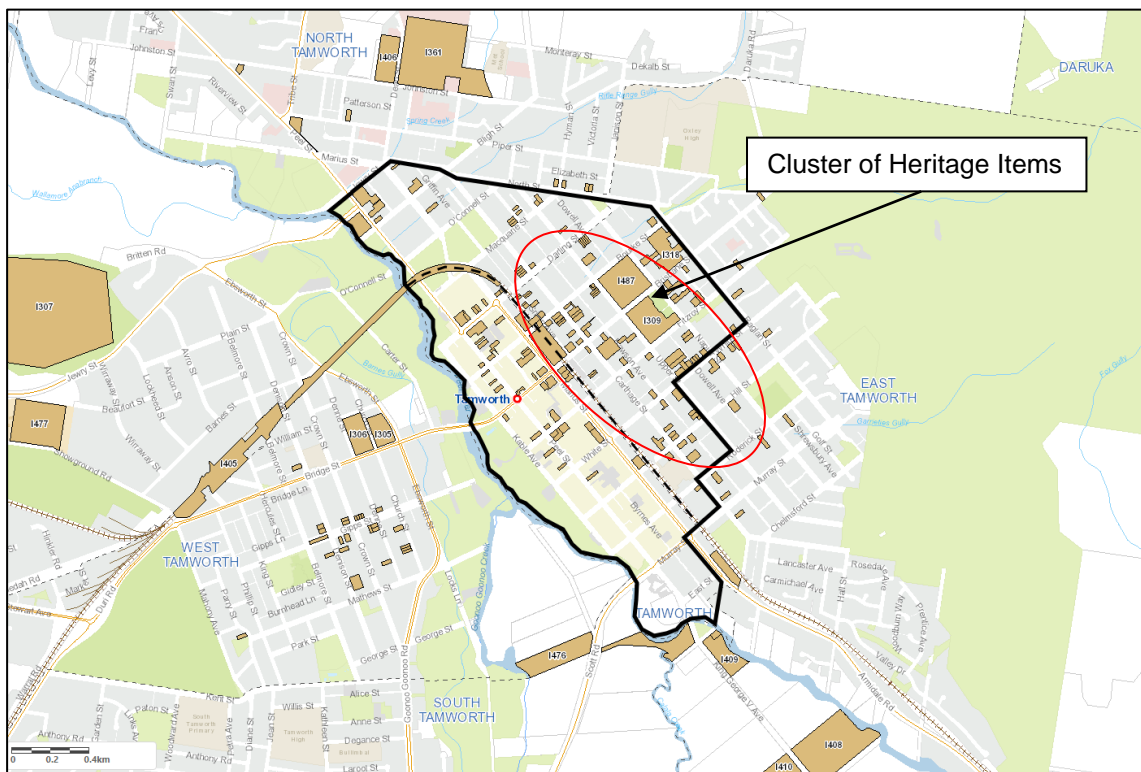


Figure 3 – Approximate Outline of Original East Tamworth Village (black line) based on 1874 Plan (Figure 1), with railway (dashed black line) and Heritage Items (brown fill) shown.

The main through-streets within East Tamworth have wide reserves (generally 30 metres). The area is extensively landscaped both within the footpaths and private property, which contribute to the character of the area.

The location of East Tamworth on the foothill forms part of a distinctive visual catchment for the City of Tamworth. Large areas of the CBD, South Tamworth and West Tamworth enjoy views towards East Tamworth and the surrounding foothills. The built form and landscape within East Tamworth, underpinned by its heritage significance, provide a positive contribution to the visual landscape.

History of the Darling Street Civic Precinct

Darling Street was the original focus of Tamworth's civic buildings. The court house, lock up, national school, town hall and electricity generator were in Darling Street, adjacent to Peel Street. Additionally, Darling Street contains a number dwellings used by civil servants and/or constructed of a similar style to the rest of the street.

Another important feature of the area is the wide road reserves width (40m) which is consistent with East Tamworth and contributes to the character of the area.

Proposed Heritage Conservation Areas

East Tamworth and West Tamworth

Both West Tamworth and East Tamworth are considered worthy of heritage conservation given their status of as the original villages of Tamworth, the clustered presence of heritage items, the character of the streetscape and the overall visual catchment.

The Tamworth Heritage Study (March 1988) originally proposed Heritage Conservation Areas for West Tamworth and East Tamworth (referenced as North Tamworth in the study). The 1988 areas are shown in Figure 4 and Figure 5. At the time, Council did not proceed with the heritage conservation areas; however, no record has been found in relation to this decision.

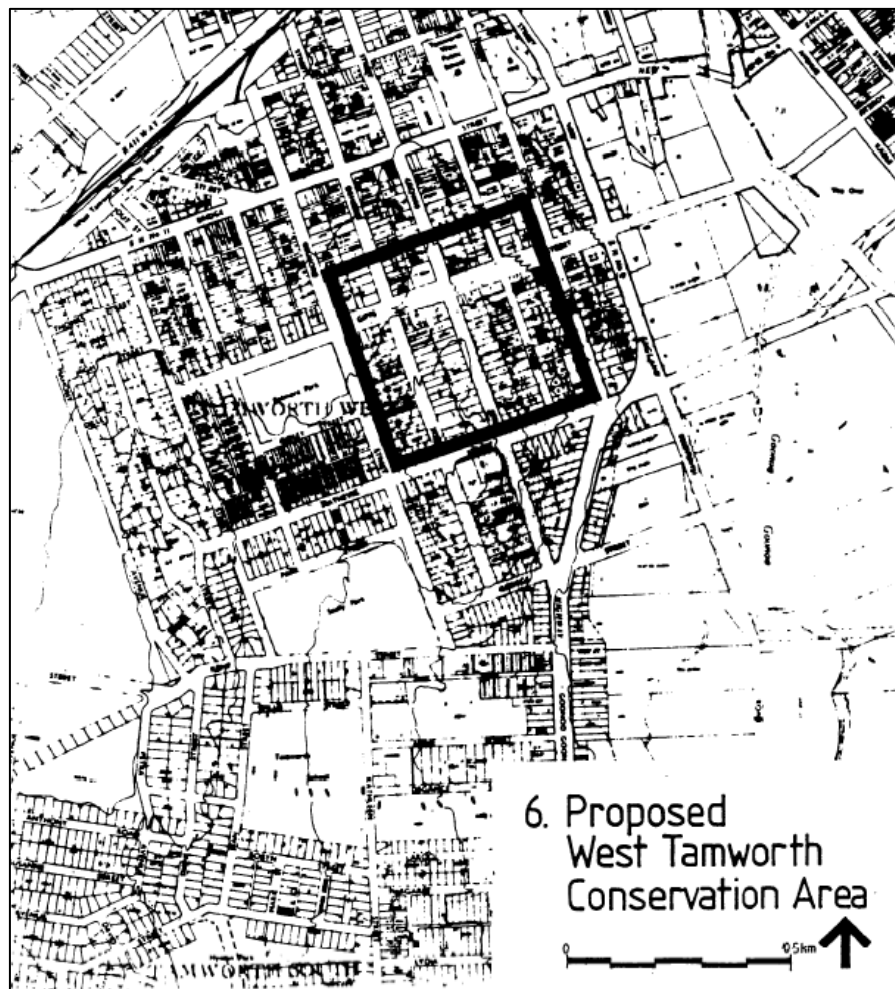


Figure 4 – 1988 Tamworth Heritage Study proposed West Tamworth Heritage Conservation Area

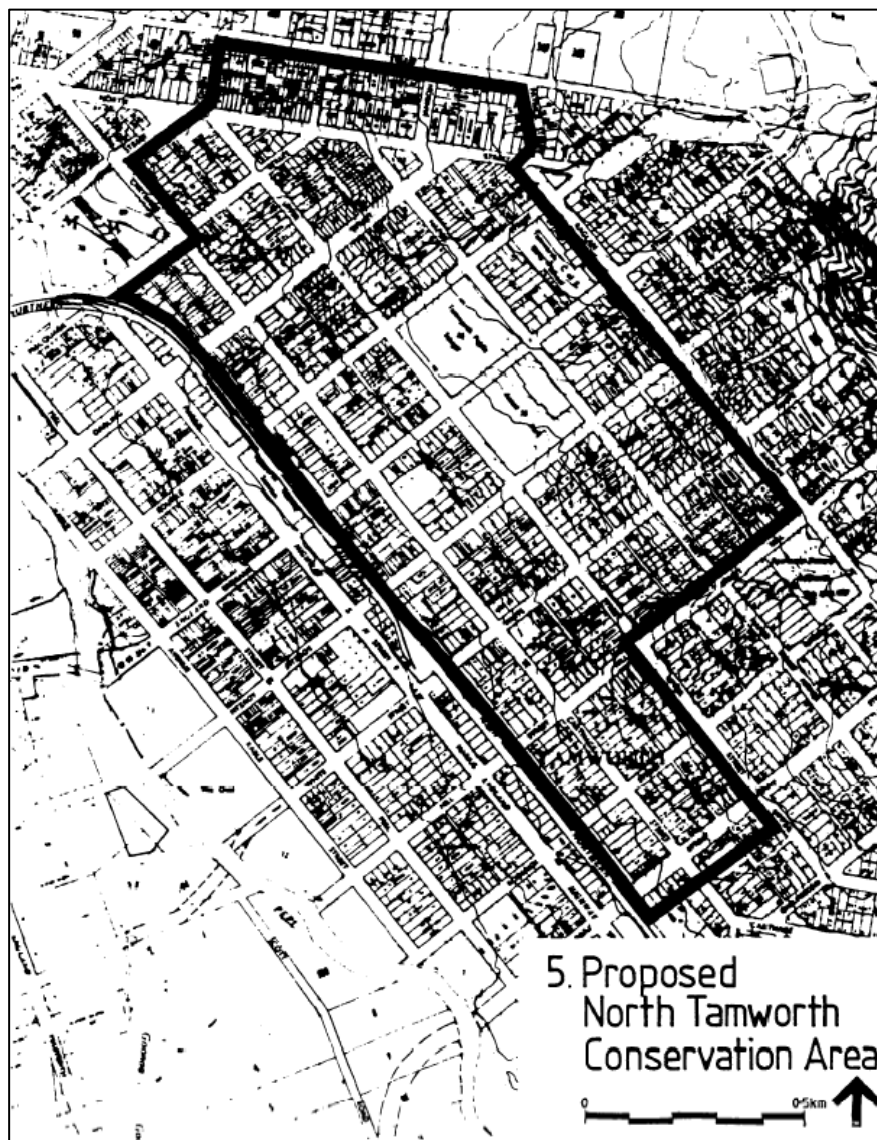


Figure 5 – 1988 Tamworth Heritage Study proposed North (East) Tamworth Heritage Conservation Area

Since 1988, Council has recognised the heritage significance of West Tamworth and East Tamworth and identified “Precinct Areas” for heritage purposes within the Tamworth Regional Development Control Plan 2010 (TRDCP 2010) (refer Figure 6 and Figure 7).

