



Review of Tamworth Regional Local Environmental Plan 2010 – Phase 1 Planning Proposal 2024

28 March 2024

Issue	Rev	Date	Author	Issued To
DRAFT	01	22/03/2024	Tamworth Regional Council	Manager – Future Communities
Gateway Submission	02	28/03/2024	Tamworth Regional Council	NSW Department of Planning, Housing and Infrastructure

List of Abbreviations	
Abbreviation	Term
ANEF	Australian Noise Exposure Forecast
Blueprint 100: Part 2: LSPS 2020 2020	Tamworth Regional Blueprint 100: Part Two: Local Strategic Planning Statement 2020 adopted 26 May 2020
CBD	Central Business District
DPHI	Department of Planning, Housing and Infrastructure
EOI	Expression of Interest
<i>EP&A Act 1979</i>	Environmental Planning and Assessment Act 1979
FPA	Flood Planning Area
FSR	Floor Space Ratio
HCA	Heritage Conservation Area
LEP	Local Environmental Plan
LGA	Local Government Area
NENW Regional Plan 2041	New England North West Regional Plan 2041
PMF	Probable Maximum Flood
SEPP	State Environmental Planning Policy
TACR 2023	Tamworth Activity Centre Review 2023
Tamworth Tomorrow Strategy 2022 2022	Tamworth Tomorrow – Economic Development and Investment Strategy 2022-2026
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
TRDCP 2010	Tamworth Regional Development Control Plan 2010
TRLEP 2010	Tamworth Regional Local Environmental Plan 2010

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Chapter 1 Introduction

Background

The Tamworth Regional Local Environmental Plan 2010 (*TRLEP 2010*) is the principal land use planning instrument for the Tamworth Regional Local Government Area (Tamworth Regional LGA). It establishes the zoning of land, minimum lot size for subdivision, permitted and prohibited land uses and other key development standards.

The *TRLEP 2010* is subject to periodic review to ensure that the planning controls remain up-to-date, support communities and promote the continued growth of the region consistent with the Vision of *Blueprint 100: Our Community Plan: 2023-2033*.

OUR VISION

“Our region will be thriving, modern and prosperous, with compassion for our people, reverence for our culture, and respect for nature.”

We will build a more resilient, inclusive community. We will protect and support our natural environment. We will celebrate our rich culture and heritage. We will expand our proud identity. We will enable prosperity by supporting businesses to grow, through better housing options, thriving town centres and productive employment areas.

We will deliver water infrastructure and security that supports the growth of our region and economic aspirations. We will attract new businesses, support educational opportunities, and make it easier to do business. We will connect our region and its citizens through a safe and efficient movement network.

And we will achieve this with openness and accountability.

Blueprint 100: Our Community Plan: 2023-2033

To guide a comprehensive review of the *TRLEP 2010*, on 26 May 2020 Council adopted the *Tamworth Regional Blueprint 100 Part Two: Local Strategic Planning Statement 2020 (Blueprint 100: Part 2: LSPS 2020)*. In addition, the NSW Department of Planning, Housing and Infrastructure (DPHI) have published the *New England North West Regional Plan 2041 (NENW Regional Plan 2041)*, which identifies specific objectives for the growth of the Tamworth Regional LGA.

Purpose and Phases of the Planning Proposal

A comprehensive review of the *TRLEP 2010* has been undertaken in accordance with *Blueprint 100: Part 2: LSPS 2020* and the *NENW Regional Plan 2041*. Importantly this comprehensive review has included consultation with property owners and a community wide expression of interest (EOI) process in 2022 inviting members of community to identify potential amendments to the *TRLEP 2010*, either specifically relating to a property and/or generally relating to a zone, control or other matter.

As an outcome of the comprehensive review, including 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 a proponent. To this end, in order to balance the timely completion of the comprehensive *TRLEP 2010* review 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 Commencement of Phases 2, 3 and 4 are indicative only, with these phases being subject to the finalisation of further studies.

Table 1: Phases of the Comprehensive Review of the *TRLEP 2010*

TRLEP Review Phase	Outcomes of Review	Commencement
Phase 1	<ul style="list-style-type: none"> Items listed in Table 2 	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 2) – Strategic or site-specific planning studies to be completed; and Review planning controls for the Tamworth Central Business District. 	End 2024
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.

At the Ordinary Meeting of Council on 27 February 2024, it was resolved (Minute 22/24) that Council prepare this planning proposal for Phase 1 of the comprehensive review of the *TRLEP 2010* which includes the items listed in **Table 2**.

A copy of the Council Meeting Report and Council Meeting Minutes are provided as **Appendix 1** and **Appendix 2** respectively.

Table 2: Phase 1 Amendments to the *TRLEP 2010*

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 (Phase 1).

The Gateway Process

The DPHI gateway process is the current process for making and amending Local Environmental Plan. The process has a number of steps outlined in **Table 3**. The preparation of this planning proposal is the first step in DPHI's process for amending the *TRLEP 2010*.

Table 3: Outline of Planning Proposal Process

No.	Step	Explanation
1	Planning Proposal	Council prepares a planning proposal explaining the intended effect of a proposed LEP and sets out the justification for making the LEP.
2	Gateway Determination	DPHI, as a delegate of the Minister for Planning, determines whether a planning proposal should proceed. If DPHI determine that the planning proposed should proceed, a Gateway Determination is issued subject to conditions.
3	Consultation	The Planning Proposal is placed on public exhibition in accordance with the conditions of the Gateway Determination. Consultation is also undertaken with other relevant agencies.
4	Assessment	Council considers the comments from other agencies and any submissions received in response to public exhibition. At an Ordinary Meeting of Council, it will be determined whether the planning proposal should be finalised, varied or not proceed.
5	Drafting	To be finalised, Parliamentary Counsel will draft the LEP.
6	Approval	The relevant Planning Authority approves the LEP, making it law.



This planning proposal has been prepared in accordance with Sections 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and the “*Local Environmental Plan Making Guidelines*” published by DPHI in August 2023.

This planning proposal includes the following components for each amendment to the *TRLEP 2010*:

- **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.

Chapter 2 Review of Heritage Items (Schedule 5) of the Tamworth Regional Local Environmental Plan 2010

Part 1: Objectives and Intended Outcomes

The **Objective** of this chapter is to update Schedule 5 and the heritage mapping of the *TRLEP 2010* to ensure Tamworth's heritage places are properly identified, documented and managed.

The **Intended Outcomes** of this chapter are:

- Adopt a consistent naming convention and ensure Item Names correctly describe the significance of the item;
- Accurately identify heritage items with a current Address and Property Description;
- Correct anomalies between Schedule 5 and the Heritage Maps; and
- Recognise two additional State Heritage Items within Schedule 5 of the *TRLEP 2010*.

Part 2: Explanation of Provisions

Table 4 summarises the proposed changes to Schedule 5 of the *TRLEP 2010* following this review.

Table 4: Amendments to Schedule 5 Environmental Heritage of the Tamworth Regional Local Environmental Plan 2010

Amendment	Item Numbers
Administrative amendments to Heritage Items in relation to Locality, Item Name, Address and/or Property Description	309 Items – 61%
Administrative and Mapping Changes to Heritage Items.	56 Items – 11%
Additional State Heritage Items to be included within <i>TRLEP 2010</i>	<ol style="list-style-type: none">1. King George V Avenue Memorial English Oaks; and2. Manilla railway underbridge at Upper Manilla over Borah Creek. At present only the bridge at Oakey Creek is listed within the <i>TRLEP 2010</i>.3. What is status of Manilla Viaduct?

A full list of the changes, including the two new items, to Schedule 5 of *TRLEP 2010* are provided in **Appendix 3** of this planning proposal.

As a consequence of the review and amendment to Schedule 5 of the *TRLEP 2010*, changes to the Heritage Maps are also required as detailed in Part 4 of this Chapter.

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal is a result of Action C&H7 of *Blueprint 100: Part 2: LSPS 2020* to “Prepare, review and update heritage studies and Schedule 5 of the Tamworth Regional LEP 2010 in

consultation with the wider community to identify any items incorrectly included and heritage buildings or sites that should be added to Schedule 5”.

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

The planning proposal is the only means to update Schedule 5 of the *TRLEP 2010*.

Section B: Relationship to the Strategic Planning Framework

Question 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 planning proposal will give effect to ‘Objective 17: Celebrate local character’ of the *NENW Regional Plan 2041*. The update to Schedule 5 of the *TRLEP 2010* will facilitate the ongoing celebration of buildings of local heritage significance consistent with Strategy 17.1.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The planning proposal is consistent with ‘Theme 6 Celebrate Culture and Heritage’ of *Blueprint 100: Part 2: LSPS 2020* and progresses Action C&H7.

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other studies or strategies are considered applicable to this Chapter.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

This Chapter is consistent with all applicable SEPPs.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This Chapter is consistent with all applicable Ministerial Directions, in particular Direction 3.2 Heritage Conservation, with the *TRLEP 2010* providing for the protection of items, places, buildings and works of heritage significance.

Section C: Environmental, social and economic impact

Question 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?

Heritage conservation under Schedule 5 will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No other likely environmental effects are considered to arise from the update to Schedule 5 of the *TRLEP 2010*.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

Heritage listing allows for the protection of items of heritage significance to the local and regional community. The changes to Schedule 5 of the *TRLEP 2010* are predominantly minor or align with previously endorsed heritage strategies. The planning proposal is not anticipated to create any negative social or economic impacts. Subject to Gateway Determination, consultation will be

undertaken with landowners and the wider community who will have the opportunity to comment on the proposal.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

No public infrastructure is required for the update of heritage items listed in Schedule 5 of the *TRLEP 2010*.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Subject to a Gateway Determination, consultation will be undertaken with NSW Heritage prior to exhibition. Public authorities who are also owners of a heritage item will be notified as part of the public exhibition process.

Part 4: Mapping

Table 5 identifies the following LEP mapping amendments required by this Chapter, which should be read in conjunction with **Appendix 3**.

Table 5: LEP Map Sheets to be Amended by Chapter 2

Existing Map Sheets to be Amended	
Map Sheet	Heritage Item No. to Change
HER_001	I035, Underbridge over Borah Creek (New)
HER_001A	I027, I030, I038, I043, I055, I073
HER_002	I213
HER_002A	I291
HER_002B	I160, I163, I178, I185, I213, I240
HER_002C	I077
HER_004	I524
HER_004A	I003, I014, I016,
HER_004B	I250
HER_004C	I321, I361, King George V Avenue (New)
HER_004CB	I300, I302, I311, I312, I336, I355, I397, I401, I404, I432, I435, I446, I448, I459, King George V Avenue (New)
HER_004F	I141, I247
HER_004G	I255, I257, I509, King George V Avenue (New)
HER_004H	I285

HER_004I	I081, I085, I086, I087, I090
HER_004K	I111, I112, I113, I285
HER_004M	I523
HER_005	I101
HER_005B	I137, I271, I280
HER_005C	I258

Chapter 3 New Heritage Conservation Areas under Schedule 5 of the Tamworth Regional Local Environmental Plan 2010

Part 1: Objectives and Intended Outcomes

The **Objective** of this chapter is to amend the *TRLEP 2010* to identify three Heritage Conservation Areas (HCA). The Heritage Conservation Areas are described as East Tamworth, West Tamworth and Darling Street Civil Precinct (**Figure 1**).

The **Intended Outcomes** of this chapter are:

- To recognise the unique character and heritage significance of East Tamworth and West Tamworth;
- To ensure proactive urban design that is sympathetic with surrounding heritage items and the neighbourhood character; and
- Recognise the importance of heritage to the community.

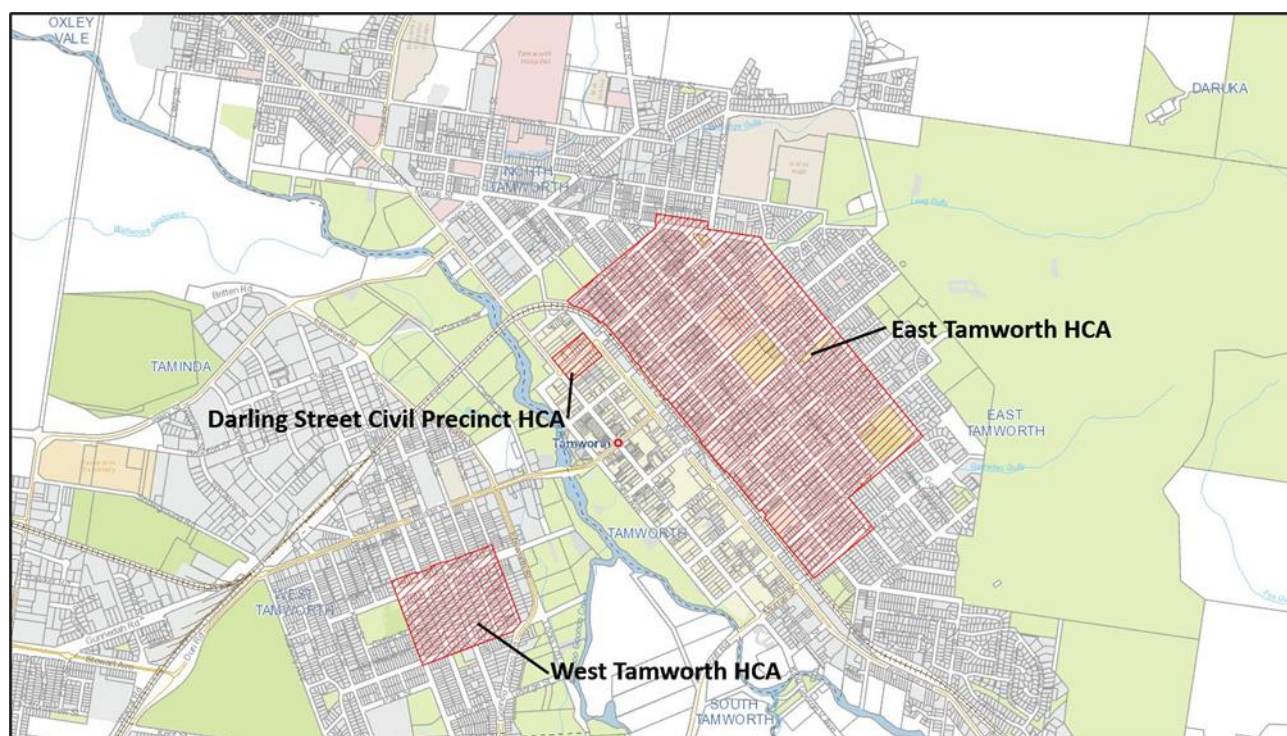


Figure 1: Proposed Heritage Conservation Areas in East Tamworth, West Tamworth and Darling Street Civil Precinct

Part 2: Explanation of Provisions

Background

The modern City of Tamworth originally consisted of two nineteenth century villages divided by the Peel River (**Figure 2**). 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 2: 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 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 3**.

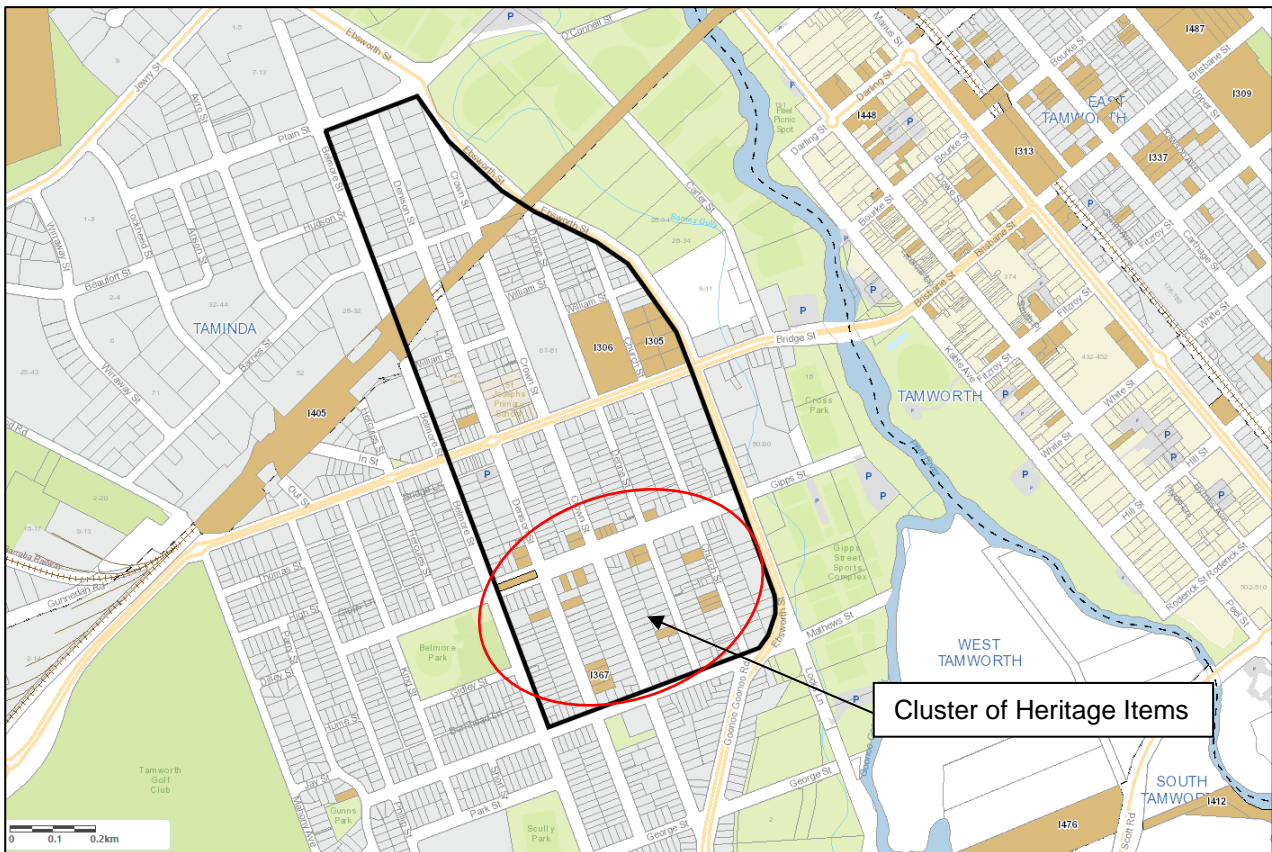


Figure 3: Approximate Outline of Original West Tamworth Village (black line) based on 1874 Plan (Figure 1) and Heritage Items (brown fill)

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 (identified on **Figure 3**). This cluster includes the significant Gipps Street War Memorial Avenue planted in 1918 and Calala Cottage built by Philip 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 4**. 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.

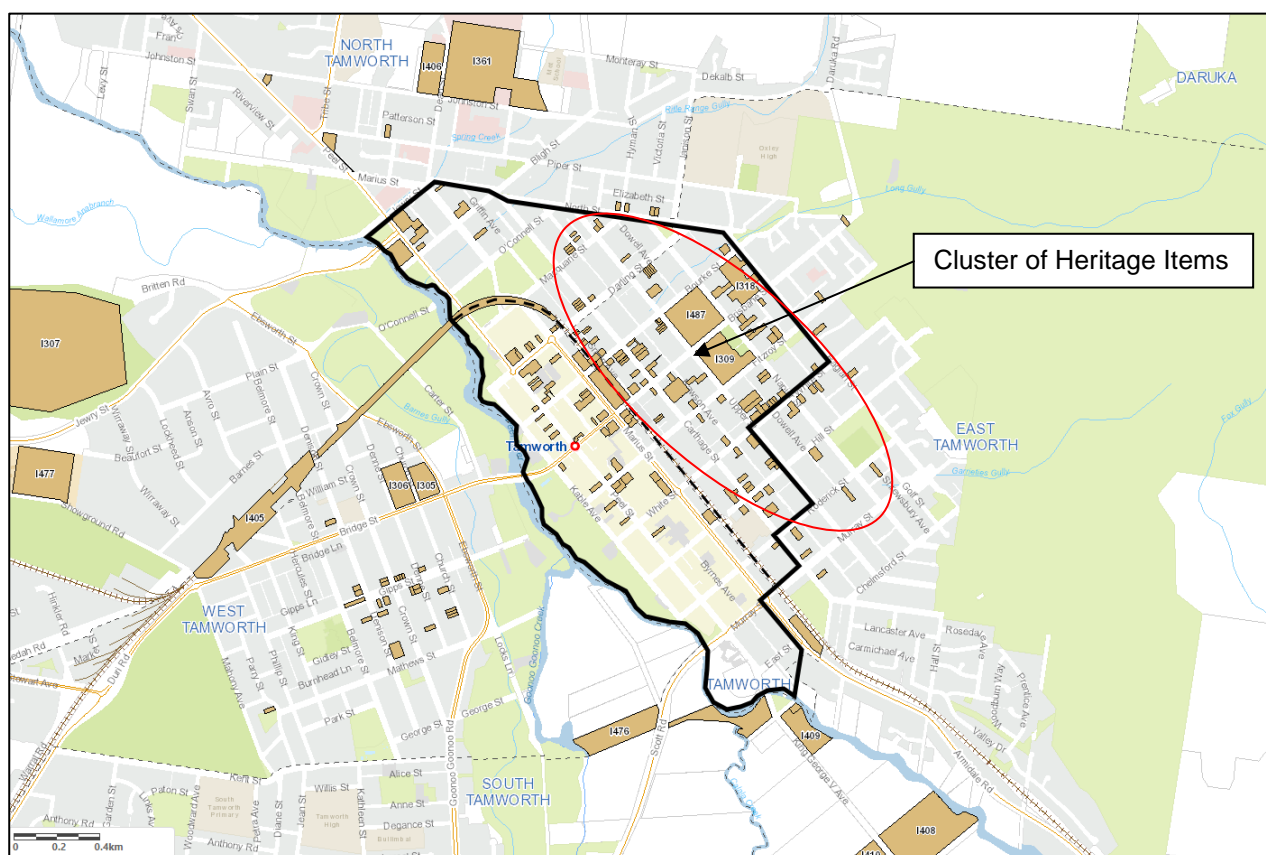


Figure 4: Approximate Outline of Original East Tamworth Village (black line) based on 1874 Plan (Figure 1), with railway (dashed black line) and Heritage Items (brown fill) shown.

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 reserve 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 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 5** and **Figure 6**. At the time, Council did not proceed with the Heritage Conservation Areas; however, no record has been found in relation to this decision.

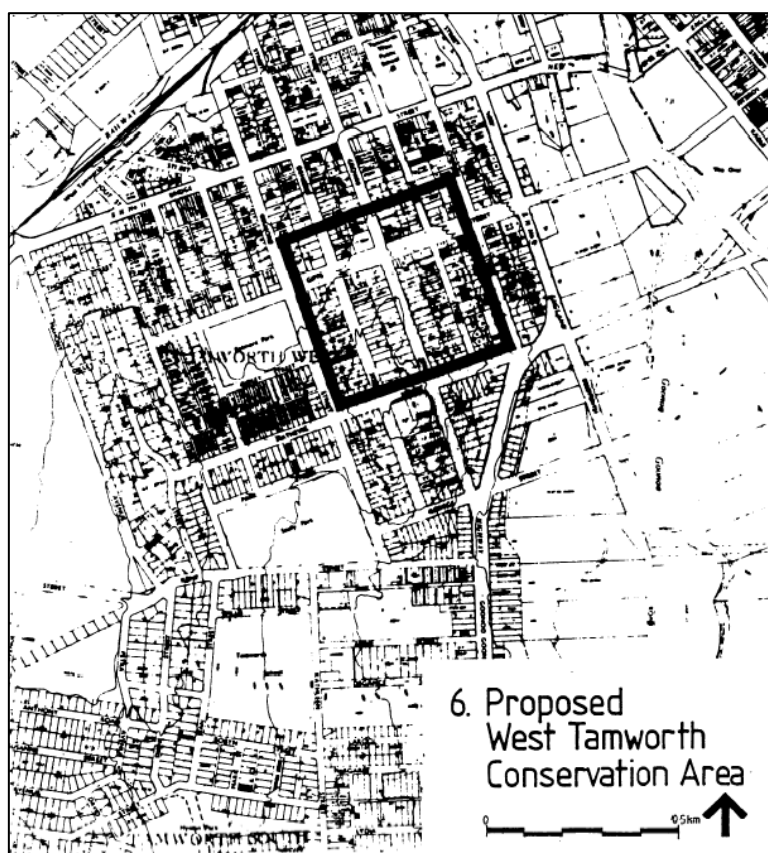


Figure 5: 1988 Tamworth Heritage Study proposed West Tamworth Heritage Conservation Area

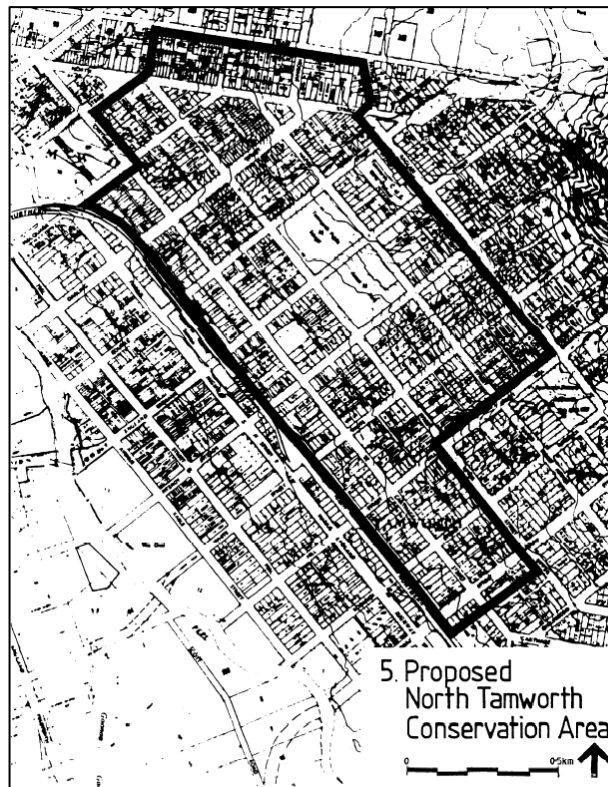


Figure 6: 1988 Tamworth Heritage Study proposed North (East) Tamworth Heritage Conservation Area

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 7** and **Figure 8**).

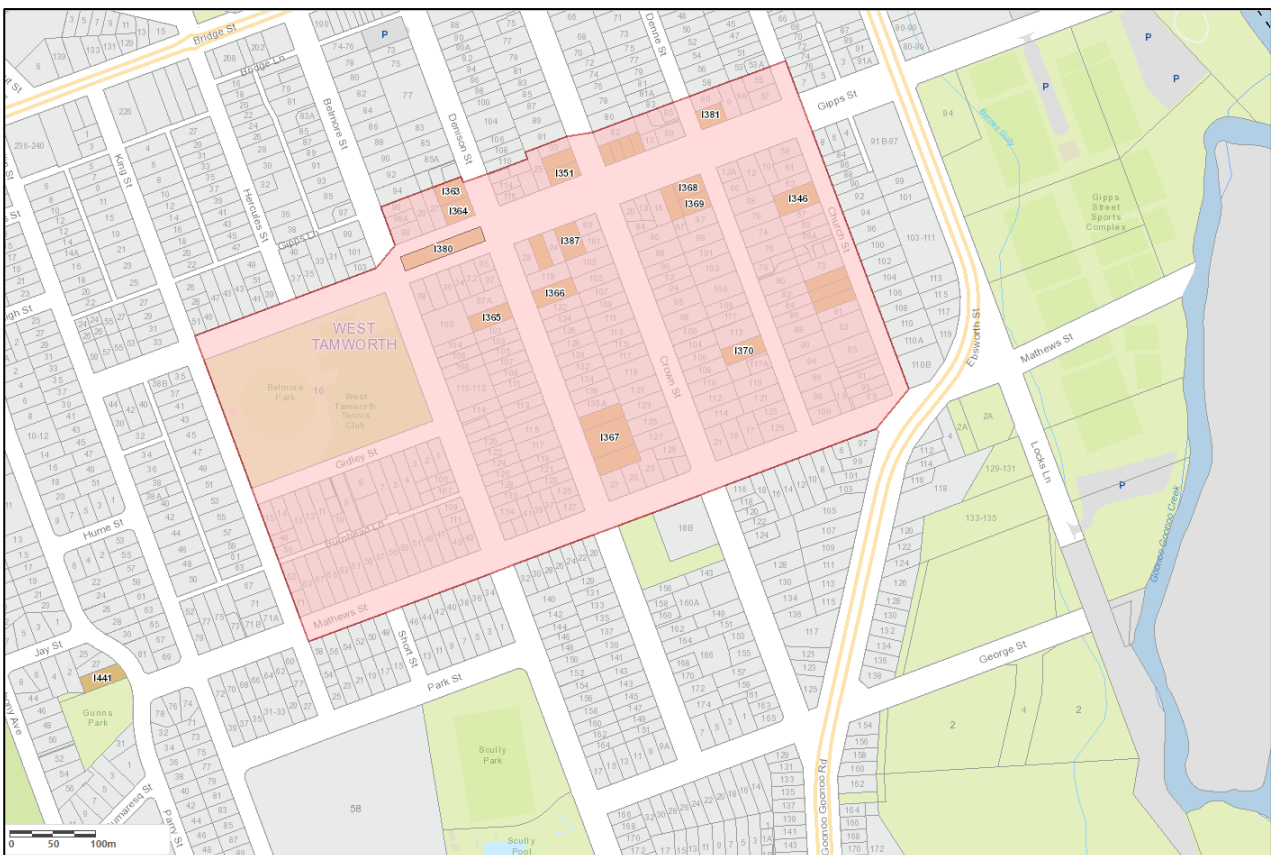


Figure 7: West Tamworth Precinct Area (red shading) within the TRDCP 2010

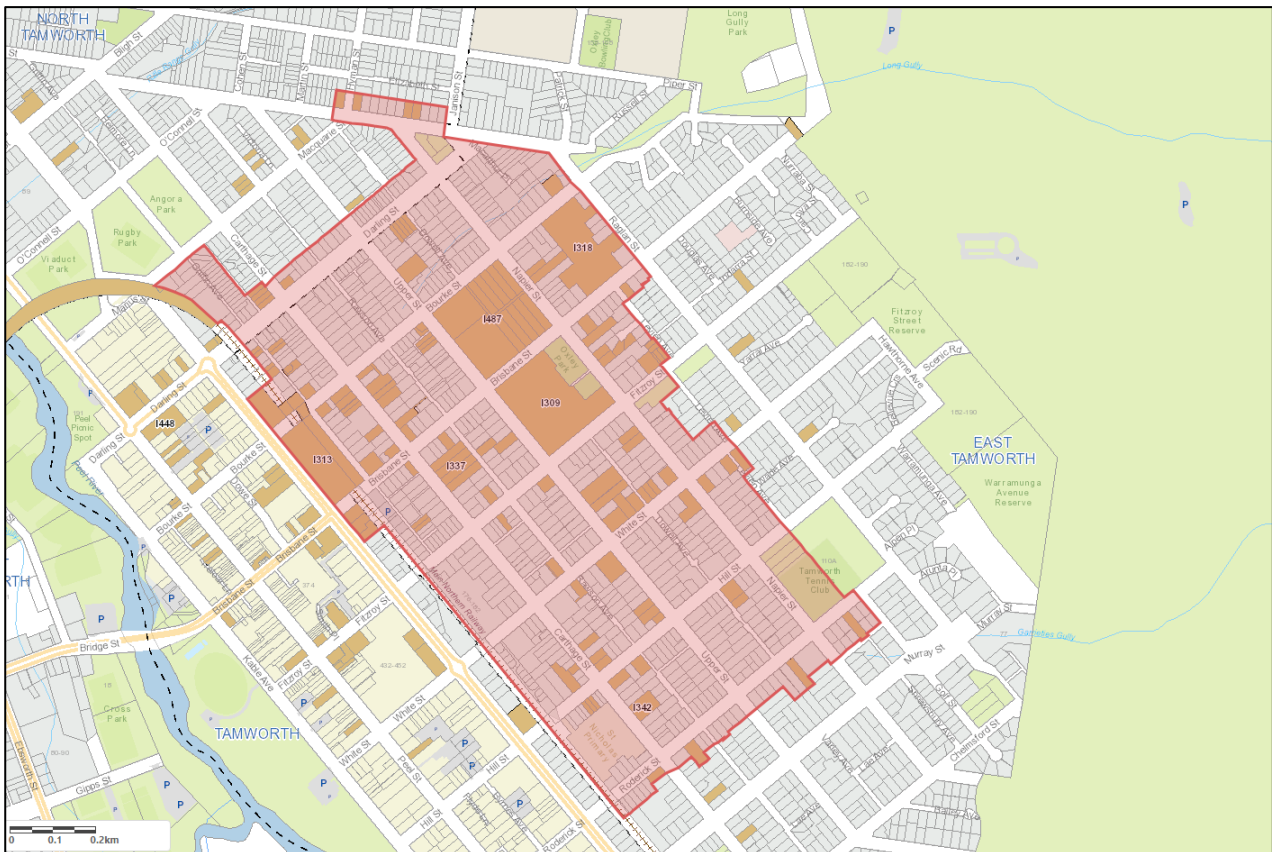


Figure 8: East Tamworth Precinct Area (red shading) within the TRDCP 2010

The proposed boundaries of the West Tamworth Heritage Conservation Area (**Figure 9**) and East Tamworth Heritage Conservation Area (**Figure 10**) 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.

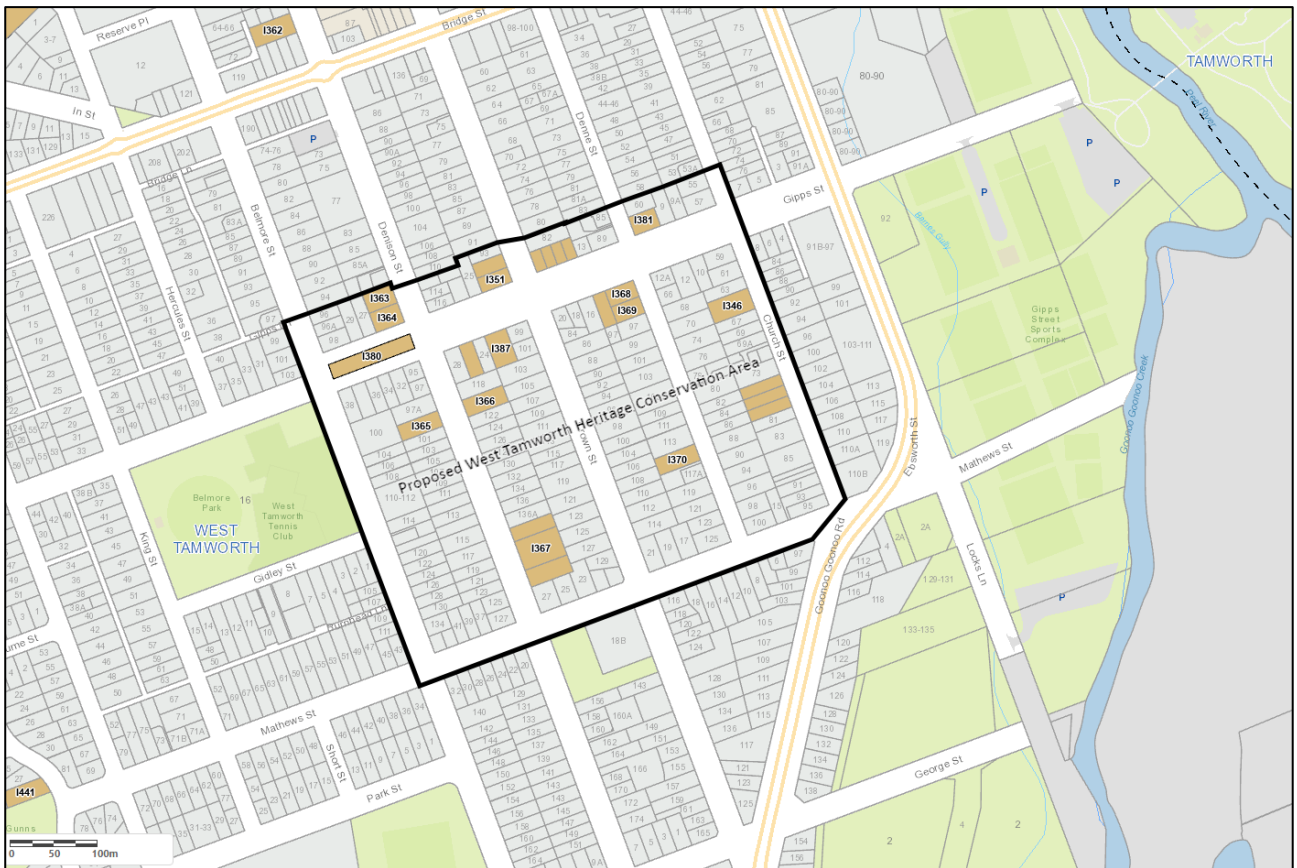


Figure 9: Proposed West Tamworth Heritage Conservation Area

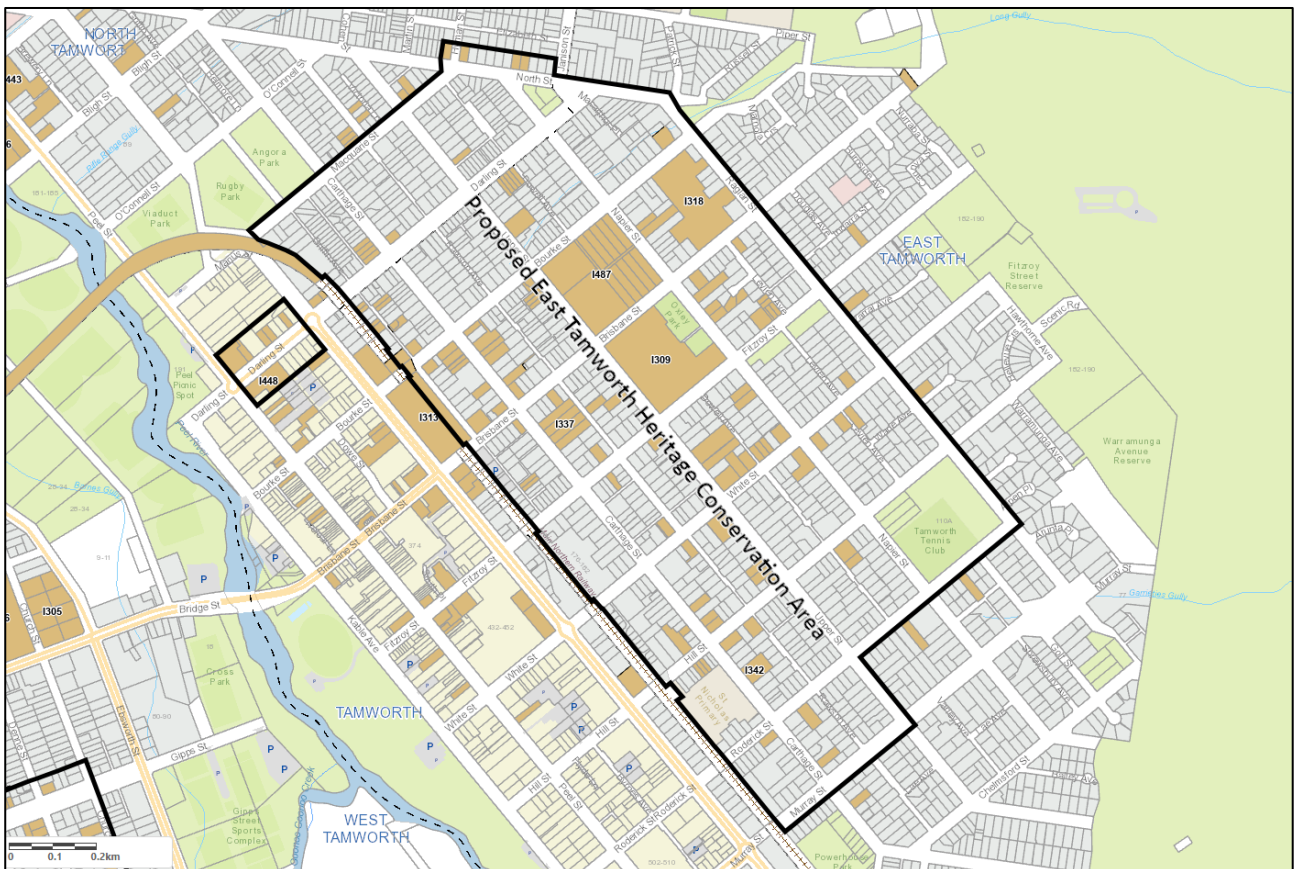


Figure 10: Proposed East Tamworth Heritage Conservation Area

Darling Street Civic Precinct

The Darling Street Civic Precinct (**Figure 11** and **Figure 12**) currently contains six (6) heritage items as identified in **Table 6**.

Table 6: Existing heritage listed items within the Darling Street Civic Precinct

Item No	Description
I447	The PCYC building (212 Byron Street), which has partly encased the former Courthouse, dating back to 1861.
I448	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).
I541	4 Darling Street – Caretaker's cottage for the courthouse, which was subject to heritage listing in 2023.
I352	8 Darling Street – Single-storey dwelling constructed by Henry Max Demar who built approximately 50 distinctive red brick houses with quoins or cornerstones.
I363	10 Darling Street – Single storey dwelling
I354	16 Darling Street – Single storey dwelling

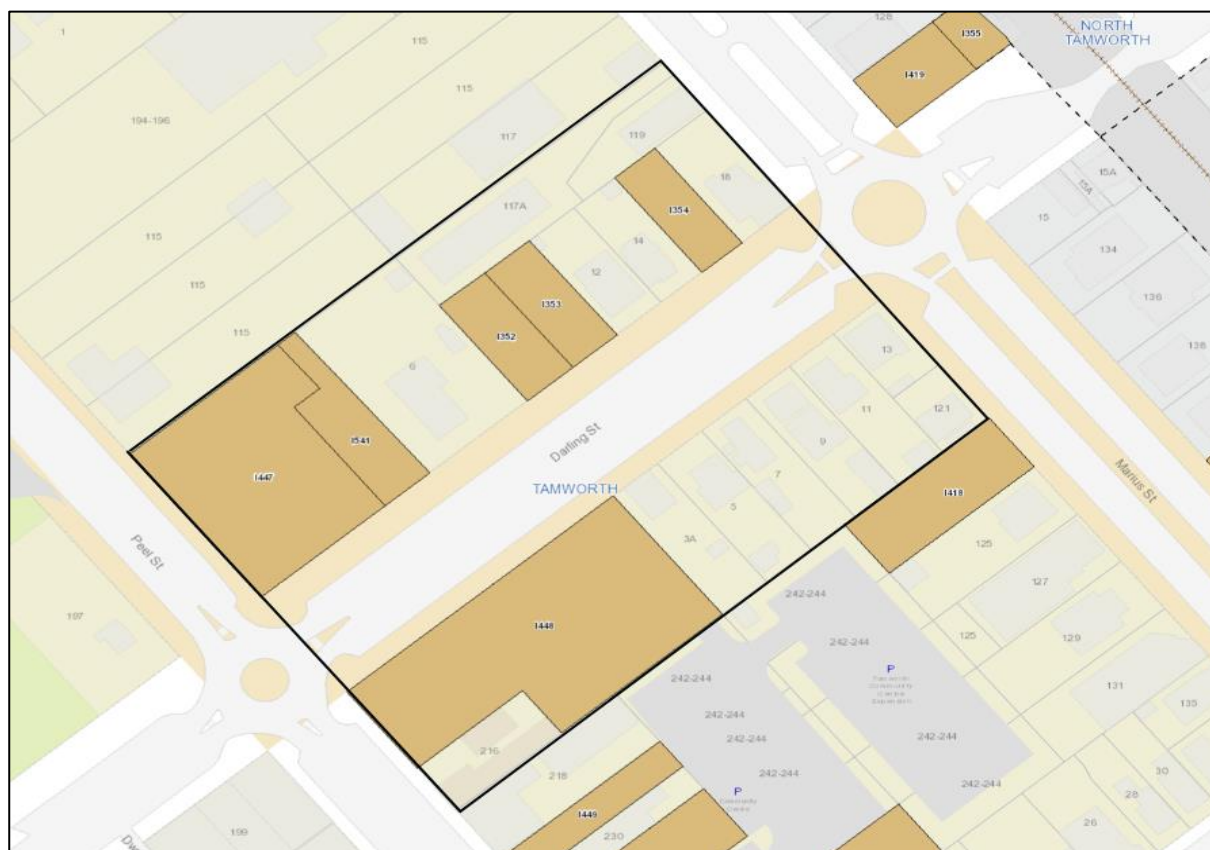


Figure 11: Subject area of Darling Street between Peel Street and Marius Street and heritage items (brown fill)



Figure 12: 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 **Figure 11** and **Figure 12**, is worthy of recognition as a Heritage Conservation Area.

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The implementation of Heritage Conservation Areas is a direct Action (SG3) of *Blueprint 100: Part 2: LSPS 2020*. This Action requires Council to investigate appropriate *LEP* provisions to provide further recognition and protection of established character areas located in East and West Tamworth. Furthermore, Theme 6 Celebrate Culture and Heritage of the *Blueprint 100: Part 2: LSPS 2020* recommends that “the establishment of ‘character precincts’ for inclusion in the Local Environmental Plan should be considered to provide stronger protection of heritage values in recognised areas” (Action C&H6). Consistent with the *Blueprint 100: Part 2: LSPS 2020*, it is intended to recognise the significance of East Tamworth, West Tamworth and the Darling Street Civic Precinct through the creation of Heritage Conservation Areas.

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

Council has previously identified character precincts for West Tamworth and East Tamworth within the *TRDCP 2010*. Unfortunately, the *TRDCP 2010* has limited application, 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.

Section B: Relationship to the Strategic Planning Framework

Question 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 planning proposal will give effect to 'Objective 17: Celebrate local character' of the *NENW Regional Plan 2041*. The creation of new Heritage Conservation Areas within the *TRLEP 2010* will facilitate the ongoing celebration of buildings of local heritage significance consistent with Strategy 17.1.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The planning proposal is consistent with 'Theme 6 Celebrate Culture and Heritage' of *Blueprint 100: Part 2: LSPS 2020* and progresses Action C&H7.

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other studies or strategies are considered applicable to this Chapter.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

This Chapter is consistent with all applicable SEPPs.

Exempt and Complying development proposed within the HCAs will be subject to the provisions of clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)*. This will have the effect of preventing complying development under certain Codes of this SEPP. In addition, some complying development would be prevented under other SEPPs (i.e., *State Environmental Planning Policy (Housing) 2021*), which reference Clause 1.19 of the *Codes SEPP*. It is noted that the majority of complying development relates to alterations and additions or outbuildings. In this regard, low impact development such as internal alterations and outbuildings in rear yards remain possible as complying development within the heritage conservation areas, for non-heritage properties.

Ultimately, the planning proposal will not prohibit the scope of works landowners could ordinarily undertake as exempt or complying development under SEPPs, as the underlying permissibility of these types of works remains unchanged. It does change the approval pathway as certain developments or works require development consent as the property is located in a HCA. Based on the above it is not considered the planning proposal is inconsistent with the SEPPS.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Ministerial Directions

This Chapter is consistent with all applicable Ministerial Directions. Discussion has been provided on Directions ‘3.2 Heritage Conservation’, ‘6.1 Residential Zones’ and ‘7.1 Employment Zones’, which are considered key directions for this Chapter.

Ministerial Direction 3.2 Heritage Conservation

The planning proposal is considered consistent with this Direction as it seeks to create three new HCAs in order to ensure the protection of items, places, buildings and works of heritage significance.

Ministerial Direction 6.1 Residential Zones

The planning proposal is considered consistent with this Direction as it will not result in any changes to the residential zoning or use of the land and will not significantly affect the ability of future development to create a variety of housing in the HCAs.

Ministerial Direction 7.1 Employment Zones

The planning proposal seeks to place HCA’s over employment lands located in the E2 – Commercial Core Zone (Darling Street Civic Precinct) and MU1 – Mixed Use and E4 – General Industrial Zone (East Tamworth). The planning proposal is considered consistent with this Direction as it will not reduce the total potential floor space area for employment or industrial uses or result in any changes to the zoning or use of the land.

Key Government Priority - Housing

The provision of housing for the growing population is a key priority for the NSW Government, with a number of initiatives developed to boost housing supply, including social and affordable housing reforms, investing in infrastructure and low-and mid-rise housing reforms.

Heritage Conservation Zones are often perceived as barriers to the supply of housing, with the expectation that Council’s will not support new homes or unit developments in these areas. This perception does not apply to Tamworth Regional Council.

The proposed East Tamworth and West Tamworth Heritage Conservation Areas have been subject to heritage controls, in the form of ‘precinct areas’, under the *TRDCP 2010*. Despite these controls, in the last 10 years 15 new single dwelling-houses, 13 units (dual occupancy and/or multi-dwelling housing) have been approved in these areas.

It is envisioned that this practice of approving housing development in the areas of the proposed East Tamworth and West Tamworth Heritage Conservation Areas will not stop. The elevation of *TRDCP 2010* Precinct Areas to *TRLEP 2010* Heritage Conservation Areas will provide greater recognition of heritage only, with Council still approving housing development consistent with the heritage controls within the *TRDCP 2010*.

In summary, Council recognises that the need to provide well-located and diverse housing consistent with the priorities of the NSW Government. In this regard, the proposed East Tamworth and West

Tamworth Heritage Conservation Areas will remain considerations for development only and will not become a barrier for housing, as demonstrated by Council's past practice in relation to this matter.

Section C: Environmental, social and economic impact

Question 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 proposed Heritage Conservation Areas are located in urban areas. They will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No other likely environmental effects are considered to arise from the creation of the proposed Heritage Conservation Areas.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

The creation of Heritage Conservation Areas is considered to have a positive social impact for the community as it will ensure that the heritage significance of East Tamworth, West Tamworth and Darling Street will be protected, with appropriate development controls to ensure best proactive urban design that is sympathetic with surrounding heritage items and the neighbourhood character.

Whilst heritage listing is often perceived as having a negative social impact by being a barrier to the delivery of new housing, this is incorrect. A Heritage Conservation Area does not alter the underlying zoning of land or prohibit new housing to be undertaken. Development, including new housing, alterations/additions, etc, remain permissible where that development is sympathetic to the area.

The proposed Heritage Conservation Areas are not considered to have a significant adverse economic impact, with heritage being an important part of the tourism economy. Owners of non-heritage buildings within a heritage conservation will not be prevented from undertaking development and will gain access to heritage incentives, including Council's free heritage advisory service.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

No public infrastructure is required for the creation of Heritage Conservation Areas.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Subject to a Gateway Determination, consultation will be undertaken with NSW Heritage prior to exhibition. It is noted, that Council recently undertook consultation with NSW Heritage in relation to PP-2023-62 which sought to amend Schedule 5 of the *TRLEP 2010* to include a new heritage item at 4 Darling Street, Street which is located in the proposed Darling Street Civic Precinct HCA. This planning proposal was published on the NSW legislation website on the 29 May 2023. Finally, public authorities who are also owners of a property within a proposed Heritage Conservation Areas will be notified as part of the public exhibition process.

Part 4: Mapping

Table 7 identifies the following LEP mapping amendments required by this Chapter.

Table 7: LEP Map Sheets to be Amended by Chapter 3

Existing Map Sheets to be Amended	
Map Sheet	Proposed Change
HER_004CB	East Tamworth Heritage Conservation Area (New), West Tamworth Heritage Conservation Area (New), Darling Street Civic Precinct Heritage Conservation Area (New)

Chapter 4 Bridge Street Precinct – Amend the Floor Space Ratio, Amend Subdivision Provisions and Apply Design Excellence Controls

Part 1: Objectives and Intended Outcomes

The **Objective** of this chapter is to amend the *TRLEP 2010* in relation to Floor Space Ratio (FSR) and lot size provisions applicable to the Bridge Street Precinct. It is also intended to apply the Design Excellence controls to the Bridge Street Precinct.

The **Intended Outcomes** of this chapter are to:

- Encourage revitalisation;
- Support economic development through the expansion of business and key sites;
- Recognise Bridge Street as an important link in the Airport to CBD Corridor identified in *Blueprint 100: Part 2: LSPS 2020*;
- Encourage medium density residential development within existing residential areas close to commercial areas, schools, places of public worship and open space; and
- Facilitate delivery of high-quality urban design, including active street frontages, pedestrian linkages and improve the quality and amenity of the public domain.

Part 2: Explanation of Provisions

The Bridge Street Precinct is located within Tamworth's inner west urban area. The precinct (**Figure 13**) is bordered to the north by the Main Northern Railway and the Taminda industrial area, the residential area of West Tamworth to the south and the Tamworth (Peel) Riverside Sports Complex and the adjacent Tamworth CBD 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 14**):

- **Area 1** – An existing low density industrial area, which was zoned MU1 – Mixed Use in April 2023 as part of the 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: Part 2: LSPS 2020*.



Figure 13: Boundary of Bridge Street Precinct

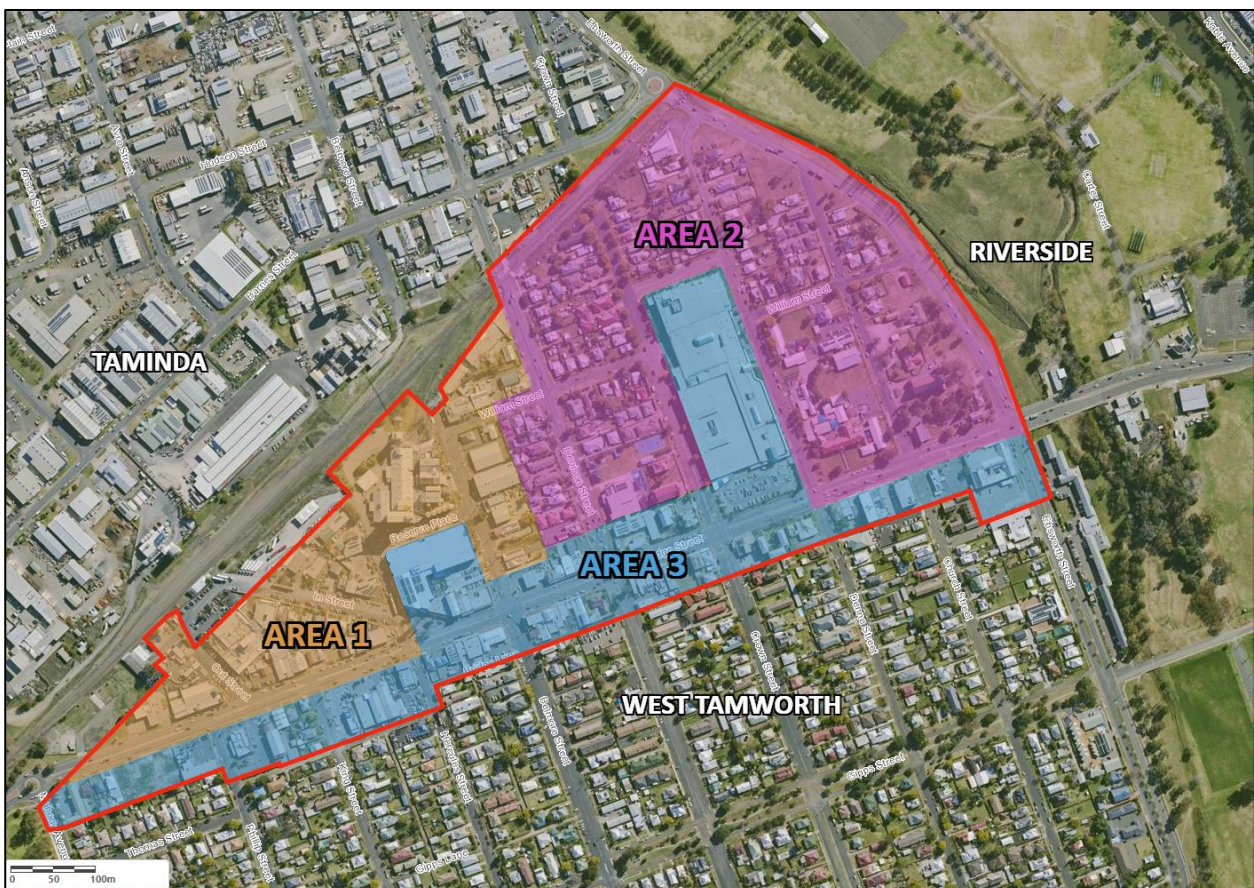


Figure 14: Identified Areas within the Bridge Street Precinct

To promote the Bridge Street Precinct in accordance with *Blueprint 100: Part 2: LSPS 2020*, the following amendments (**Table 8**) are proposed to the *TRLEP 2010*.

Table 8: Proposed Amendments to the Planning Controls for the Bridge Street Precinct

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 FSR of 2:1 and amend the extent of the FSR to align with the <i>MU1 – Mixed Use</i> zone.</p> <p>A FSR ensures that the size of buildings is appropriate for the land area 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><i>Blueprint 100: Part 2: LSPS 2020</i> 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 <i>Blueprint 100: Part 2: LSPS 2020</i>.</p>
Apply Clause 7.11 Design Excellence of the <i>TRLEP 2010</i> 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 15. 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 9 illustrates the existing and proposed intended changes to the planning controls within the Bridge Street Precinct.

Table 9: Current and Proposed Zone, Minimum Lot Size and Floor Space Area 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 Residential	600m ²	600m ²	Nil	Nil
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

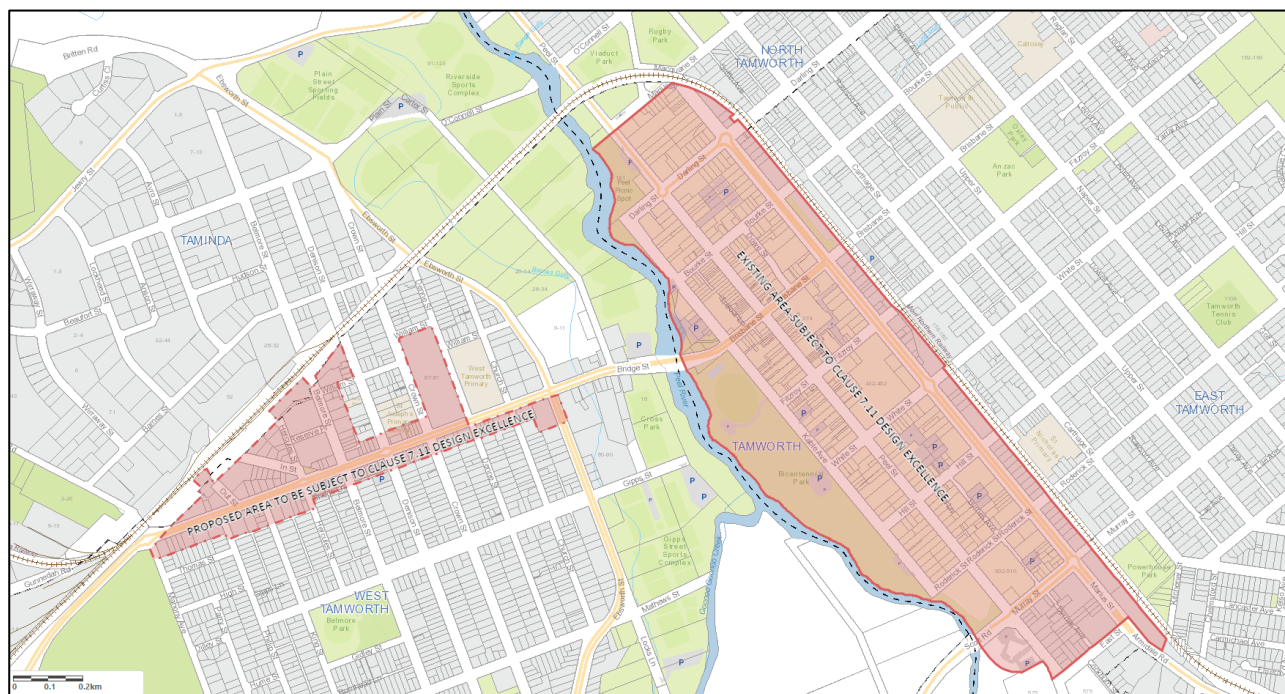


Figure 15: Existing Design Excellence Area (CBD) and Proposed Design Excellence Area (Bridge Street Precinct)

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal is the result of the endorsed *Blueprint 100: Part 2: LSPS 2020*, which provides direction for land use planning across the Tamworth Local Government Area for the next 20 years.

Blueprint 100: Part 2: LSPS 2020 provides Council with a strategic framework for facilitating smart residential growth and improved housing choice. Increased diversity in relation to housing choice is encouraged in inner city urban areas such as the Bridge Street Precinct which is predominantly characterised by single storey, single family dwelling houses and commercial buildings. *Blueprint 100: Part 2: LSPS 2020* encourages variations in dwelling type and FSRs to increase housing affordability, improve infrastructure provision and facilitate better access to community facilities and services.

Question 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 legal method of amending the *TRLEP 2010* to permit the proposed amendments to planning provisions as recommended by *Blueprint 100: Part 2: LSPS 2020*.

Section B: Relationship to the Strategic Planning Framework

Question 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 planning proposal gives effect to the following directions contained within the *NENW Regional Plan 2041*:

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

The NENW Plan 2041 recommends that “planning for urban growth should consider the capacity for infill growth within existing urban areas and take advantage of existing infrastructure and services, to limit the long-term service and maintenance costs to the community”.

The Bridge Street Precinct is a well-placed inner-west locality in close proximity to the Tamworth CBD, the Airport to CBD Corridor, schools and the Peel riverside recreation area. It is an ideal location for infill medium density development. Amending the Minimum Lot Size provisions for R1 – General Residential zoned land within this precinct will encourage this desired infill development without the need to alter the underlying zoning.

Objective 5: Enhance the diversity and strength of Central Business Districts and town centres

The Tamworth CBD centred around Peel Street is the major retail centre for the city and region, which is supported by smaller commercial centres such as the Bridge Street Precinct. A FSR of 2:1 for employment lands in the Bridge Street precinct is considered an appropriate scale to both promote economic growth in the area and preserve the importance of the Tamworth CBD. On this basis, the planning proposal is consistent with Strategy 5.2 for out-of-centre commercial areas to be of appropriate size too service their catchment.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The planning proposal will facilitate housing choices and create a prosperous region, both Themes of *Blueprint 100: Part 2: LSPS 2020*.

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

NSW Housing Strategy 2041

The NSW Housing Strategy 2041 recognises that the NSW housing system requires collaboration across sectors to harness opportunities. Tamworth Regional Council has identified the Bridge Street Precinct as suitable for infill medium density development, encouraged through amended lot size provisions, which is consistent with the intent of the NSW Housing Strategy 2041.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

This Chapter is consistent with all applicable SEPPs.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This Chapter is considered consistent with all applicable Ministerial Directions and justifiably inconsistent with Direction 7.1 Industry and Employment, which is discussed below.

Discussion has also been provided on Directions '4.1 Flooding', '5.1 Integrating Land Use and Transport' and '6.1 Residential Zones', which are considered key Directions for this Chapter.

Ministerial Direction 4.1 Flooding

This Ministerial Direction is applicable as the eastern section of the Bridge Street Precinct is affected by both the Flood Planning Area (FPA) and Probable Maximum Flood (PMF).

In consideration of Part 1 of the Direction, this Chapter is consistent with the:

- NSW Flood Prone Land Policy;
- Principles of the Floodplain Development Manual 2005;
- Considering Flooding in Land Use Planning Guidelines 2021; and
- Adopted *Tamworth City Wide Flooding Investigation 2019 and Tamworth City Wide Floodplain Risk Management Plan 2023*.

This Chapter is consistent with Part 2 of the Direction as it does not propose to re-zone any land.

This Chapter is consistent with Part 3 and Part 4 of the Direction, as it will not:

- Permit any new development;
- Permit a significant increase in dwelling density. All forms of residential accommodation, including medium density development, is already permitted on land zoned R1 – General Residential. The local provision relating to subdivision is only intended to facilitate appropriate residential density that is already permitted;
- Result in significant increased government spending; or
- Significantly impact the safe occupation and efficient evacuation of the Bridge Street area, with escape routes above the PMF available to the south-west (refer **Figure 16**).



Figure 16: Extract of Figure B08A, of the Tamworth Floodplain Risk Management Study and Plan Report – Flood Planning Area in relation to Bridge Street Precinct

Ministerial Direction 5.1 Integrating Land use and Transport

Bridge Street is a key transport corridor servicing the Tamworth urban area, directly linking the Tamworth CBD to West Tamworth. As such, the precinct is currently serviced by public transport routes which directly link secondary attractors within the precinct (shopping centre and schools) to primary attractors such as Tamworth CBD, train station and the Airport.

Through the dual promotion of commercial growth and medium density development in Bridge Street, the planning proposal will encourage walking, cycling and public transport to employment, services and entertainment.

Ministerial Direction 6.1 Residential Zones

The planning proposal is consistent with this Direction as the local subdivision provision will encourage a variety of housing. Existing service infrastructure is available in the area to service new residential development, with Chapter 9 of this planning proposal proposing to insert an 'Essential Services' consideration clause into the *TRLEP 2010*.

Ministerial Direction 7.1 Employment Zones

Area 3 of the Bridge Street Precinct is not currently subject to a FSR standard. Therefore, as a result of imposing a FSR of 2:1 there is a theoretical reduction in the total floor space area for employment uses, which is inconsistent with Direction 7.1 (1) (a).

Firstly, it must be noted that prior to the Employment Zones Reform in 2023, Area 3 of the Bridge Street Precinct was zoned IN1 General Industrial (**Figure 17**). The previous B4 – Mixed Use only applied to Area 2, which has been historically subject to FSR limitations.

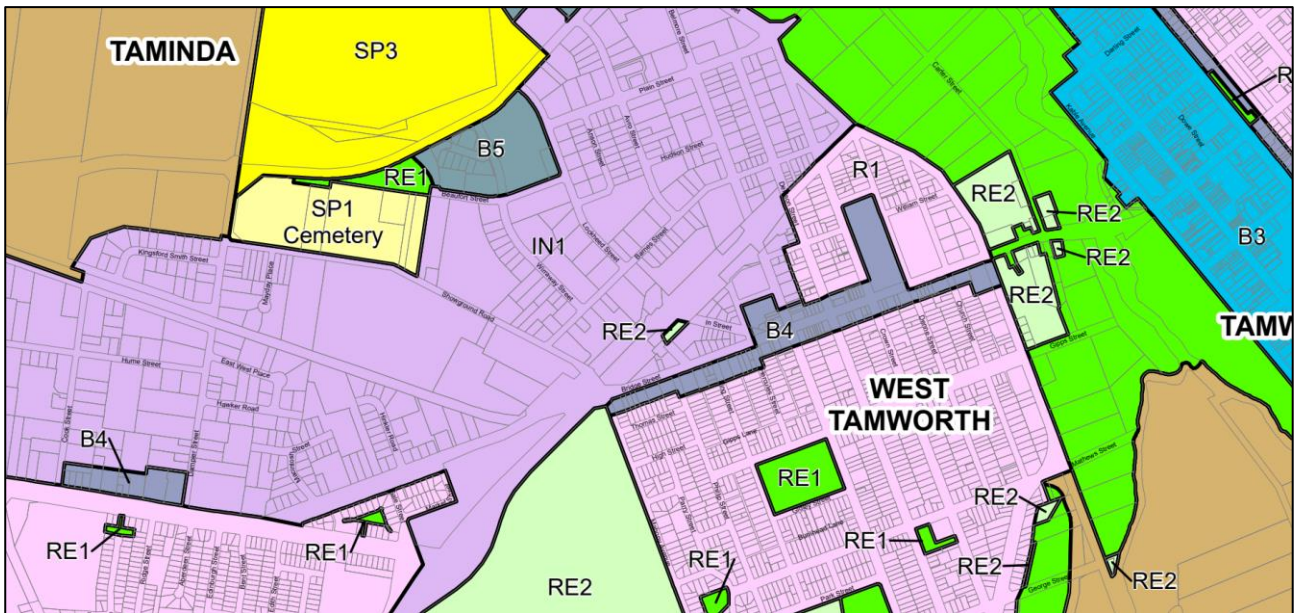


Figure 17: Extract of TRLEP 2010 Zoning Map (LZN 004C) prior to Employment Zones Reform

As part of the Employment Zones Reform, Area 3 of the Bridge Street Precinct was re-zoned from IN1 – General Industrial to MU1 – Mixed Use consistent with Area 2 of the Precinct. Unfortunately, as a consequence of the limited application of the Employment Zone Reforms, a FSR was unable to be applied to Area 3 to ensure consistency with Area 2.

As a planning proposal is now required to apply a FSR, an inconsistency with Ministerial Direction 7.1 is triggered.

In addition to the Employment Zones Reform background, the inconsistency is justified by *Blueprint 100: Part 2: LSPS 2020*, which has been endorsed by DPHI. Specifically, the employment lands analysis within *Blueprint 100: Part 2: LSPS 2020* was informed by the *Tamworth Commercial Centres and Employment Lands Strategy 2019* (Employment Lands Strategy 2019) which identifies retail hierarchies for the Tamworth LGA. The Tamworth CBD is the Regional Centre, whilst the Bridge Street Precinct is a sub-regional centre (**Figure 18**).

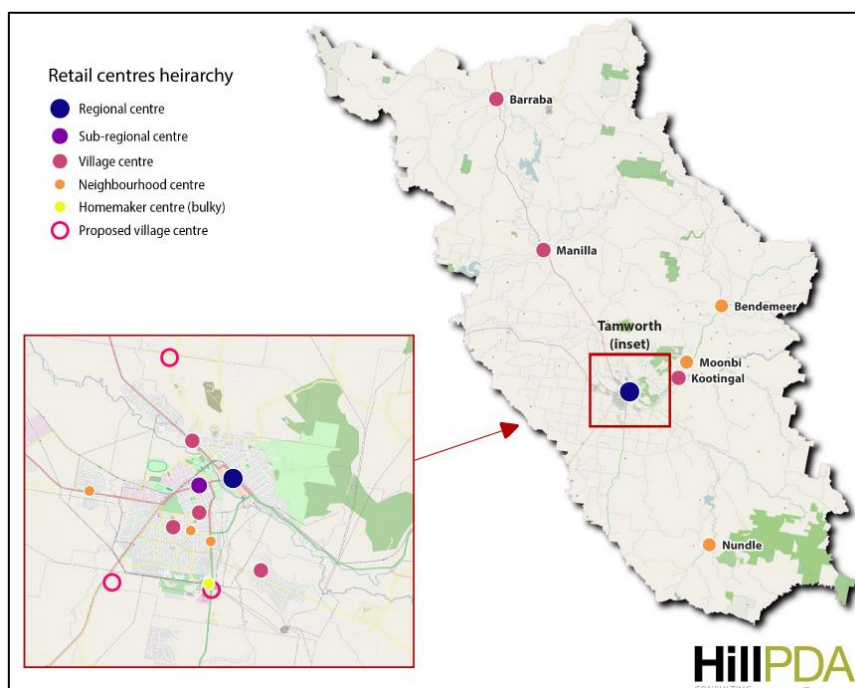


Figure 18: Retail Centres Hierarchy within the Tamworth LGA.

Consistent with the retail centres hierarchy, planning controls must be appropriate to both enable economic growth within the Bridge Street Precinct (sub-regional centre), whilst protecting the primary of the Tamworth CBD (regional centre). One of the principal planning controls used in the Tamworth Regional LGA is a FSR, with a FSR of 2:1 being an appropriate standard.

The Employment Lands Strategy 2019 forecasts a demand for 39,000m² of retail space in the combined areas of the Tamworth CBD and the Bridge Street Precinct over the next 20 years. It is considered that introducing a FSR of 2:1 to Area 3, whilst simultaneously increasing the FSR for Area 2, will accommodate the forecasted demand for retail space.

In conclusion, the inconsistency with Ministerial Direction 7.1 arising from the Employment Zones Reform is considered justified.

Section C: Environmental, social and economic impact

Question 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 subject lands are located in an existing urban area. The planning proposal will not affect critical habitat or threatened species, populations or ecological communities.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects resulting from the planning proposal.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

There are a range of positive economic and social benefits anticipated as a result of this planning proposal. These benefits are a consequence of future investment and gentrification within the Bridge Street Precinct and the emphasis on future housing choice, quality urban design, and the support of the adjoining Tamworth CBD as a regional hub which are consistent with the objectives of the *Tamworth Tomorrow – Economic Development and Investment Strategy 2022-2026 (Tamworth Tomorrow Strategy 2022)*.

The social advantages of improving housing diversity and housing choice are considered beneficial within a local and regional context. It is well documented that regional NSW, including Tamworth, is experiencing significant housing pressure. This planning proposal aims to encourage medium density residential in an area well serviced by transport, retail uses, education infrastructure, and employment.

Council has undertaken a significant amount of consultation with individual landholders with several meetings held to discuss the proposed planning amendments and vision for the Bridge Street Precinct.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

The Bridge Street Precinct is adequately serviced by reticulated water and sewer, stormwater, NSW state roads, electricity supply and NBN. Reticulated natural gas is available within the precinct.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation with the public authorities will be undertaken in accordance with the Gateway Determination. However, as part of the investigations in 2021, Council consulted with Transport for NSW, Essential Energy and NBN Co regarding the proposed planning provision amendments associated with the Bridge Street Precinct.

Part 4: Mapping

Table 10 identifies the following LEP mapping amendments required by this Chapter.

Table 10: *LEP Map Sheets to be Amended by Chapter 4*

Existing Map Sheets to be Amended	
Map Sheet	Amendment
DEX_004C	Map Area 1 and Area 3 of the Bridge Street Precinct.
FSR_004C	Apply a FSR of 2:1 (Shown as “T”) to Area 1 and Area 3 of the Bridge Street Precinct.

Chapter 5 Review of Land Use Permissibility within Existing Land Use Zones

Part 1: Objectives and Intended Outcomes

The **Objective** of this chapter is to amend the *TRLEP 2010* by updating the permissible and prohibited land uses in certain zones.

The **Intended Outcomes** of this chapter are to:

- Increase housing diversity, affordable housing and temporary workers accommodation in rural areas;
- Enable sensitively designed and managed eco-tourist facilities to be undertaken with the Tamworth LGA;
- Support small-scale agricultural pursuits and agritourism in rural residential areas;
- Recognise the historic placement of cemeteries in rural areas;
- Prohibit inappropriate development within residential areas; and
- Protect the RU4 – Primary Protection Small Lots zone from potential land use conflicts.

Part 2: Explanation of Provisions

Table 11 identifies the following amendments to the *TRLEP 2010*. For comparative purposes, a current Land Use Matrix for the *TRLEP 2010* and a proposed Land Use Matrix are provided in **Appendix 4** and **Appendix 5** respectively.

Table 11: Proposed Amendments to Permissibility of Certain Land Uses

Land Use	Proposed Change
Secondary dwellings	Permitted with consent in RU1 – Primary Production and RU4 – Primary Production Small Lots zones
Backpackers' accommodation	Permitted with consent in RU4 – Primary Production Small Lots zone
Eco tourist facilities	Permitted with consent in RU1 – Primary Production, RU4 – Primary Production Small Lots and C3 – Environmental Management zones
Roadside stalls	Permitted with consent in R5 – Large Lot Residential zone
Cemeteries	Permitted with consent in RU1 – Primary Production and RU4 – Primary Production Small Lots zones
Warehouse or distribution centres	Prohibited in R1 – General Residential and R2 – Low Density Residential zones
Truck depots	Prohibited in R1 – General Residential and R2 – Low Density Residential zones
Exhibition homes	Prohibited in RU4 – Primary Production Small Lots zone

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Chapters of this planning proposal contain a number of direct Actions identified within *Blueprint 100: Part 2: LSPS 2020*. The amendments proposed within this Chapter will support the Themes of *Blueprint 100: Part 2: LSPS 2020*.

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

The planning proposal is the only means of amending the permissibility of land uses within a land use zone.

Section B: Relationship to the Strategic Planning Framework

Question 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 planning proposal gives effect to the following directions contained within the *NENW Regional Plan 2041*:

Objective 2: Protect the viability and integrity of rural land

The prohibition of exhibition homes within the RU4 – Primary Production Small Lots zone will minimise land use conflict, which would otherwise restrict the use of important agricultural land. This is consistent with the Strategy 2.1.

In relation to cemeteries, these are frequently located in rural areas (both public and private). Permitting cemeteries with consent in the RU1 – Primary Production and RU4 – Primary Production Small Lots zones is not considered to adversely impact the viability or integrity of rural land.

Objective 7: Support a diverse visitor economy

The proposed amendments in permitting eco-tourist facilities, secondary dwellings and backpackers' accommodation will provide flexibility in planning controls to allow sustainable agritourism and ecotourism. It is noted that backpackers' accommodation is already permitted on land zoned RU1 – Primary Production.