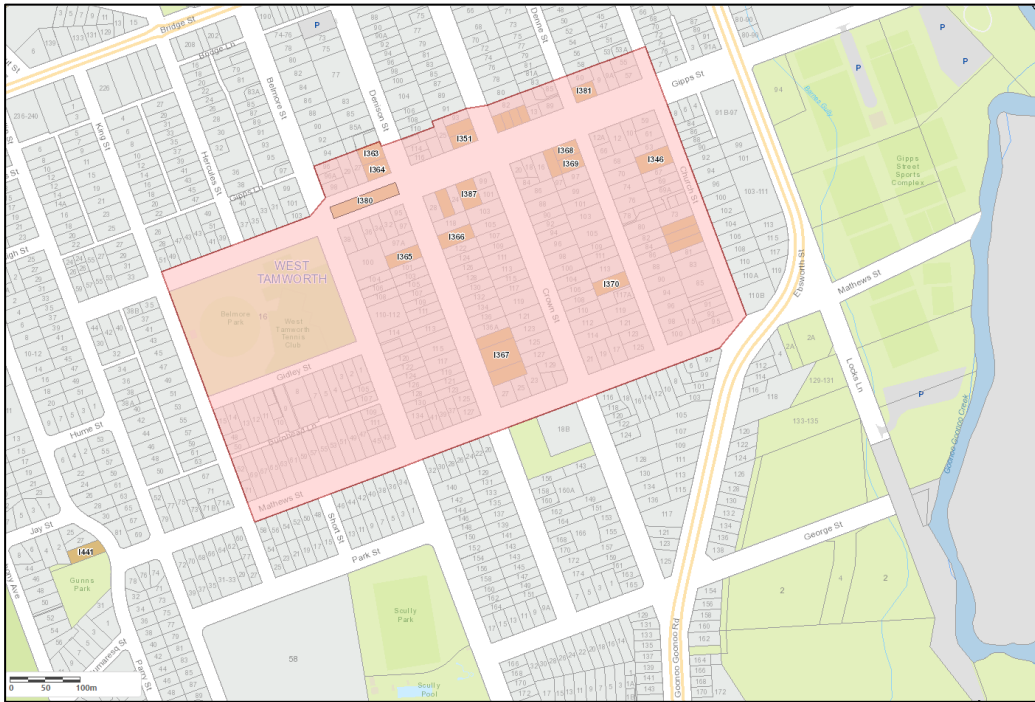


Figure 6 – West Tamworth Precinct Area (red shading) within the TRDCP 2010

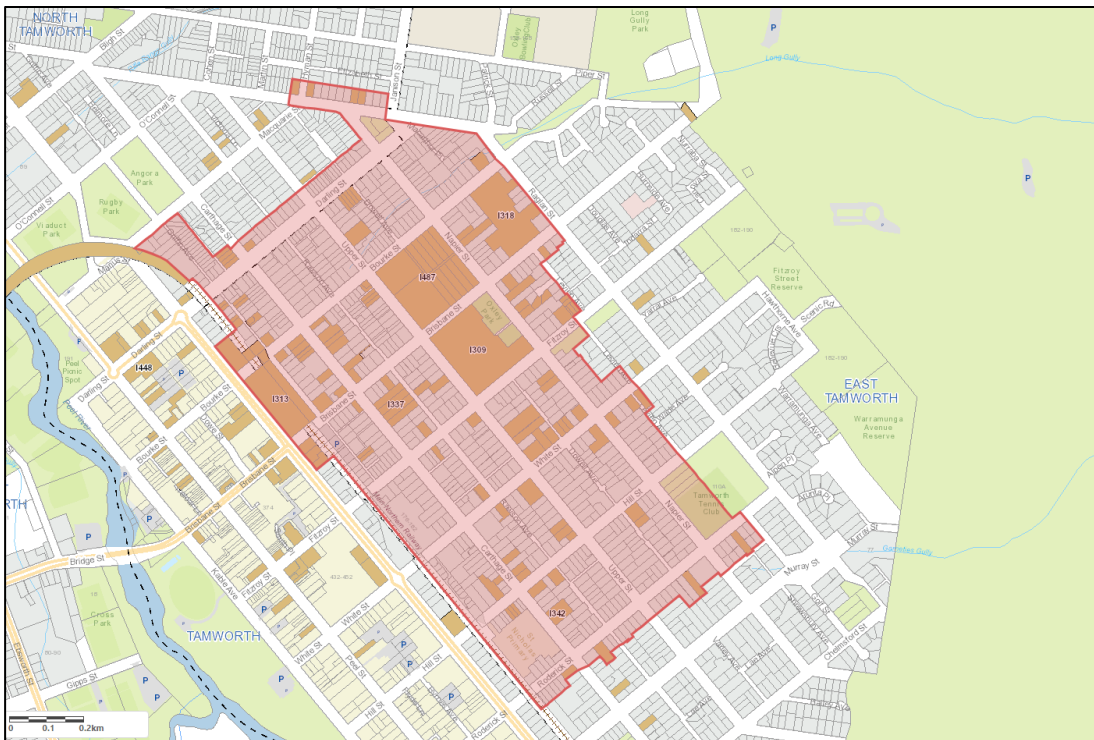


Figure 7 – East Tamworth Precinct Area (red shading) within the TRDCP 2010

The boundaries of the West Tamworth Heritage Conservation Area and East Tamworth Heritage Conservation Area will generally encompass the Precinct Areas from the TRDCP 2010, subject to rationalising the alignment with the street network. These areas also align with the original Heritage Conservation Areas within the 1988 Tamworth Heritage Study.

Darling Street Civic Precinct

The Darling Street Civic Precinct currently contains six (6) heritage items being:

- the PCYC building (212 Byron Street), which has partly encased the former Courthouse, dating back to 1861;
- the Tamworth Community Centre (214 Peel Street), original site of the National School (1855 to 1876), former Council Chambers for the Tamworth Borough Council (1879-1935) and former Peel Barracks (1939 and 1948). The site is a State Heritage Item, with this listing also incorporating the Tamworth Municipal Electric Showroom (216 Peel Street);
- 4 Darling Street – Caretakers cottage for the courthouse, which was subject to heritage listing in 2023;
- 8 Darling Street – Single-storey dwelling constructed by Henry Max Demar who built approximately 50 distinctive red brick houses with quoins or cornerstones;
- 10 Darling Street – Single storey dwelling; and
- 16 Darling Street – Single storey dwelling.

The area of Darling Street subject to this report is shown in Figure 8 and Figure 9.



Figure 8 – Subject area of Darling Street between Peel Street and Marius Street and heritage items (brown fill)



Figure 9

– Subject area (with aerial image) of Darling Street between Peel Street and Marius Street

In addition to the heritage items, Darling Street contains a generally consistent built form with many non-heritage properties in the street having highly consistent design elements, such as gables, verandas, chimneys, red brick, metal roof, quoins, steep roofs and/or setbacks. To varying extents, numbers 3A, 6, 7, 9, 11, 12, 13, 14 and 18 Darling Street and 121 Marius Street are considered to provide a positive contribution to the streetscape. The remaining three properties in the area (5 Darling Street, 117A Marius Street and 119 Marius Street) whilst not sharing these design elements are immediately adjacent to the other properties and development of these properties has potential to impact the significance of the streetscape.

Based on the above, it is considered that the area of Darling Street between Peel Street and Marius Street, as shown in Figures 8 and 9, is worthy of recognition as a Heritage Conservation Area.

Justification for Heritage Conservation Areas

The TRDCP 2010 identifies Site Specific Controls for developments in the East Tamworth and West Tamworth heritage precinct areas. Unfortunately, the TRDCP 2010 has limited force, with state legislation allowing a number of developments and activities to be undertaken without due consideration of heritage significance within these precincts. Conversely, Heritage Conservation Areas within local environmental plans are recognised throughout State Legislation. Heritage Conservation Areas do not prohibit development, but rather ensure heritage significance is a consideration for a broad range of developments and activities. On this basis, it is considered that creation of Heritage Conservation Areas is the best means of preserving the significance of the East Tamworth and West Tamworth Residential Precincts and Darling Street Civic Precinct.

In relation to the non-heritage items within the proposed Heritage Conservation Areas, these properties still have significance as a cohesive group in the local context. Unsympathetic additions or alterations to a property in this cohesive group would, from a heritage

conservation viewpoint, have a potentially serious impact on the heritage significance of the identified heritage items, the streetscape and visual catchments.

Item 3 - Bridge Street Precinct - amend the Floor Space Ratio, amend Subdivision Provisions and apply Design Excellence Controls

The Bridge Street Precinct is located within Tamworth's inner west urban area. This area is identified in Blueprint 100 as a key area for urban renewal. The precinct (Figure 10) is bordered to the north by the Main Northern Railway line and Taminda, the residential area of West Tamworth to the south and the Tamworth CBD and (Peel St) Riverside Sports Complex to the east. Bridge Street is a service corridor that provides a variety of retail services to local residents and customers from the wider region.

The precinct is comprised of three key areas (Figure 11):

- Area 1 – an existing low density industrial area, which was zoned MU1 Mixed Use in April 2023 as part of the state led employment zone reforms;
- Area 2 – this area is comprised of residential and education uses within walking distance of employment areas; and
- Area 3 – the land fronting Bridge Street, including the Shoppingworld Complex, forms part of the key Airport to City Centre Corridor identified within Blueprint 100.