Small-scale agricultural development in the region represents a unique and diverse tourism offering. It is currently permissible to undertake agricultural activities on land zoned R5 – Large Lot Residential. Permitting Roadside Stalls with consent in the R5 – Large Lot Residential zone, will facilitate agritourism and provide the community an opportunity to generate additional income.

Objective 13: Provide well located housing options to meet demand

The *NENW Regional Plan 2041* is projected to see an increase in older age groups. The *NENW Plan 2041* recognises that older people should have the ability to be comfortably housed as they age, including the option to remain in their home. Permitting Secondary Dwellings in the RU1 – Primary Production and RU4 – Primary Production Small Lots zones will enable ageing in place and succession planning on rural properties. This is not considered to result in land use conflict as the location of secondary dwellings will be controlled by Clause 5.5 of the *TRLEP 2010*.

Also, by permitting backpackers' accommodation in the RU4 zone this will provide additional short-term accommodation for temporary workers to support agricultural industries.

Among other matters, “well located” residential housing should not be co-located with other uses that have potential to significantly impact residential amenity. Truck depots, warehouses and distribution centres are land uses that are likely to have a significant adverse amenity impact when located in residential areas. Therefore, it is proposed to prohibit these uses in the R1 – General Residential and R2 – Low Density Residential zones.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The proposed amendments in this Chapter are consistent with the Themes of *Blueprint 100: Part 2: LSPS 2020* to facilitate smart growth and housing choices, create a prosperous region and build resilient communities.

Primary industry will be supported through additional permitted uses to support agritourism, ageing in place and succession planning (Action RC2). Rural land use conflicts are minimised through the application of Clause 5.5 of the *TRLEP 2010* to secondary dwellings in rural zones, while exhibition homes will be prohibited in the RU4 – Primary Production Small lots zone.

A factor of smart growth and housing choices is preventing land use conflict associated with non-residential uses that have potential to significantly impact residential amenity. This is delivered through the prohibition of truck depots, warehouses and distribution centres on land zoned the R1 – General Residential and R2 – Low Density Residential.

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other studies or strategies are considered applicable to this Chapter.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

This Chapter is consistent with all applicable SEPPs.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This Chapter is considered consistent with all applicable Ministerial Directions, and justifiably inconsistent with Directions ‘3.1 Biodiversity and Conservation’, ‘3.2 Heritage Conservation’ ‘4.1 Flooding’, ‘4.3 Planning for Bush Fire Protection’, ‘5.3 Development Near Regulated Airports and Defence Airfields’, ‘Direction 5.4 Shooting Ranges’ and ‘Direction 9.2 Rural Lands’, which are discussed below

Ministerial Direction 3.1 Biodiversity and Conservation

This inconsistency relates to the permitting with consent Eco-Tourist Facilities in C3 – Environmental Management zone. It is considered likely that some lands within the study area may contain high environmental value land and biodiversity values. As a consequence, of Eco-tourist facilities becoming permitted with consent in the C3 – Environmental Management zones, Clause 5.13 of the *Standard Instrument—Principal Local Environmental Plan* becomes a compulsory inclusion within the *TRLEP 2010*. Clause 5.13 aims to provide for eco-tourist facilities in areas of environmentally 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. Therefore, it is considered this Ministerial Direction is justifiably inconsistent.

Ministerial Direction 3.2 Heritage Conservation

This direction requires that a planning proposal must contain provisions that facilitate the conservation of heritage and Aboriginal cultural significance. The inconsistency is considered to be

of minor significance as the planning proposal does not alter the existing conservation measures of heritage and Aboriginal cultural significance of the area in which this Chapter apply. Therefore, it is considered this Ministerial Direction is justifiably inconsistent.

Ministerial Direction 4.1 Flooding

This direction applies to a planning proposal that alters a provision that affects flood prone land. Based on the extent of rural zones across the LGA, it is considered likely that some land may be subject to both the FPL and PMF.

In this instance, it is considered that the inconsistency of this chapter is of minor significance as:

- The proposed permitted uses are logical inclusions within rural zones;
- Other forms of residential accommodation and tourist and visitor accommodation are already permitted in rural zones; and
- Secondary Dwellings, Backpackers Accommodation and Eco-Tourist Facilities would be subject to the merit-based development assessment process which would consider clause 5.21 of *TRLEP 2010*.

Therefore, it is considered this Ministerial Direction is justifiably inconsistent.

Ministerial Direction 4.3 Planning for Bushfire Protection

Eco-tourist facilities and backpackers' accommodation are considered "special fire protection purposes" pursuant to Section 100B of the *Rural Fires Act 1997*. Given the intent to permit these uses in the entirety of the rural zones, rather than specific sites, it is not feasible to undertake an assessment against *Planning for Bush Fire Protection 2019*. Bush fire assessments would be undertaken as part of Development Application process and subject to consultation with the NSW Rural Fire Service under Integrated Development provisions of the *EP&A Act 1979*.

Consistent with this Ministerial Direction, following receipt of Gateway Determination consultation will be undertaken with the Commissioner of the NSW Rural Fire Service. The planning Secretary (or an officer of the Department nominated by the Secretary) may support inconsistency with this Ministerial Directions if the NSW Rural Fire Service does not object to the progression of the planning proposal.

Therefore, it is considered this Ministerial Direction is justifiably inconsistent.

Ministerial Direction 5.3 Development Near Regulated Airports and Defence Airfields

This direction applies as the planning proposal seeks to amend a planning provision relating to land near a regulated airport. This relates to the permitting with consent, Secondary Dwellings, Backpackers Accommodation and Eco-Tourist Facilities in rural zones. The Tamworth Regional Airport, which is a regulated airport, is located adjacent to RU1 – Primary Production and RU4 - Primary Production Small Lot zones.

In this instance, it is considered that the inconsistency of this chapter is justifiable in consideration of;

- The proposed permitted uses are logical inclusions within rural zones;
- Other forms of residential accommodation and tourist and visitor accommodation are already permitted in rural zones;

- Secondary Dwellings, Backpackers Accommodation and Eco-Tourist Facilities would be subject to clause 7.6 and 7.7 of the *TRLEP 2010* which specify development standards to protect the ongoing operation of the airport; and
- Secondary Dwellings would be subject to clause 5.5 of the *TRLEP 2010* which restricts the size and placement of secondary dwellings in rural zones.

The Tamworth Regional Airport has been consulted and will be further consulted as part of the public exhibition process required under the Gateway Determination.

Ministerial Direction 5.4 Shooting Ranges

This direction applies as the planning proposal seeks to amend a planning provision relating to land adjacent to and/or adjoining an existing shooting range. This relates to the permitting with consent, Secondary Dwellings, Backpackers Accommodation and Eco-Tourist Facilities in zones which are adjacent or adjoining shooting ranges. This is considered minor significant in consideration of:

- The planning proposal does not seek to rezone land adjacent to or adjoining an existing shooting range.
- The proposed permitted uses are logical inclusions within rural zones;
- Other forms of residential accommodation and tourist and visitor accommodation are already permitted in rural zones;
- Secondary Dwellings would be subject clause 5.16 of the *TRLEP 2010* which require consent authority to consider land use conflicts with existing rural land uses. to minimise potential land use conflict to consider specify development standards to protect the ongoing operation of the airport; and
- Secondary Dwellings would be subject to clause 5.5 of the *TRLEP 2010* which restricts the size and placement of secondary dwellings in rural zones.

Ministerial Direction 9.2 Rural Lands

This direction applies as the planning proposal seeks to amend a planning provision of land in a rural zone. This relates to permitting with consent, Secondary Dwellings, Backpackers Accommodation and Eco-Tourist Facilities in rural zones. This inconsistency is considered to be of minor significance as the planning proposal broadly aligns with strategic plans which include delivering a variety of dwelling types and levels of affordability, including for temporary workers, supporting agritourism and encouraging opportunities for innovation in agribusiness to support the agricultural industry. This is consistent with *Blueprint 100: Part 2: LSPS and NENW Regional Plan 2041*.

Furthermore, other forms of residential accommodation and tourist and visitor accommodation are already permitted in rural zones, and secondary dwellings will be controlled by the provisions in clause 5.5 of the *TRLEP 2010*. Therefore, it is not considered likely to increase the potential for rural land use conflict, fragmentation or impair a farmers 'right to farm'. As a result, it is considered this Ministerial Direction is justifiably inconsistent.

Section C: Environmental, social and economic impact

Question 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 proposed amendments to the land use tables are not considered to adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.

The uses permitted by this Chapter are subject to the merit-based development assessment process, which amongst other matters will consider biodiversity impacts in accordance with the *Biodiversity Conservation Act 2016*.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The uses permitted by this Chapter are subject to the merit-based development assessment process, which amongst other matters will consider environmental effects in accordance with Section 4.15 of the *EP&A Act 1979*.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

The additional permitted uses are considered to stimulate economic growth, particularly in rural areas.

The prohibition of warehouses, distribution centres and truck depots in residential zones is considered to be a good social outcome to prevent land use conflict. These uses are highly unlikely to be undertaken in residential areas, being permissible and more suitable in other zones. The proposed prohibitions are not considered to have a significance adverse economic impact.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

The uses permitted by this Chapter are subject to the merit-based development assessment process, which amongst other matters will consider infrastructure requirements. The “Essential Services” clause proposed in Chapter 9 of this planning proposal will be a mandatory consideration under Section 4.15 of the *EP&A Act 1979*.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation with the public authorities will be undertaken in accordance with the Gateway Determination.

Part 4: Mapping

No new or amended maps are required for this Chapter.

Chapter 6 Amend Existing Clauses of the Tamworth Regional Local Environmental Plan 2010

Part 1: Objectives and Intended Outcomes

The **Objectives** of this chapter are to:

- Amend the wording of the following clauses of the *TRLEP 2010*:
 - Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones;
 - 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; and
 - Clause 7.10 Temporary workers accommodation.

Note on Application of Other Clauses – *As a result of other Chapters of this planning proposal, the application of the following clauses will change without the need for any wording changes:*

- *Clause 4.4 Floor space ratio – Increased application to additional area under **Chapter 4**;*
- *Clause 5.5 Controls relating to secondary dwellings on land in a rural zone – Application to RU1 – Primary Production and RU4 – Primary Production Small Lots zones under **Chapter 5**;*
- *Clause 5.10 Heritage conservation – Applies to Heritage Items (as amended) and Heritage Conservation Areas under **Chapters 2 and 3**; and*
- *Clause 7.11 Design excellence – Increased application to additional area under to **Chapter 4**.*

Refer to the relevant Chapters for further discussion.

The **Intended Outcomes** of this chapter are to:

- Ensure that Clauses reference correct zones, land uses, properties and standards (where applicable);
- Increase the maximum gross floor area permitted for certain commercial premises within the Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;
- Update the planning controls around the Tamworth Airport to clarify when concurrence from a Commonwealth body is required for development around the airport;
- Remove Obstacle Height Limitation Map and Noise Exposure Forecast Contour Map as LEP Maps; and
- Accommodate additional temporary workers accommodation around the Tamworth Regional Airport.

Part 2: Explanation of Provisions

Table 12 identifies and provides commentary on the proposed clause changes.

Table 12: Proposed Amendments to Certain Clauses of the TRLEP 2010

Clause	Commentary
Clause 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 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 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use zones; and Increasing the maximum permitted gross floor area for business premises, office premises, food and drink premises, and markets within the E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use zones from 2,500m² to 3,500m². <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 (approx. 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 FSR (0.5:1).</p>
Clause 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 Operations Surface; and 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. It will still be available through Council’s website.
Clause 7.7 Development in areas subject to aircraft noise	<p>Clause 7.7 of the <i>TRLEP 2010</i> 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 (Figure 19); 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 flight training. <p>Development subject to potential noise intrusion is required to comply with <i>Australian Standard 2021:2015, Acoustics—Aircraft noise intrusion—Building siting and construction</i> (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 (or current version at the making of the LEP); and • The ANEF Map is controlled and endorsed by Airservices Australia, which means it can be modified outside of the LEP process. The current ANEF Map for the Tamworth Regional Airport was endorsed February 2023 (Figure 20) and is different than the gazetted <i>TRLEP 2010</i> map (Figure 19). 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>No changes are proposed to the ‘Flight Training Path’ map or provisions that apply to land around the Tamworth Regional Airport.</p>
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>

- Adding adjoining Lot 83 DP 1243982 to permit development for the purposes of temporary workers accommodation.

Lot 58 DP 1221018 and Lot 83 DP 1243982 are identified in **Figure 21**.

The proposed amendment to the *TRLEP 2010* 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.

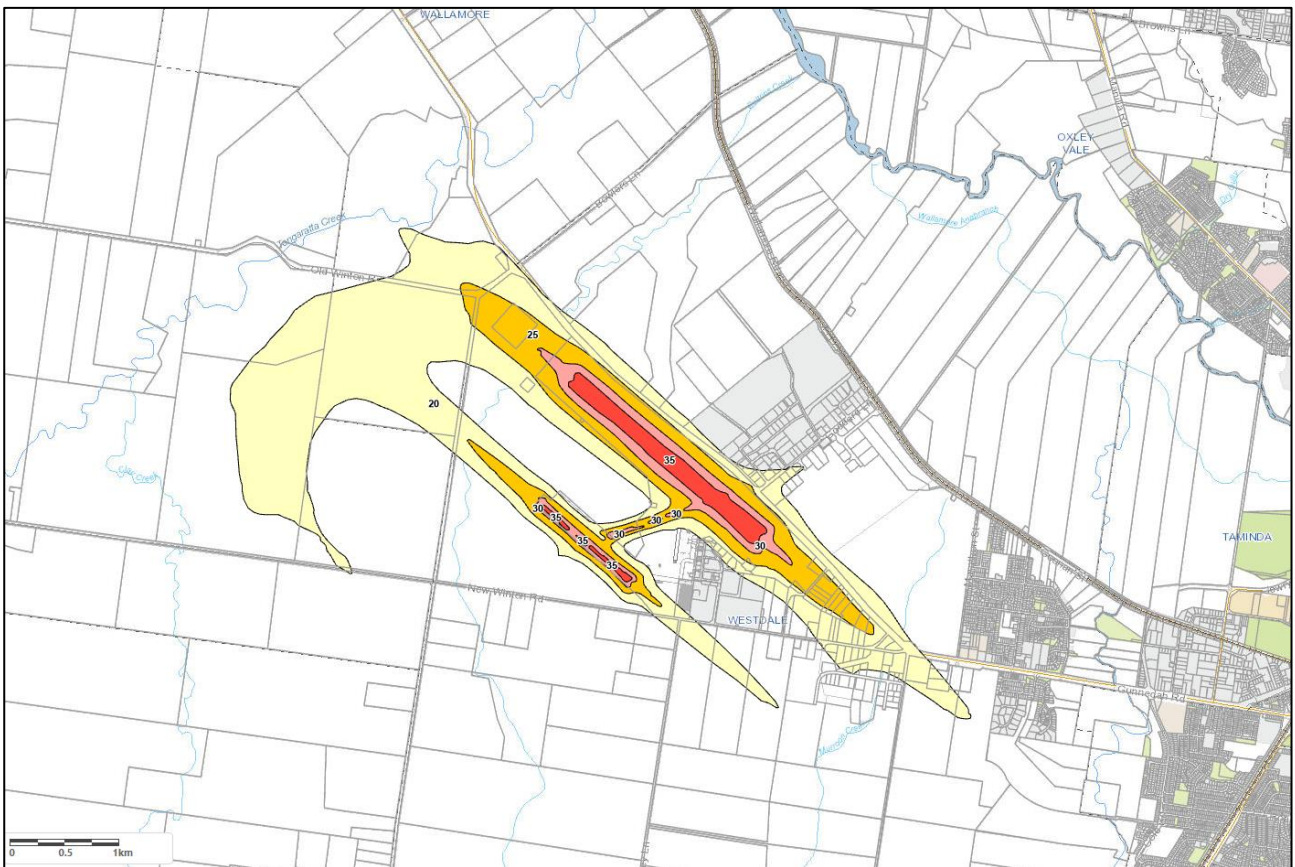


Figure 19: TRLEP 2010 Noise Exposure Forecast Map for the Tamworth Regional Airport

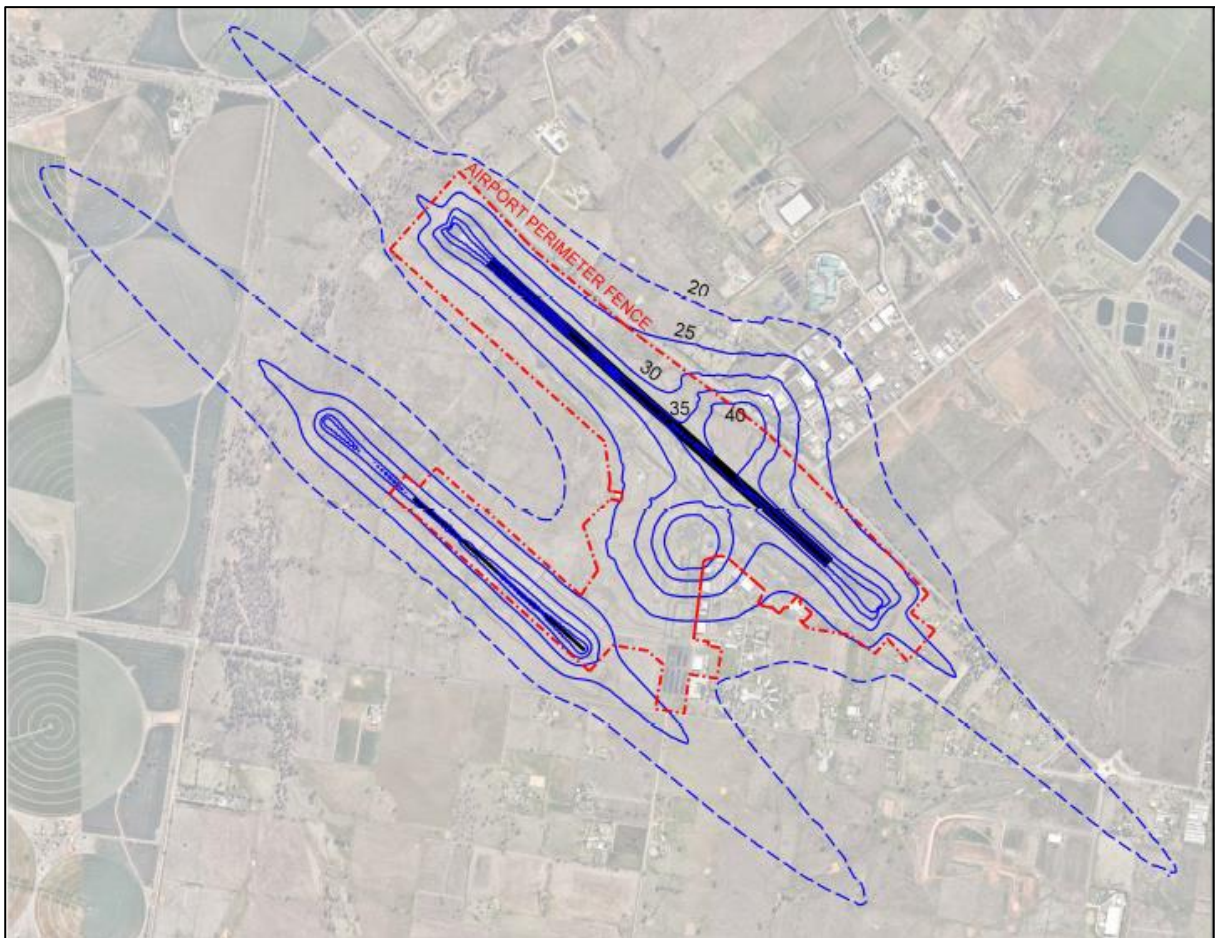


Figure 20: Current Australian Noise Exposure Forecast (ANEF) Map for the Tamworth Regional Airport endorsed by Airservices Australia in February 2023

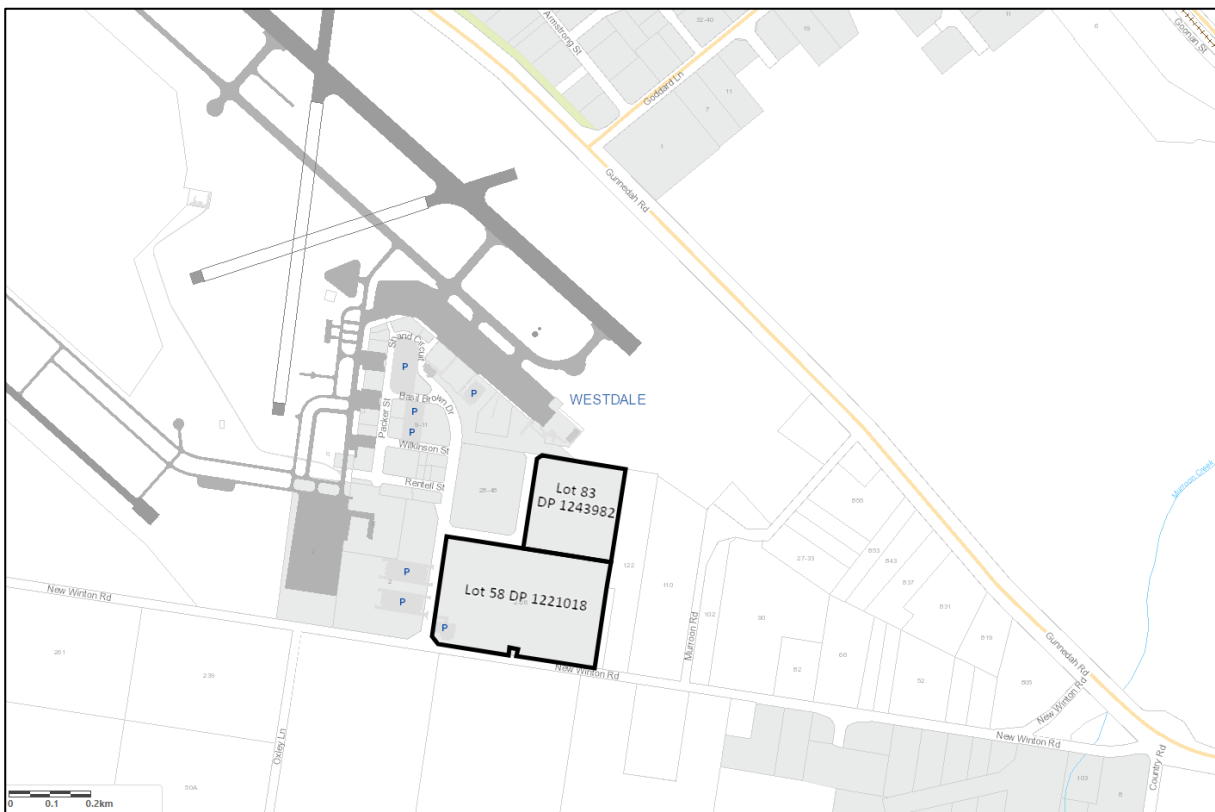


Figure 21: Location of Lot 58 DP 1221018 and Lot 83 DP 1243982

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	The correction of zone names is in response to the changes initiated by the <i>Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021</i> and Employment Zones Reform.
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	<p><i>A theme of Blueprint 100: Part 2: LSPS 2020</i> is 'Create a Prosperous Region' with the prosperity of the region dependent on sufficiently sized centres, precincts and neighbourhoods that support a high quality of life.</p> <p>Consequently, a Tamworth Activity Centre Review 2023 (TACR 2023) (Appendix 6) was undertaken to investigate the existing commercial centre hierarchy and consider future provision of commercial floorspace (including shops and bulky goods) in consideration of population growth. As a result, the TACR 2023 forecasts an undersupply (44,000m²) of traditional retail floorspace when the population reach's a population of 80,000.</p> <p>Therefore, as part of this comprehensive review of the <i>TRLEP 2010</i>, Clause 7.4 of the <i>TRLEP 2010</i> has been identified for amendment to better reflect changing trends in commercial development in the last 14 years and to support the anticipated population growth of Tamworth. The planning proposal seeks to increase the maximum permitted Gross Floor Area (GFA) from 2,500m² to 3,500m² to cater for projected population demand. Based on the TACR 2023 the increase in GFA will not have a determinant impact on the Tamworth CBD and it is considered the planning amendment is consistent with <i>Blueprint 100: Part 2: LSPS and Tamworth Tomorrow Strategy 2022 2022</i>.</p>
Clause 7.6 Development in Flight Path and Clause 7.7 Development in areas subject to aircraft noise	The amendments to this clause are a result of Action PR3 of <i>Blueprint 100: Part 2: LSPS 2020</i> to "implement planning provisions to protect the Airport so it can reach its potential and analyse the consequences of airport expansion on noise exposure, obstacle height limitation and flight training path Local Environmental Plan (LEP) Controls".
Clause 7.10 Temporary workers accommodation	Facilitating growth in the food processing, manufacturing and industrial sectors via sound planning, which includes additional affordable and temporary housing, is an essential component of the principles outlined in <i>Blueprint 100: Part 2: LSPS 2020</i> . This growth can be promoted by enabling Lot 83 DP 1243982, adjoining the previously identified Lot 58 DP 1221018, at the Tamworth Regional Airport to be used for temporary workers accommodation.

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

A planning proposal is the only legal means of amending clauses of the *TRLEP 2010*.

Section B: Relationship to the Strategic Planning Framework

Question 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)?

Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	The administrative amendment to Clause 4.2C of the <i>TRLEP 2010</i> is not inconsistent with <i>NENW Regional Plan 2041</i> .
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	<p><u>Objective 5: Enhance the diversity and strength of Central Business Districts and town centres</u></p> <p>Strategy 5.2 of the <i>NENW Regional Plan 2041</i> is to “strengthen the function of CBDs by focussing future commercial, civic, entertainment, and retail activity in existing commercial centres, unless:</p> <ul style="list-style-type: none"> • <i>there is a demonstrated need</i> • <i>there is a lack of suitable sites elsewhere within existing centres</i> • <i>there is positive social and economic benefit to locate activity elsewhere.</i> <p><i>Where out-of-centre commercial areas are proposed, they must be of an appropriate size for their service catchment”.</i></p> <p>Clause 7.4 of the <i>TRLEP 2010</i> is in line with this Strategy as it protects the Tamworth CBD by limiting the size of certain commercial development.</p> <p>In support of Strategy 5.2, the TACR 2023 has been undertaken to determine whether the 2,500m² GFA limit is “an appropriate size” for the “service catchment” and anticipated population growth. In recognition of current trends, population growth and commercial demand, it is considered that increasing the maximum GFA of Clause 7.4 of the <i>TRLEP 2010</i> to 3,500m² will ensure commercial centres are appropriately sized, to meet future population demand, without having a significant adverse economic impact on the Tamworth CBD. Similarly, removing the application of Clause 7.4 of the <i>TRLEP 2010</i> to the Northgate Shopping Centre will promote growth, whilst still protecting the CBD through the continued use of FSR controls.</p> <p><u>Objective 6: Coordinate the supply of well-located employment land</u></p> <p>Among other matters, Strategy 6.1 recommends the use of strategic planning and local plans to provide flexibility in local planning controls. In this regard, the proposed amendments to Clause 7.4 of the <i>TRLEP</i></p>

	2010 is considered to provide additional flexibility for employment lands within the City of Tamworth.
Clause 7.6 Development in Flight Path and Clause 7.7 Development in areas subject to aircraft noise	<p>One of the priorities identified by the <i>NENW Regional Plan 2041</i> for the Tamworth Regional LGA is to “maximise the opportunities for Tamworth Regional Airport”. Furthermore, Strategy 20.2 of the <i>NENW Regional Plan 2041</i> is to “support the operation of regional airports and aerodromes in local planning to:</p> <ul style="list-style-type: none"> • manage and protect airport and aerodrome land uses and airspace to support aviation operations (including regular public and private transport, air freight and medical services) and related business • limit the encroachment of incompatible development • identify and activate employment lands surrounding airports and aerodromes with flexible planning controls • provide for the future potential expansion of airports and aerodromes”. <p>The proposed amendments to Clause 7.6 and Clause 7.7 of the <i>TRLEP 2010</i> to reference correct maps and current Australian Standard are considered best-practice to protect the airport and limit incompatible development consistent with the <i>NENW Regional Plan 2041</i>. The proposed amendments are also consistent with the majority of standard instrument LEPs. Likewise, the amendment to the referral requirements of Clause 7.6 is best-practice and consistent with other standard instrument LEPs.</p>
Clause 7.10 Temporary workers accommodation	<p>Objective 13 of the <i>NENW Regional Plan 2041</i> is to provide well located housing options to meet demand. These housing options include a requirement to have accommodation for seasonal and itinerant workers.</p> <p>The <i>NENW Regional Plan 2041</i> recognises that the region sees influxes of temporary workers, particularly for agricultural industries and major construction projects. Whilst DPHI is currently working on planning pathways for temporary workers accommodation, it is considered that Council can also pursue planning pathways complimentary to DPHI’s work, to facilitate temporary workers accommodation. In this regard, Clause 7.10 already permits temporary workers accommodation on Lot 58 DP 1221018 at the Tamworth Regional Airport. The amendment of Clause 7.10 to also permit temporary workers on Lot 83 DP 1243982 (adjacent to Lot 58 DP 1221018) is consistent with Objective 13 of the <i>NENW Regional Plan 2041</i>.</p>

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Clause 4.2C Minimum subdivision lot size for	The administrative amendment to Clause 4.2C of the <i>TRLEP 2010</i> is not inconsistent with <i>Blueprint 100; Part 2: LSPS</i> .
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strata subdivision of residential or tourist accommodation in certain zones	
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	<p>To create a prosperous region in accordance with <i>Blueprint 100: Part 2: LSPS 2020</i>, Clause 7.4 of the <i>TRLEP 2010</i> was reviewed in the context of current and future commercial floorspace demand based on population growth. The increase from 2,500m² to 3,500m² GFA is in recognition of the continued trend to larger commercial premises, particularly supermarkets that are defined as “shops”. The <i>TACR 2023</i> identified an undersupply of retail floorspace in the mid and far term based on projected population growth. By increasing the permitted GFA applicable to landuses identified in Clause 7.4, it is considered this will stimulate economic activity and support commercial development while still acknowledging and retaining the economic primacy of the Tamworth CBD. Based on the <i>TACR 2023</i> the increase in GFA will not have a determinant impact on the Tamworth CBD and it is considered the planning amendment is consistent with <i>Blueprint 100; Part 2: LSPS and Tamworth Tomorrow Strategy 2022</i>.</p> <p>The exemption of Northgate Shopping Centre from the provisions of Clause 7.4 of the <i>TRLEP 2010</i> is consistent with the theme of creating a prosperous region.</p>
Clause 7.6 Development in Flight Path and Clause 7.7 Development in areas subject to aircraft noise	<p>The Tamworth Regional Airport provides direct flights to Sydney and Brisbane and facilitates freight movement. In addition to these functions, <i>Blueprint 100: Part 2: LSPS 2020</i> identifies the expansion of the Tamworth Regional Airports roles as a logistics hub, exporting of process meats and provision of maintenance services. This is reflected in Action PR3 to implement planning controls to protect the Tamworth Regional Airport.</p> <p>The proposed amendments to Clause 7.6 and 7.7 to reflect current maps and Australian Standards will protect the Tamworth Regional Airport consistent with <i>Blueprint 100: Part 2: LSPS 2020</i>.</p> <p>The additional amendment to Clause 7.6 to update the referral and concurrence requirements for development near airports is consistent with best-practice and will facilitate faster development assessments, which supports the creation of a prosperous region in accordance with <i>Blueprint 100: Part 2: LSPS 2020</i>.</p>
Clause 7.10 Temporary workers accommodation	<p>This amendment is consistent with Theme 1 Facilitate Smart Residential Growth and Housing Choices of <i>Blueprint 100: Part 2: LSPS 2020</i> as:</p> <ul style="list-style-type: none"> Improvements in housing choice is identified as a growing need in Tamworth, particularly in relation to young workers;

	<ul style="list-style-type: none"> • Temporary worker accommodation on Lot 83 DP 1243982 will reduce pressure on the private sector to fill the short-term accommodation gap; and • The airport is located at the centre of an aviation, logistics and food processing hub. Temporary workers accommodation is essential to supporting this growth and attracting future development. <p>The use of Lot 83 DP 1243982 for temporary workers accommodation will not significantly impact the efficient movement of passengers and freight within the region.</p>
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Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	No other state or regional strategies are applicable to this administrative amendment.
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	<p><u>Regional NSW Investment Strategy 2022-2027 and Lower North West Regional Economic Development Strategy – 2023 Update</u></p> <p>The proposed amendments to Clause 7.4 of the <i>TRLEP 2010</i> will promote business, which in turn will generate employment opportunities for Tamworth. The increased employment opportunities will support the visions and objectives of both the <i>Regional NSW Investment Strategy 2022-2027</i> and <i>Lower North West Regional Economic Development Strategy – 2023 Update</i>.</p>
Clause 7.6 Development in Flight Path and Clause 7.7 Development in areas subject to aircraft noise	<p><u>Future Transport Strategy</u></p> <p>Aviation is a key cornerstone of the Future Transport Strategy with emphasis on connection to regional areas and enabling economic activity through freight and tourism. Ensuring that development around Tamworth Regional Airport complies with current standards will ensure the ongoing operation of the airport and support the State Governments vision for NSW.</p>
Clause 7.10 Temporary workers accommodation	<p><u>Temporary and Seasonal Workers Accommodation Toolkit</u></p> <p>In October 2021, the Regional Housing Taskforce highlighted the need for a standardised planning approach for seasonal and temporary workers' accommodation. In response, the NSW Government prepared a draft Temporary and Seasonal Workers' Accommodation Toolkit, which was on exhibition from 16 August 2023 to 27 September 2023. The feedback from submissions is current under consideration by DPHI with the final package still to be finalised.</p> <p>The Draft Guideline for Temporary and Seasonal Workers' Accommodation includes strategic planning guidance for local</p>

	<p>Councils. Whilst specific strategies are recommended, the guidelines acknowledge that the “<i>demand for temporary workers’ accommodation is likely to change before strategies are completed or reviewed. An immediate or interim response may be necessary. We encourage councils to establish flexible and responsive planning provisions that can manage changing demand</i>”.</p> <p>The Tamworth Regional LGA is partly located within the New England Renewable Energy Zone and is expecting large demand for workers accommodation in relation to renewable energy projects. In addition, the Tamworth regional LGA experiences large influxes of workers associated with agriculture, meat processing, manufacturing (i.e., livestock industries) and construction.</p> <p>The amendment of Clause 7.10 to permit temporary workers on Lot 83 DP 1243982 is an immediate small-scale response to the demand for workers accommodation, which will compliment that the large-scale response by DPHI upon finalisation of the temporary and seasonal accommodation planning controls.</p>
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Question 6 – Is the planning proposal consistent with applicable SEPPs?

Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	The administrative amendment to Clause 4.2C of the <i>TRLEP 2010</i> is considered consistent with all applicable SEPPs.
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	<p>The amendment of Clause 7.10 of the <i>TRLEP 2010</i> is considered consistent with all applicable SEPPs.</p> <p>In relation to the ‘traffic generating development’ provisions of <i>SEPP (Transport and Infrastructure) 2021</i>, a ‘shop’ is the likely land use that would trigger this provision. The current traffic generating development triggers for ‘shops’ are:</p> <ul style="list-style-type: none"> • 500m² gross floor area with access to, or within 90 metres of, a classified road; • 2,000m² gross floor area with access to a road (generally). <p>Given the current Clause 7.4 of the <i>TRLEP 2010</i> permits a maximum gross floor area higher than the traffic generating development triggers, the increase to 3,500m² maximum permitted gross floor area is not considered to significantly alter the extent of traffic generating development. Subject to a Gateway Determination, further consultation with Transport for NSW (TfNSW) can be undertaken if required.</p>
Clause 7.6 Development in Flight Path and Clause 7.7 Development	The following SEPPs are applicable to the Tamworth Regional LGA and contain a reference to ANEF, Obstacle Limitation Surfaces or Procedures for Air Navigation Services associated with airports:

in areas subject to aircraft noise	<ul style="list-style-type: none"> • <i>SEPP (Exempt and Complying Development Codes) 2008</i>; • <i>SEPP (Industry and Employment) 2021</i>; and • <i>SEPP (Transport and Infrastructure) 2021</i>. <p>The use and reference to these airport controls within the SEPPs is not reliant upon the mapping within the <i>TRLEP 2010</i>. Rather, where a SEPP references airport development controls, it does so by references to maps prepared by Commonwealth agencies.</p> <p>Overall, the proposed amendments to Clauses 7.6 and 7.7 of the <i>TRLEP 2010</i> is considered consistent with all applicable SEPPs.</p>
Clause 7.10 Temporary workers accommodation	<p>The amendment of Clause 7.10 of the <i>TRLEP 2010</i> is considered consistent with all applicable SEPPs. In particular:</p> <ul style="list-style-type: none"> • The provision of temporary workers accommodation supports the principles of <i>SEPP (Housing) 2021</i>; and • <i>SEPP (Transport and Infrastructure) 2021</i> does not contain any specific considerations for temporary workers accommodation on air transport facilities.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	<p>The administrative amendment to Clause 4.2C of the <i>TRLEP 2010</i> is considered consistent with all applicable Ministerial Directions.</p>
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	<p>The amendment of Clause 7.10 of the <i>TRLEP 2010</i> is considered consistent with all applicable Ministerial Directions. Discussion has been provided on Direction ‘7.1 Employment Zones’, which is a key Direction for this amendment.</p> <p><u>Ministerial Direction 7.1 Employment Zones</u></p> <p>Clause 7.4 of the <i>TRLEP 2010</i> currently reduces the potential floor space area for employment uses on zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use.</p> <p>The proposed amendments to Clause 7.4 to increase the maximum permitted gross floor area and exempt Northgate Shopping Centre, will increase the total potential floor space area for employment uses on zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use. On this basis, the amendments to Clause 7.4 are considered consistent with Ministerial Direction 7.1.</p>
Clause 7.6 Development in Flight Path and Clause 7.7 Development	<p>The amendment of Clause 7.6 and 7.7 of the <i>TRLEP 2010</i> is considered consistent with all applicable Ministerial Directions. Discussion has been provided on Direction ‘1.3 Approval and Referral</p>

in areas subject to aircraft noise	<p>Requirements' and '5.3 Development Near Regulated Airports and Defence Airfields', which are key Directions for this amendment.</p> <p><u>Ministerial Direction 1.3 Approval and Referral Requirements</u></p> <p>This Direction requires a planning proposal to minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p> <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. Amending the trigger for referral to Commonwealth bodies to where a development penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface, will minimise the number of the referrals consistent with this Ministerial Direction.</p> <p><u>Ministerial Direction 5.3 Development Near Regulated Airports and Defence Airfields</u></p> <p>Lot 83 DP 1243982 is located within the Tamworth Regional Airport which is a regulated airport. Tamworth Regional Council is the operator of the airport and considers that removing/updating outdated maps and standards will better protect the operational airspace.</p>
Clause 7.10 Temporary workers accommodation	<p>The amendment of Clause 7.10 of the <i>TRLEP 2010</i> is considered consistent with all applicable Ministerial Directions. Discussion has been provided on Direction '5.3 Development Near Regulated Airports and Defence Airfields', which is a key Direction for this amendment.</p> <p><u>Ministerial Direction 5.3 Development Near Regulated Airports and Defence Airfields</u></p> <p>Lot 83 DP 1243982 is located within the Tamworth Regional Airport which is a regulated airport. Tamworth Regional Council is the operator of the airport and has taken into consideration the operational airspace, noting that Lot 83 DP 1243982 is not located in the path of aircraft movements.</p> <p>Temporary workers accommodation is not incompatible with the Tamworth Regional Airport, as the location promotes fly-in/fly-out workers. Any accommodation on Lot 83 DP 1243982 will be required to meet the noise and height controls (as updated by this Chapter) for development near the Tamworth Regional Airport.</p> <p>Overall, the amendment to Clause 7.10 of the <i>TRLEP 2010</i> to permit temporary workers accommodation on Lot 83 DP 1243982 is consistent with Ministerial Direction 5.3.</p>

Section C: Environmental, social and economic impact

Question 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?

Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	The administrative amendment to Clause 4.2C of the <i>TRLEP 2010</i> is not considered to adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	Clause 7.4 of the <i>TRLEP 2010</i> applies to existing land zoned E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use. This land is generally disturbed and increasing the maximum permitted gross floor area is not considered to adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.
Clause 7.6 Development in Flight Path and Clause 7.7 Development in areas subject to aircraft noise	The amendments to Clause 7.6 and 7.7 of the <i>TRLEP 2010</i> is not considered to adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.
Clause 7.10 Temporary workers accommodation	Lot 83 DP 1243982 is disturbed land within the boundaries of the Tamworth Regional Airport. The proposed amendment to Clause 7.10 of the <i>TRLEP 2010</i> is not considered to adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	The administrative amendment to Clause 4.2C of the <i>TRLEP 2010</i> is not considered to have any adverse environmental effects.
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	While the proposed amendments to Clause 7.4 would enable certain development in zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use to be larger, such developments would still be subject to other <i>TRLEP 2010</i> and <i>TRDCP 2010</i> provisions, which will ensure that environmental impacts are considered and minimised. At this planning proposal stage, no adverse environmental effects are anticipated.
Clause 7.6 Development in Flight Path and Clause 7.7 Development	The proposed amendments to Clauses 7.6 and 7.7 of the <i>TRLEP 2010</i> are not considered to result in and adverse environmental effects, with

in areas subject to aircraft noise	the amendments designed to manage environmental effects associated with development around the Tamworth Regional Airport.
Clause 7.10 Temporary workers accommodation	<p>The likely environmental effects associated with temporary workers accommodation on Lot 83 DP 1243982 relate to the noise and height controls associated with the airport.</p> <p><u>Noise (ANEF) Considerations</u></p> <p>In accordance with the Long Range (2062) ANEF Contour Map endorsed February 2023 by Airservices Australia, Lot 82 DP 1243982 is located between the 20 and 25 ANEF contours (Figure 22). In accordance with Australian Standard 2021:2015, temporary workers accommodation is considered most similar to hotel/motel/hostel, which is deemed acceptable by the Australian Standard on land less than the 25 ANEF</p> <p><u>Operations Limitation Surface</u></p> <p>Lot 83 DP 124339982 is not in the direct path of the Tamworth Regional Airport runways. New buildings required for temporary workers accommodation could be constructed to ensure they do not penetrate the operations limitation surface. This would be addressed in any future Development Application.</p>

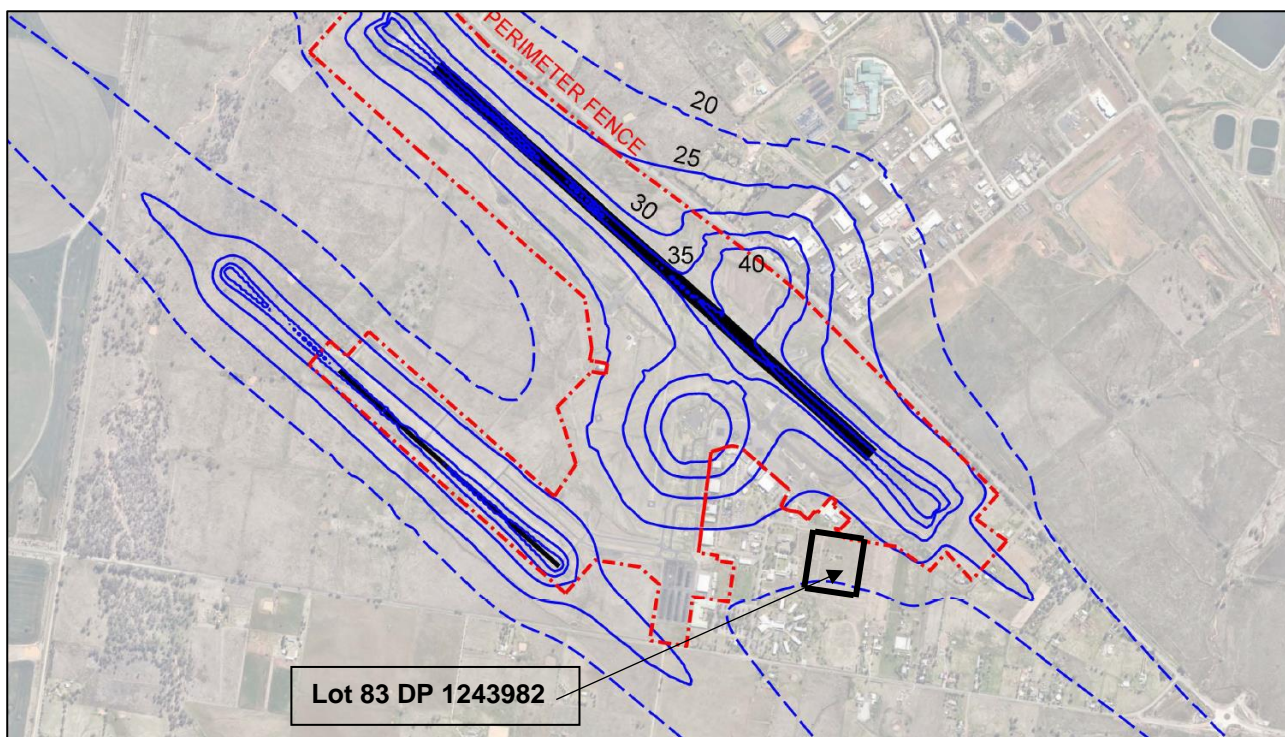


Figure 22: Lot 83 DP 1243982 in relation to ANEF Contours

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

Clause 4.2C Minimum subdivision lot size for strata subdivision of	The administrative amendment to Clause 4.2C of the <i>TRLEP 2010</i> is not considered to have any adverse social or economic effects.
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residential or tourist accommodation in certain zones	
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	<p>The analyses presented in the TACR 2023 demonstrates that there is a current and growing need for further commercial floorspace both within the Tamworth CBD and supporting activity centres.</p> <p>The proposed amendments to Clause 7.4 of the <i>TRLEP 2010</i> are considered to promote employment opportunities, stimulate economic growth and meets the needs of future residents while maintaining a GFA limit to protect the economic significance of the Tamworth CBD.</p> <p>Overall, these commercial centres perform a strong economic and convenience role and function in support of the local and wider community. Therefore, it is considered the planning proposal supports the objectives of the Tamworth Tomorrow Strategy 2022 2022by fostering a more diverse, resilient, and sustainable regional economy.</p>
Clause 7.6 Development in Flight Path and Clause 7.7 Development in areas subject to aircraft noise	Land around the Tamworth Regional Airport has historically been subject to controls; however, the maps and controls within the current version of Clauses 7.6 and 7.7 of <i>TRLEP 2010</i> are outdated and lead to confusion. Amending Clause 7.6 and 7.7 of the <i>TRLEP 2010</i> to remove this confusion and provide consistency to developers is considered to have a positive social and economic benefit.
Clause 7.10 Temporary workers accommodation	Providing affordable accommodation to essential workers and temporary workforces provides a direct economic benefit to Tamworth and the regional economy.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	The administrative amendment to Clause 4.2C of the <i>TRLEP 2010</i> does not require public infrastructure.
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	Clause 7.4 of the <i>TRLEP 2010</i> applies to land zoned E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use. This land is already serviced by water, sewer, roads, stormwater, electricity and telecommunications infrastructure. Any increased demand on this infrastructure as a result of increasing the maximum gross floor area, is not considered significant and can be assessed as part of any future Development Application.
Clause 7.6 Development in Flight Path and Clause 7.7 Development	The proposed amendments to Clauses 7.6 and 7.7 of the <i>TRLEP 2010</i> do not require public infrastructure.

in areas subject to aircraft noise	
Clause 7.10 Temporary workers accommodation	The existing water, roads, stormwater, electricity and telecommunications infrastructure within the Tamworth Regional Airport can service temporary workers accommodation on Lot 83 DP 1243982. Sewer infrastructure can be readily extended to service Lot 83 DP 1243982.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Clause 4.2C Minimum subdivision lot size for strata subdivision of residential or tourist accommodation in certain zones	It is not anticipated the proposed administrative amendment to Clause 4.2C of the <i>TRLEP 2010</i> would be of significant concern to State or Commonwealth authorities.
Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;	All relevant public authorities will be consulted in accordance with the requirements of the Gateway Determination.
Clause 7.6 Development in Flight Path and Clause 7.7 Development in areas subject to aircraft noise	All relevant public authorities will be consulted in accordance with the requirements of the Gateway Determination. Tamworth Regional Council as the Airport Operator is supportive of the objective of this planning proposal.
Clause 7.10 Temporary workers accommodation	All relevant public authorities will be consulted in accordance with the requirements of the Gateway Determination. Tamworth Regional Council as the Airport Operator is supportive of the objective of this planning proposal.

Part 4: Mapping

Table 13 identifies the following LEP mapping amendments required by this Chapter.

Table 13: LEP Map Sheets to be Amended by Chapter 7

Existing Map Sheets to be Amended	
Map Sheet	Amendment
DEX_004C	Map Area 1 and Area 3 of the Bridge Street Precinct.
CL3_001A, 002B, 002D, 004B, 004C, 004D, 004F,	Remove ANEF information from the map sheets. <i>Note: Map sheets will be retained as part of this planning proposal as they contain other LEP information.</i>

004G, 004I, 005A, 005B	
Existing Map Sheets to be Removed from the <i>TRLEP 2010</i>	
OLS_002, OLS_002B, OLS_004, OLS_004B, OLS_004C	

Chapter 7 Adopt Clause 5.9 Dwelling house or secondary dwelling affected by natural disaster of the Standard Instrument

Part 1: Objectives and Intended Outcomes

The **Objective** of this chapter is to amend the *TRLEP 2010* to enable sufficient time for the reconstruction of dwelling-houses or secondary dwellings on rural properties after a natural disaster (e.g., bush fire, flooding).

The **Intended Outcomes** of this chapter 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.

Part 2: Explanation of Provisions

It is proposed to adopt the Optional Clause 5.9 of the *Standard Instrument—Principal Local Environmental Plan* for Zone RU1 – Primary Production, Zone RU4 – Primary Production Small Lots and Zone RU6 – Transition. This clause is shown below:

5.9 Dwelling house or secondary dwelling affected by natural disaster [optional]

- (1) *The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU4 Primary Production Small Lots,*
 - (c) *Zone RU6 Transition.*
- (3) *Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—*
 - (a) *the dwelling house or secondary dwelling was lawfully erected, and*
 - (b) *the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.*

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This Chapter is not a result of an action within an endorsed LSPS, strategic study or report. Theme 5 - Design with nature in *Blueprint 100: Part 2: LSPS 2020* recognises that natural hazards including flood and bush fire are important factors to be considered, with climate change predicted to exacerbate these hazards in terms of their frequency and intensity. This means the occurrence of bushfires, severe thunderstorms, droughts, heatwaves and flooding is likely to increase

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

The reconstruction of a dwelling affected by natural disaster on land zoned Zone RU1 – Primary Production, Zone RU4 – Primary Production Small Lots and Zone RU6 – Transition must comply with Cause 4.2B of the *TRLEP 2010*. Clause 4.2B requires:

- Compliance with at least one criterion within sub-clause (3); or
- Where compliance with sub-clause (3) cannot be achieved (e.g., historic lots smaller than the minimum lot size), sub-clause 5(c) provides a two-year window to lodge a new Development Application.

The only mechanism of providing additional time to lodge a Development Application to rebuild a rural dwelling after a natural disaster is through an amendment to the *TRLEP 2010*. This is proposed through the adoption of Standard Clause 5.9, which specifically relates to natural disasters, rather than changing Clause 4.2B(5)(c).

Section B: Relationship to the Strategic Planning Framework

Question 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)?

This Chapter is consistent with Objective 8 of the *NENW Regional Plan 2041* to “adapt to climate change and natural hazards and increase climate resilience” and supports the recovery of communities following a disaster consistent with the state-wide natural hazards package.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Theme 5 - Design with nature in *Blueprint 100: Part 2: LSPS 2020* recognises that natural hazards including flood and bush fire are important factors to be considered, with climate change predicted to exacerbate these hazards in terms of their frequency and intensity. Furthermore, Objective 3 of *Tamworth Tomorrow Strategy 2022* recognises the importance of reducing and mitigation the impact of climate change and natural disaster across the region. The adoption of Clause 5.9 of the Standard Instrument is consistent with the recognition of hazards within Theme 5 of *Blueprint 100: Part 2: LSPS 2020* and Objective 3 of *Tamworth Tomorrow Strategy 2022*.

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Planning for a more resilient NSW: A strategic guide to planning for natural hazards

The emergency management cycle within the strategic guide is comprised of four phases being, prevention, preparation, response and recovery.

The adoption of Clause 5.9 of the Standard Instrument directly relates to the “recovery phase” in which it will support individuals and communities affected by emergencies in reconstructing physical infrastructure and restoring physical, emotional, environmental and economic wellbeing. It includes the process of returning an affected community to its proper level of functioning after an emergency.

As part of the rebuilding enabled by Clause 5.9, the approval process would ensure that a dwelling complies with best-practice guidelines such as *Planning for Bush Fire Protection 2019* and *Flood Plain Management Plans*, which assist with the prevention and preparation phases of the emergency management cycle.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

This Chapter is consistent with all applicable SEPPs.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This Chapter is consistent with all applicable Ministerial Directions. In relation Direction 4.1 Flooding and Direction 4.3 Planning for Bush Fire Protection, this Chapter does not alter the underlying permissibility of development within the land use zones. Consideration of bush fire protection and flooding remain considerations at the development application phase.

Section C: Environmental, social and economic impact

Question 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?

This Chapter is unlikely to adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No other likely environmental effects are considered to arise from the provisions of this Chapter.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

The ability to rebuild dwellings in rural areas following natural disaster is considered to have a positive social and economic effect.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

No additional public infrastructure is required for this Chapter with dwellings or secondary dwellings constructed under Clause 5.9 provisions will likely re-use existing services.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation with the public authorities will be undertaken in accordance with the Gateway Determination.

Part 4: Mapping

No new or amended maps are required for this Chapter.

Chapter 8 Adopt Clause 5.13 Eco-tourist Facilities of the Standard Instrument

Part 1: Objectives and Intended Outcomes

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, then Clause 5.13 of the *Standard Instrument—Principal Local Environmental Plan* becomes a compulsory inclusion within the *TRLEP 2010*.

Part 2: Explanation of Provisions

Clause 5.13 of the *Standard Instrument—Principal Local Environmental Plan* is shown below.

5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]

(1) *The objectives of this clause are as follows—*

- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,*
- (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.*

(2) *This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.*

(3) *The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—*

- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and*
- (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*
- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and*
- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and*
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and*
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and*
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and*

- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
- (i). measures to remove any threat of serious or irreversible environmental damage,
 - (ii). the maintenance (or regeneration where necessary) of habitats,
 - (iii). efficient and minimal energy and water use and waste output,
 - (iv). mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v). maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The adoption of Clause 5.13 of the Standard Instrument is a result of the amendments proposed in Chapter 5 of this planning proposal.

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

Clause 5.13 of the Standard Instrument is a compulsory clause where eco-tourist facilities are permitted with consent

Section B: Relationship to the Strategic Planning Framework

Question 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)?

Eco-tourist facilities are consistent with 'Objective 7: Support a diverse visitor economy' of the *NENW Regional Plan 2041* as discussed under Chapter 5 of this planning proposal.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Eco-tourist facilities are consistent with the theme of *Blueprint 100: Part 2: LSPS 2020* to create a prosperous region.

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other studies or strategies are considered applicable to this Chapter.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

This Chapter is consistent with the applicable SEPPs.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This Chapter is considered consistent with all applicable Ministerial Directions, and justifiably inconsistent with Directions '3.2 Heritage Conservation' '4.1 Flooding', '4.3 Planning for Bush Fire Protection', '5.3 Development Near Regulated Airports and Defence Airfields', 'Direction 5.4 Shooting Ranges' and 'Direction 9.2 Rural Lands', which are discussed below.

Discussion has also been provided on '3.1 Biodiversity and Conservation', which is considered key Directions for this Chapter.

Ministerial Direction 3.2 Heritage Conservation

This direction requires that a planning proposal must contain provisions that facilitate the conservation of heritage and Aboriginal cultural significance. The inconsistency is considered to be of minor significance as the planning proposal does not alter the existing conservation measures of heritage and Aboriginal cultural significance of the zone in which this Chapter applies. Therefore, it is considered this Ministerial Direction is justifiably inconsistent.

Ministerial Direction 4.1 Flooding

This direction applies to a planning proposal that alters a provision that affects flood prone land. Based on the spatial extent of RU1 – Primary Production, RU4 – Primary Production Small Lots and C3 – Environmental Management zones across the LGA, it is considered likely that some land may be subject to both the FPA and PMF.

In this instance, it is considered that the inconsistency of this chapter is of minor significance as:

- Other forms of tourist and visitor accommodation are already permitted in the RU1 – Primary Production, RU4 – Primary Production Small Lots and C3 – Environmental Management zones; and
- Eco-Tourist Facilities would be subject to the merit-based development assessment process which would consider clause 5.21 of *TRLEP 2010*.

Therefore, it is considered this Ministerial Direction is justifiably inconsistent.

Ministerial Direction 4.3 Planning for Bushfire Protection

Eco-tourist facilities are considered a “special fire protection purposes” pursuant to Section 100B of the *Rural Fires Act 1997*. Given the intent to permit these uses in the entirety of the rural zones, rather than specific sites, it is not feasible to undertake an assessment against *Planning for Bush Fire Protection 2019*. Bush fire assessments would be undertaken as part of Development Application process and subject to consultation with the NSW Rural Fire Service under Integrated Development provisions of the *EP&A Act 1979*.

Consistent with this Ministerial Direction, following receipt of Gateway Determination consultation will be undertaken with the Commissioner of the NSW Rural Fire Service. The planning Secretary (or an officer of the Department nominated by the Secretary) may support inconsistency with this Ministerial Directions if the NSW Rural Fire Service does not object to the progression of the planning proposal.

Therefore, it is considered this Ministerial Direction is justifiably inconsistent.

Ministerial Direction 5.3 Development Near Regulated Airports and Defence Airfields

This direction applies as the planning proposal seeks to amend a planning provision relating to land near a regulated airport. This relates to the permitting with consent Eco-Tourist Facilities in rural zones which are located directly adjacent to the Tamworth Regional Airport, which is a regulated airport.

In this instance, it is considered that the inconsistency of this chapter is justifiable in consideration of;

- Other forms tourist and visitor accommodation are already permitted in rural zones;

- Eco-Tourist Facilities would be subject to clause 7.6 and 7.7 of the *TRLEP 2010* which specify development standards to protect the ongoing operation of the airport; and
- Eco-Tourist Facilities would be subject to clause 5.13 of the *TRLEP 2010* which specify development standards to minimise impact on the environment both on and offsite.

The Tamworth Regional Airport has been consulted and will be further consulted as part of the public exhibition process required under the Gateway Determination.

Ministerial Direction 5.4 Shooting Ranges

This direction applies as the planning proposal seeks to amend a planning provision relating to land adjacent to and/or adjoining an existing shooting range. This planning proposal does not seek to rezone land; however, it does seek to permit Eco-Tourist Facilities in zones which are adjacent or adjoining shooting ranges. This is considered minor significant in consideration of:

- The planning proposal does not seek to rezone land adjacent to or adjoining an existing shooting range.
- The proposed permitted use is logical inclusions within rural zones given some of these zones include areas of biodiversity and environmental value;
- Other forms of residential accommodation and tourist and visitor accommodation are already permitted in rural zones;
- Eco-Tourist Facilities would be subject to clause 5.13 of the *TRLEP 2010* which specify development standards to minimise impact on the environment both on and offsite.

Ministerial Direction 9.2 Rural Lands

This direction applies as the planning proposal seeks to amend a planning provision of land in a rural zone. This relates to permitting with consent Eco-Tourist Facilities in rural zones. This inconsistency is considered to be of minor significance as the planning proposal broadly aligns with strategic plans and is expected to facilitate increased tourism and visitor accommodation development that is small scale and low impact in rural locations. Furthermore, Eco-Tourist Facilities would be subject to clause 5.13 of the *TRLEP 2010* which specify development standards to minimise impact on the environment both on and offsite by limiting the density and scale of development. Therefore, it is not considered likely to increase the potential for rural land use conflict, fragmentation or impair farmers 'right to farm'. As a result, it is considered this Ministerial Direction is justifiably inconsistent.

Section C: Environmental, social and economic impact

Question 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?

As reflected in the considerations of Clause 5.9, an eco-tourist facility is designed to integrate with the natural environment and is unlikely to the adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

An eco-tourist facility is required to be designed to have minimal environmental impacts, both on-site and off-site.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

Enabling eco-tourist facilities to be undertaken with consent in the Tamworth Regional LGA is considered to have positive social and economic impacts.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

No significant public infrastructure is required with an eco-tourist facility encouraged to be “off-grid” where possible through the use of passive heating and cooling, renewable energy sources and water efficient design.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation with the public authorities will be undertaken in accordance with the Gateway Determination.

Part 4: Mapping

No new or amended maps are required for this Chapter.

Chapter 9 Insert a new 'Essential Services' Clause

Part 1: Objectives and Intended Outcomes

The **Objective** of this chapter is to insert a new clause into the *TRLEP 2010* that requires the provision of essential services to development.

The **Intended Outcomes** of this chapter is to:

- Identify within the *TRLEP 2010* that water supply, sewage disposal, electricity supply, stormwater drainage and suitable vehicular access are essential services for development; and
- Where an essential service (or services) is required to undertake a development, require that development consent is not granted unless that service (or services) is available.

Part 2: Explanation of Provisions

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.

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This Chapter is not the result of a specific study or report. The objective of this Chapter has been identified through operational experience within the development assessment framework.

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

A planning proposal is the best means of achieving the intended outcome as 'Essential Services' are critical for all developments and a clause within the *TRLEP 2010*, rather than the *TRDCP 2010*, recognises this critical importance.

Section B: Relationship to the Strategic Planning Framework

Question 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 *NENW Regional Plan 2041* contains a number of strategies, actions and priorities for the Tamworth Regional LGA, this include promoting rural development, housing and employment lands. This Chapter supports the *NENW Regional Plan 2041* by ensuring that these types of development will be suitably serviced.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The provision of essential services to development supports themes and planning priorities *Blueprint 100: Part 2: LSPS 2020*; in particular, to facilitate smart growth and housing choices, create a prosperous region and building resilient communities.

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other studies or strategies are considered applicable to this Chapter.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

This Chapter is consistent with all applicable SEPPs.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This Chapter is consistent with all applicable Ministerial Directions, in particular Direction 6.1 (2) as it will ensure residential development is not permitted until land is adequately serviced or arrangements have been made to service it.

Section C: Environmental, social and economic impact

Question 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?

This chapter is not likely to adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No other likely environmental effects are considered to arise from this chapter.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

The provision of essential services to development is a reasonable requirement and is not considered to have any adverse social or economic effects.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

The consideration of essential services for a development is not dependent on the provision of public infrastructure, e.g., in certain circumstances the disposal of sewage can be way of an approved on-site sewage management system.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

This chapter is unlikely to impact state or federal matters; however, consultation with agencies will be undertaken if required by the Gateway Determination.

Part 4: Mapping

No new or amended maps are required for this Chapter.

Chapter 10 Insert a new 'Minimum Building Street Frontage' Clause

Part 1: Objectives and Intended Outcomes

The **Objective** of this chapter is to insert a new clause into the *TRLEP 2010* that requires a minimum building street frontage for residential apartment development within the Tamworth CBD.

The **Intended Outcomes** of this chapter is to:

- Ensure that, visually, residential apartment buildings within the Tamworth CBD have an appropriate overall horizontal proportion compared to their vertical proportions,
- Provide appropriate dimensions and spacing to ensure adequate privacy between any residential component and the adjoining land use,
- Provide appropriate dimensions for the design of car parks levels and ensure access is reasonably spaced along roads and lanes,
- Encourage larger development of commercial office, business, residential and mixed-use buildings provided for under this Plan.

Part 2: Explanation of Provisions

Blueprint 100 encourages shop top housing in Peel Street and apartment living in Kable Avenue. However, where these types of developments are over 3 storeys and contain at least 4 dwellings, they must comply with the Apartment Design Guide (ADG) under *SEPP (Housing) 2021*.

The Tamworth CBD is comprised of numerous shops of varying street frontages. Those premises with narrow street frontages are often unable to meet the ADG requirements, particularly car parking, building separation, privacy and landscaping.

To encourage developers to consolidate premises and undertake larger developments inclusive of shop top 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 in and around the Tamworth CBD.

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

- Apply the clause solely to residential apartment development within the meaning of *SEPP (Housing) 2021*. This will enable small shop-top housing developments and commercial developments to continue to be developed in the Tamworth CBD without the additional requirement for consolidation; and
- Enable variations from the minimum building street frontage due to physical constraints subject to demonstrating suitable design in accordance with the Intended Outcomes of this chapter.

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal is the result of the endorsed *Blueprint 100: Part 2: LSPS 2020*, which provides the strategic framework for activating the Tamworth CBD by implementing planning controls to facilitate shop top housing and a strong and vibrant Tamworth City Centre (Action PR1).

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

The planning proposal is the best means of achieving the objectives and intended outcomes. Council has investigated applying development controls within the *TRDCP 2010* to specify a minimum building street frontage, however local environmental plans are statutory documents which carry more weight in the NSW planning system. This provides greater certainty to Council and developers for types of development which this clause relates.

Section B: Relationship to the Strategic Planning Framework

Question 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 planning proposal gives effect to the following directions contained within the *NENW Regional Plan 2041*:

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

The *NENW Plan 2041* recommends that “planning for urban growth should consider the capacity for infill growth within existing urban areas and take advantage of existing infrastructure and services, to limit the long-term service and maintenance costs to the community”.

The new clause encourages developers to consolidate premises and undertake larger developments inclusive of shop top housing to cater for future growth in close proximity to services. By requiring a minimum street frontage for developments which trigger the ADG, it ensures suitable apartment design which will meet the needs of future occupants and include suitable design in relation to privacy, building separation and carparking. Apartment living in the CBD provides another type of housing choice for a wide demographic.

Objective 5: Enhance the diversity and strength of Central Business Districts and town centres

The promotion of higher density city living, such as shop top housing and apartments, strengthens the function of the CBD by facilitating economic activity whilst providing accommodation close to services and transport links.

The new clause will only apply to development which trigger consideration of the ADG to ensure additional burdens are not placed on new commercial developments within the CBD, which in many cases can comply with planning controls and don't always require a wider frontage. This aligns with Strategy 5.1 by simplifying planning controls, developing active street frontages and facilitating a broad range of uses within the CBD.

Objective 13: Provide well located housing options to meet demand

The *NENW Regional Plan 2041* identifies three and four bedroom homes dominate the regions housing stock and coupled with the projected increase in lone person and ageing households, demand for housing diversity, particularly for one and two bedrooms homes in proximity to services, is likely to significantly increase. By ensuring minimum building frontages, this improves the ability of developers to provide an end product which can comply with the ADG and demonstrates design excellence.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The proposed new clause is consistent with the Themes of Blueprint 100 to facilitate smart growth and housing choices and create a prosperous region (Action PR1).

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Regional NSW Investment Strategy 2022-2027 and Lower North West Regional Economic Development Strategy – 2023 Update

The new clause only applies to development which require consideration of the ADG. This ensures that additional burden is not placed on commercial developments to continue to encourage investment and support the visions and objectives of both the *Regional NSW Investment Strategy 2022-2027* and *Lower North West Regional Economic Development Strategy – 2023 Update*.

NSW Housing Strategy 2041

The NSW Housing Strategy 2041 recognises that the NSW housing system requires collaboration across sectors to harness opportunities. *Blueprint 100: Part 2: LSPS 2020* seeks to encourage apartment living in the Tamworth CBD. The new clause will ensure that shop top housing in the Tamworth CBD will be located on suitable sites which can satisfy the requirements of the ADG. This is consistent with the intent of the NSW Housing Strategy 2041.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

This Chapter is consistent with all applicable SEPPs.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This Chapter is considered consistent with all applicable Ministerial Directions; however, discussion has been provided on Directions '4.1 Flooding', '5.1 Integrating Land Use and Transport', '6.1 Residential Zones' and Direction 7.1 Employment Zones, which are considered key Directions for this Chapter.

Ministerial Direction 4.1 Flooding

This Ministerial Direction is applicable as the Tamworth CBD which is located in the E2 – Commercial Core zone is affected by flooding.

This Chapter is consistent with Part 1 of the Direction as it consistent with the:

- NSW Flood Prone Land Policy,
- Principles of the Floodplain Development Manual 2005
- Considering Flooding in Land Use Planning Guidelines 2021, and
- Adopted *Tamworth City-Wide Flooding Investigation 2019, Tamworth City Behind the Levee Internal Drainage Study 2012 and Tamworth City Wide Flood Risk Management Plan 2023*

This Chapter is consistent with Part 2 of the Direction as it does not propose to re-zone any land.

This Chapter is consistent with Part 3 and Part 4 of the Direction, as it will not:

- Permit any new development;
- Permit a significant increase in dwelling density nor increase the types of residential accommodation permitted in the E2 – Commercial Core zone.

- Result in significant increased government spending; or
- Significantly impact the safe occupation and efficient evacuation of the CBD, with escape routes above the PMF available to the east.



Figure 23: Extract of Figure B08A, of the Tamworth Floodplain Risk Management Study and Plan Report – Flood Planning Area in relation to the Tamworth CBD

Ministerial Direction 5.1 Integrating Land use and Transport

The proposed clause applies to the Tamworth CBD (E2 zone) which is serviced via the New England Highway and Oxley Highway which are State roads. While the planning proposal does not change the underlying permissible landuses, it does require a minimum frontage to ensure developments which comprise residential accommodation are a suitable size to accommodate the proposed development, including the provision for onsite carparking. The clause will help facilitate shop top housing which will encourage walking, cycling and public transport to employment, services and entertainment.

Ministerial Direction 6.1 Residential Zones

The Planning Proposal is consistent with this Direction as specifying a minimum building frontage encourages consolidation of lots to undertake larger developments inclusive of shop top housing. The location of shop top housing in the Tamworth CBD provides greater housing types within close proximity to infrastructure and services.

Ministerial Direction 7.1 Employment Zones

This Ministerial Direction is applicable as the Tamworth CBD which is located in the E2 – Commercial Core zone (employment zone).

The proposed new clause is consistent with Part 1 of the Direction, as it will:

- Protect employment land in employment zones by not applying the clause to developments which do not trigger consideration of the ADG;

- Retain the areas and locations of employment zones; and
- Not reduce the potential floor space area for employment uses. This clause does not apply to development which do not trigger consideration of the ADG.

A key outcome of the implementation of this clause is to protect commercial developments given these types of landuses do not always require a large site area to comply with planning requirements (e.g. zero setbacks). The intent of the clause is only to apply to developments which trigger the ADG to ensure these types of landuses are suitable in commercial areas and do not give rise to land use conflicts as a result of poor design.

Section C: Environmental, social and economic impact

Question 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 proposed clause only relates to the E2 – Commercial Core zone which comprises the Tamworth CBD. Therefore, it will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects resulting from the planning proposal.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will facilitate a range of positive economic and social benefits for the Tamworth CBD. The clause provides clear parameters for mixed use developments, which comprise residential accommodation and emphasis quality design excellence and housing choice whilst supporting the Tamworth CBD.

The social advantages include ensuring developments have adequate site area to comply with the ADG which encourages building separation for privacy, open space, housing diversity and overall quality design which results in a positive social impact for the community.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

The Tamworth CBD is adequately serviced by reticulated water and sewer, stormwater, NBN and connection to the State road network. The implementation of this clause will not impact public infrastructure.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation with the public authorities will be undertaken in accordance with the Gateway Determination.

Part 4: Mapping

No new or amended maps are required for this Chapter.

Chapter 11 Insert a new “Scenic Protection Areas” Clause

Part 1: Objectives and Intended Outcomes

The **Objective** of this chapter is to identify Scenic Protection Areas within the Tamworth Regional LGA and ensure any development within these areas is compatible with the surrounding natural environmental and scenic landscape.

The **Intended Outcomes** of this chapter are:

- Recognise the following areas as scenic landscapes within the Tamworth Regional LGA:
 - The Tamworth Lookout and surrounding hills;
 - The Moonbi Hills either side of the New England Highway;
 - Mt Borah and the Baldwins Range, west of Manilla; and
 - The Liverpool Range and Mount Royal Range around Nundle and Hanging Rock.
- Ensure that any development undertaken within the areas is compatible with the surrounding natural environment and scenic landscape; and
- Prevent any significant adverse visual impact on these areas.

Part 2: Explanation of Provisions

Proposed Clause within the *TRLEP 2010*

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

- Identifies Scenic Protection Areas by way of a new Scenic Protection Area LEP Map;
- Confirms that a Scenic Protection Area is a “protected area” for the purposes of Clause 1.19 of *SEPP (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:
 - 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;
 - Conservation and rehabilitation measures to preserve the scenic amenity of the land; and
 - The visual impacts of the proposed development as viewed from urban centres, villages and roads.

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, commonly known as the Wentworth Mounds, 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*, with this area illustrated in **Figure 24** and **Figure 25**.

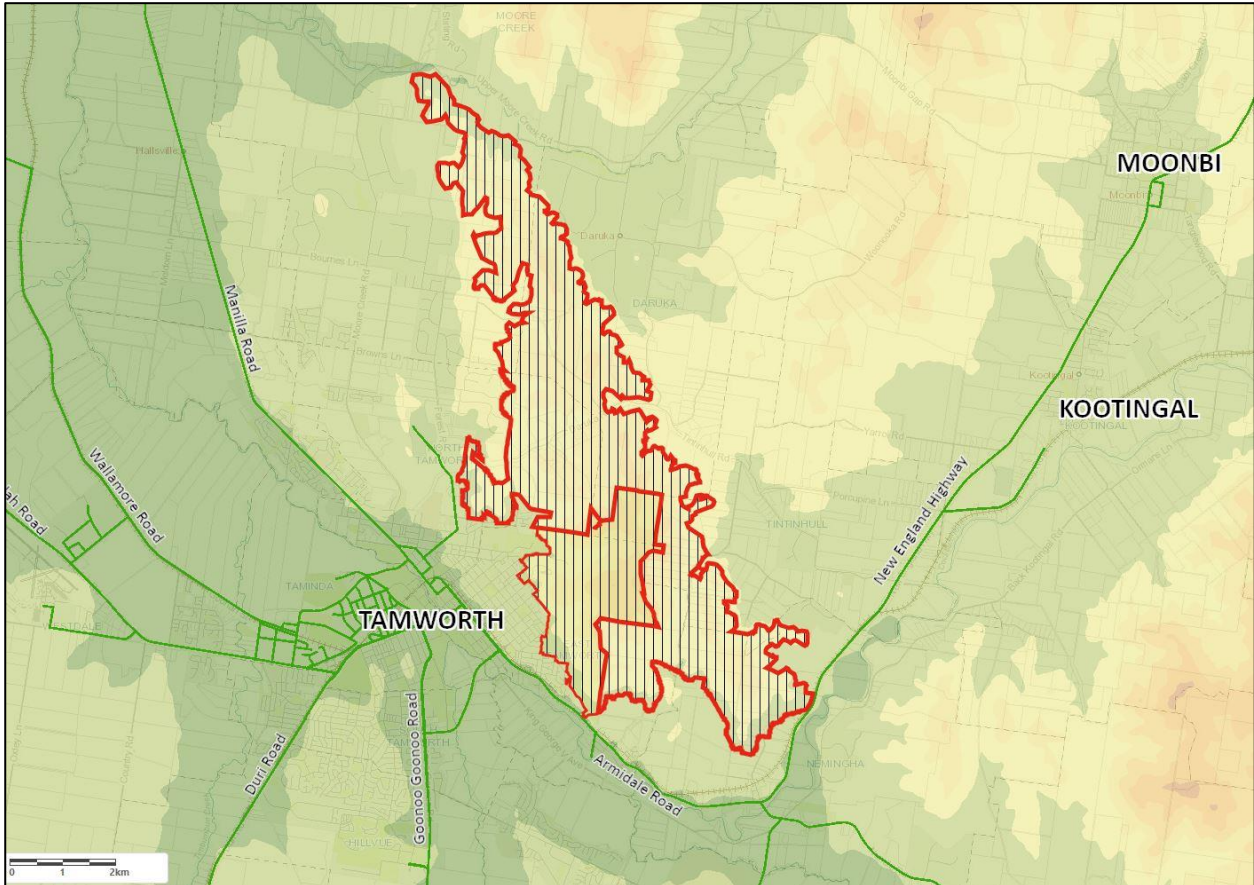


Figure 24: Illustration of Proposed Scenic Protection Area (Hatched) over an Elevation Model of the Tamworth Lookout and Surrounding Hills

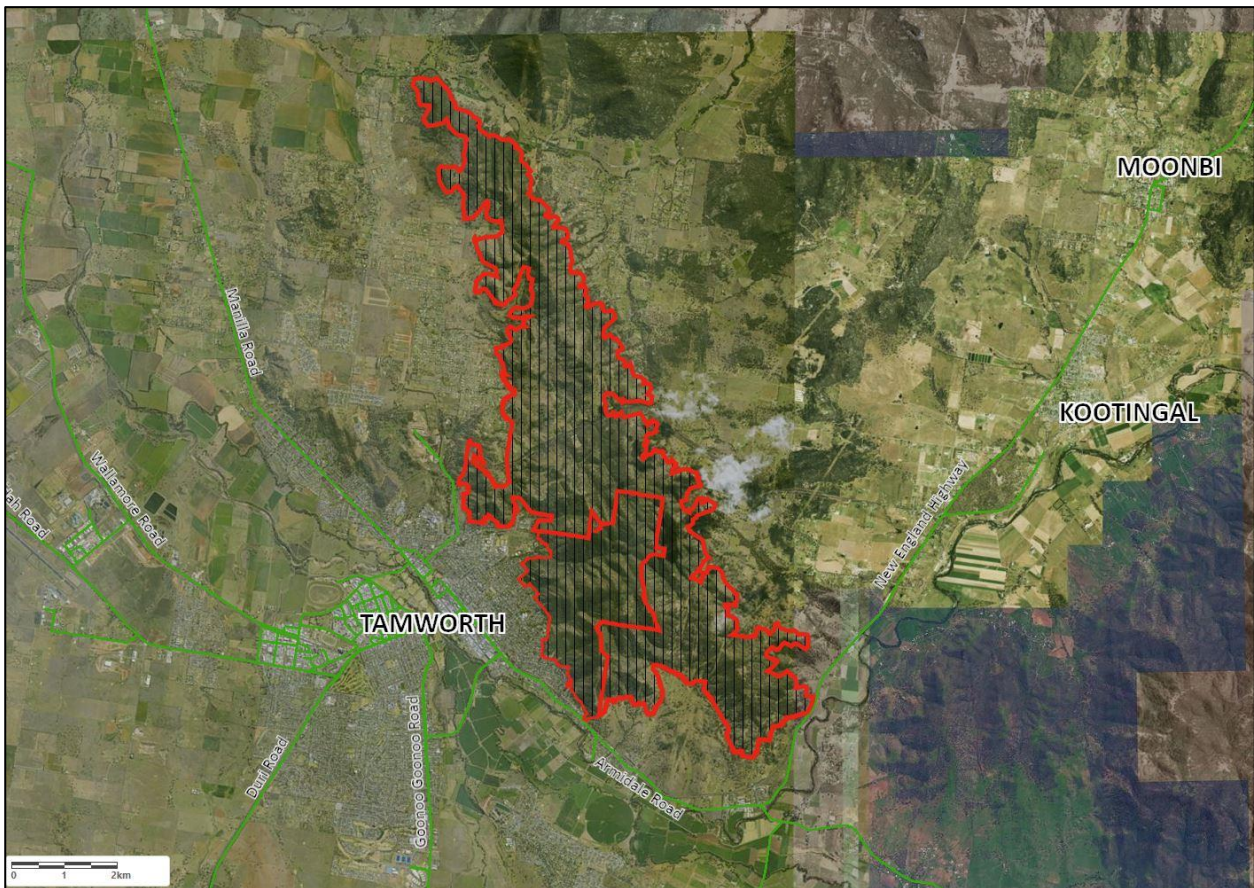


Figure 25: Illustration of Proposed Scenic Protection Area (Hatched) over an Aerial Image of Tamworth Lookout and Surrounding Hills

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 rises to approximately 1300 metres. This unique landscape provides impressive views for traffic along the New England Highway. 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 26** and **Figure 27**.