Figure 10 – Boundary of Bridge Street Precinct

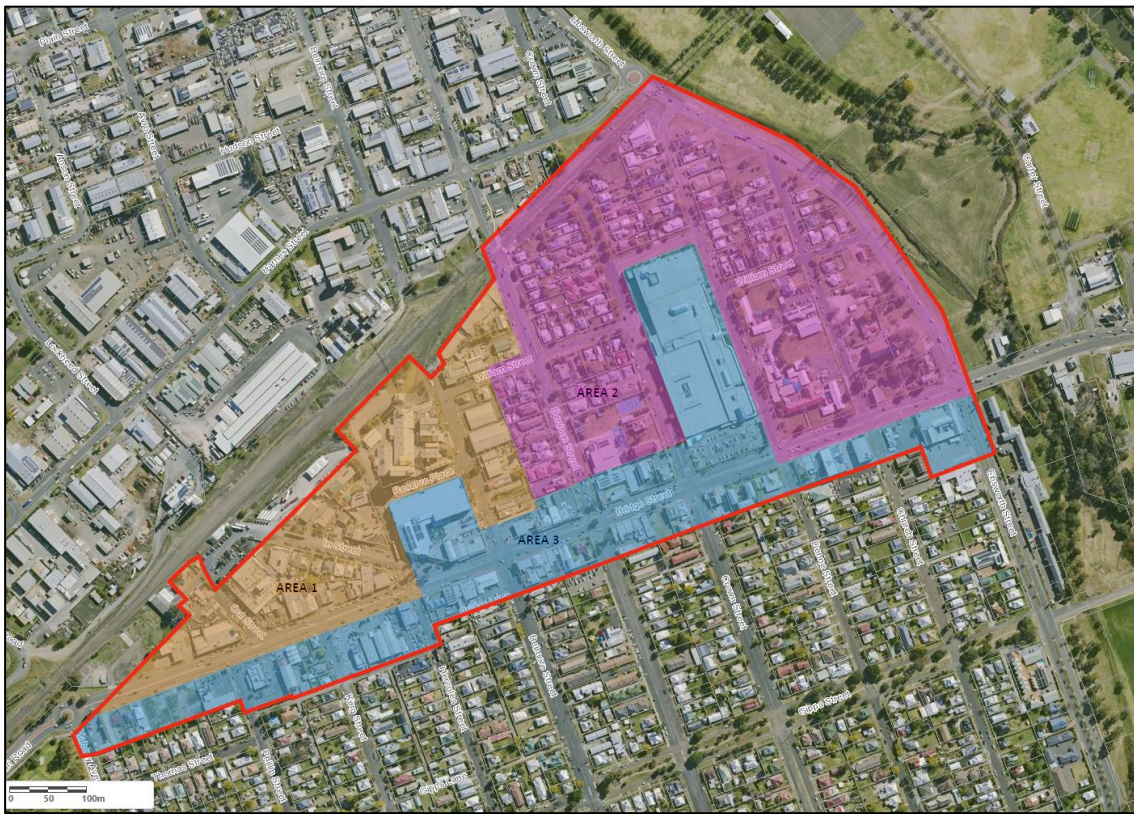


Figure 11 – Identified areas within the Bridge Street Precinct

To promote the Bridge Street Precinct in accordance with Blueprint 100, the following amendments (Table 4) are proposed to the TRLEP 2010:

Proposed Amendment	Commentary
Apply a Floor Space Ratio of 2:1 to Area 1 (Orange) and Area 3 (Blue)	<p>The planning proposal seeks to apply a Floor Space Ratio (FSR) of 2:1 and amend the extent of the FSR to align with the <i>MU1 - Mixed Use</i> zone.</p> <p>An FSR ensures that the size of buildings is appropriate for the land size and compatible with the surrounding neighbourhood. An advantage of FSR, as opposed to other controls such as height, site width or length, is that floor area correlates well with other planning controls, such as parking, setbacks and landscaping and facilitates flexible building design.</p> <p>The location of the Bridge Street precinct on a key transport corridor (Airport to CBD) presents opportunities for revitalisation with the increased FSR encouraging new commercial development benefitted by proximity to key transport and freight nodes and existing public infrastructure.</p>

Allow subdivision less than the minimum lot size for existing and/or approved residential accommodation in Area 2 (Pink).	<p>Blueprint aims to facilitate higher density inner urban living within the existing residential footprint, efficiently using existing infrastructure and services within close proximity to the CBD.</p> <p>This is intended to be enacted through a new Clause and associated map rather than a change to the existing minimum lot size.</p> <p>The new clause would permit a lot to be subdivided for the purposes of residential accommodation to create a lot less than the minimum lot size if-</p> <ul style="list-style-type: none"> a) There is existing residential accommodation on each created lot; or b) A single development is proposed incorporating both the subdivision of the land and erection of residential accommodation on that land <p>Intensification of existing residential uses from low to medium-density residential will facilitate the Bridge Street Precinct to achieve its objective of being an inner-city precinct incorporating medium-density residential housing consistent with the actions in Blueprint 100.</p>
Apply Clause 7.11 Design Excellence of the TRLEP 2010 to Area 1(Orange) and Area 3 (Blue).	<p>It is intended to expand the Design Excellence Area to include the Bridge Street Precinct as shown in Figure 12. The precinct is located in a key service corridor (Airport to CBD) that provides a variety of retail services to local residents and customers from the wider region. This presents an opportunity for renewal and revitalisation with a focus on design excellence, place making, economic vitality and liveability.</p>

Table 4 – Proposed Bridge Street Precinct Amendments

Table 5 illustrates the existing and proposed intended changes to the planning controls within the Bridge Street Precinct.

Area	Zone		Minimum Lot Size		Floor Space Ratio	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
1	MU1 Mixed Use	MU1 Mixed Use	Nil	Nil	Nil	2:1
2	R1 General Residential	R1 General	600m ²	600m ²	Nil	Nil

		Residential				
		I				
3 (Shoppingworld)	MU1 Mixed Use	MU1 Mixed Use	Nil	Nil	1.5:1	2:1
3 (other)	MU1 Mixed Use	MU1 Mixed Use	Nil	Nil	1:1	2:1

Table 5 – Current and Proposed Zone, Minimum Lot Size and Floor Space Area within the Bridge Street Precinct

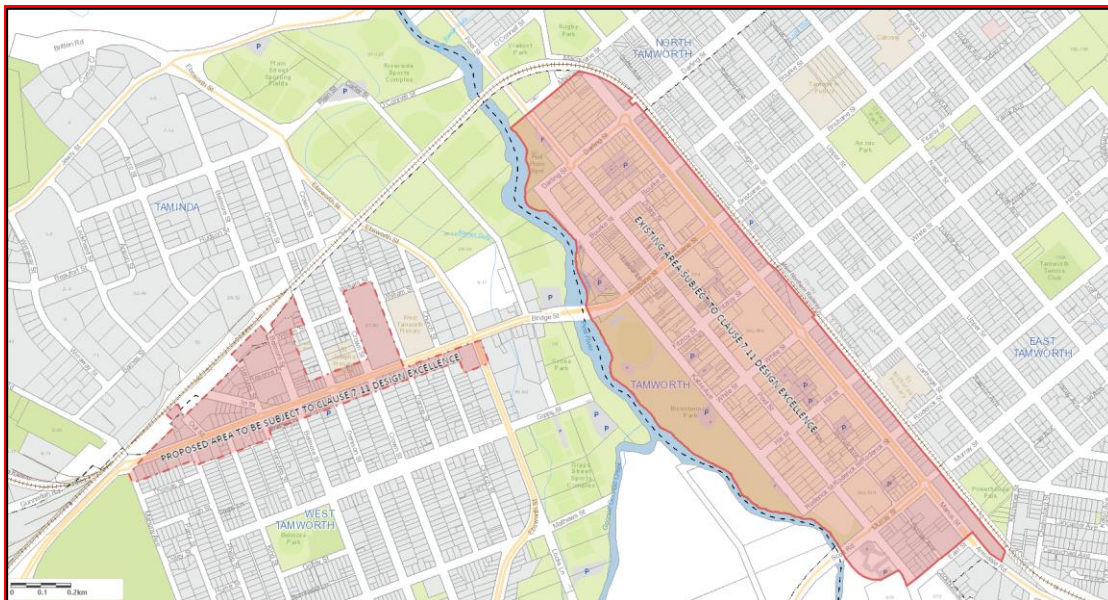


Figure 12 – Existing Design Excellence Area (CBD) and Proposed Design Excellence Area (Bridge Street Precinct)

Item 4 – Review of Land Use Permissibility within Existing Land Use Zones

Almost all land in NSW is given a ‘zone’ under a Council’s LEP. Each zone is linked to a written ‘land use table’ which lists the specific development types that are permitted without consent, permitted with consent, or prohibited. As part of the Phase 1 Review of the TRLEP 2010, a review of Council’s ‘land use table’ was completed with the proposed amendments identified in Table 6.

Landuse	Proposed Change	Commentary
Secondary dwellings	Permitted with consent in RU1 – Primary Production and RU4 – Primary Production Small	Purpose: To increase housing diversity and contribute to more affordable housing options within the region. Secondary dwellings provide flexibility for landholders by providing options for downsizing, a

	Lots zones	<p>second home for their family or children, suitable accommodation for renters or as accommodation for visitors.</p> <p>As a consequence of secondary dwellings becoming permitted with consent in the RU1 and RU4 zones, Clause 5.5 of the TRLEP 2010 will apply to all secondary dwelling developments in a rural zone.</p>
Backpackers accommodation	Permitted with consent in RU4 – Primary Production Small Lots zone	Purpose: To support temporary workforce in rural zones where backpackers accommodation is already permitted in adjoining rural zones.
Eco tourist facilities	Permitted with consent in RU1 – Primary Production, RU4 – Primary Production Small Lots and C3 – Environmental Management zones	Purpose: To support sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site. As a consequence of Eco-tourist facilities becoming permitted with consent in the RU1 – Primary Production, RU4 – Primary Production Small Lots and C3 – Environmental Management zones, Clause 5.13 of the <i>Standard Instrument—Principal Local Environmental Plan</i> becomes a compulsory inclusion within the TRLEP 2010.
Roadside stalls	Permitted with consent in R5 – Large Lot Residential zone	Purpose: To support small scale agricultural pursuits and agritourism where low intensive agriculture, farm experience and farm gate premises are permitted with consent in the R5 zone.
Cemeteries	Permitted with consent in RU1 – Primary Production and RU4 – Primary Production Small Lots zones	Purpose: To support the appropriate placement of cemeteries where they have been historically located.
Warehouse or distribution centres	Prohibited in R1 – General Residential and R2 – Low Density Residential zones	Purpose: To protect the residential zones from incompatible land use which is better suited to commercial or industrial zones.
Truck depots	Prohibited in R1 – General Residential and R2 – Low Density Residential	Purpose: To protect the residential zones from incompatible land use which is better suited to commercial or industrial zone.

	zones	
Exhibition homes	Prohibited in RU4 – Primary Production Small Lots zone	Purpose: To protect the RU4 – Primary Protection Small Lots zone from potential land use conflicts.

Table 6 – Review of Land Use Permissibility in existing zones

Item 5 – Amend Existing Clauses of the Tamworth Regional Local Environmental Plan 2010

The TRLEP 2010 is based upon a Standard Instrument LEP Template which contains a number of clauses or controls that are standardised across the state, whilst other local clauses are specific to the Tamworth Regional Local Government Area.

Council's Future Communities Division in consultation with other Council staff have reviewed the local clauses of the TRLEP 2010 and identified amendments to:

- Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones;
- Clause 5.5 Controls relating to secondary dwellings on land in rural zone;
- Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;
- Clause 7.6 Development in a Flight Path;
- Clause 7.7 Development in areas subject to aircraft noise;
- Clause 7.10 Temporary workers accommodation; and
- Clause 7.11 Design excellence.

Discussion has been provided below (Table 7) on each clause amendment and a comparison of each existing clause and an example amended clause is provided **ATTACHED**, refer to **ANNEXURE 2**. The amended clause is an example only as subject to the Gateway Determination and planning proposal process, the final wording of any clause would be determined in consultation with Parliamentary Counsel.

Clause	Commentary
4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	<p>Clause 4.2C (2) currently refers to Zone E2 Environmental Conservation and Zone E3 Environmental Management, which are outdated zone names following the Employment Zone Reforms.</p> <p>It is intended to replace the above with the correct zone names; Zone C2 Environmental Conservation and Zone C3 Environmental Management.</p>
Clause 5.5 Controls relating to secondary dwellings on land	Clause 5.5 relates to development for the purposes of a secondary dwelling in a rural zone. Secondary dwellings are prohibited in rural zones under the TRLEP 2010, however as part of the review of land use permissibility in rural zones it is

in rural zone	<p>proposed to permit with consent secondary dwellings in the RU1 - Primary Production and RU4 - Primary Production Small Lots zone.</p> <p>Potential land use conflicts will be managed by way of the existing development controls contained within Clause 5.5 of the TRLEP 2010 which restrict the total floor area of the secondary dwelling to either 130m² or 25% of the primary dwelling and the distance between the secondary dwelling and the principal dwelling must not exceed 100 metres.</p>
7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	<p>Clause 7.4 restricts the gross floor areas of certain types of commercial land uses in E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use zones in order to protect the Tamworth CBD. It is proposed to amend Clause 7.4 by:</p> <ul style="list-style-type: none"> • Removing the reference to ‘cellar door premises’, which are prohibited in the E1, E3 and MU1 zones; and • Increasing the maximum permitted gross floor area for business premises, office premises, food and drink premises, and markets within the E1, E3 or MU1 zones from 2,500m² to 3,500m². <p>Council engaged an external consultant to undertake a Tamworth Activity Centre Review to investigate current and future commercial floorspace based on population growth. The increase from 2,500m² to 3,500m² gross floor area is in recognition of the continued trend to larger commercial premises, particularly supermarkets that are defined as “shops”. This increase will support commercial development whilst still acknowledging and retaining the economic significance of the Tamworth CBD.</p> <p>It is proposed to identify Lot 1 DP 817048 at 1 Piper Street, North Tamworth (Northgate) as a property to which this clause does not apply. The existing Northgate Shopping Centre (4,700m²) is an established commercial complex on a constrained site. By exempting this lot from the clause it allows flexibility, however it is noted that any expansion of the shopping centre is largely restricted by the existing development footprint, site area and Floor Space Ratio (0.5:1).</p>
7.6 Development in Flight Path	<p>Clause 7.6 requires an application for a building erected in the flight path of the Tamworth Airport to be referred to Commonwealth agencies.</p> <p>A review of commonwealth legislation and the approach adopted in more recent Standard Instrument LEPs confirms that:</p> <ul style="list-style-type: none"> • The trigger for referral to Commonwealth bodies is where a development penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Services

	<p>Operations Surface; and</p> <ul style="list-style-type: none"> The Obstacle Limitation Surface Map and the Procedures for Air Navigation Services Operations Surface Map are prepared under Commonwealth legislation, meaning they are created and modified outside of the LEP process. Whilst a LEP should reference relevant airport maps, the map should not actually form part of the LEP. <p>In response to the above, it is proposed to amend Clause 7.6 by:</p> <ul style="list-style-type: none"> Removing the reference to the “flight path of the Tamworth Airport”; Updating the referral requirement to where a development, in the consent authority’s opinion, penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface around the Tamworth Airport; and Removing the Obstacle Limitation Surface Map as an LEP Map.
<p>7.7 Development in areas subject to aircraft noise</p>	<p>Clause 7.7 of the TRLEP 2010 identifies aircraft noise intrusion via two methods:</p> <ul style="list-style-type: none"> An Australian Noise Exposure Forecast (ANEF) Map that currently forms part of the LEP; and A Flight Training Path Map that forms part of the LEP and identifies land around the airport. Development within the Flight Training Path must consider potential noise impacts from regular flights by aircraft associated with the flight school. <p>Development subject to potential noise impacts is required to comply with Australian Standard 2021:2015, Acoustics—Aircraft noise intrusion—Building siting and construction (AS2021:2015).</p> <p>The following amendments are proposed to this clause:</p> <ul style="list-style-type: none"> Clause 7.7 currently references an outdated Australian Standard (AS 2021:2000). This will be updated to reference AS2021:2015; The ANEF Map is controlled and endorsed by Airservices Australia, which means it can be modified outside of the LEP process. On this basis, it is proposed Clause 7.7 will reference the ANEF Map, but the map will no longer form part of the LEP. <p>It is considered that any review and update of the Flight Training Path would form part of a review of buffer zones around critical infrastructure as part of Stage 2 of the LEP</p>

	Review.
Clause 7.10 Temporary workers accommodation	<p>Clause 7.10 enables the existing International Flight Training accommodation facility at the Tamworth Airport to be utilised for temporary workers accommodation. This clause only relates to Lot 58 DP 1221018.</p> <p>The existing capacity of the Tamworth Region to provide appropriate, affordable housing to essential workers, temporary workforces and workers associated with infrastructure projects or other economic development activities in the region is considerably limited.</p> <p>In response to the above, it is proposed to amend clause 7.10 by;</p> <ul style="list-style-type: none"> Adding adjoining Lot 83 DP 1243982 to permit development for the purposes of temporary workers accommodation. <p>The proposed amendment to the <i>TRLEP 2010</i> would allow the subject land to provide workers accommodation for specialist, additional or temporary workforces in support of existing and future public and private industries including, but not limited to: infrastructure projects, food processing operations, industrial expansion and transport hub development.</p>
Clause 7.11 Design excellence	<p>Clause 7.11 requires development to exhibit 'design excellence' and contributes to the natural, visual and built character of the area.</p> <p>It is intended to expand the Design Excellence Area to include the Bridge Street Precinct as shown in Figure 12. The precinct is located in a key service corridor (Airport to CBD) that provides a variety of retail services to local residents and customers from the wider region. This presents an opportunity for renewal and revitalisation with a focus on design excellence, place making, economic vitality and liveability.</p> <p>No amendment is proposed to the wording of the clause only the "Design Excellence Map" to identify the Bridge Street Precinct.</p>

Table 7 – Amendments to existing Clauses of the *TRLEP 2010*

Item 6 – Adopt Clause 5.9 Dwelling house or secondary dwelling affected by natural disaster of the Standard Instrument

It is proposed to adopt the Optional Clause 5.9 of the *Standard Instrument—Principal Local Environmental Plan* for the RU1 - Primary Production, RU4 - Primary Production Small Lots and RU6 – Transition zones. The wording of this clause is **ATTACHED**, refer to **ANNEXURE 3**.

The purpose of this clause is to:

- recognise that natural disasters are unpredictable with a changing climate;

- preserve a rural property owner's right to re-build following a natural disaster; and
- recognise the amount of time it can take to reconstruct a dwelling after a natural disaster (e.g., bush fire, flooding).

It is considered this clause is in the community interest and will facilitate the rebuild and repair of damaged dwellings following a natural disaster.

Item 7 – Adopt Clause 5.13 Eco-tourist Facilities of the Standard Instrument

As a consequence of Eco-tourist facilities becoming permitted with consent in the RU1 – Primary Production and C3 – Environmental Management zones, Clause 5.13 of the *Standard Instrument—Principal Local Environmental Plan* becomes a compulsory inclusion within the TRLEP 2010.

The intent is to allow a form of tourist and visitor accommodation (eco-tourist facilities) in areas of environmental value where it can be demonstrated the development can be sensitively designed and managed to have minimal impact on the environment both on and off-site.

The adoption of the clause supports themes and planning priorities in the LSPS; in particular, to facilitate smart growth and housing choices, create a prosperous region, design with nature and building resilient communities.

The wording of this clause is **ATTACHED**, refer to **ANNEXURE 3**.

Item 8 – Insert a new 'Essential Services' Clause

It is intended to insert a new clause within the TRLEP 2010 that states that development consent cannot be granted unless the following services are available (or arrangements have been made for the services) when required:

- water supply;
- electricity;
- disposal of sewage;
- stormwater drainage; and
- suitable vehicular access.

The above Essential Services are a critical consideration when undertaking a development. A specific clause within the TRLEP 2010 will provide greater weight to Council's Development Assessment staff when assessing Development Applications and imposing service requirements.