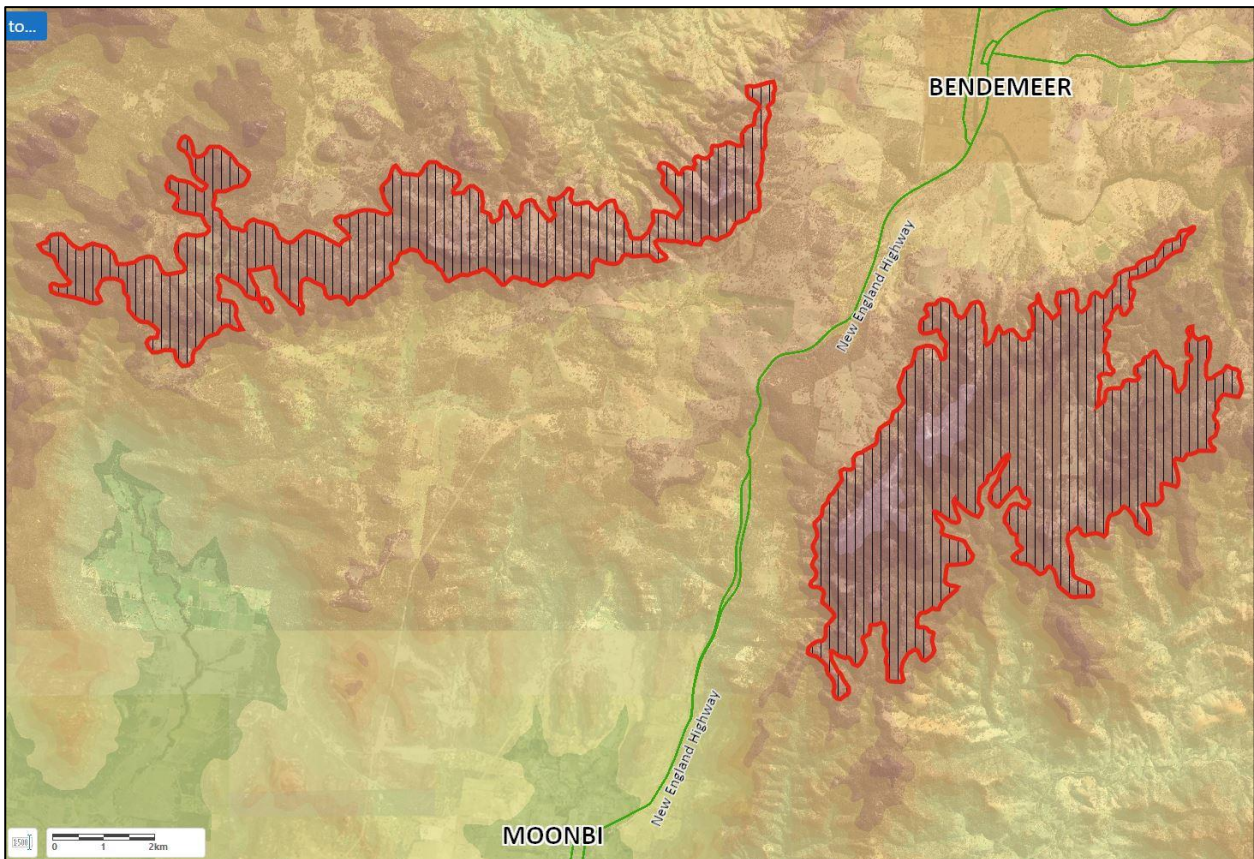


Figure 26: Illustration of Proposed Scenic Protection Area (Red Outline and Hatched) over an Elevation Model of the Moonbi Hills

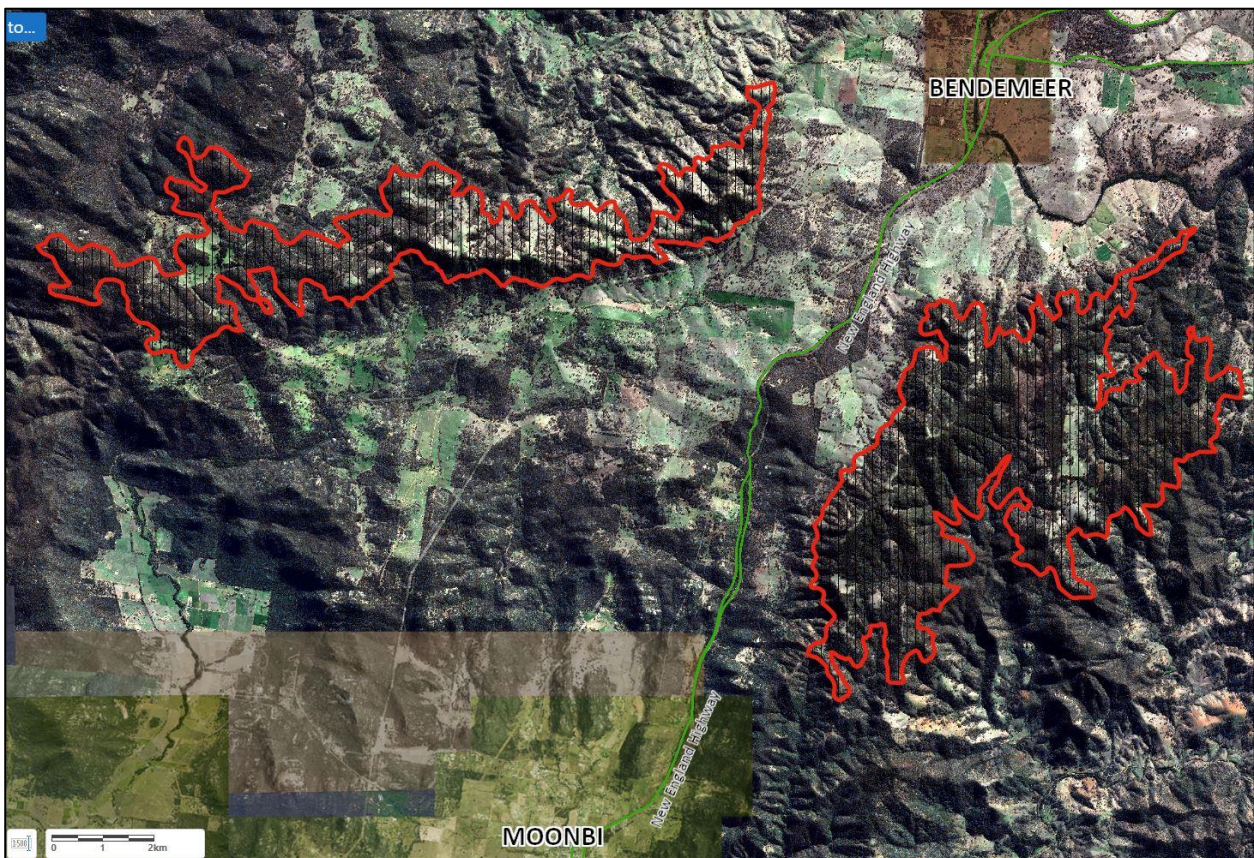


Figure 27: Illustration of Proposed Scenic Protection Area (Red Outline and Hatched) over an Aerial Image of the Moonbi Hills

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 paragliding) 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 28** and **Figure 29**.

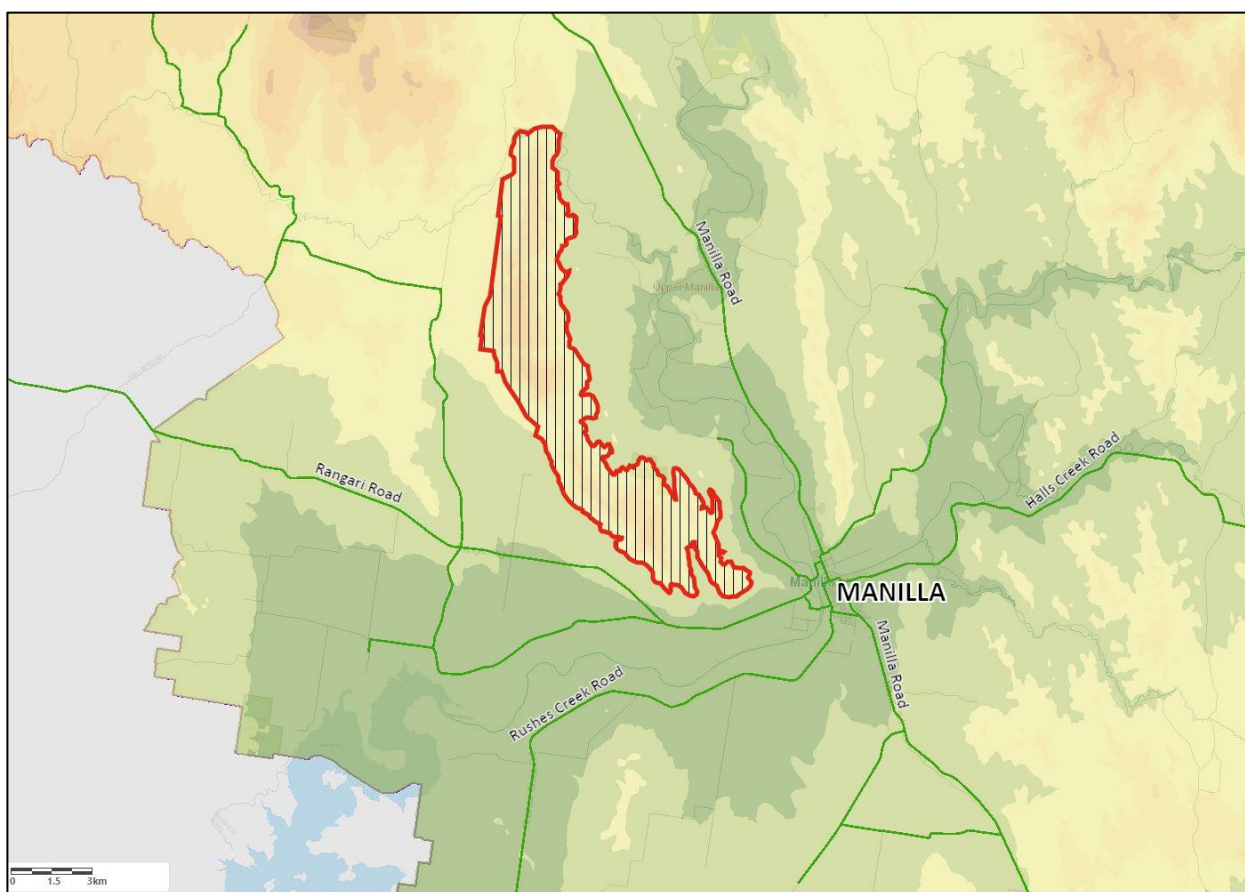


Figure 28: Illustration of Proposed Scenic Protection Area (Hatched) over an Elevation Model of Mt Borah and Baldwins Range

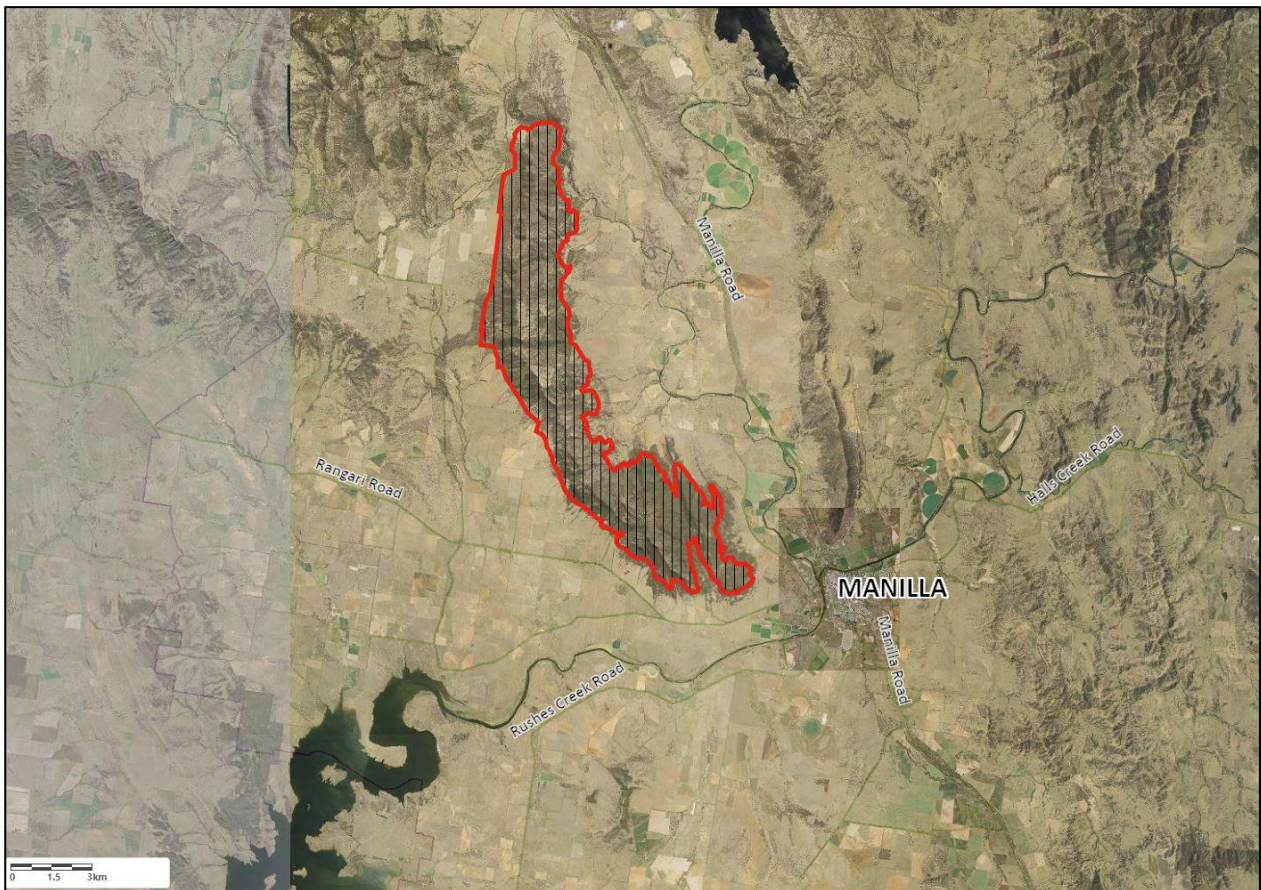


Figure 29: Illustration of Proposed Scenic Protection Area (Red Outline and Hatched) over an Aerial Image Mt Borah and Baldwins Range

Scenic Protection Area – Liverpool Range and Mount Royal Range around Nundle and Hanging Rock

The Liverpool Range and Mount Royal Range 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 range (from Nundle) and from the range (from Hanging Rock Lookout). These views are enhanced by the amount of native vegetation and biodiversity along the hills.

The presence of the mountains 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 these ranges generally above the 1000 metre contour as illustrated in **Figure 30** and **Figure 31**. It is intended that the Scenic Protection Area will incorporate the natural feature Hanging Rock, but not the village (land zoned RU5 – Village and R5 – Large Lot Residential under the *TRLEP 2010*) of Hanging Rock.

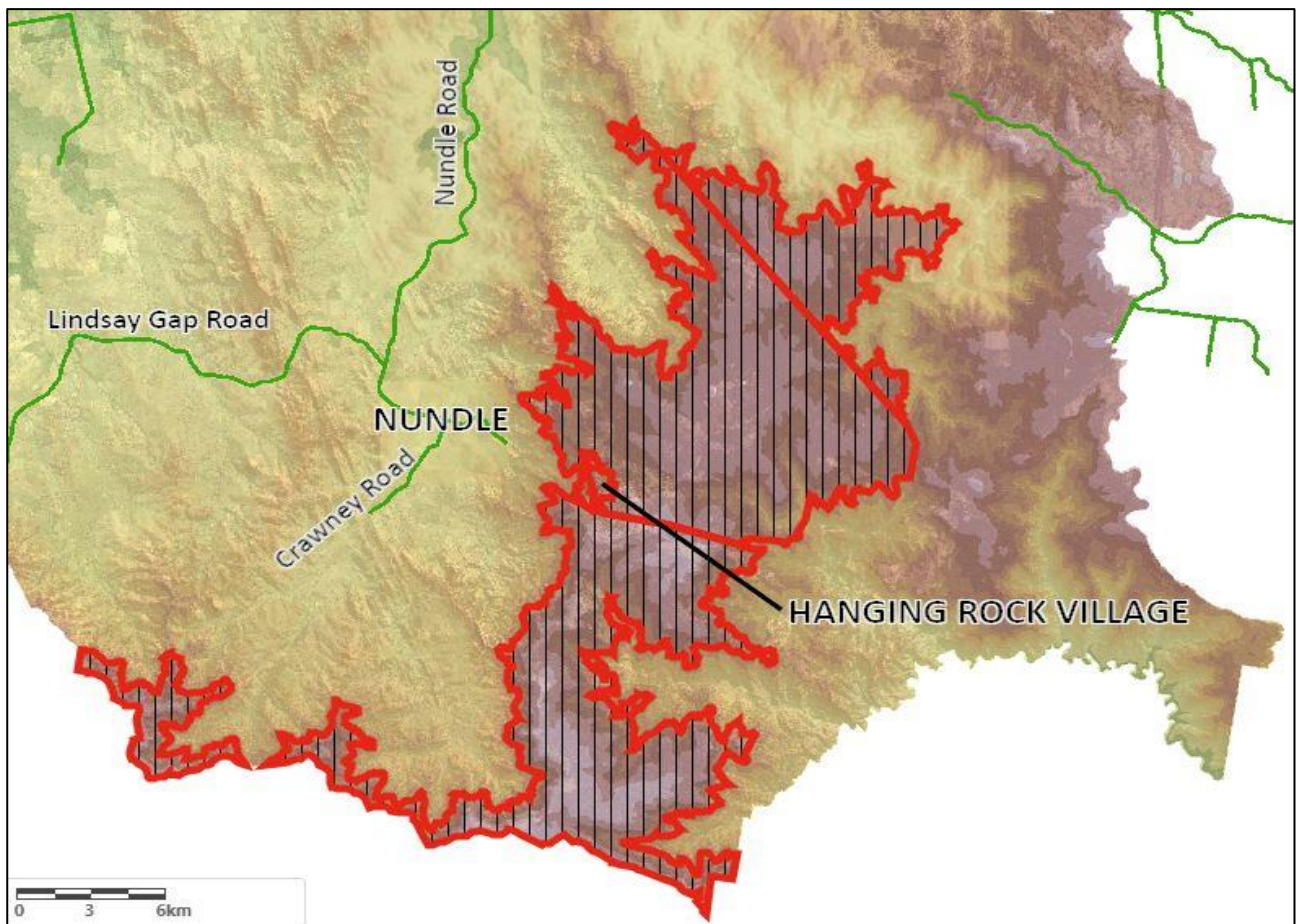


Figure 30: Illustration of Proposed Scenic Protection Area (Hatched) over an Elevation Model of the 'Liverpool Range and Mount Royal Range around Nundle and Hanging Rock

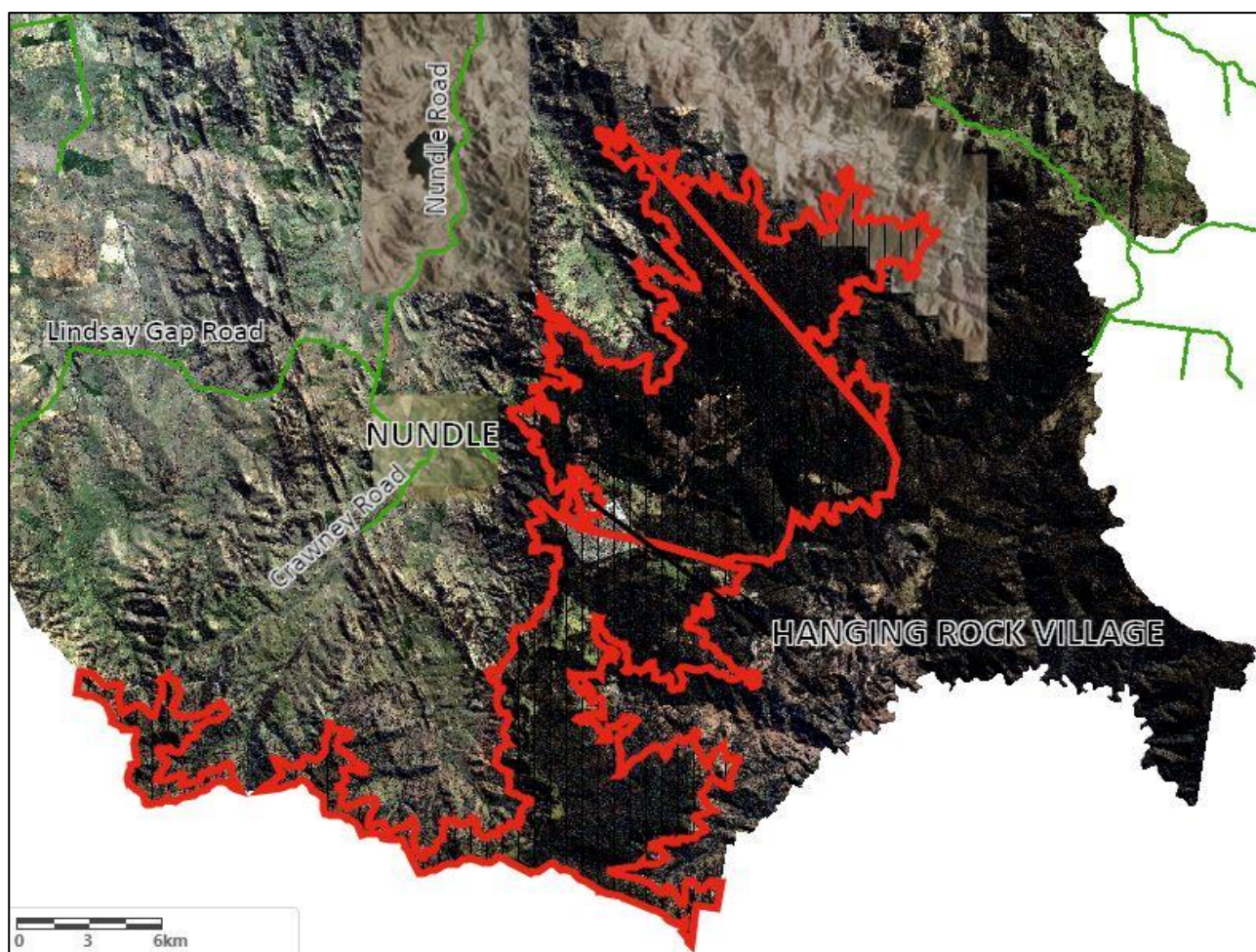


Figure 31: Illustration of Proposed Scenic Protection Area (Red Outline and Hatched) over an Aerial Image of the 'Liverpool Range and Mount Royal Range around Nundle and Hanging Rock

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Scenic Protection Areas are a result of two visions of *Blueprint 100: Part 2: LSPS 2020* being brought together into a single unifying Action. These are:

- Theme: Build resilient communities – Vision: Tourism thrives in towns, villages and across the Local Government Area; and
- Theme: Celebrate our culture and heritage – Vision: Towns and villages are recognised for unique characteristics.

Each Scenic Protection Area is associated with the hills / mountains that provide important backdrops to towns and villages. These backdrops contribute to the unique characteristics and sense of place of the communities. They are also important and popular tourist destinations for visitors.

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

Whilst Scenic Protection Areas can be identified through a development control plan or local strategy, it is considered that insertion into the *TRLEP 2010* via a planning proposal gives greater weight to the areas and better achieves the objectives of this Chapter.

Section B: Relationship to the Strategic Planning Framework

Question 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 planning proposal gives effect to the following directions contained within the *NENW Regional Plan 2041*:

Objective 7: Support a diverse visitor economy

Natural features, character-rich towns and historic villages are key attractors to the New England North West region. The protection of scenic areas is consistent with Strategy 7.1 to use local plans to protect heritage, biodiversity and agriculture to enhance cultural tourism, agritourism and eco-tourism.

Objective 12: Protect regional biodiversity and areas of High Environmental Value

As per this Objective of the *NENW Regional Plan 2041* “the scenic and cultural landscapes of New England North West contribute to the identity and culture of the region. Preserving and enhancing natural scenic and cultural landscapes encourages an appreciation of the natural environment, protects heritage and culture, and creates economic opportunities, particularly for recreation and tourism”.

The four areas identified for scenic protection are naturally scenic, with high biodiversity and significance for both recreation and tourism. Preservation of these high value environmental and scenic landscapes through the use of Scenic Protection Areas is consistent with Objective 12 of the *NENW Regional Plan 2041*.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Blueprint 100: Part 2: LSPS 2020 recognises that that “natural environmental plays an important role in our heritage and to our community” and “the Tamworth Region is known for its natural resources”.

The proposed Scenic Protection Areas support the themes of *Blueprint 100: Part 2: LSPS 2020* to build resilient communities and celebrate our culture and heritage, bringing together two visions into a single unifying action as described in Question 1 above.

As an additional benefit of the Scenic Protection Areas, the biodiversity value within these areas will be provided additional protection, supporting Council’s vision to “Design with Nature”.

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Visitor Economy Strategy 2030

Strategic Pillar 3 of the *NSW Visitor Economy Strategy 2030* is to “Showcase Our Strengths” with Regional NSW identified as having “something for every traveller’s taste with an abundance of attractions that reflect its people, geography, history and diversity”.

One of the strengths of the Tamworth Regional LGA is the natural beauty and picturesque views, which supports the character of urban centres, self-drive tourism, recreation opportunities, regional events, caravanning and camping.

The proposed Scenic Protection Areas reinforces one of the Tamworth Regional LGA’s strengths and is consistent with the *NSW Visitor Economy Strategy 2030*.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

As per the Explanation of Provisions of this Chapter, it is intended that a Scenic Protection Area will be a “protected area” for the purposes of Clause 1.19 of *SEPP (Exempt and Complying Development Codes) 2008*. This will have the effect of preventing complying development under certain Codes of this SEPP. In addition, some complying development would be prevented under other SEPPs (i.e., *SEPP (Housing) 2021*, which reference Clause 1.19 of the *SEPP (Exempt and Complying Development Codes) 2008*.

When reviewing the characteristics of the Scenic Protection Areas, it's considered that regardless of them being a “protected area”, Complying Development is largely improbable in these areas given the zoning, location on ridgelines, steep slopes, heavy vegetation and significant bush fire risk. Ultimately, Scenic Protection Areas being designated as “protected areas” under Clause 1.19 of the *SEPP (Exempt and Complying Development Codes) 2008* is considered to have negligible impact on real-world uptake (or otherwise) of Complying Development. Exempt Development remains possible in Scenic Protection Areas with additional considerations for certain development types, such as farm buildings.

Subject to the discussion above, it is considered that the proposed Scenic Protection Areas are not inconsistent with the applicable SEPPs.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The proposed Scenic Protection Areas are considered consistent with all applicable Ministerial Directions. Discussion has been provided on Directions ‘3.1 Conservation Zones’ and ‘9.2 Rural Lands’, which are considered key Directions for this Chapter.

Ministerial Direction 3.1 Conservation Zones

The proposed Scenic Protection Area over the Tamworth Lookout and surrounding hills will apply to land within the C3 – Environmental Management zone. The proposed Scenic Protection Area is consistent with this Ministerial Direction as it will support and not reduce the conservation standards associated with this zone.

Ministerial Direction 9.2 Rural Lands

The proposed Scenic Protection Areas will apply to land predominantly within an existing rural or conservation zone. In consideration of this Ministerial Direction, the proposed Scenic Protection Areas:

- Are consistent with *Blueprint 100: Part 2: LSPS and NENW Regional Plan 2041* (discussed above);
- Will protect environmental values and maintain biodiversity over the identified mountains and ridgelines;
- Do not impair a farmers ‘right to farm’, with the permissibility of extensive agriculture not altered. Exempt development associated with agriculture (e.g., farm buildings) can be undertaken within Scenic Protection Areas;
- Will not result in any land use conflict in rural areas; and
- Will protect scenic landscapes that contribute to the social and economic interests of the associated communities.

Section C: Environmental, social and economic impact

Question 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 proposed Scenic Protection Areas will assist in the preservation of biodiversity, with conservation and rehabilitation measures to be a key consideration of the proposed new clause in the *TRLEP 2010* (refer Explanation of Provisions within this Chapter).

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No other likely environmental effects are considered to arise from the creation of the proposed Scenic Protection Areas.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

The areas identified for protection are important to the sense of place for the associated urban centres and contribute to the regional tourism economy. On that basis, the creation of the proposed Scenic Protection Areas is considered to have positive social and economic effects.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

No public infrastructure is required for the creation of Scenic Protection Areas.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation with the public authorities, including the Nungaroo and Tamworth Local Aboriginal Land Councils, will be undertaken in accordance with the Gateway Determination.

Part 4: Mapping

Table 14 identifies the mapping requirements for this chapter.

Table 14: LEP Maps required by Chapter 11

New Map Sheets	
Map Sheet	Scenic Protection Area
TBA	Tamworth Lookout and surrounding hills
TBA	Moonbi Hills
TBA	Mt Borah and the Baldwins Range
TBA	Liverpool Range and Mount Royal Range

Chapter 12 Housekeeping Amendments

Part 1: Objectives and Intended Outcomes

The **Objective** and **Intended Outcome** of this chapter is to make a number of housekeeping amendments to the *TRLEP 2010* maps:

- To correct incorrect zonings, minimum lot size and floor space ratio; and
- Remove certain split zonings and split minimum lot size from properties.

Part 2: Explanation of Provisions

Since adoption, a number of anomalies or mistakes have been identified within the zoning, lot size and/or floor space ratio maps of the *TRLEP 2010*. **Table 15** proposes housekeeping amendments to the Zone, Minimum Lot Size (MLS) and/or Floor Space Ratio (FSR) for certain properties.

Table 15: Housekeeping Amendments to the TRLEP 2010

Address	Property Description	Existing <i>TRLEP 2010</i> Provision		Proposed Amendment
		Matter	Figure/s	
Nundle Road, Dungowan	Lot 10 DP 831945	Split Minimum Lot Size (MLS) – 9.9ha and 100ha	Figure 32	Map entirely as 9.9ha MLS
252 Manilla Street, Manilla	Lot A DP 348010	Dwelling zoned RE2 – Private Recreation (RE2) and Nil MLS	Figure 33 Figure 34	Zone to R1 – General Residential (R1) and apply 600m ² MLS
Manilla Team Penning (Showground), River Street, Manilla	Lot 216 DP 752191	Zoned R1 and 600m ² MLS	Figure 35 Figure 36	Map entirely as RE1 zone and Nil MLS
Same property as above	Lot 215 DP 752191	Zoned R1 and 600m ² MLS	Figure 35 Figure 36	Map entirely as RE1 zone and Nil MLS
4 Jubata Drive, Moore Creek	Lot 120 DP 1245508	Split MLS – 1000m ² and 2000m ²	Figure 37	Map entirely as 1000m ² MLS
6 Jubata Drive, Moore Creek	Lot 121 DP 1245508	Split MLS – 1000m ² and 2000m ²	Figure 37	Map entirely as 1000m ² MLS
15 Baileyana Close, Moore Creek	Lot 114 DP 1260786	Split MLS – 4000m ² and 1ha	Figure 38	Map entirely as 4000m ² MLS
17 Baileyana Close, Moore Creek	Lot 113 DP 1260786	Split MLS – 4000m ² and 1ha	Figure 38	Map entirely as 1ha MLS

24 Baileyana Close, Moore Creek	Lot 112 DP 1260786	Split MLS – 4000m ² and 1ha	Figure 38	Map entirely as 1ha MLS
10 Dianella Close, Moore Creek	Lot 212 DP 1274600	Split MLS – 4000m ² and 1ha	Figure 39	Map entirely as 1ha MLS
8 Dianella Close, Moore Creek	Lot 211 DP 1274600	Split MLS – 4000m ² and 1ha	Figure 39	Map entirely as 4000m ² MLS
5 Dianella Close, Moore Creek	Lot 215 DP 1274600	Split MLS – 4000m ² and 1ha	Figure 39	Map entirely as 1ha MLS
3 Dianella Close, Moore Creek	Lot 216 DP 1274600	Split MLS – 4000m ² and 1ha	Figure 39	Map entirely as 4000m ² MLS
8 Spur Wing Close, Moore Creek	Lot 304 DP 1284912	Split MLS – 4000m ² and 1ha	Figure 40	Map entirely as 4000m ² MLS
9 Spur Wing Close, Moore Creek	Lot 310 DP 1284912	Split MLS – 4000m ² and 1ha	Figure 40	Map entirely as 4000m ² MLS
10 Lake Place, North Tamworth	Lot 124 DP 1194906	Split Zone (R1 and RU4 – Primary Production Small Lots (RU4)) and Split MLS (600m ² and 40ha)	Figure 41 Figure 42	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)	Figure 41 Figure 42	Map entirely as R1 zone and 600m ² MLS
6 Lake Place, North Tamworth	Lot 126 DP 1194906	Split Zone (R1 and RU4) and Split MLS (600m ² and 40ha)	Figure 41 Figure 42	Map entirely as R1 zone and 600m ² MLS
4 Lake Place, North Tamworth	Lot 127 DP 1194906	Split Zone (R1 and RU4) and Split MLS (600m ² and 40ha)	Figure 41 Figure 42	Map entirely as R1 zone and 600m ² MLS
2 Lake Place, North Tamworth and adjoining Swan Street	Lot 128 DP 1194906 and road reserve	Split zone and MLS are correct, but boundary should match 4 to 10 Lake Place.	Figure 41 Figure 42	Match boundary of zone and MLS to adjoining properties.