Furthermore, the provision of essential services to development supports themes and planning priorities in the LSPS; in particular, to facilitate smart growth and housing choices, create a prosperous region and building resilient communities.

An example wording of this clause is **ATTACHED**, refer to **ANNEXURE 3**. However, subject to the Gateway Determination and planning proposal process, the final wording of the clause would be determined in consultation with Parliamentary Counsel.

Item 9 – Insert a new 'Minimum Building Street Frontage' Clause

Blueprint 100 encourages shop top housing in Peel Street and apartment living in Kable Avenue. However, where these types of developments are greater than three storey and

contain at least four dwellings, they must comply with the Apartment Design Guide under *State Environmental Planning Policy (Housing) 2021*.

The Tamworth CBD is comprised of numerous shops of varying street frontages (allotment width). Premises with narrow street frontages are often unable to meet the Apartment Design Guide requirements, particularly standards in relation to car parking, separation and privacy.

To encourage developers to consolidate premises and undertake larger developments inclusive of shop top and apartment housing, it is proposed to introduce a minimum street building frontage of 25 metres.

It is intended that this clause would only apply to land zoned E2 - Commercial Centre, which is located within the Tamworth CBD.

To provide flexibility with the application of this clause, it is intended to:

- Apply the clause solely to development where the Apartment Design Guideline applies (residential apartment development of three storeys and four or more dwellings) within the meaning of *State Environmental Planning Policy (Housing) 2021* – This will enable small shop-top housing developments to be undertaken without the additional consideration; and
- Enable variations from the minimum building street frontage due to physical constraints subject to demonstrating suitable design in accordance with Council's intended outcomes for the CBD.

The requirement of a minimum building frontage in the E2 - Commercial Centre zone supports themes and planning priorities in the LSPS; in particular, to facilitate smart growth and housing choices, activating the CBD, create a prosperous region and building resilient communities.

An example wording of this clause is **ATTACHED**, refer to **ANNEXURE 3**. However, subject to the Gateway Determination and planning proposal process, the final wording of the clause would be determined in consultation with Parliamentary Counsel.

Item 10 – Insert a new ‘Scenic Protection Area’ clause

It is proposed to insert a new local provision clause within the TRLEP 2010 that:

- identifies the following Scenic Protection Areas by way of a new Scenic Protection Area LEP Map;
 - i. the Tamworth Lookout and surrounding hills;
 - ii. the Moonbi Hills either side of the New England Highway;
 - iii. Mt Borah and the Baldwins Range, west of Manilla; and
 - iv. the “Hills of Gold” around Nundle and Hanging Rock.
- confirms that a Scenic Protection Area is a “protected area” for the purposes of Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and
- requires the consent authority to consider the following when determining whether to grant development consent to development on land to which this clause applies:

- i. the proposed measures to be taken, including in relation to the location and design of the development, to minimise the visual impact of the development on the natural environment and scenic amenity of the land,
- ii. conservation and rehabilitation measures to preserve the scenic amenity of the land;
- iii. the visual impacts of the proposed development as viewed from urban centres, villages and roads.

Furthermore, the adoption of the clause supports themes and planning priorities in the LSPS; in particular, create a prosperous region and design with nature.

An example wording of this clause is **ATTACHED**, refer to **ANNEXURE 3**. However, subject to the Gateway Determination and planning proposal process, the final wording of the clause would be determined in consultation with Parliamentary Counsel.

The four proposed Scenic Protection Areas, to be included in the Phase 1 review of the LEP, are discussed below. Should any other areas be identified for scenic protection, these can be considered as part of the Phase 2 Review of the LEP.

Scenic Protection Area – Tamworth Lookout and Surrounding Hills

The Tamworth Lookout and surrounding hills, including Flagstaff Mountain, Bald Hill, Daves Hill and Mount Daruka provide a significant scenic backdrop to the Tamworth City and surrounding rural residential areas. They contain significant native vegetation that contributes to the picturesque views both towards and from the hills. The prominence of these hills behind Tamworth City is an important tourism feature for the region.

Currently, the Tamworth Lookout and surrounding hills are located within either a RE1 - Public Recreation zone or C3 - Environmental Management zone. Whilst these zones recognise the importance of the area, a number of developments remain permissible which may impact this scenic landscape. To this end, rather than change the zoning or prohibit development it is proposed to create a Scenic Protection Area, which requires greater consideration of the landscape and visual impact should any development be proposed.

The boundary of this Scenic Protection Area would be defined by land zoned C3 - Environmental Management and RE1 - Public Recreation under the TRLEP 2010 as illustrated in Figure 13 and Figure 14.

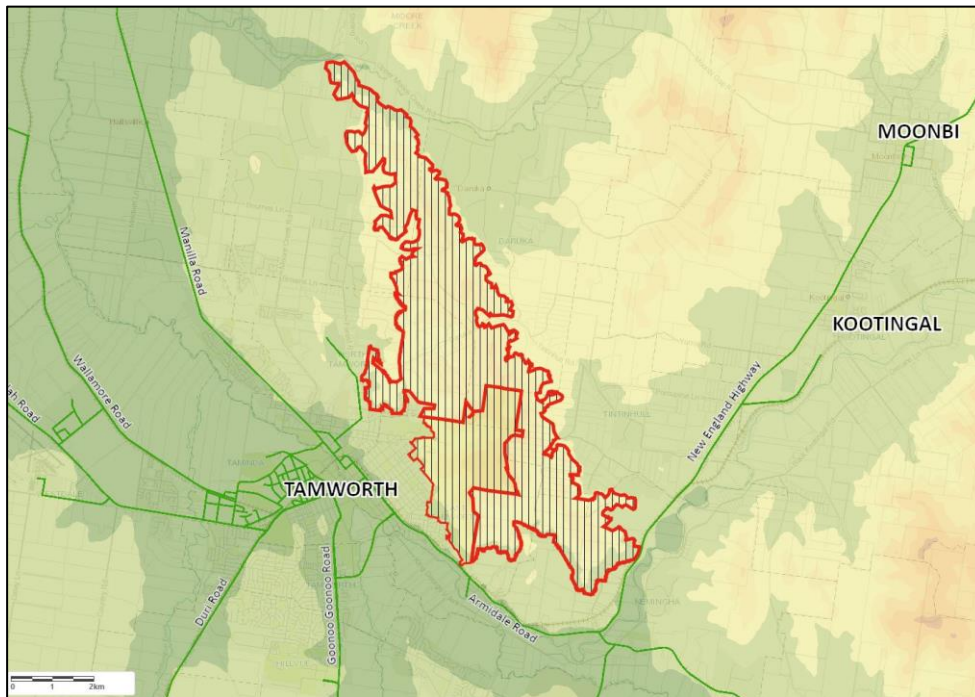


Figure 13 – Illustration of Proposed Scenic Protection Area (Hatched) over an Elevation Model of the Tamworth Lookout and Surrounding Hills

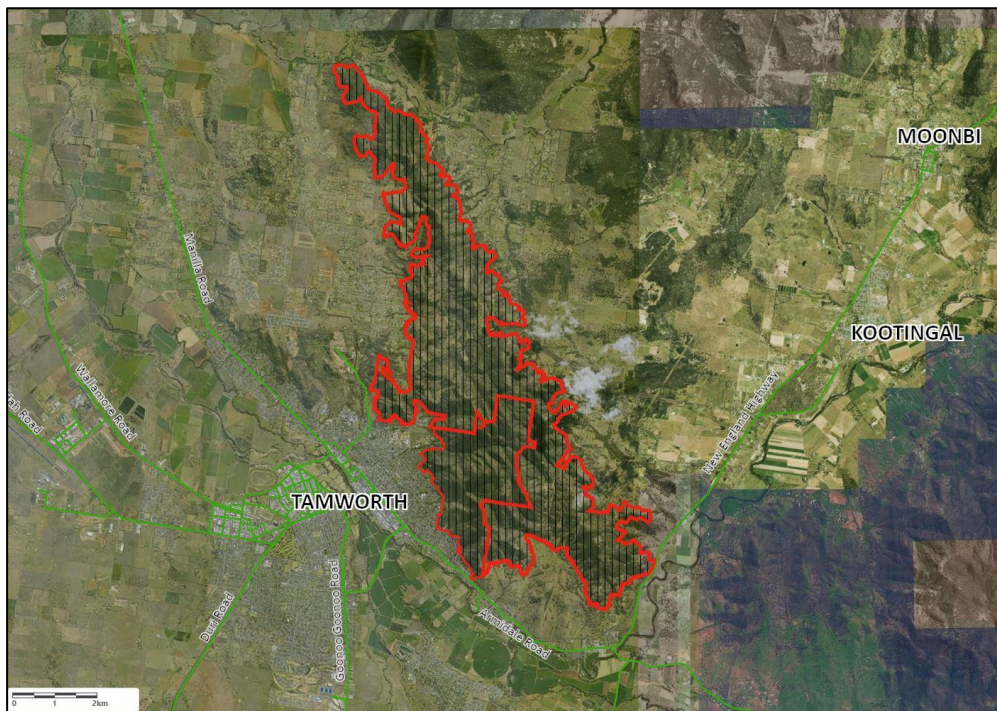


Figure 14 – Illustration of Proposed Scenic Protection Area (Hatched) over an Aerial Image of Tamworth Lookout and Surrounding Hills

Scenic Protection Area – Moonbi Hills

The New England Highway between Bendemeer and Moonbi is a scenic tourist drive involving a significant change in elevation (350 metres), bounded by a mountain range that

risers to approximately 1300 metres. This unique landscape provides impressive views for traffic along the New England Highway, particularly south/west bound traffic on the approach to Tamworth. In addition to the visual landscape, this mountain range contains significant native vegetation which contributes to the biodiversity of the region.

The land is currently zoned RU1 - Primary Production under the TRLEP 2010. To recognise the importance of this area it is proposed to create a Scenic Protection Area over this range above the 1000 metre contour as illustrated in Figure 15 and Figure 16.

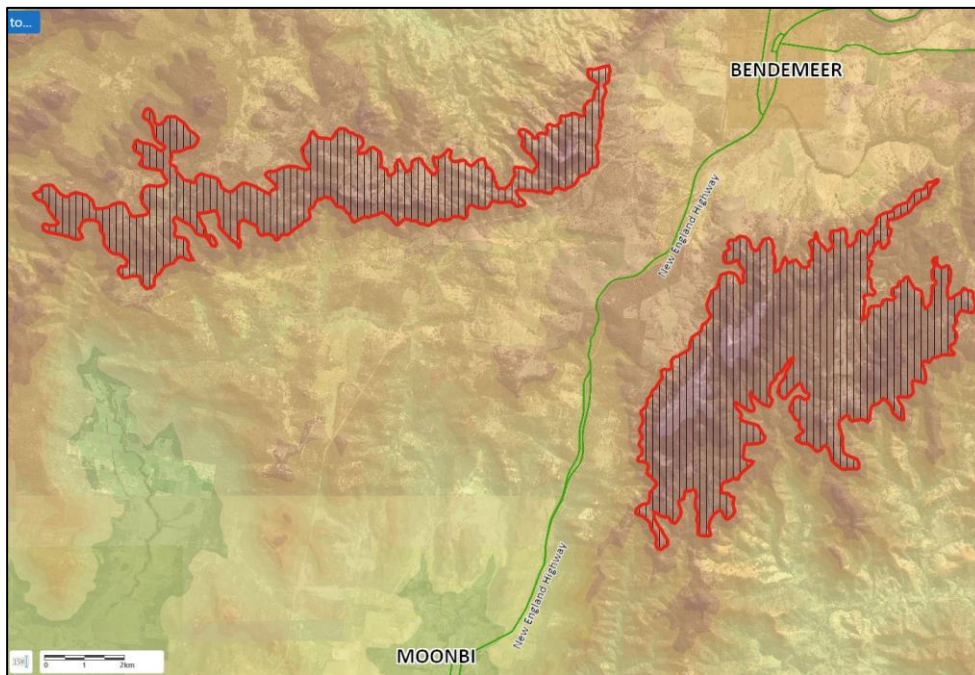


Figure 15 - Illustration of Proposed Scenic Protection Area (Hatched) over an Elevation Model of the Moonbi Hills

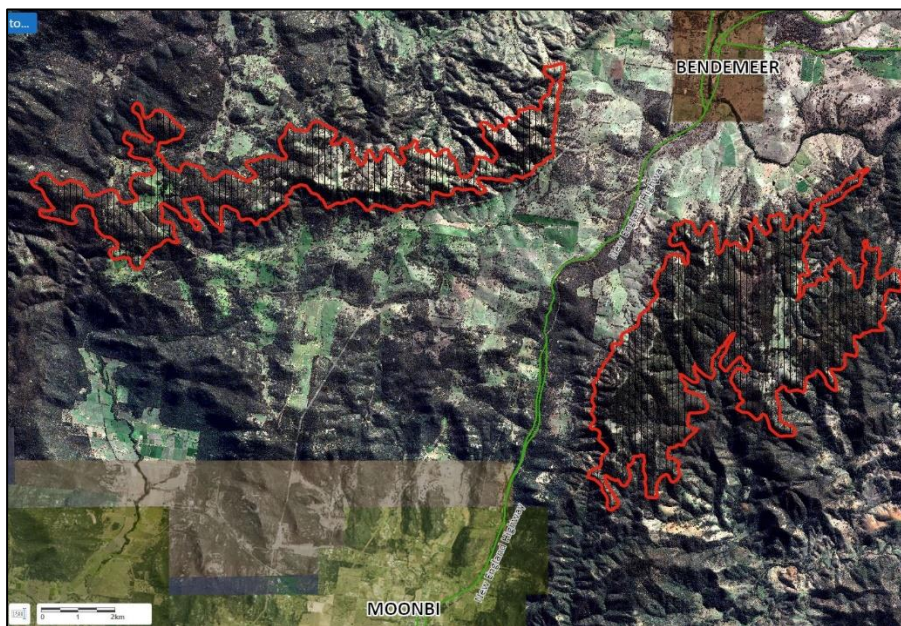


Figure 16 – Illustration of Proposed Scenic Protection Area (Hatched) over an Aerial Image of the Moonbi Hills

Scenic Protection Area – Baldwins Range and Mt Borah

Mt Borah at Manilla is regarded as one of the best locations for air-sports (hang gliding and para-gliding) in the world and hosts NSW, Australian and international competitions. The surrounding Baldwins Range contains significant biodiversity, which provides both an important landscape for air-sports and a picturesque landscape for the Manilla township and surrounds.

The land is currently zoned RU1 - Primary Production under the TRLEP 2010. To recognise the importance of this area it is proposed to create a Scenic Protection Area over this range generally above the 500 metre contour as illustrated in Figure 17 and Figure 18.

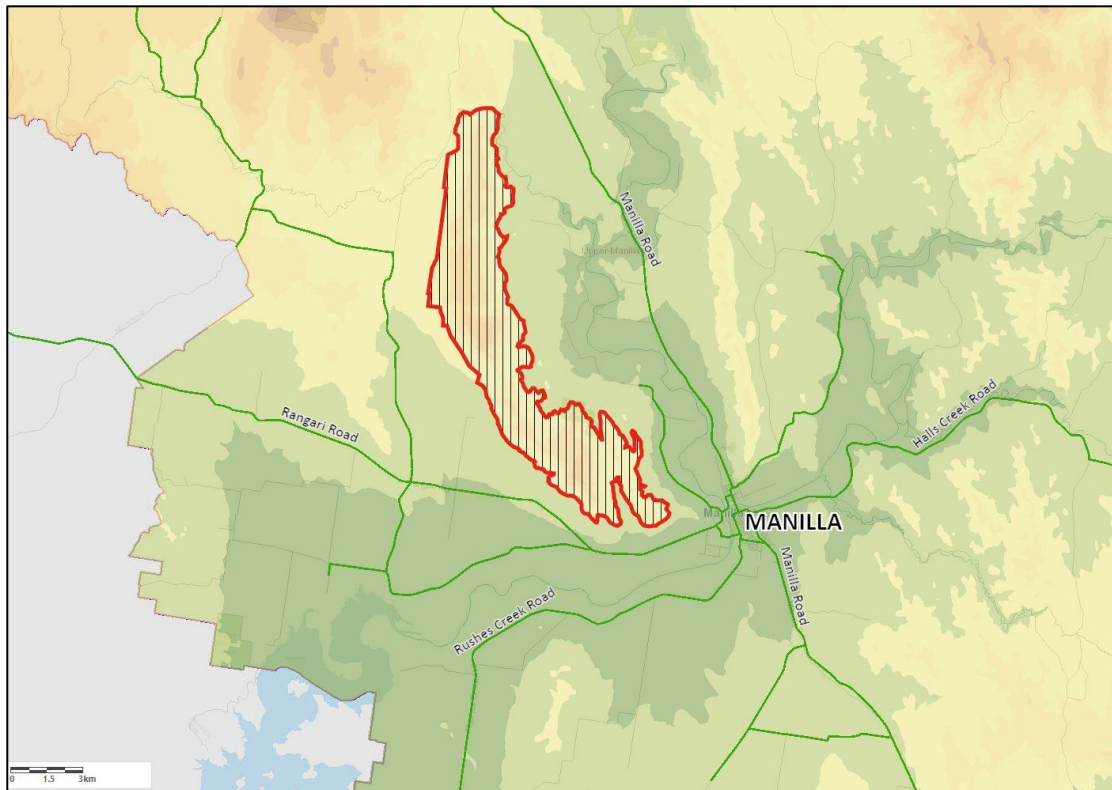
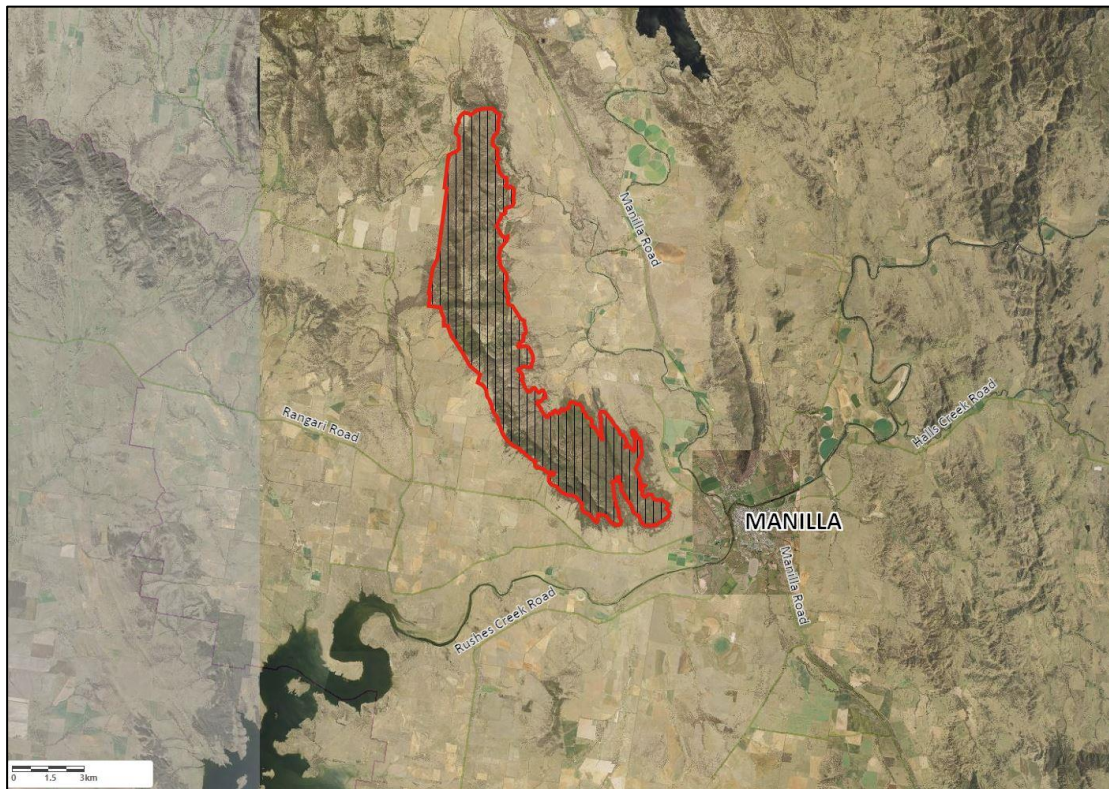


Figure 17 - Illustration of Proposed Scenic Protection Area (Hatched) over an Elevation Model of Mt Borah and Baldwins Range



Figure

18 – Proposed Scenic Protection Area over Baldwins Range (Northern Portion) based on 600m to 900m Contour Range

Scenic Protection Area – “Hills of Gold” around Nundle and Hanging Rock

The hills around the villages of Nundle and Hanging Rock, including the massive face of the quintessential Hanging Rock, are known for their natural beauty. The significant change in elevation (up to 600m) between Nundle and Hanging Rock offers a dramatic change in the landscape and provides panoramic views both towards the hills (from Nundle) and from the hills (from Hanging Rock Lookout). These views are enhanced by the amount of native vegetation and biodiversity along the hills.