Swan Street, North Tamworth	Lot 129 DP 1194906	Split Zone (R1 and RU4) and Split MLS (600m ² and 40ha)	Figure 41 Figure 42	Map entirely as RU4 zone and 40ha MLS
38 Johnston Street North Tamworth	Lot 2 DP 1191766	Dwelling zoned RU4 with 40ha MLS	Figure 43 Figure 44	Map entirely as R1 zone and 600m ² MLS
3 Regal Park Drive, Oxley Vale	Lot 3 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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)	Figure 45 Figure 46	Map entirely as R1 zone and 600m ² MLS.
27 Regal Park Drive, Oxley Vale	Lot 15 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Figure 45 Figure 46	Map entirely as R1 zone and 600m ² MLS.
29 Regal Park Drive, Oxley Vale	Lot 16 DP 1173388	Split Zone (R1 and RU4) and split MLS (600m ² and 40ha)	Figure 45 Figure 46	Map entirely as R1 zone and 600m ² MLS.
31 Regal Park Drive, Oxley Vale	Lot 17 DP 1173388	Split Zone (R1, RU4 and RE1) and split MLS (Nil, 600m ² and 40ha)	Figure 45 Figure 46	Map entirely as R1 zone and 600m ² MLS.
30A Regal Park Drive, Oxley Vale	Lot 181 DP 1219870	Split Zone (R1 and RE1) and split MLS (Nil and 600m ²)	Figure 45 Figure 46	Map entirely as R1 zone and 600m ² MLS.
30 Regal Park Drive, Oxley Vale	Lot 182 DP 1219870	Split Zone (R1 and RE1) and split MLS (Nil and 600m ²)	Figure 45 Figure 46	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)	Figure 45 Figure 46	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	Figure 47 Figure 48 Figure 49	Split zone Lot 1 DP 196665 MU1 – Mixed Use (MU1) and RU4, and correct FSR,

		resulted in MU1 zone and Floor Space Ratio (FSR) applied incorrectly to a portion of Lot 1 DP 196665. The zoning and FSR should have followed the extent of the MLS which is correct.		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 and FSR standards applied to entirety of Lot 1 DP 797999. MLS is correct.	Figure 47 Figure 48 Figure 49	Split zone Lot 1 DP 797999 MU1 and RU4, and correct FSR, consistent with planning proposal PP-2020-2540 and the existing MLS.
9 Curtiss Close Taminda	Lot 11 DP 271212	Split zone (E3 and E4) and split FSR (1:1 and Nil)	Figure 50 Figure 51	Map entirely as E4 zone and Nil FSR.
Coledale Community Centre, 2B Kenny Drive, West Tamworth	Lot 1 DP 1247214	Split zone (R1 and RE1) and split MLS (600m ² and Nil).	Figure 52 Figure 53	Map entirely as R1 zone and 600m ² MLS.
11 Wollemi Close, North Tamworth	Lot 101 DP 1275336	Split zone (R1 and C3 – Environmental Management (C3)) and split MLS (2000m ² and 40ha)	Figure 54 Figure 55	Map entirely as R1 zone and 2000m ² MLS.

Note on Figures 32 to 55 – Figures 32 to 55 have been produced from Council's internal GIS system for the express purpose of providing a general illustration of the anomalies to be corrected by the housekeeping amendments of this Chapter. For the current zoning and/or minimum lot size for a property please refer to the official maps gazetted as part of the TRLEP 2010.

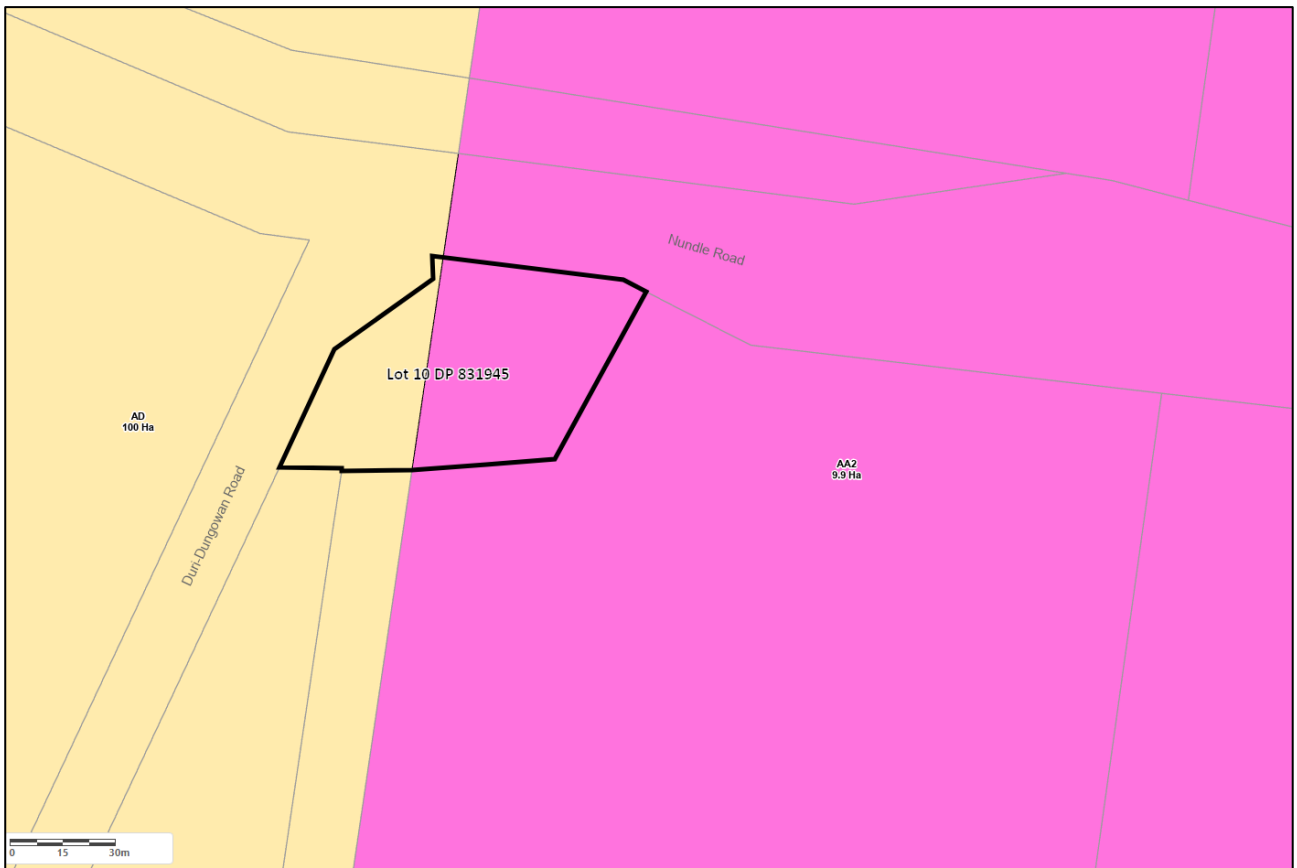


Figure 32: Current TRLEP 2010 Split Minimum Lot Size of Lot 10 DP 831945, Nundle Road, Dungowan

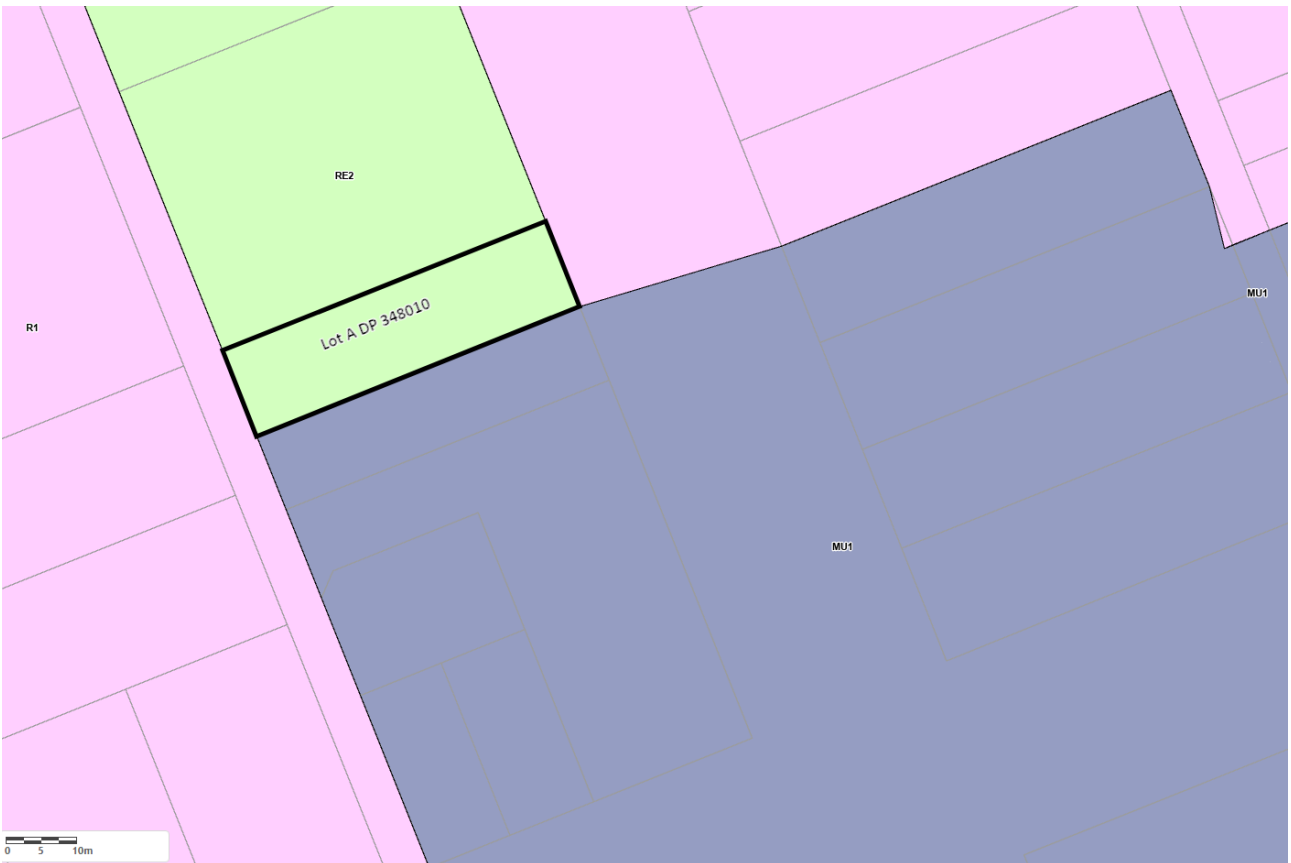


Figure 33: Current TRLEP 2010 Zoning of Lot A DP 348010, 252 Manilla Street, Manilla



Figure 34: Current TRLEP 2010 Minimum Lot Size for Lot A DP 348010, 252 Manilla Street, Manilla

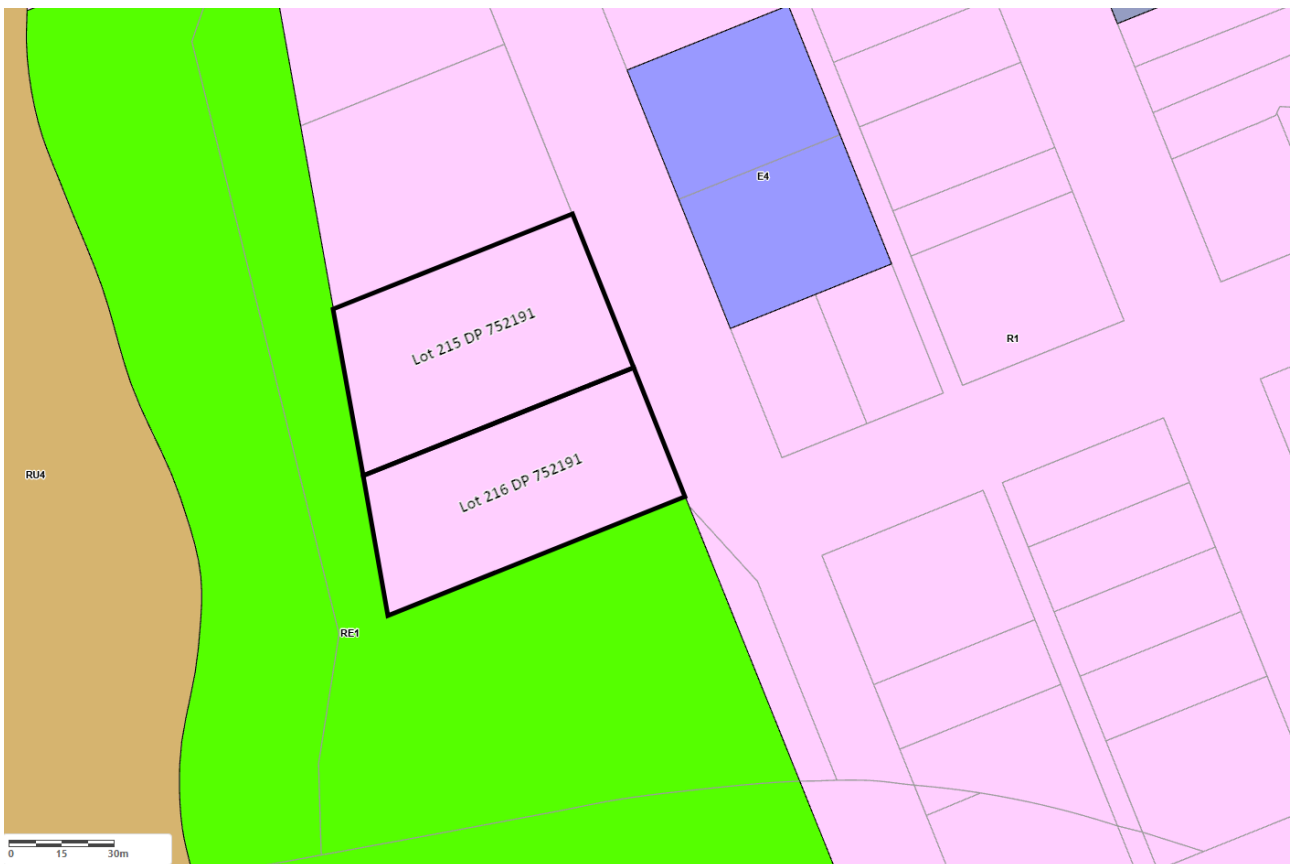


Figure 35: Current TRLEP 2010 Zoning of Lots 215 and 216 DP 752191, Manilla Team Penning (Showground), River Street, Manilla

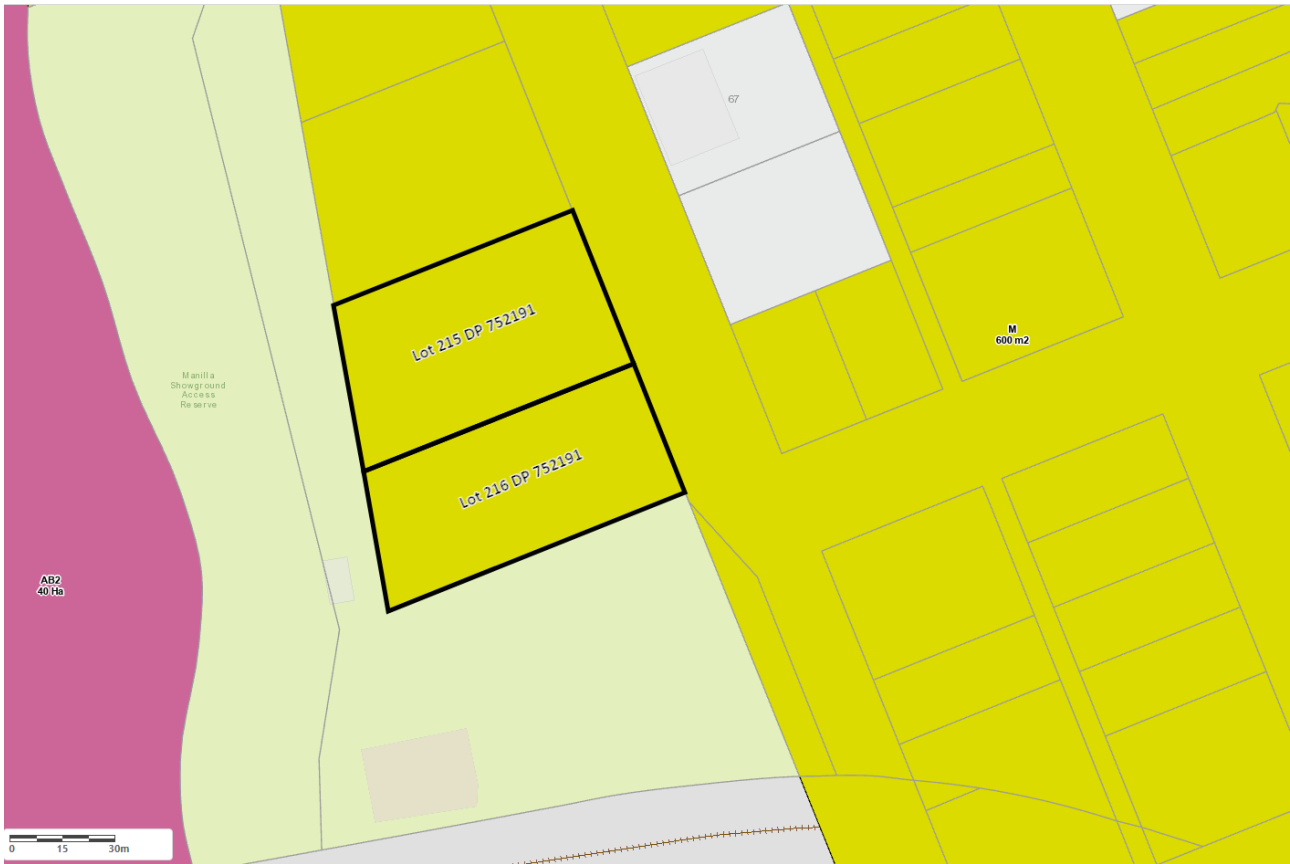


Figure 36: Current TRLEP 2010 Minimum Lot Size for Lots 215 and 216 DP 752191, Manilla Team Penning (Showground), River Street, Manilla

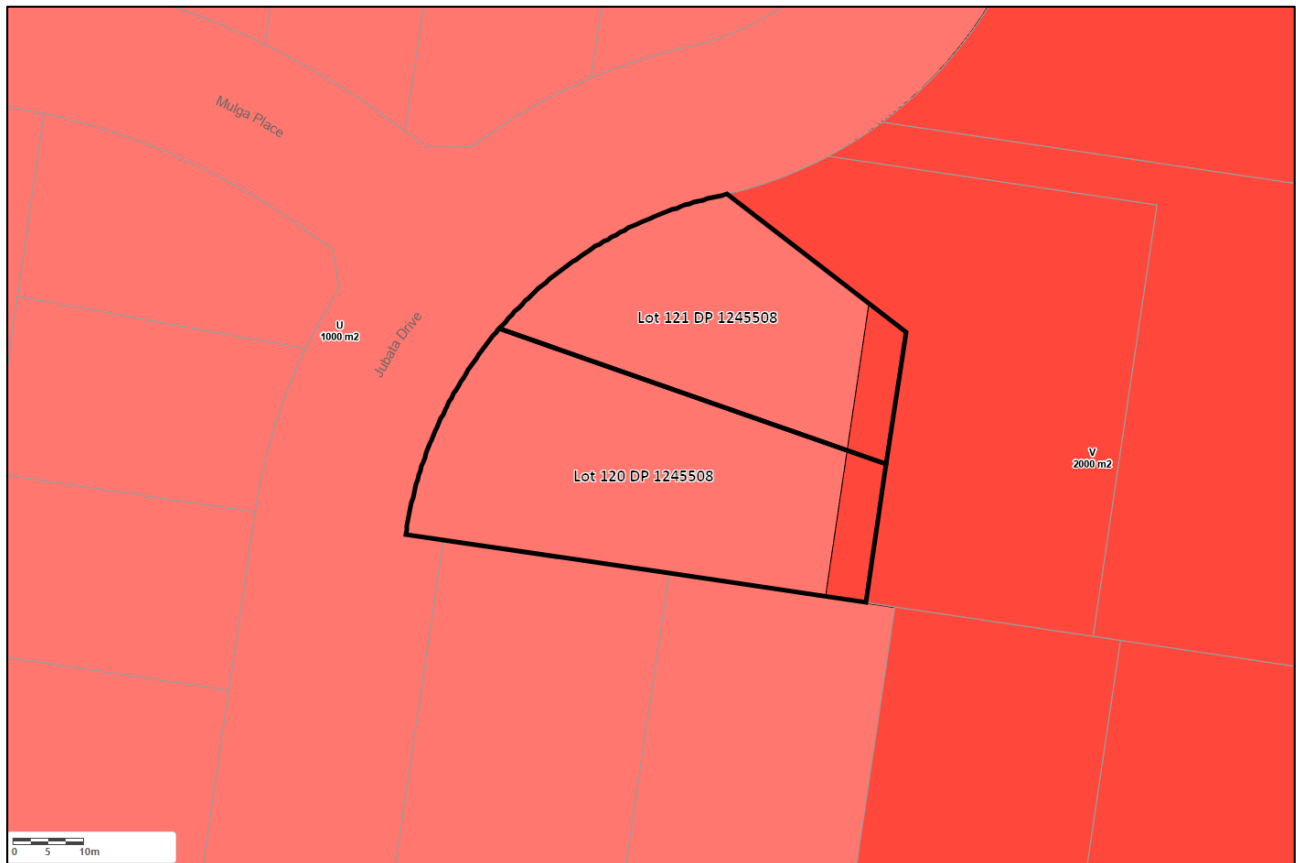


Figure 37: Current TRLEP 2010 Split Minimum Lot Size for 4 Jubata Drive (Lot 120 DP 1245508) and 6 Jubata Drive (Lot 121 DP 1245508), Moore Creek

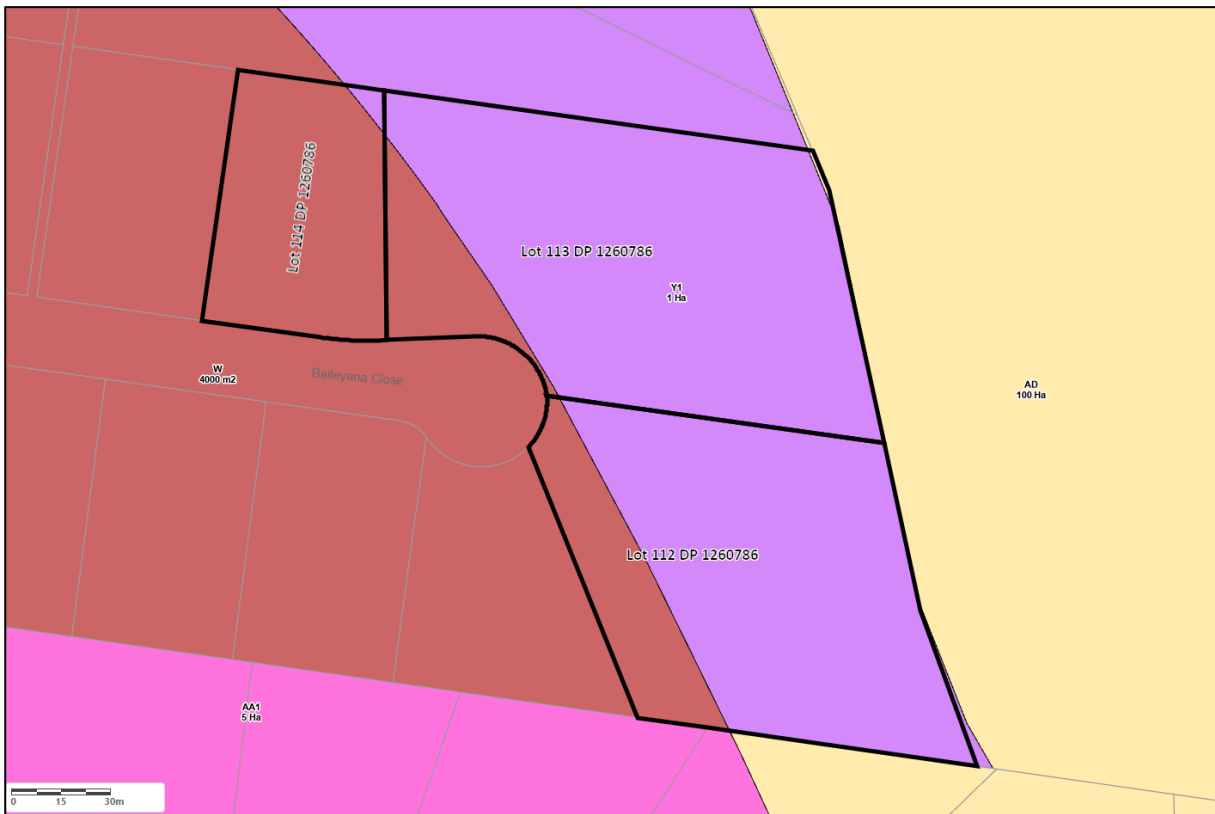


Figure 38: Current TRLEP 2010 Split Minimum Lot Size for 15 Baileyana Close (Lot 114 DP 1260786), 17 Baileyana Close (Lot 113 DP 1260786) and 24 Baileyana Close (Lot 112 DP 1260786), Moore Creek

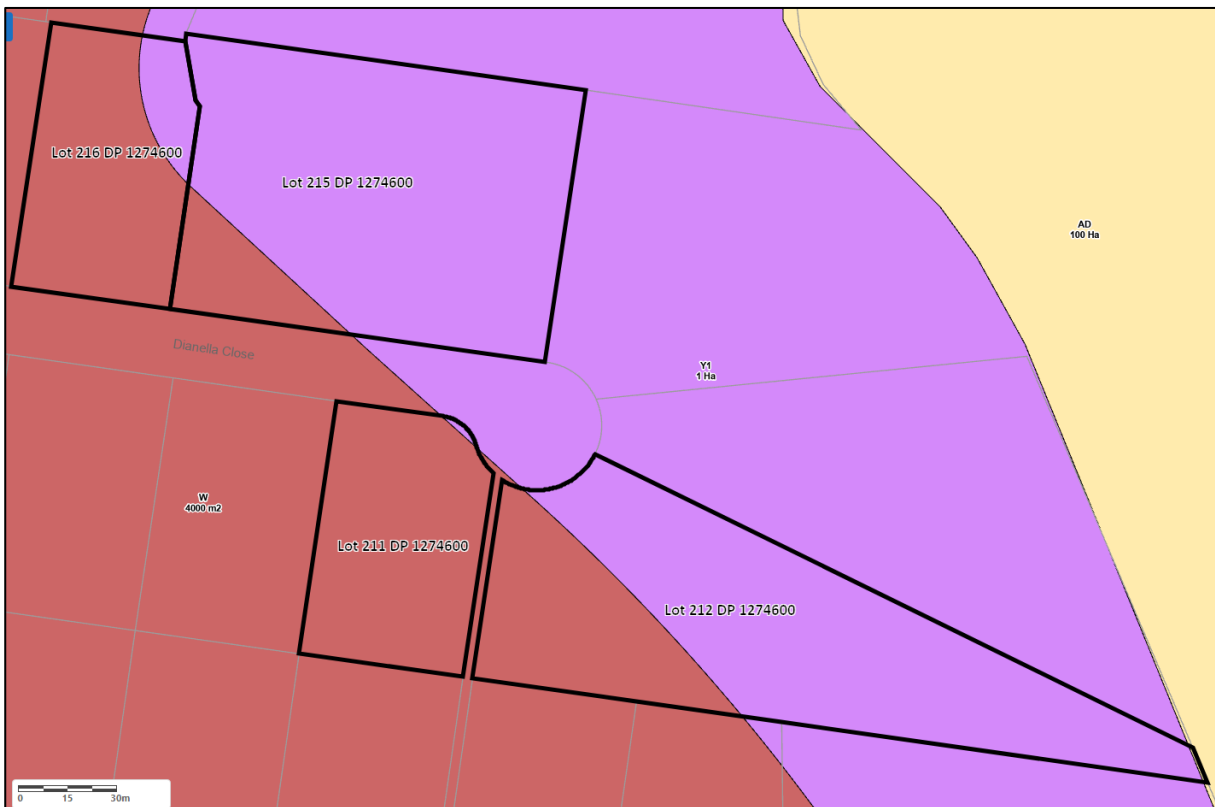


Figure 39: Current TRLEP 2010 Split Minimum Lot Size for No. 3 (Lot 216 DP 1274600), No. 5 (Lot 215 DP 1274600), No. 8 (Lot 211 DP 1274600) and No. 10 (Lot 212 DP 1274600), Dianella Close, Moore Creek

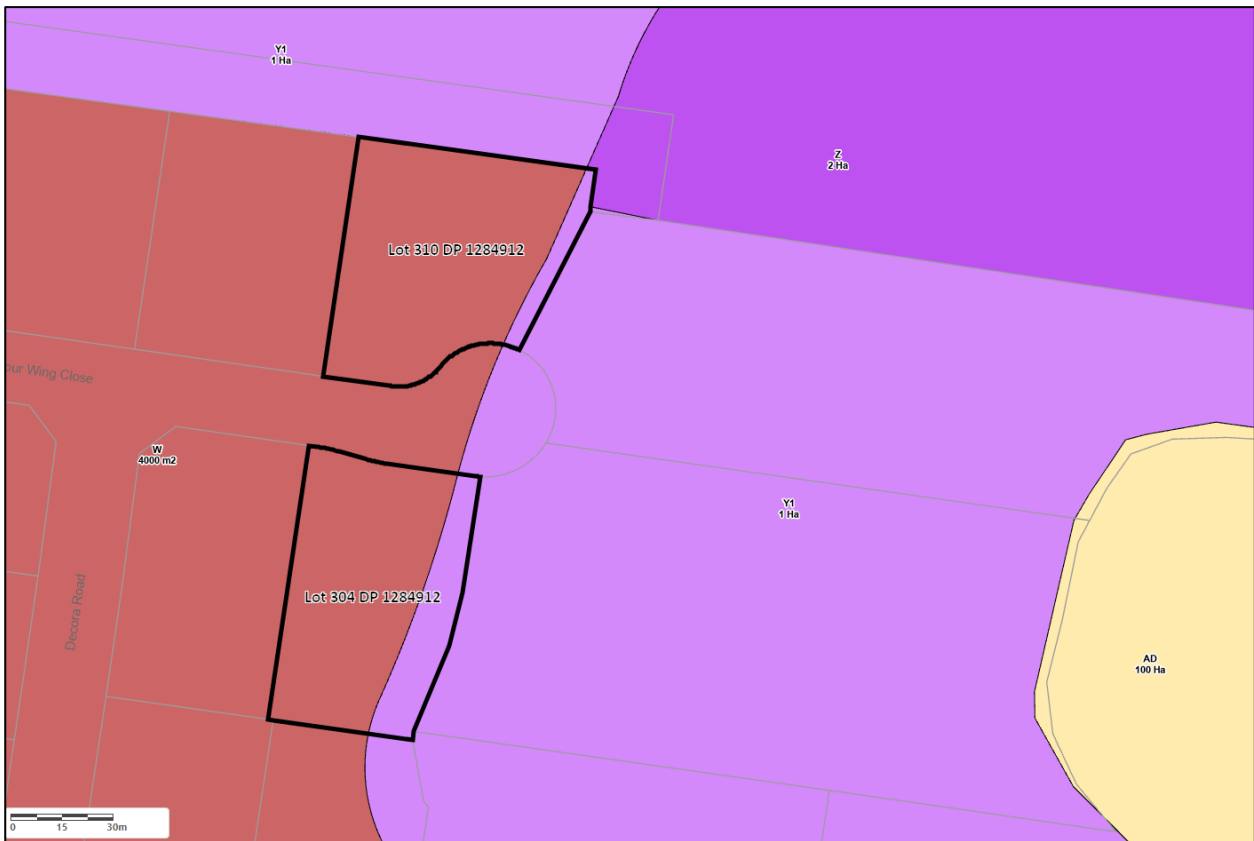


Figure 40: Current TRLEP 2010 Split Minimum Lot Size for 8 Spur Wing Close, Moore Creek (Lot 304 DP 1284912) and 9 Spur Wing Close, Moore Creek (Lot 310 DP 1284912)

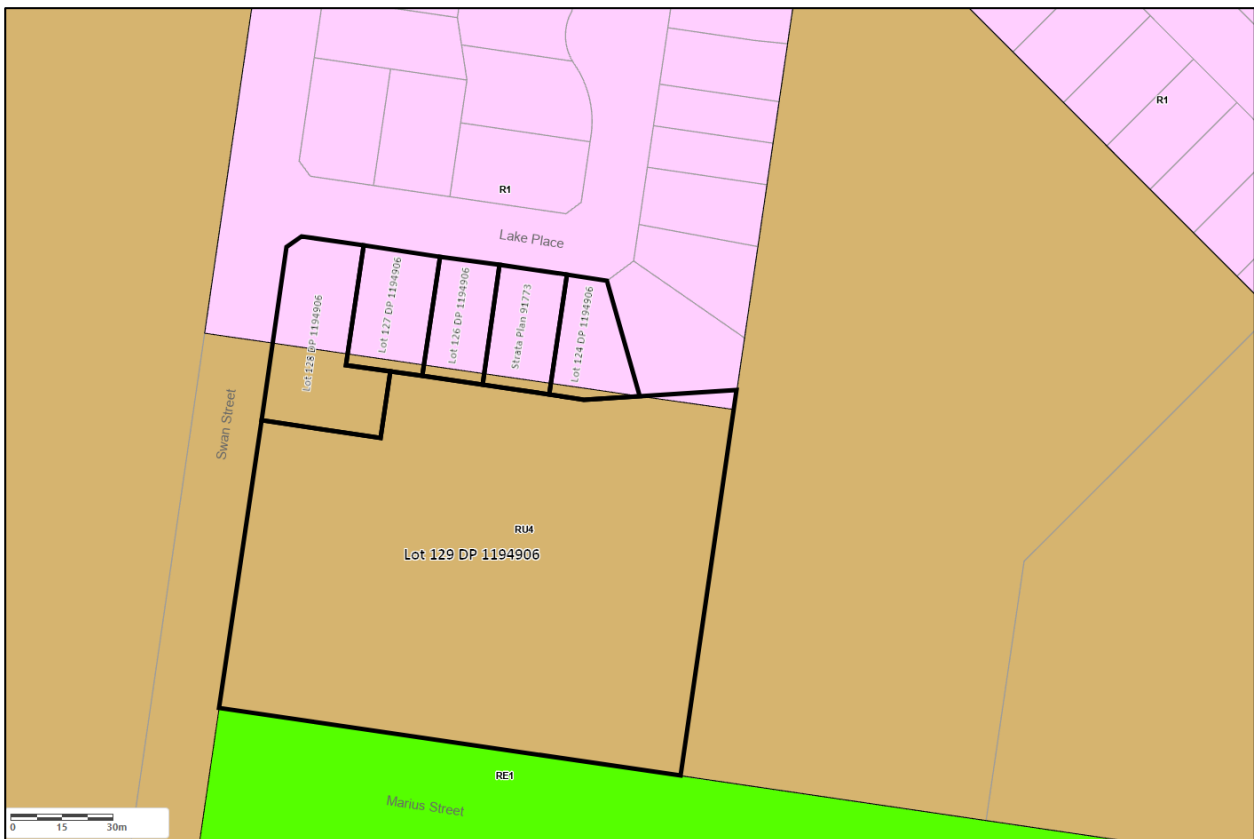


Figure 41: Current TRLEP 2010 Split Zoning of properties at 2 to 10 Lake Place and Swan Street, North Tamworth

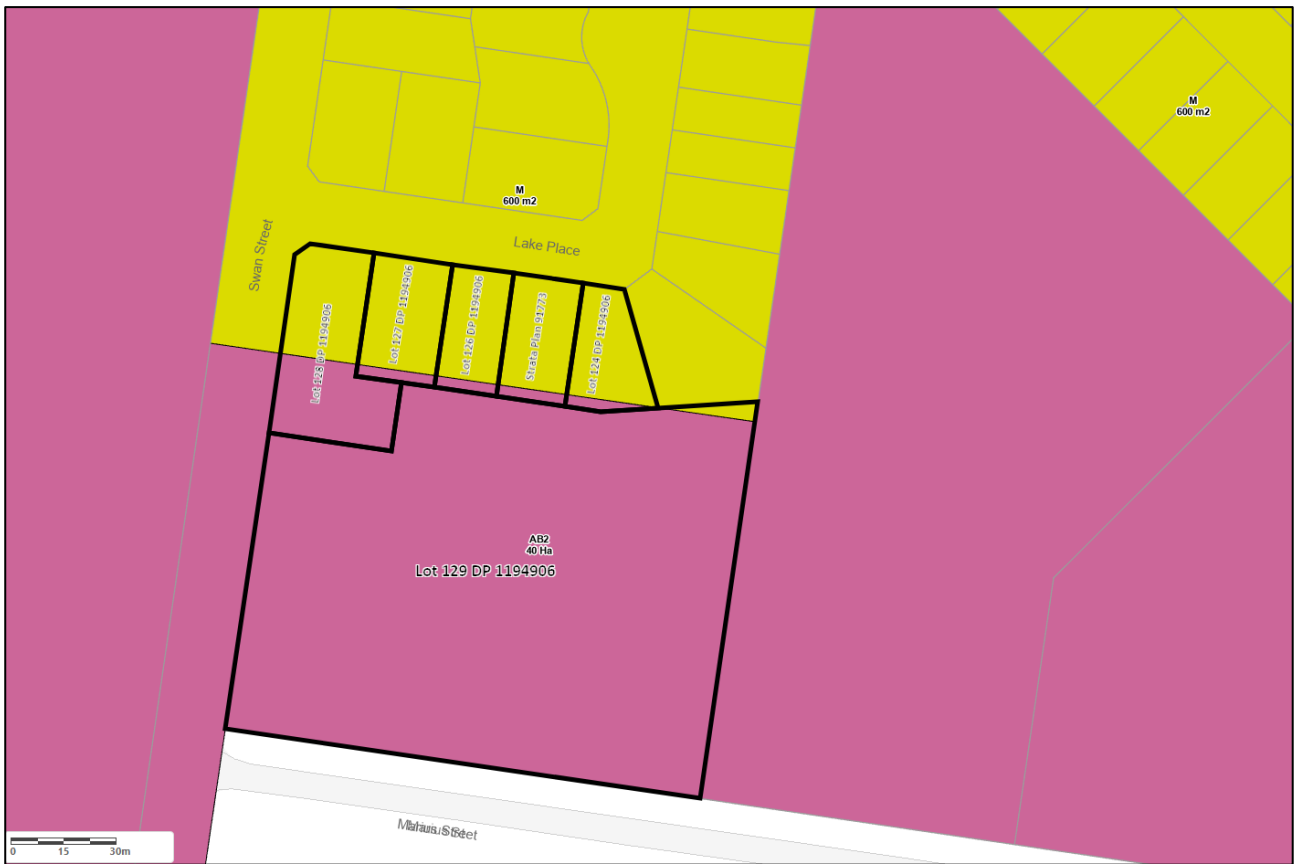


Figure 42: Current TRLEP 2010 Split Minimum Lot Size of properties at 2 to 10 Lake Place and Swan Street, North Tamworth