The presence of the hills and ridgelines provides a sense of place and identity for both the Nundle and Hanging Rock villages. In addition, both Nundle and Hanging Rock are popular tourist destinations for visitors all year round with the scenic landscape a significant attraction for visitors.

To recognise the importance of this area it is proposed to create a Scenic Protection Area over this range generally above the 1000 metre contour as illustrated in Figures 19 and 20. It is intended that the Scenic Protection Area will incorporate the natural feature Hanging Rock, but not the village (land zoned RU5 and R5 under the TRLEP 2010) of Hanging Rock.

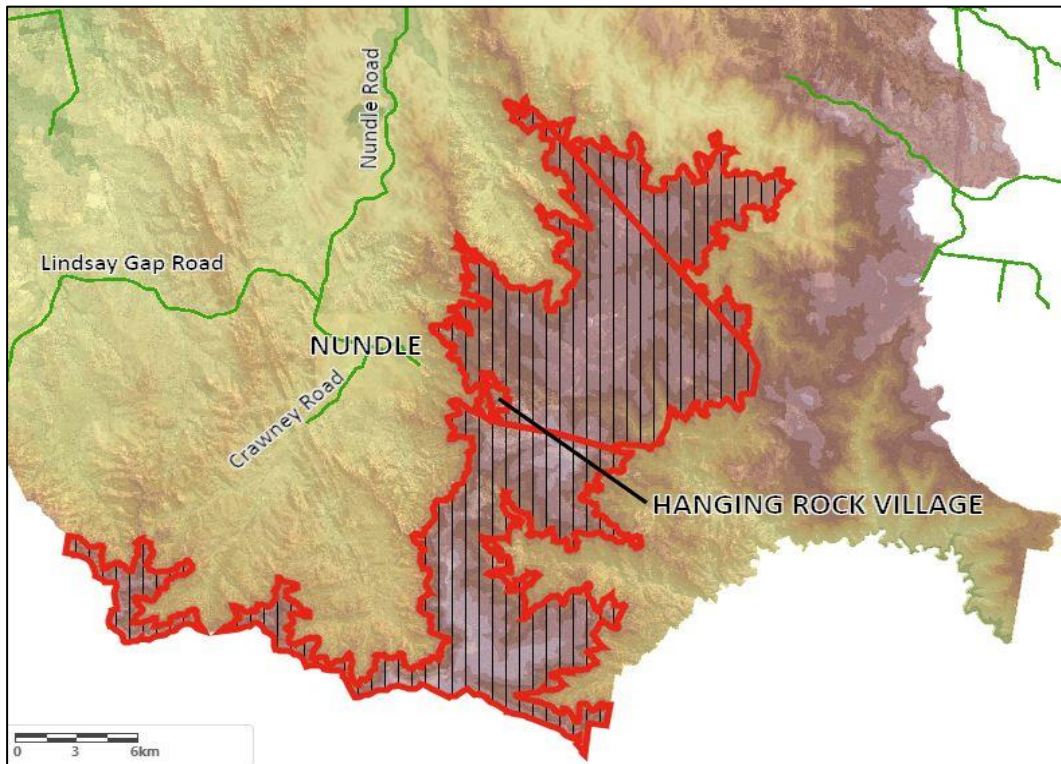


Figure 19 - Illustration of Proposed Scenic Protection Area (Hatched) over an Elevation Model of Mt Borah and Baldwins Range

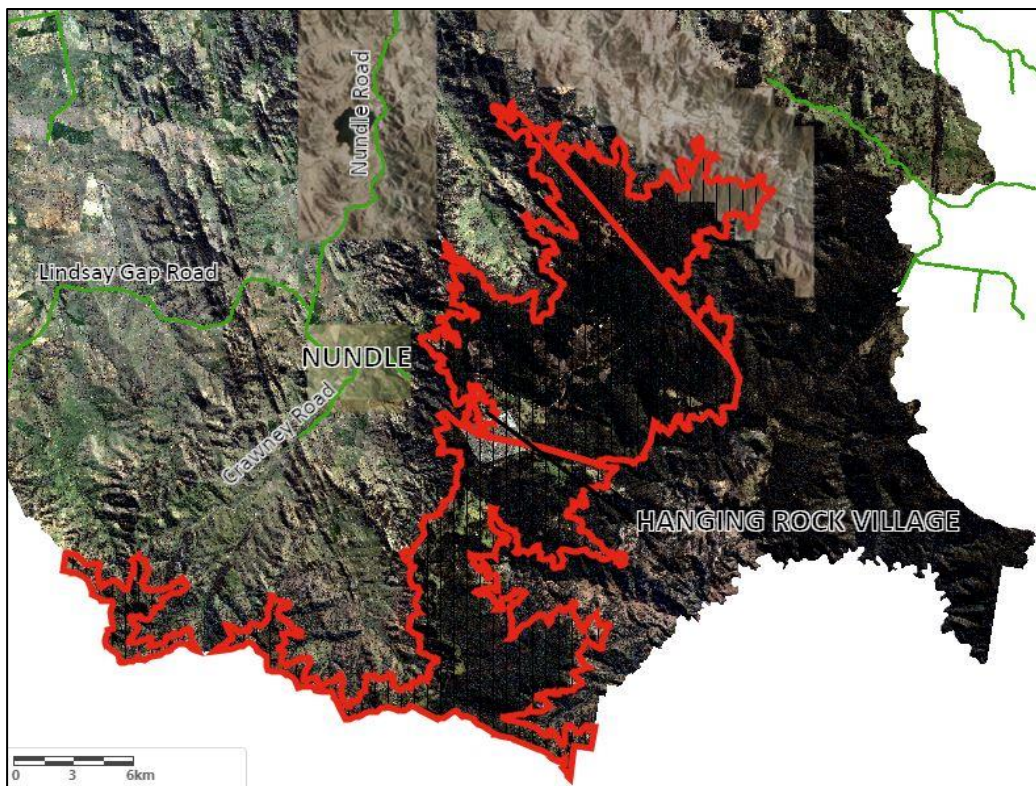


Figure 20 – Proposed Scenic Protection Area over Baldwins Range (Northern Portion) based on 600m to 900m Contour Range

Item 11 – Housekeeping Amendments

Since adoption of the TRLEP 2010, a number of anomalies or mistakes have been identified within the zoning and/or lot size maps of the TRLEP 2010. **Table 8** below proposes housekeeping amendments to the Zone and/or Minimum Lot Size (MLS) for certain properties.

Address	Property Description	Matter	Proposed Amendment
Nundle Road Dungowan	Lot 10 DP 831945	Split Minimum Lot Size (MLS) – 9.9ha and 100ha	Map entirely as 9.9ha MLS
252 Manilla Street, Manilla	Lot A DP 348010	Dwelling zoned RE2 – Private Recreation (RE2)	Zone to R1 – General Residential (R1)
Manilla Team Penning (Showground), River Street, Manilla	Lot 216 DP 752191	Zoned R1	Map entirely as RE2 zone
Same property as above	Lot 215 DP 752191	Zoned R1	Map entirely as RE2 zone
4 Jubata Drive, Moore Creek	Lot 120 DP 1245508	Split MLS – 1000m ² and 2000m ²	Map entirely as 1000m ² MLS
6 Jubata Drive, Moore Creek	Lot 121 DP 1245508	Split MLS – 1000m ² and 2000m ²	Map entirely as 1000m ² MLS
15 Baileyana Close, Moore Creek	Lot 114 DP 1260786	Split MLS – 4000m ² and 1ha	Map entirely as 4000m ² MLS
17 Baileyana Close, Moore Creek	Lot 113 DP 1260786	Split MLS – 4000m ² and 1ha	Map entirely as 1ha MLS
24 Baileyana Close, Moore Creek	Lot 112 DP 1260786	Split MLS – 4000m ² and 1ha	Map entirely as 1ha MLS
10 Dianella Close, Moore Creek	Lot 212 DP 1274600	Split MLS – 4000m ² and 1ha	Map entirely as 1ha MLS
8 Dianella Close,	Lot 211 DP	Split MLS –	Map entirely as

Moore Creek	1274600		4000m ² and 1ha	4000m ² MLS
5 Dianella Close, Moore Creek	Lot 215 1274600	DP	Split MLS – 4000m ² and 1ha	Map entirely as 1ha MLS
3 Dianella Close, Moore Creek	Lot 216 1274600	DP	Split MLS – 4000m ² and 1ha	Map entirely as 4000m ² MLS
8 Spur Wing Close, Moore Creek	Lot 304 1284912	DP	Split MLS – 4000m ² and 1ha	Map entirely as 4000m ² MLS
9 Spur Wing Close, Moore Creek	Lot 310 1284912	DP	Split MLS – 4000m ² and 1ha	Map entirely as 4000m ² MLS
10 Lake Place, North Tamworth	Lot 124 1194906	DP	Split Zone (R1 and RU4 – Primary Production Small Lots (RU4)) and Split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS
8 Lake Place, North Tamworth	Strata Plan 91773		Split Zone (R1 and RU4) and Split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS
6 Lake Place, North Tamworth	Lot 126 1194906	DP	Split Zone (R1 and RU4) and Split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS
4 Lake Place, North Tamworth	Lot 127 1194906	DP	Split Zone (R1 and RU4) and Split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS
2 Lake Place, North Tamworth and adjoining Swan Street	Lot 128 1194906 and road reserve	DP	Split zone and MLS are correct, but boundary should match 4 to 10 Lake Place.	Match boundary of zone and MLS to adjoining properties.
2 Lake Place, North Tamworth	Lot 129 1194906	DP	Split Zone (R1 and RU4) and Split MLS (600m ² and 40ha)	Map entirely as RU4 zone and 40ha MLS
38 Johnston Street North	Lot 2 DP 1191766		Dwelling zoned RU4	Map entirely as R1 zone