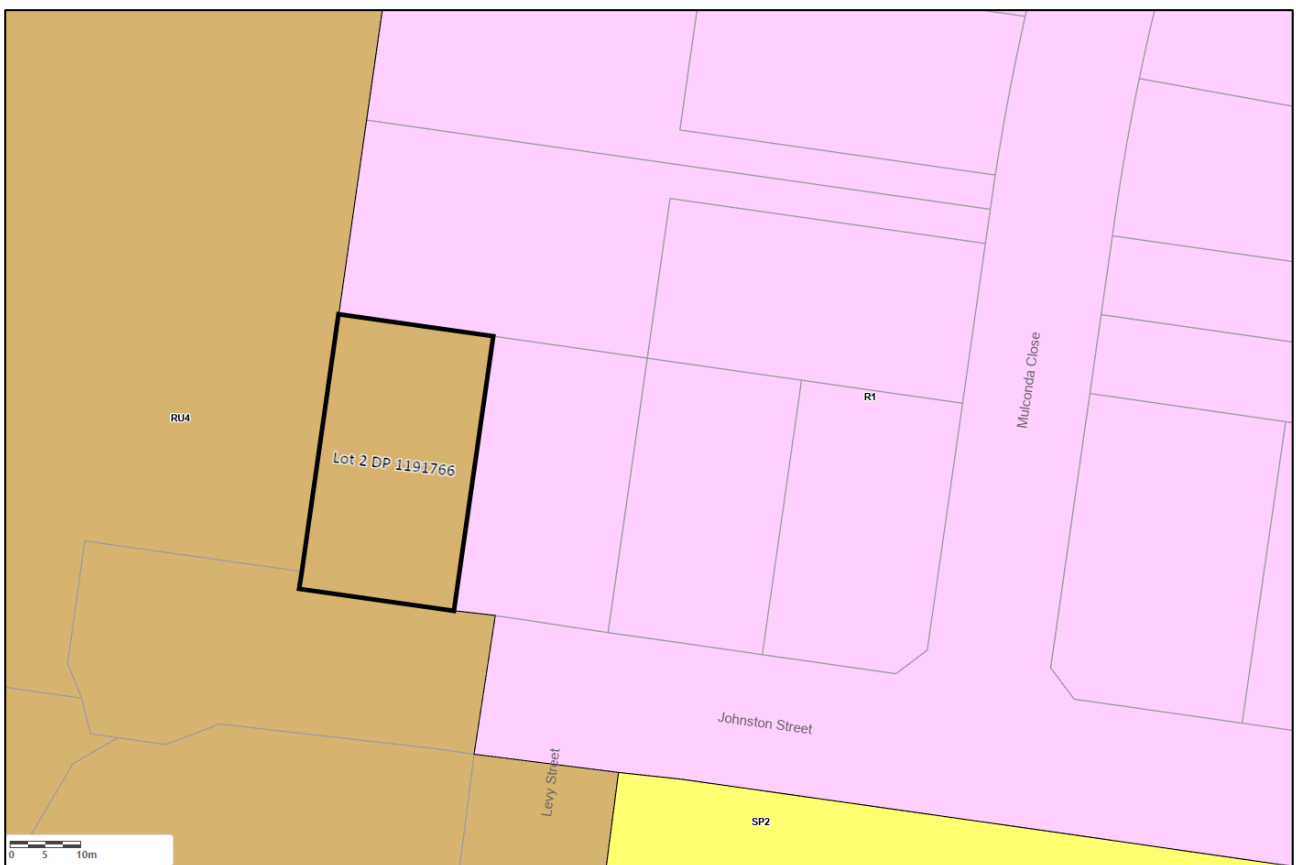


Figure 43: Current TRLEP 2010 Zoning of Lot 2 DP 1191766, 38 Johnston Street, North Tamworth

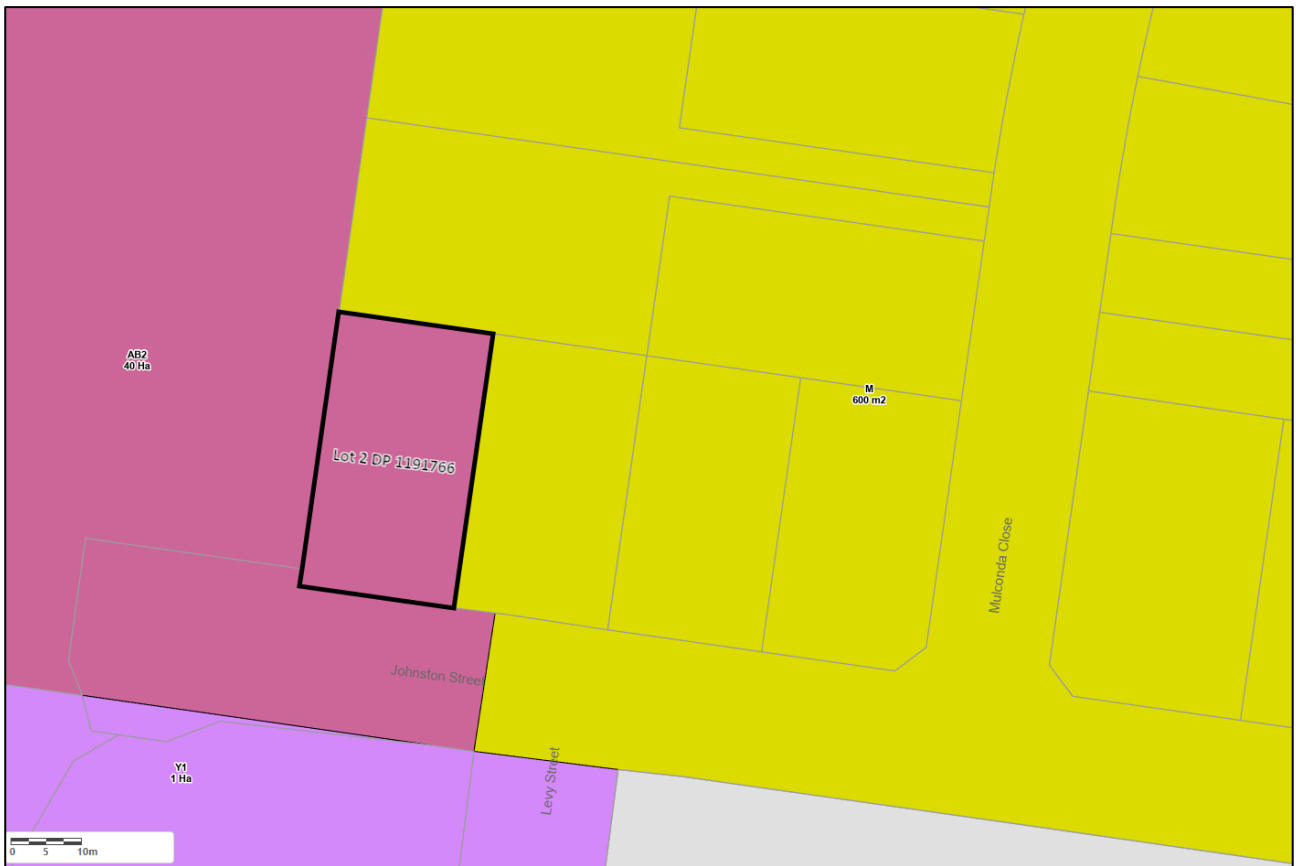


Figure 44: Current TRLEP 2010 Minimum Lot Size of Lot 2 DP 1191766, 38 Johnston Street, North Tamworth

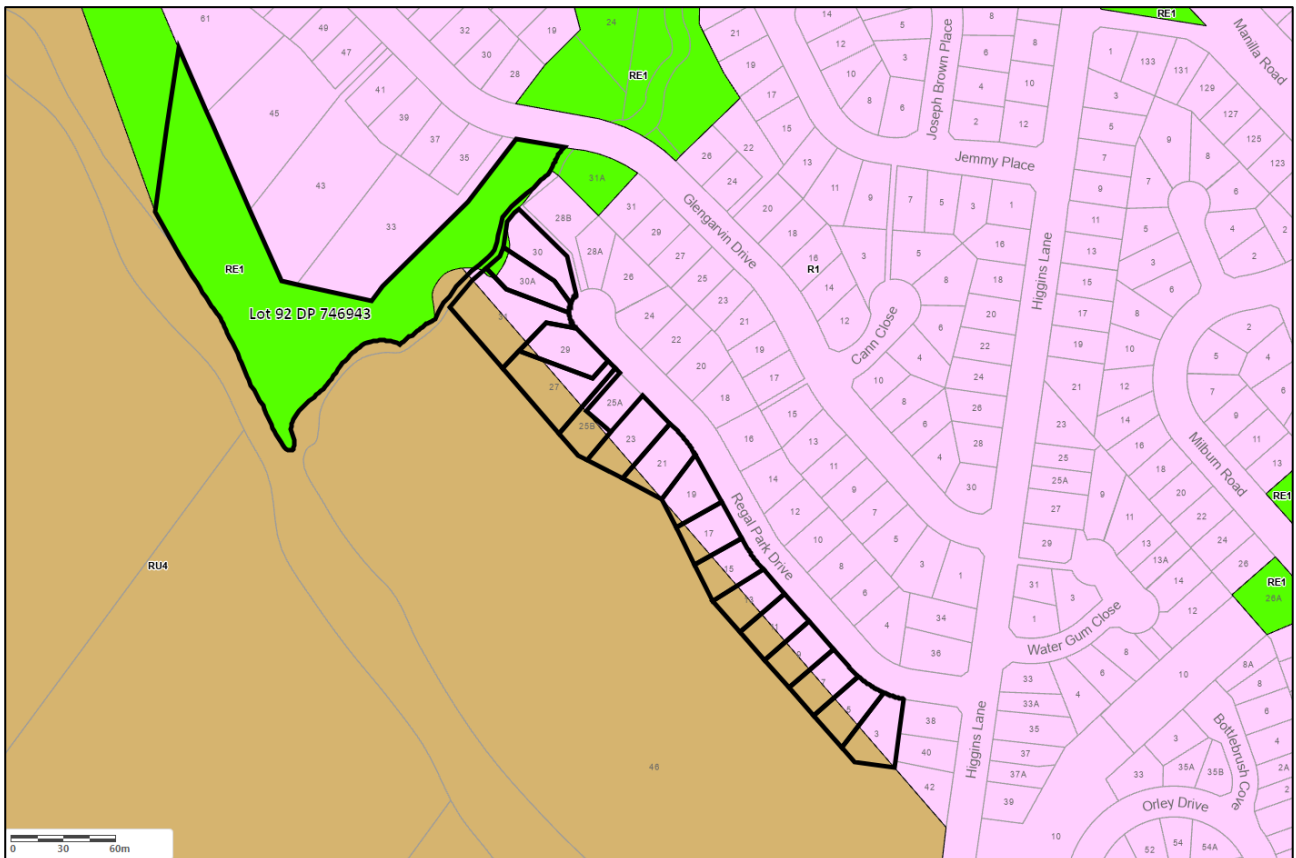


Figure 45: Current TRLEP 2010 Zoning of Regal Park Drive properties and adjoining open space (Glengarvin Drive), Oxley Vale

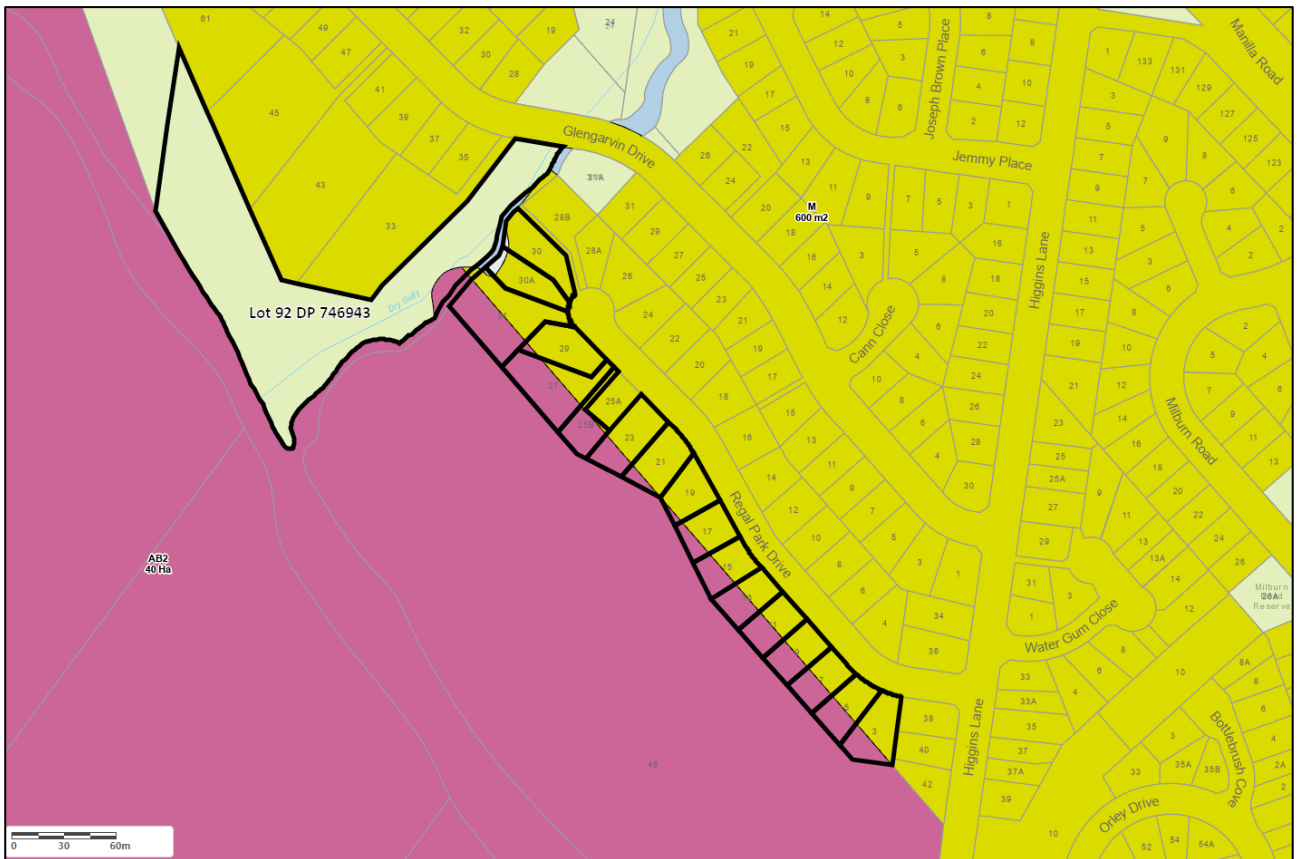


Figure 46: Current TRLEP 2010 Minimum Lot Size of Regal Park Drive properties and adjoining open space (Glengarvin Drive), Oxley Vale

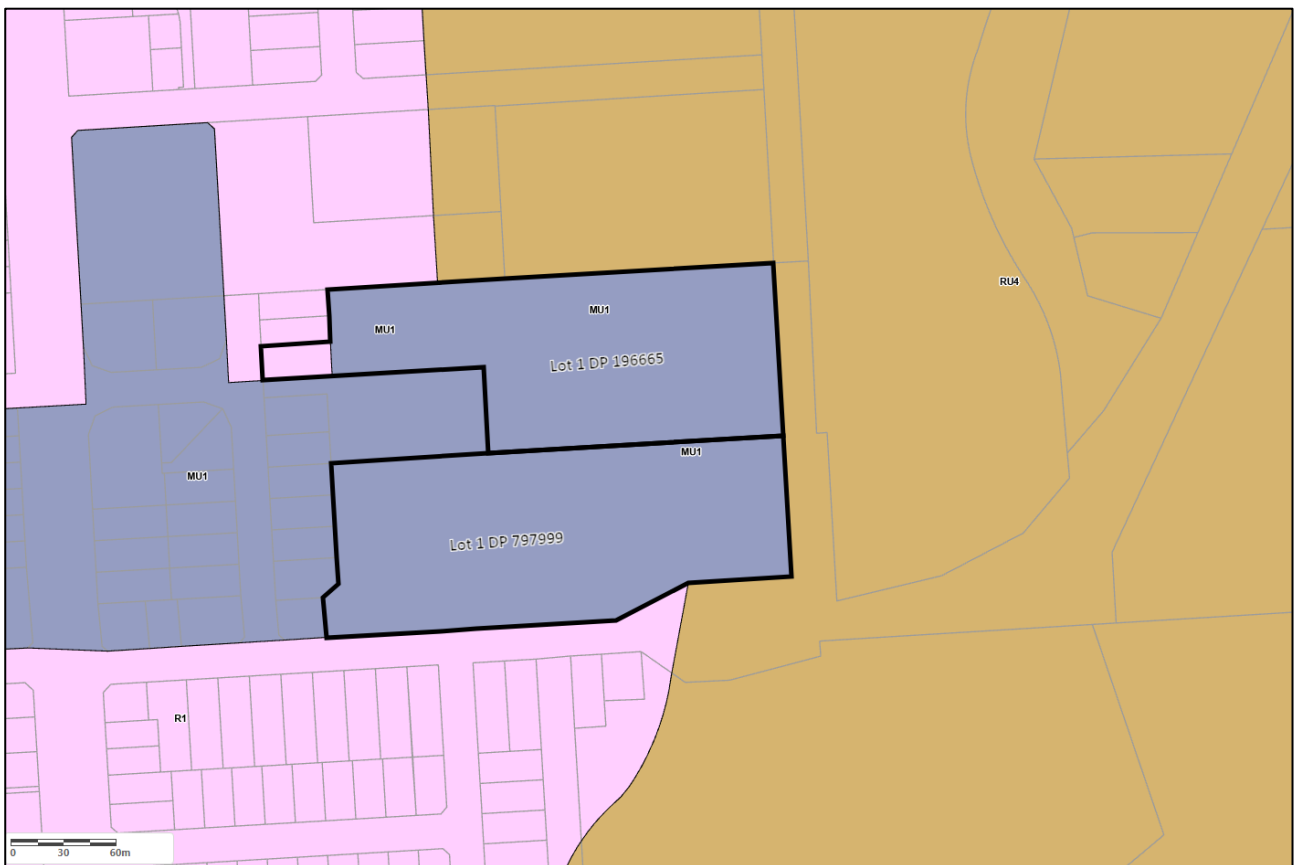


Figure 47: Current (incorrect) TRLEP 2010 Zoning of 5 Hilton Street (Lot 1 DP 196665) and 7 Scott Road (Lot 1 DP 797999), South Tamworth – Zoning should be consistent with minimum lot size.

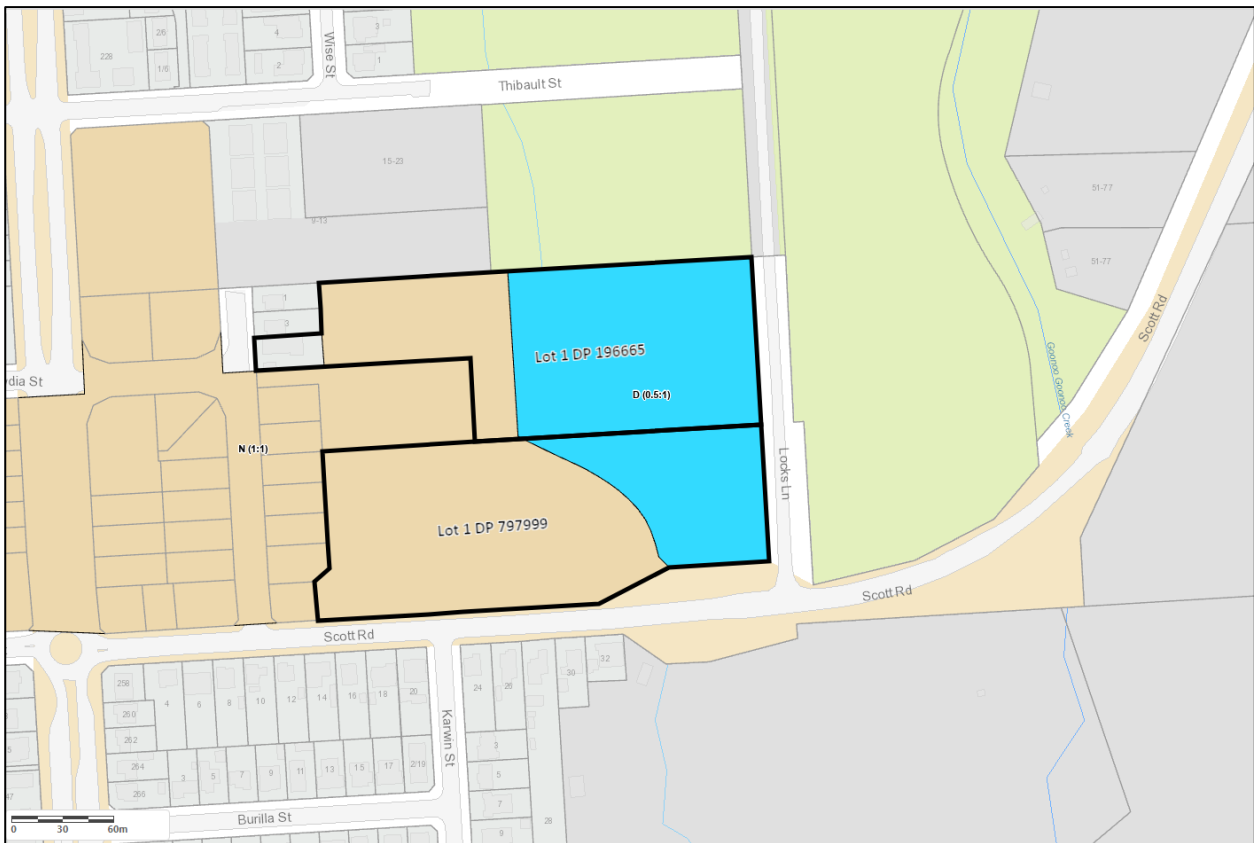


Figure 48: Current (incorrect) TRLEP 2010 Floor Space Ratio for 5 Hilton Street (Lot 1 DP 196665) and 7 Scott Road (Lot 1 DP 797999), South Tamworth

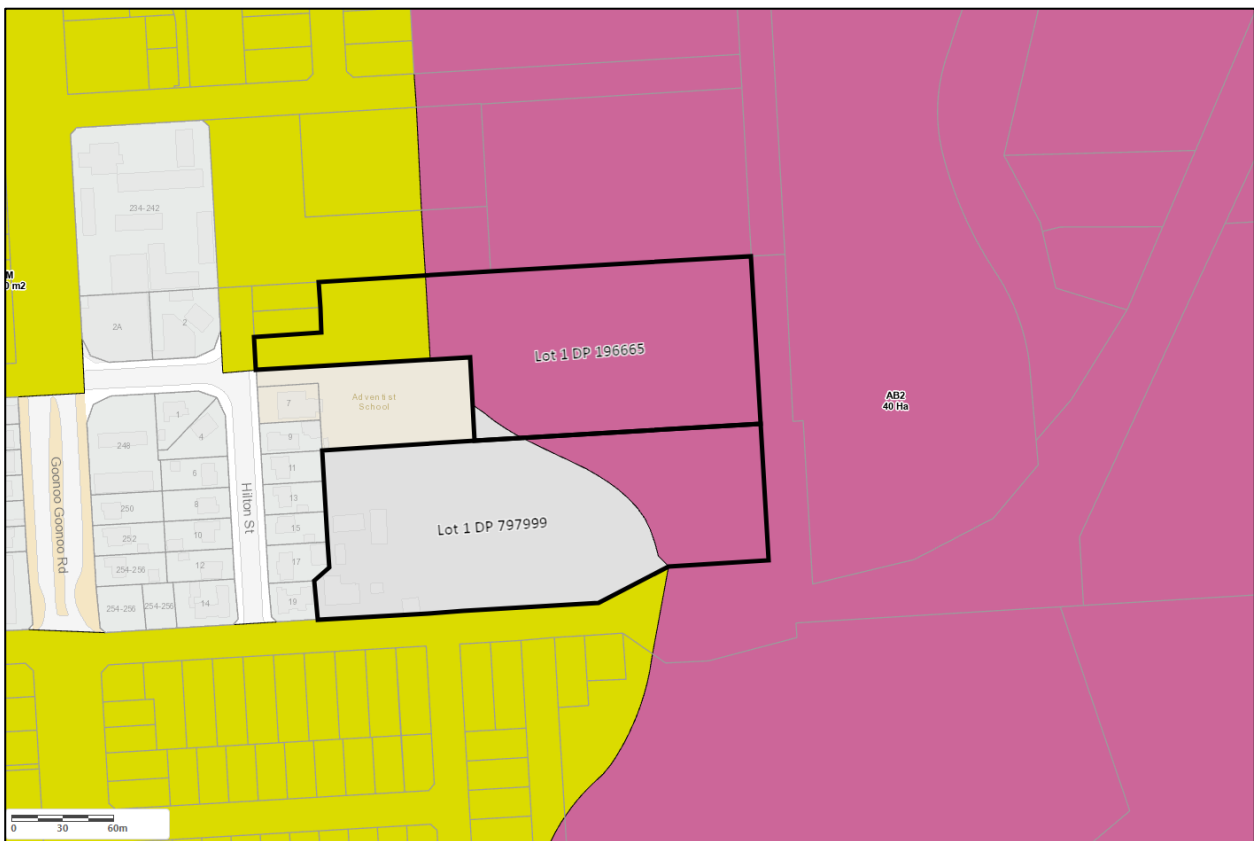


Figure 49: Current (correct) TRLEP 2020 Minimum Lot Size of 5 Hilton Street (Lot 1 DP 196665) and 7 Scott Road (Lot 1 DP 797999), South Tamworth

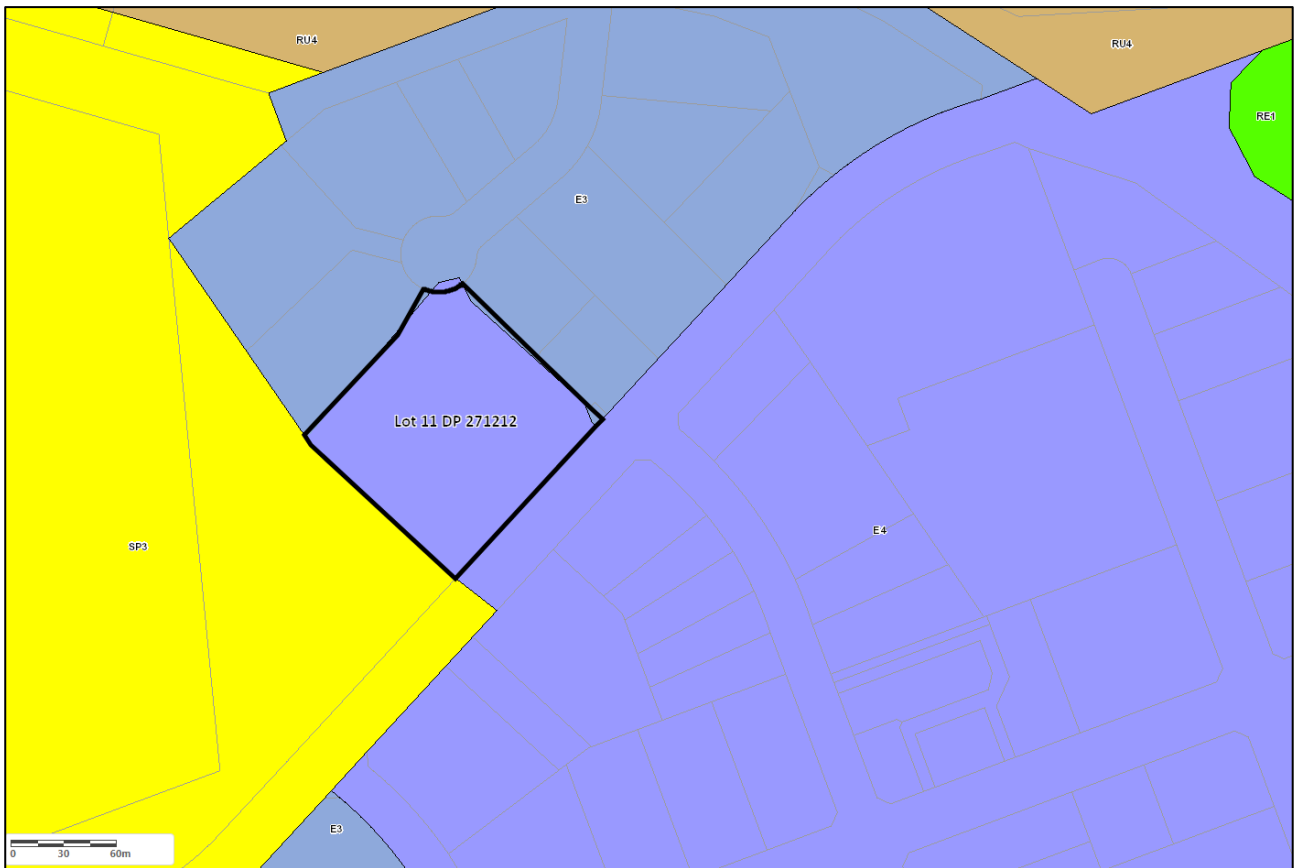


Figure 50: Current TRLEP 2010 Zoning of Lot 11 DP 271212, 9 Curtiss Close, Taminda



Figure 51: Current TRLEP 2010 Floor Space Ratio for Lot 11 DP 271212, 9 Curtiss Close, Taminda



Figure 52: Current TRLEP 2010 Zoning of Lot 1 DP 1247214, Coledale Community Centre, 2B Kenny Drive, West Tamworth

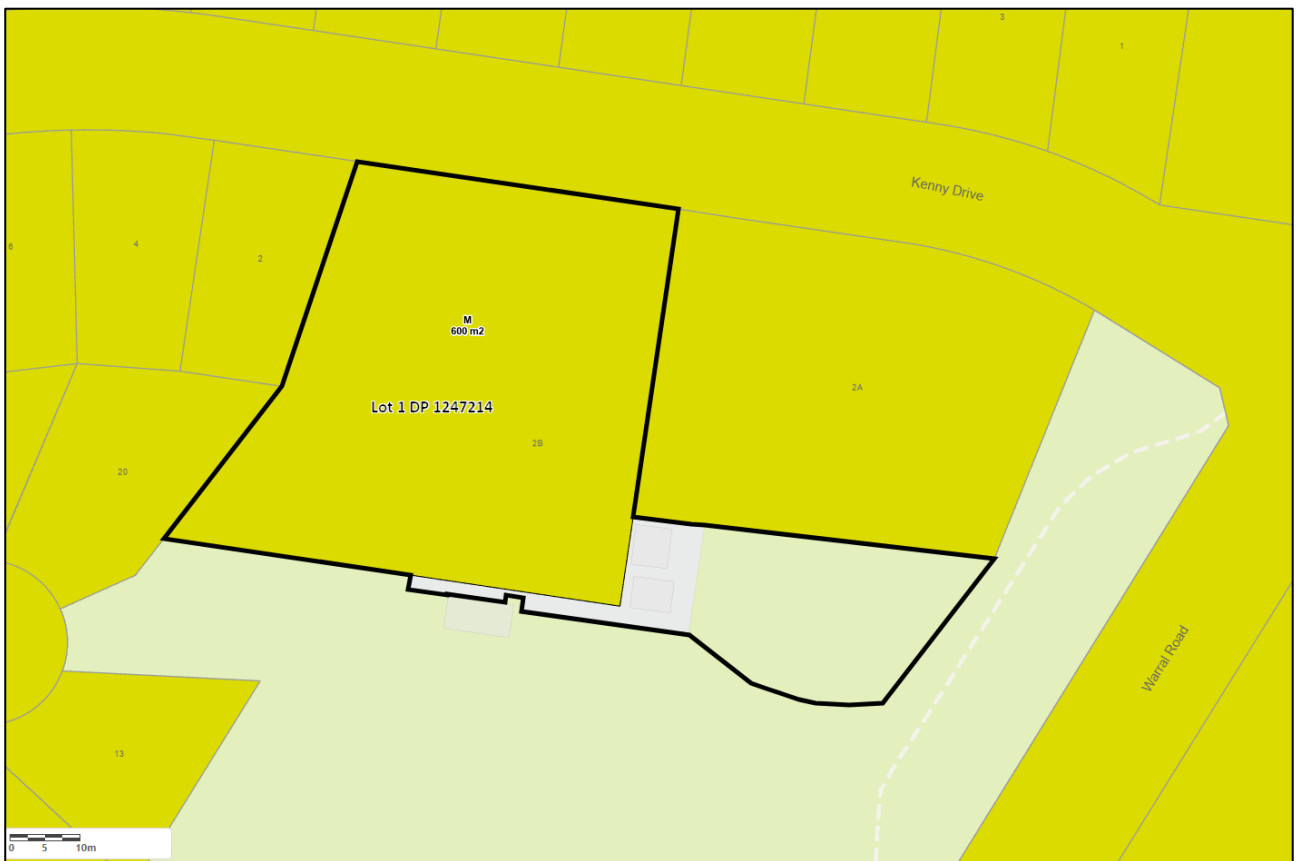


Figure 53: Current TRLEP 2010 Minimum Lot Size of Lot 1 DP 1247214, Coledale Community Centre, 2B Kenny Drive, West Tamworth

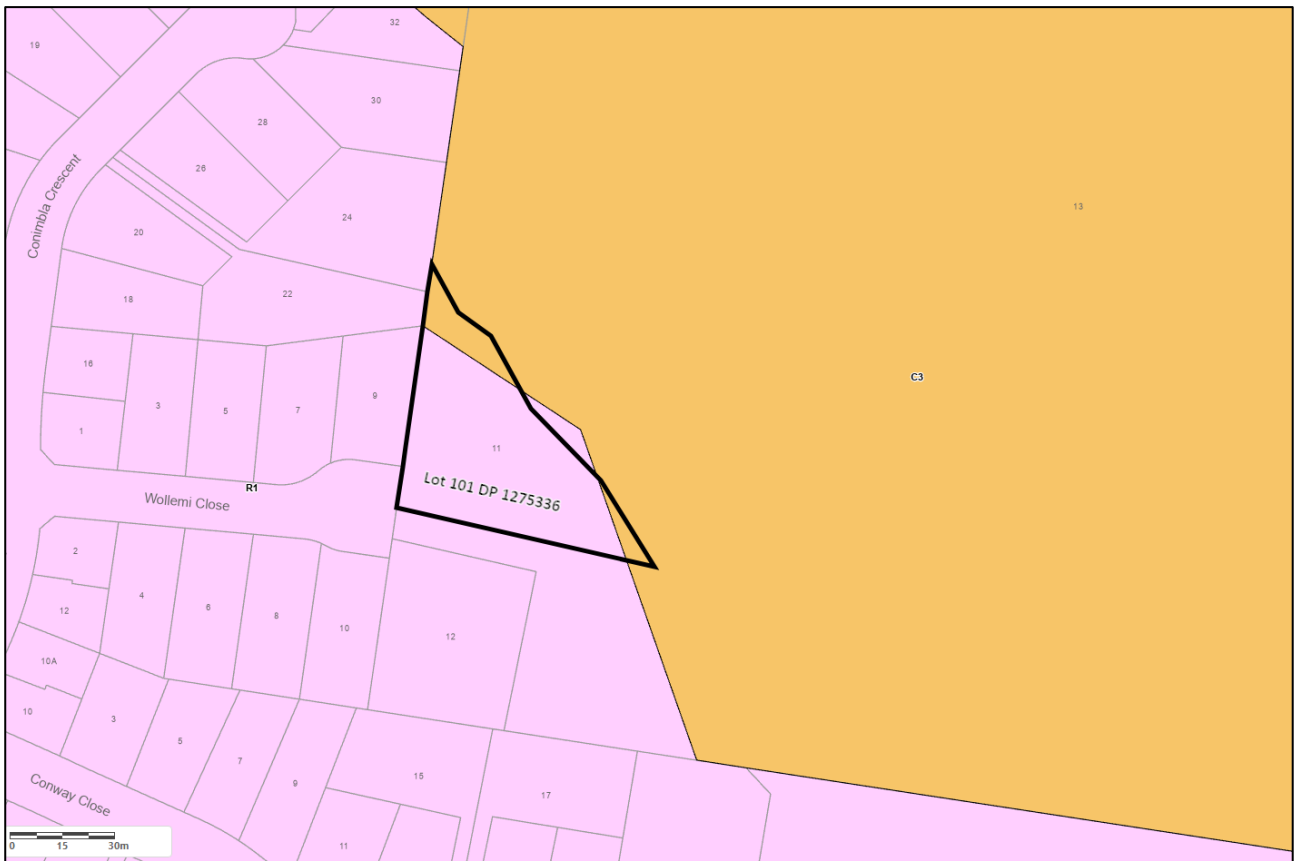


Figure 54: Current TRLEP 2010 Zoning of Lot 101 DP 1275336, 11 Wollemi Close, North Tamworth

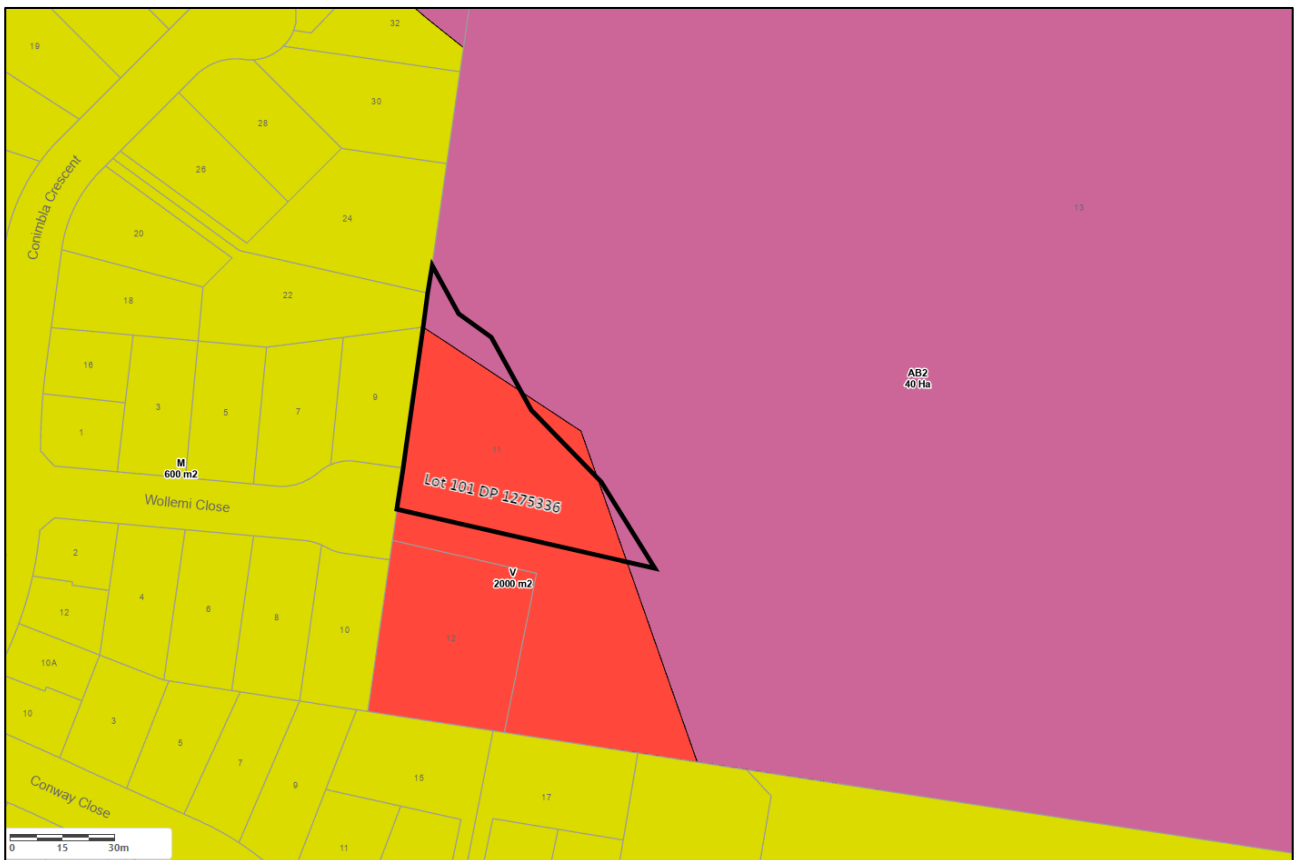


Figure 55: Current TRLEP 2010 Minimum Lot Size of Lot 101 DP 1275336, 11 Wollemi Close, North Tamworth

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The housekeeping amendments proposed within this Chapter are a result of the comprehensive review of the *TRLEP 2010* in accordance with *Blueprint 100: Part 2: LSPS 2020*.