Tamworth			
3 Regal Park Drive, Oxley Vale	Lot 3 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
5 Regal Park Drive, Oxley Vale	Lot 4 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
7 Regal Park Drive, Oxley Vale	Lot 5 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
9 Regal Park Drive, Oxley Vale	Lot 6 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
11 Regal Park Drive, Oxley Vale	Lot 7 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
13 Regal Park Drive, Oxley Vale	Lot 8 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
15 Regal Park Drive, Oxley Vale	Lot 9 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
17 Regal Park Drive, Oxley Vale	Lot 10 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
19 Regal Park Drive, Oxley Vale	Lot 11 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
21 Regal Park Drive, Oxley Vale	Lot 12 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
23 Regal Park Drive, Oxley Vale	Lot 13 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
25B Regal Park Drive, Oxley Vale	Lot 2 DP 1238697	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
27 Regal Park	Lot 15 DP	Split Zone (R1 and	Map entirely as R1

Drive, Oxley Vale	1173388		RU4) and split MLS (600m ² and 40ha)	zone and 600m ² MLS.
29 Regal Park Drive, Oxley Vale	Lot 16 1173388	DP	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
31 Regal Park Drive, Oxley Vale	Lot 17 1173388	DP	Split Zone (R1, RU4 and RE1) and split MLS (Nil, 600m ² and 40ha)	Map entirely as R1 zone and 600m ² MLS.
30A Regal Park Drive, Oxley Vale	Lot 181 1219870	DP	Split Zone (R1 and RE1) and split MLS (Nil and 600m ²)	Map entirely as R1 zone and 600m ² MLS.
30 Regal Park Drive, Oxley Vale	Lot 182 1219870	DP	Split Zone (R1 and RE1) and split MLS (Nil and 600m ²)	Map entirely as R1 zone and 600m ² MLS..
Glengarvin Drive, Oxley Vale	Lot 92 DP 746943		Split Zone (R1, RU4 and RE1 – Public Recreation (RE1)) and split MLS (Nil, 600m ² and 40ha)	Map entirely as RE1 zone and Nil MLS.
5 Hilton Street, South Tamworth	Lot 1 DP 196665		Administrative error as part of Planning Proposal PP-2020-2540 resulted in MU1 zone applied to entirety of Lot 1 DP 196665. MLS is correct.	Split zone Lot 1 DP 196665 MU1 – Mixed Use (MU1) and RU4 consistent with Planning Proposal PP-2020-2540 and the existing MLS.
7 Scott Road, South Tamworth	Lot 1 DP 797999		Administrative error as part of Planning Proposal PP-2020-2540 resulted in MU1 zone applied to entirety of Lot 1 DP 797999. MLS is correct.	Split zone Lot 1 DP 797999 MU1 and RU4 consistent with Planning Proposal PP-2020-2540 and the existing MLS.
9 Curtiss Close Taminda	Lot 11 DP 271212		Split zone E3 and E4	Map entirely as E4 zone.
Coledale Community Centre, 2B Kenny	Lot 1 DP 1247214		Split zone (R1 and RE1) and split MLS (600m ² and Nil).	Map entirely as R1 zone and 600m ² MLS.

Drive, West Tamworth			
11 Wollemi Close, North Tamworth	Lot 101 1275336	DP	Split zone (R1 and C3 – Environmental Management (C3)) and split MLS (2000m ² and 40ha)
			Map entirely as R1 zone and 2000m ² MLS.

Table 8 – Mapping anomalies

Item 13 – Expressions of Interest

A list of the proposed Expression of Interest (EOI) amendments to be undertaken in Phase 1 is provided in Table 9 and details of each proposed amendment is discussed below.

EOI No.	Property Description	Summary
1	Lot 1 DP 1288236, 12 In Street, West Tamworth	Change to Floor Space Ratio (1:1 to 2:1). This will be addressed as part of the amendments to the Bridge Street Precinct.
2	Lot 28 DP 842308, 7 Edward Street, Moonbi	Split zone (R5 – Large Lot Residential and RU5 - Village) and split minimum lot size (2ha and 2000m ²). The zone and minimum lot size will be amended to map entirely R5/2ha.
3	Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale	Change the zoning from R1 – General Residential to E1 – Local Centre to support the development of the site for a neighbourhood supermarket.
4	Part Lot 901 DP 1297546, Mulconda Close, Oxley Vale	Change the zoning of the northern portion of Lot 901 DP 1297546 from RU4 – Primary Production Small Lots to R1 – General Residential to facilitate orderly development.
5	Lot B 102992, 68 Court Street, Manilla	Change the zoning from E1 – Local Centre to R1 – General Residential to facilitate the continued use of the site for residential accommodation.
6	Lot 777 DP 1158251, 777 Manilla Road, Oxley Vale	Change the zoning from RU4 – Primary Production Small Lots to R1 – General Residential to facilitate Stratheden residential estate.
7	Lot 833 DP 1220826, Glenmore Drive, Moore	Rezone the subject site from R2 – Low Density Residential to C2 – Environmental

	Creek	Conservation.
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Table 9 – List of EOI's for Phase 1 LEP Review

Based on the timeframes associated with Phase 1 several EOI's that are considered to have merit (subject to further strategic and site-specific studies) will be considered as part of later phases of the comprehensive review of the TRLEP 2010. This is largely due to the time taken to complete necessary studies to support any amendment to the TRLEP 2010.

Next Steps

Should Council adopt the recommendations of this report, the next steps are described in Table 10:

Step	Commentary
1	The Planning Proposal will be finalised by Council officers.
2	The Planning Proposal will be forwarded to DPHI with a request to issue a "Gateway Determination" to commence the LEP amendment process. The submission will include a request to issue Council with Delegation for plan making authority (discussed below).
3	Council officers will liaise with DPHI and other stakeholders to negotiate any changes sought to the Planning Proposal by DPHI in the lead up to the Gateway Determination.
4	DPHI will issue a Gateway Determination, being an authorisation that the LEP plan making process may proceed. The Gateway Determination will, amongst other things, provide details of the public authorities that Council must consult and the requirements for undertaking the public exhibition.
5	Council officers will make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders. Any significant changes to the Planning Proposal will be reported back to Council prior to public exhibition.
6	Council officers will publicly exhibit the Planning Proposal in accordance with the requirements of the Gateway Determination and in accordance with the community consultation requirements of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment Regulation 2021</i> .
7	Submissions received in response to the public exhibition of the Planning Proposal will be reviewed, and recommendations prepared for Council's consideration.
8	A further report will be presented to Council following the public exhibition of the Planning Proposal, recommending adoption (in part or full) of the Planning Proposal.

9	Should Council adopt the Planning Proposal, Council officers would forward the Planning Proposal to Parliamentary Counsel and DPHI to make the LEP amendment.
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Table 10 – Next steps for Phase 1 of the LEP Review

Timeframe

Should Council adopt the recommendations of this report, Table 11 provides an indicative timeframe for the completion of Phase 1 of the LEP review.

Action	Indicative Timing
Submission of Planning Proposal to DPHI for Gateway Determination	March 2024
Gateway Determination issued by DPHI	April 2024
Pre-Exhibition Studies and/or Changes and Agency Consultation	May 2024
Public Exhibition	June 2024
Review of submission, agency comments and any further amendments to the Planning Proposal	July-August-September 2024
Post-exhibition report to Council	October 2024
Finalisation of the Phase 1 LEP Review	November-December 2024

Table 11 – Indicative Timeframe for Completion of Phase 1 of the LEP Review

Delegation to Make the Plan

Section 3.34 allows the Minister for Planning (or their delegate in DPHI) to authorise Council to be the plan-making authority for the Planning Proposal. Should Council ultimately proceed with the Planning Proposal after exhibition, this authorisation would give Council the powers to finalise the amendments.

It is recommended that Council request DPHI to grant delegation to Council to exercise the function of the Minister.

Conclusion

Council's Future Communities Division has been engaged in the comprehensive review of the TRLEP 2010, including an Expression of Interest process, to align the statutory planning controls of the TRLEP 2010 with the Priorities and Actions of the *New England North West Regional Plan 2041* and *Tamworth Regional Blueprint 100 Part One and Part Two: Local Strategic Planning Statement 2020*.

Given the number of potential amendments, it is recommended that the comprehensive LEP review be completed in phases. Phase 1 of the review comprises:

- updating Schedule 5 of the TRLEP 2010 in relation to heritage items and heritage conservation zones;
- updating the planning controls for the Bridge Street Precinct;
- a review of the permissibility of land uses within existing zones;
- insertion of new clauses and an update of existing clauses within the TRLEP 2010;
- identification of “Scenic Protection Areas”;
- housekeeping amendments; and
- Expression of Interests.

Should Council adopt the recommendations of this report, the Planning Proposal for Phase 1 of the TRLEP 2010 review will be forwarded to the DPHI to request a Gateway Determination and delegation for Council to be the plan making authority.

(a) Policy Implications

The review of the TRLEP 2010 is a direct action of the *Tamworth Regional Blueprint 100 Part One, Part Two: Local Strategic Planning Statement 2020 and Blueprint 100 Delivery Plan 2023-2025*. The contents of the Phase 1 review of the TRLEP 2010 are consistent with the outcomes identified within Blueprint 100. This planning proposal will act as a specific enabler to achieving these actions and outcomes.

(b) Financial Implications

Nil

(c) Legal Implications

The planning proposal will result in an amendment to Council’s statutory planning instrument, TRLEP 2010. The draft planning proposal will become a matter for consideration in the development assessment process once the draft proposal commences public exhibition.

(d) Community Consultation

Community consultation will be undertaken during public exhibition of the planning proposal as required by the Gateway determination and in accordance with Council’s Public Participation Plan.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

Focus Area 6 – Working with and Protecting our Environment

Focus Area 7 – Celebrate our Cultures and Heritage