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

Zoning, minimum lot size and floor space ratio are established via maps under the *TRLEP 2010*. A planning proposal to amend the *TRLEP 2010* is the only means of correcting anomalies with these maps.

Section B: Relationship to the Strategic Planning Framework

Question 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)?

This Chapter seeks to make housekeeping amendments to the *TRLEP 2010* to correct mapping anomalies, which is not inconsistent with the *NENW Regional Plan 2041*.

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

This Chapter seeks to make housekeeping amendments to the *TRLEP 2010* to correct mapping anomalies, which is not inconsistent with *Blueprint 100: Part 2: LSPS 2020*.

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other State or regional strategies are considered applicable to the housekeeping amendments proposed in this Chapter.

Question 6 – Is the planning proposal consistent with applicable SEPPs?

This Chapter is consistent with the applicable SEPPs.

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This Chapter is considered consistent with all applicable Ministerial Directions except Directions 9.1 Rural Zones and 9.2 Rural Lands, which are discussed below.

Ministerial Direction 9.1 Rural Zones

A number of mapping anomalies involve properties being split zoned rural (RU1 zone or RU4 zone) and residential (R1 zone). This Chapter proposes to correct these anomalies by rezoning the land from the rural zone to the residential zone, which is inconsistent with this direction.

It is considered that the proposed amendments are of “minor significance” and the inconsistency with Ministerial Direction 9.1 can be supported by the Planning Secretary.

Ministerial Direction 9.2 Rural Lands

Similar to Direction 9.1, this Chapter proposes to partially rezone land from the rural zone to the residential zone, which will also involve amendments to the minimum lot size. A detailed assessment against the Ministerial Direction is not warranted as the proposed housekeeping amendments are of

“minor significance” and the inconsistency with Ministerial Direction 9.2 can be supported by the Planning Secretary.

Section C: Environmental, social and economic impact

Question 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 housekeeping amendments relate to mapping anomalies only, which are unlikely to the adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No other environmental effects are considered likely as a result of the housekeeping amendments proposed in this Chapter.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

No adverse social or economic effects are considered likely as a result of the housekeeping amendments proposed in this Chapter.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

This Chapter seeks to make housekeeping amendments to the *TRLEP 2010* to correct mapping anomalies, which will not require any public infrastructure.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

It is not anticipated the proposed housekeeping amendments to correct mapping anomalies would be of significant concern to State or Commonwealth authorities.

Part 4: Mapping

Table 16 identifies the following LEP mapping amendments required by this Chapter.

Subject to a Gateway Determination, this Part will be updated prior to exhibition with proposed maps.

Table 16: LEP Map Sheets to be Amended by Chapter 12

Existing Map Sheets to be Amended	
Map Sheet	Property to Change
Zoning LZN_002B	Lot A DP 348010, 252 Manilla Street, Manilla Lot 215 DP 752191, Manilla Team Penning (Showground), River Street, Manilla Lot 216 DP 752191, Manilla Team Penning (Showground), River Street, Manilla
Zoning LZN_004C	Lot 124 DP 1194906, 10 Lake Place, North Tamworth Strata Plan 91773, 8 Lake Place, North Tamworth Lot 126 DP 1194906, 6 Lake Place, North Tamworth

	<p>Lot 127 DP 1194906, 4 Lake Place, North Tamworth</p> <p>Lot 128 DP 1194906, 2 Lake Place, North Tamworth and adjoining road</p> <p>Lot 129 DP 1194906, 2 Lake Place, North Tamworth</p> <p>Lot 2 DP 1191766, 38 Johnston Street, North Tamworth</p> <p>Lot 3 DP 1173388, 3 Regal Park Drive, Oxley Vale</p> <p>Lot 4 DP 1173388, 5 Regal Park Drive, Oxley Vale</p> <p>Lot 5 DP 1173388, 7 Regal Park Drive, Oxley Vale</p> <p>Lot 6 DP 1173388, 9 Regal Park Drive, Oxley Vale</p> <p>Lot 7 DP 1173388, 11 Regal Park Drive, Oxley Vale</p> <p>Lot 8 DP 1173388, 13 Regal Park Drive, Oxley Vale</p> <p>Lot 9 DP 1173388, 15 Regal Park Drive, Oxley Vale</p> <p>Lot 10 DP 1173388, 17 Regal Park Drive, Oxley Vale</p> <p>Lot 11 DP 1173388, 19 Regal Park Drive, Oxley Vale</p> <p>Lot 12 DP 1173388, 21 Regal Park Drive, Oxley Vale</p> <p>Lot 13 DP 1173388, 23 Regal Park Drive, Oxley Vale</p> <p>Lot 2 DP 1238697, 25B Regal Park Drive, Oxley Vale</p> <p>Lot 15 DP 1173388, 27 Regal Park Drive, Oxley Vale</p> <p>Lot 16 DP 1173388, 29 Regal Park Drive, Oxley Vale</p> <p>Lot 17 DP 1173388, 31 Regal Park Drive, Oxley Vale</p> <p>Lot 181 DP 1219870, 30A Regal Park Drive, Oxley Vale</p> <p>Lot 182 DP 1219870, 30 Regal Park Drive, Oxley Vale</p> <p>Lot 92 DP 746943, Glengarvin Drive, Oxley Vale</p> <p>Lot 1 DP 196665, 5 Hilton Street, South Tamworth</p> <p>Lot 1 DP 797999, 7 Scott Road, South Tamworth</p> <p>Lot 11 DP 271212, 9 Curtiss Close, Taminda</p> <p>Lot 1 DP 1247214, Community Centre, 2B Kenny Drive, West Tamworth</p> <p>Lot 101 DP 1275336, 11 Wollemi Close, North Tamworth</p>
<p>Lot Size</p> <p>LSZ_002B</p>	<p>Lot A DP 348010, 252 Manilla Street, Manilla</p> <p>Lot 215 DP 752191, Manilla Team Penning (Showground), River Street, Manilla</p> <p>Lot 216 DP 752191, Manilla Team Penning (Showground), River Street, Manilla</p>
<p>Lot Size</p> <p>LSZ_004B</p>	<p>Lot 120 DP 1245508, 4 Jubata Drive, Moore Creek</p> <p>Lot 121 DP 1245508, 6 Jubata Drive, Moore Creek</p> <p>Lot 114 DP 1260786, 15 Baileyana Close, Moore Creek</p> <p>Lot 113 DP 1260786, 17 Baileyana Close, Moore Creek</p> <p>Lot 112 DP 1260786, 24 Baileyana Close, Moore Creek</p> <p>Lot 212 DP 1244600, 10 Dianella Close, Moore Creek</p> <p>Lot 211 DP 1274600, 8 Dianella Close, Moore Creek</p>

	<p>Lot 215 DP 1274600, 5 Dianella Close, Moore Creek</p> <p>Lot 216 DP 1274600, 3 Dianella Close, Moore Creek</p> <p>Lot 304 DP 1284912, 8 Spur Wing Close, Moore Creek</p> <p>Lot 310 DP 1284912, 9 Spur Wing Close, Moore Creek</p>
<p>Lot Size</p> <p>LSZ_004C</p>	<p>Lot 124 DP 1194906, 10 Lake Place, North Tamworth</p> <p>Strata Plan 91773, 8 Lake Place, North Tamworth</p> <p>Lot 126 DP 1194906, 6 Lake Place, North Tamworth</p> <p>Lot 127 DP 1194906, 4 Lake Place, North Tamworth</p> <p>Lot 128 DP 1194906, 2 Swan Street, North Tamworth and adjoining road</p> <p>Lot 129 DP 1194906, 2 Swan Street, North Tamworth</p> <p>Lot 2 DP 1191766, 38 Johnston Street, North Tamworth</p> <p>Lot 3 DP 1173388, 3 Regal Park Drive, Oxley Vale</p> <p>Lot 4 DP 1173388, 5 Regal Park Drive, Oxley Vale</p> <p>Lot 5 DP 1173388, 7 Regal Park Drive, Oxley Vale</p> <p>Lot 6 DP 1173388, 9 Regal Park Drive, Oxley Vale</p> <p>Lot 7 DP 1173388, 11 Regal Park Drive, Oxley Vale</p> <p>Lot 8 DP 1173388, 13 Regal Park Drive, Oxley Vale</p> <p>Lot 9 DP 1173388, 15 Regal Park Drive, Oxley Vale</p> <p>Lot 10 DP 1173388, 17 Regal Park Drive, Oxley Vale</p> <p>Lot 11 DP 1173388, 19 Regal Park Drive, Oxley Vale</p> <p>Lot 12 DP 1173388, 21 Regal Park Drive, Oxley Vale</p> <p>Lot 13 DP 1173388, 23 Regal Park Drive, Oxley Vale</p> <p>Lot 2 DP 1238697, 25B Regal Park Drive, Oxley Vale</p> <p>Lot 15 DP 1173388, 27 Regal Park Drive, Oxley Vale</p> <p>Lot 16 DP 1173388, 29 Regal Park Drive, Oxley Vale</p> <p>Lot 17 DP 1173388, 31 Regal Park Drive, Oxley Vale</p> <p>Lot 181 DP 1219870, 30A Regal Park Drive, Oxley Vale</p> <p>Lot 182 DP 1219870, 30 Regal Park Drive, Oxley Vale</p> <p>Lot 92 DP 746943, Glengarvin Drive, Oxley Vale</p> <p>Lot 1 DP 1247214, Community Centre, 2B Kenny Drive, West Tamworth</p> <p>Lot 101 DP 1275336, 11 Wollemi Close, North Tamworth</p>
<p>Lot Size</p> <p>LSZ_004K</p>	<p>Lot 10 DP 831945, Nundle Road, Dungowan</p>
<p>FSR_004C</p>	<p>Lot 1 DP 196665, 5 Hilton Street, South Tamworth</p> <p>Lot 1 DP 797999, 7 Scott Road, South Tamworth</p> <p>Lot 11 DP 271212, 9 Curtiss Close, Taminda</p>

Chapter 13 Expressions of Interest (Phase 1)

Part 1: Objectives and Intended Outcomes

The **Objective** of this chapter is to work in collaboration with the community to undertake amendments to the *TRLEP 2010* identified through an Expression of Interest (EOI) process.

The **Intended Outcomes** of this chapter are to:

- Correct the planning controls for identified properties in consideration of their current use and to enable orderly development;
- Support the development of a neighbourhood supermarket at Oxley Vale; and
- Enable the orderly development of the Stratheden residential area.

Part 2: Explanation of Provisions

As part of the comprehensive review of the *TRLEP 2010*, a community wide EOI process was undertaken in 2022 inviting property owners to identify potential amendments to the *TRLEP 2010*, **Table 17** identifies a number of amendments, identified by the EOI process, to be undertaken as part of Phase 1 of the comprehensive review of the *TRLEP 2010*. Additional 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*.

Table 17: Proposed Amendments to the *TRLEP 2010* via Expression of Interest

EOI No.	Property Description	Summary of Proposed Amendments
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 – Refer Chapter 4 .
2	Lot 28 DP 842308, 7 Edward Street, Moonbi (Figure 56 and Figure 57)	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 (Figure 58)	Change the zoning from R1 – General Residential to E1 – Local Centre to support the development of the site for a neighbourhood supermarket. To ensure consistent development standards with other local centres, the minimum lot size will be changed to Nil and a floor space ratio of 0.5:1 will be applied.
4	Part Lot 901 DP 1297546, Mulconda Close, Oxley Vale (Figure 60 and Figure 61)	Change the zoning and minimum lot size 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 777 DP 1158251, 783 Manilla Road, Oxley Vale (Figure 62)	Change the zoning from RU4 – Primary Production Small Lots to R1 – General Residential to facilitate additional housing supply and provide an improved access location to the Stratheden residential estate. This will also have consequential amendments to the minimum lot size

		(reduced from 40ha to 450m2) and the dwelling density map.
6	Lot 833 DP 1220826, Glenmore Drive, Moore Creek (Figure 65)	Rezone the subject site from R2 – Low Density Residential to C2 – Environmental Conservation.

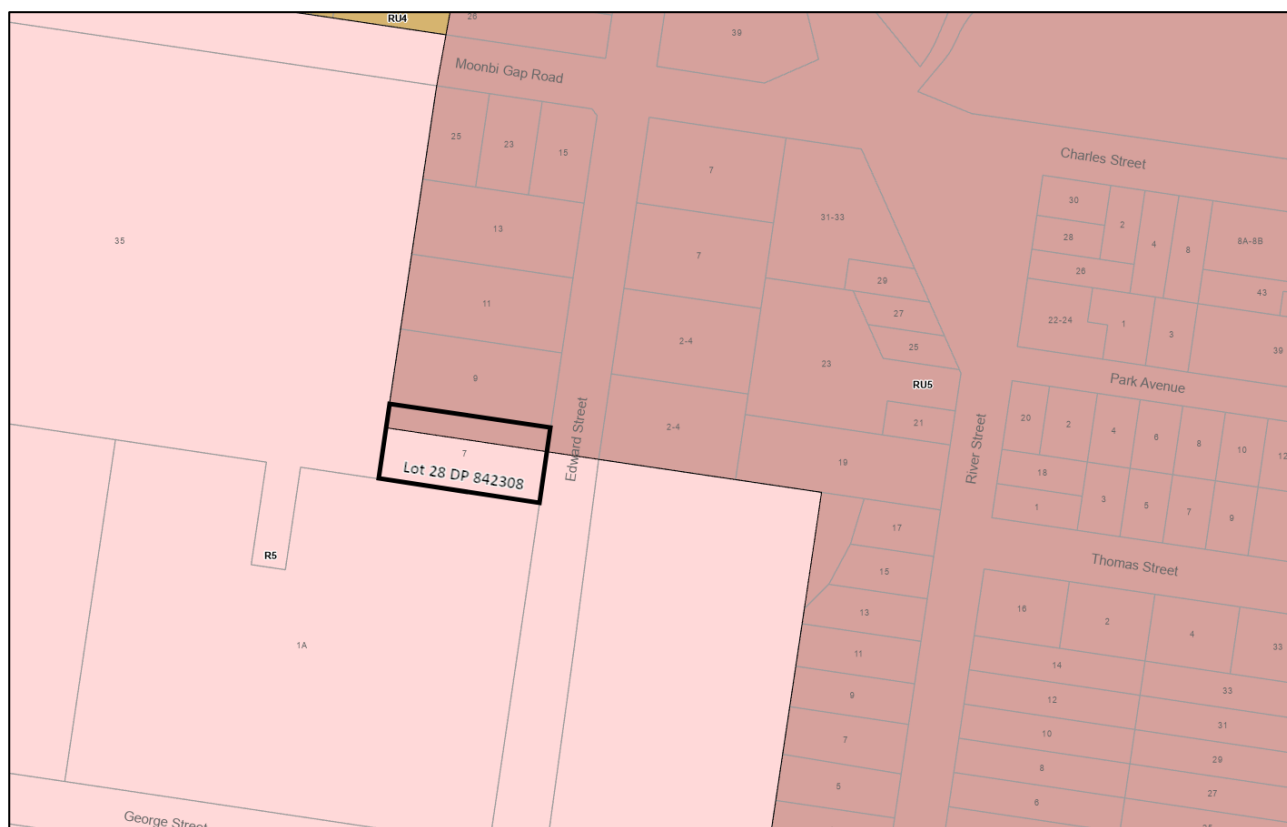


Figure 56: Current TRLEP 2010 Zoning of Lot 28 DP 842308, 7 Edward Street, Moonbi

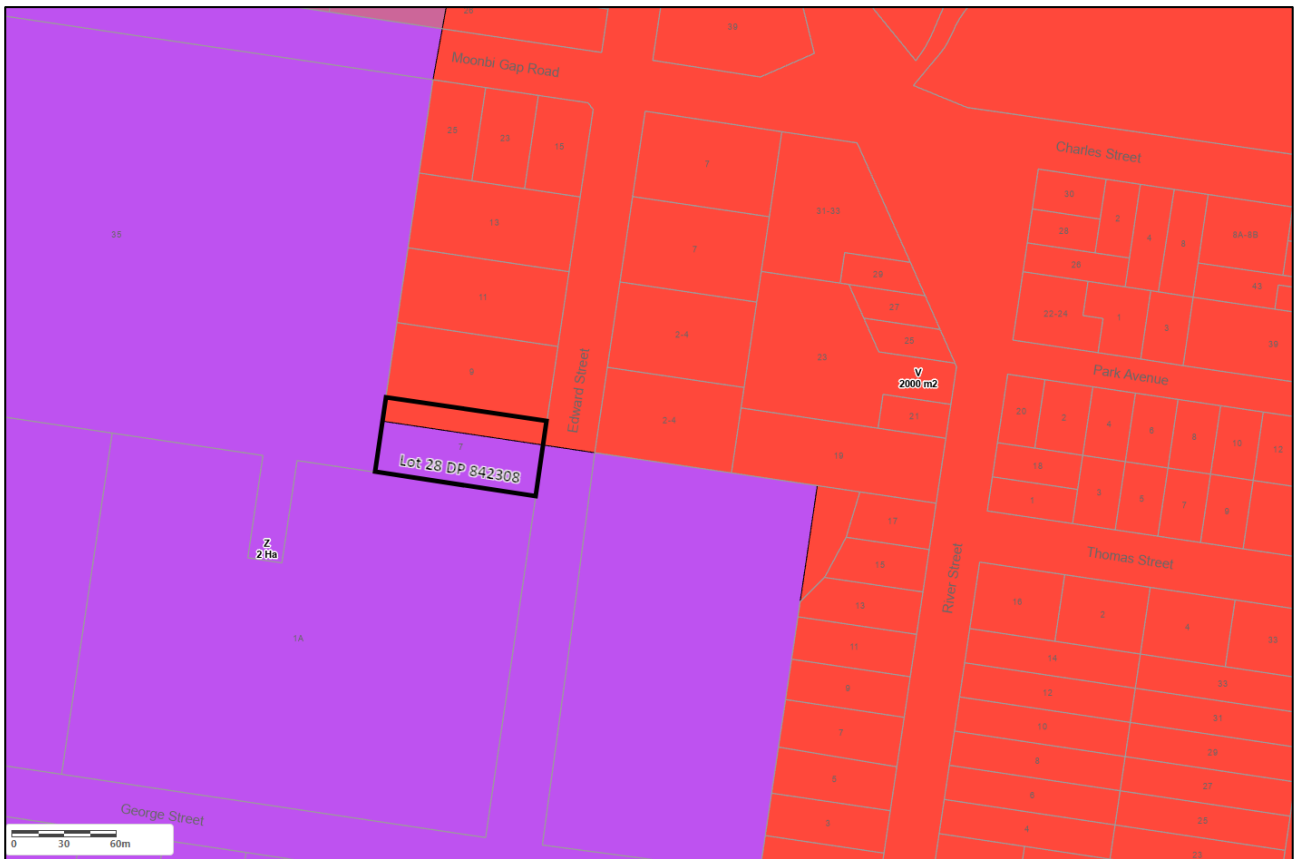


Figure 57: Current TRLEP 2010 Minimum Lot Size of Lot 28 DP 842308, 7 Edward Street, Moonbi

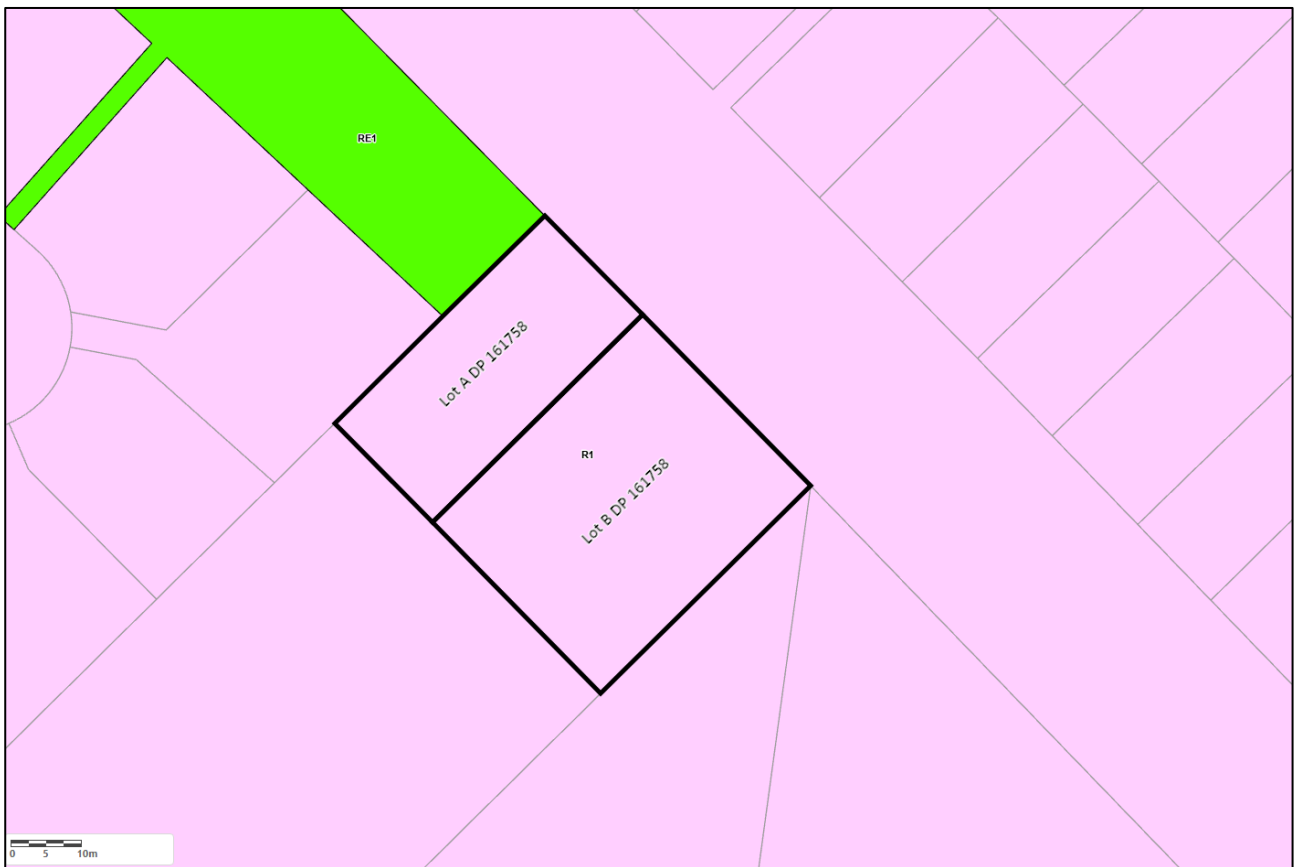


Figure 58: Current TRLEP 2010 Zoning of Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale

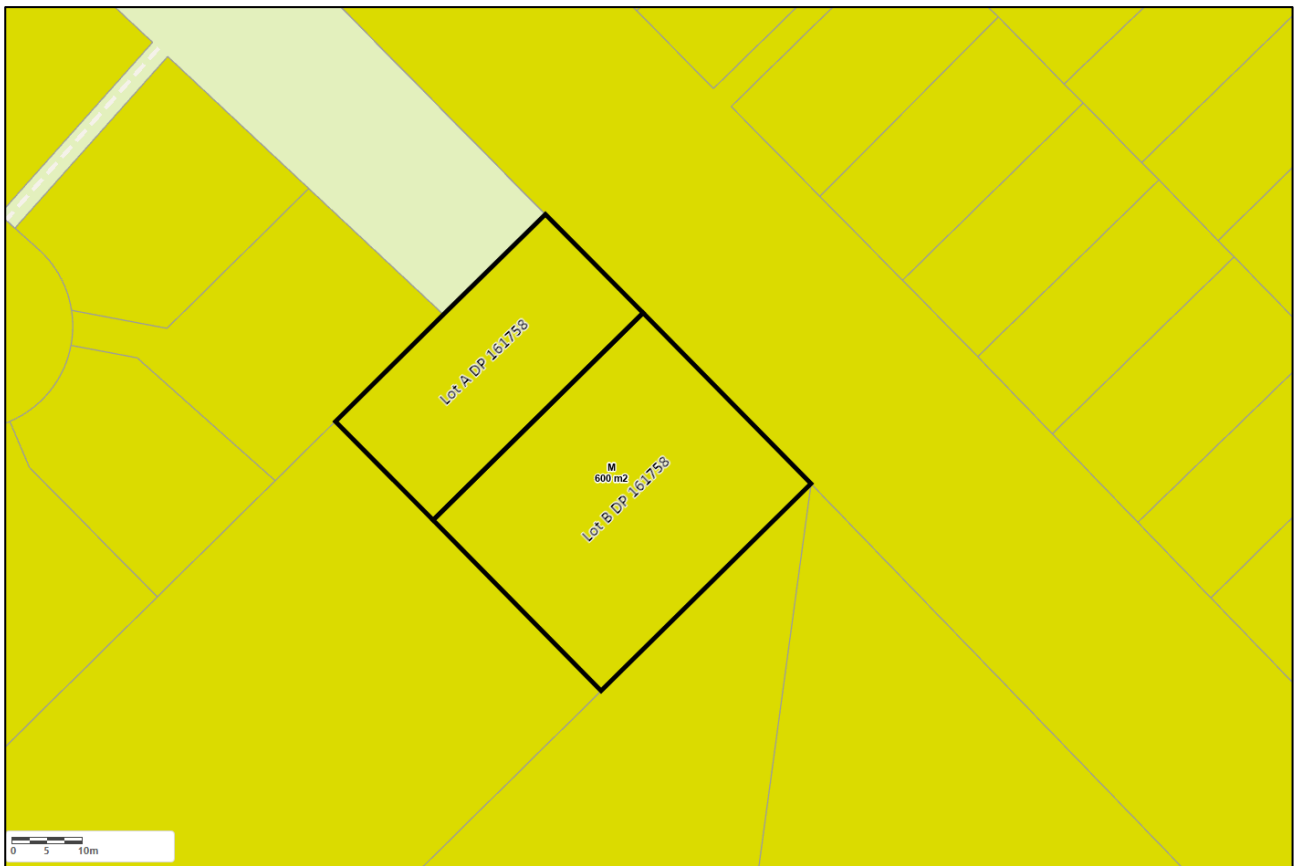


Figure 59: Current TRLEP 2010 Minimum Lot Size for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale:

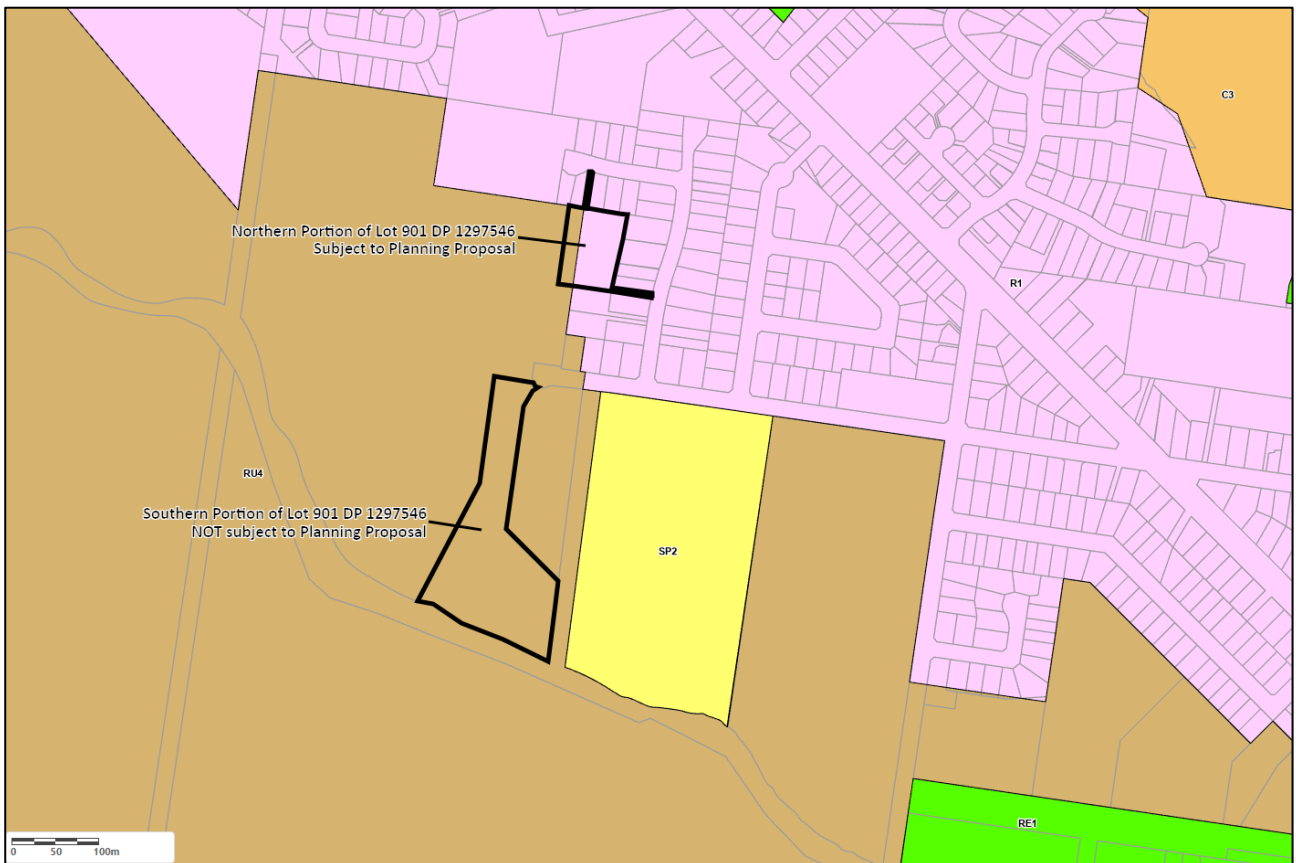


Figure 60: Current TRLEP 2010 Zoning of Part Lot 901 DP 1297546, Mulconda Close, Oxley Vale

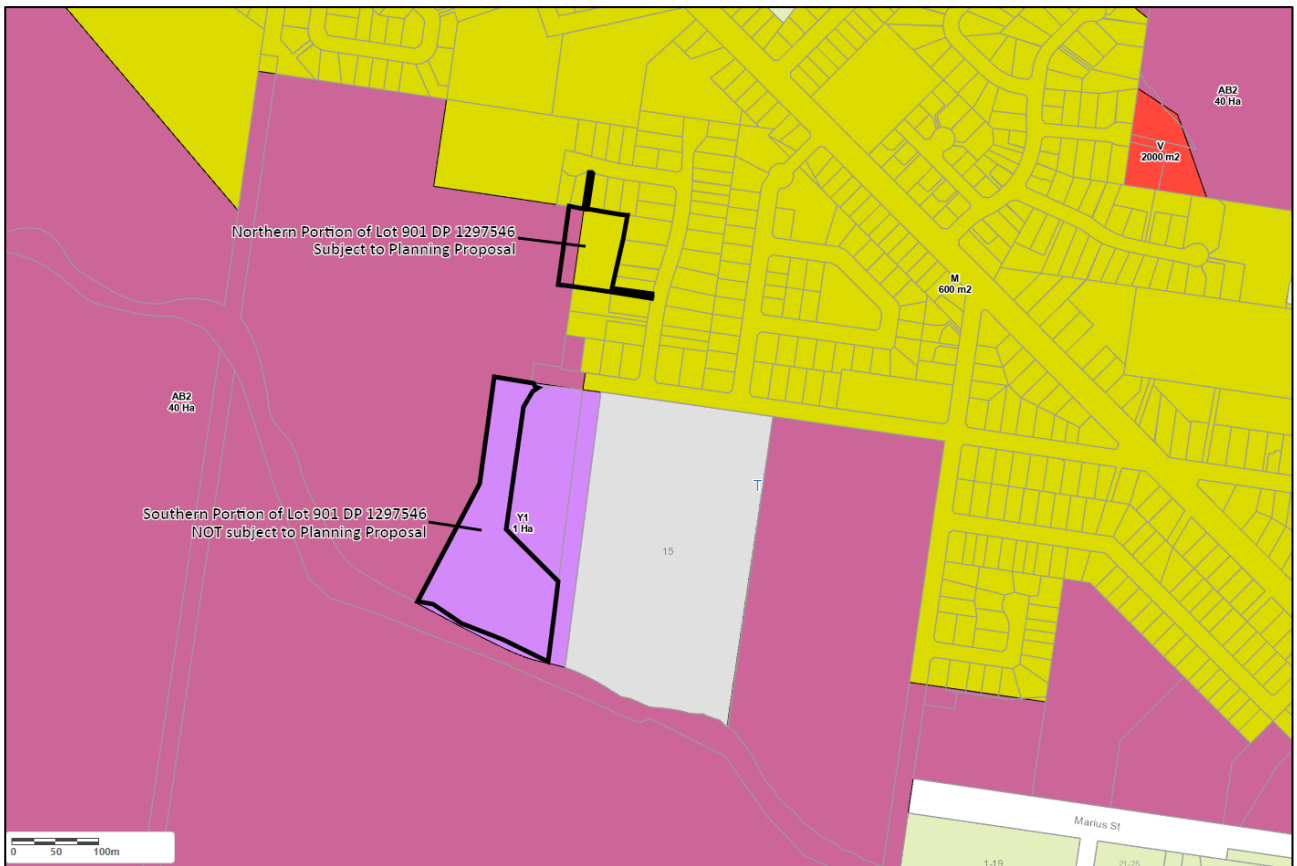


Figure 61: Current TRLEP 2010 Minimum Lot Size of Part Lot 901 DP 1297546, Mulconda Close, Oxley Vale

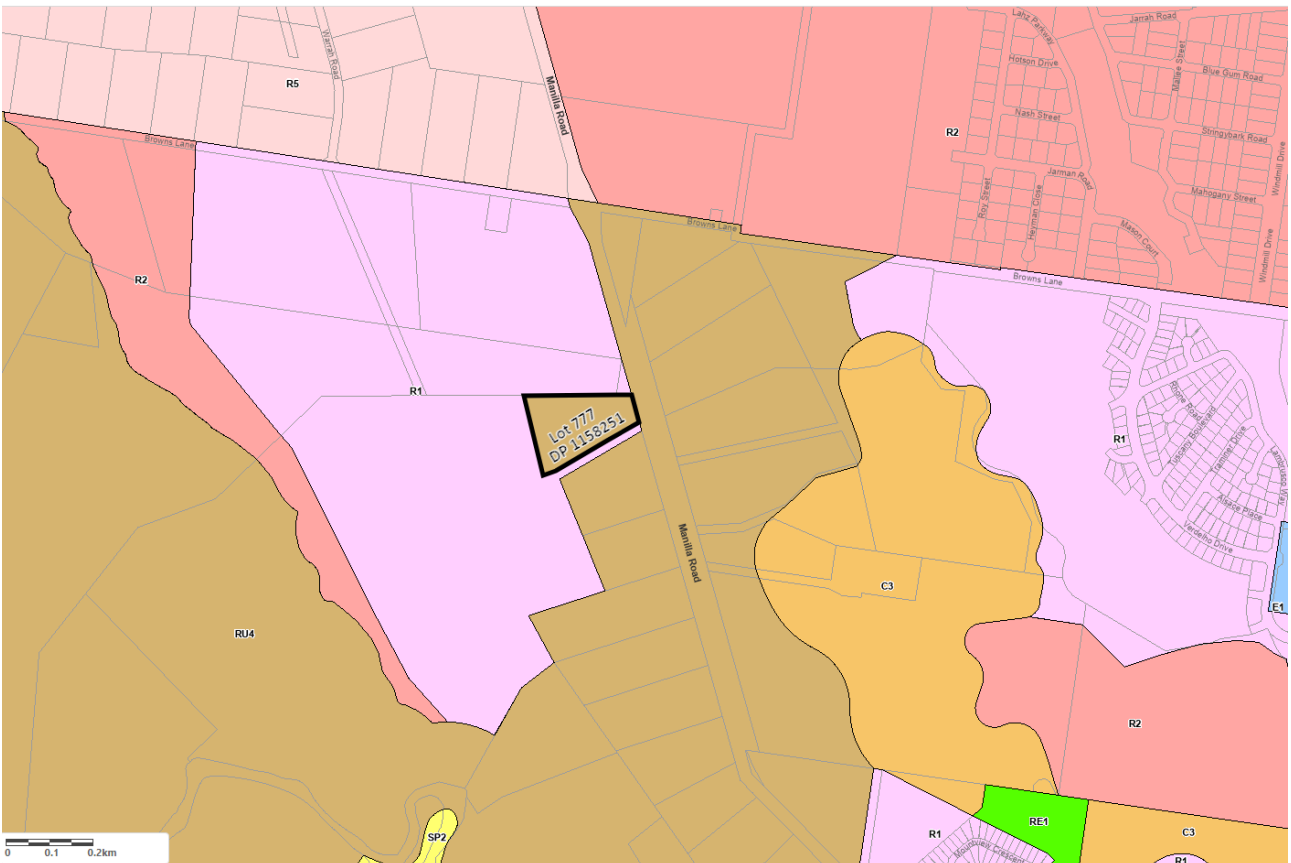


Figure 62: Current TRLEP 2010 Zoning of Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale

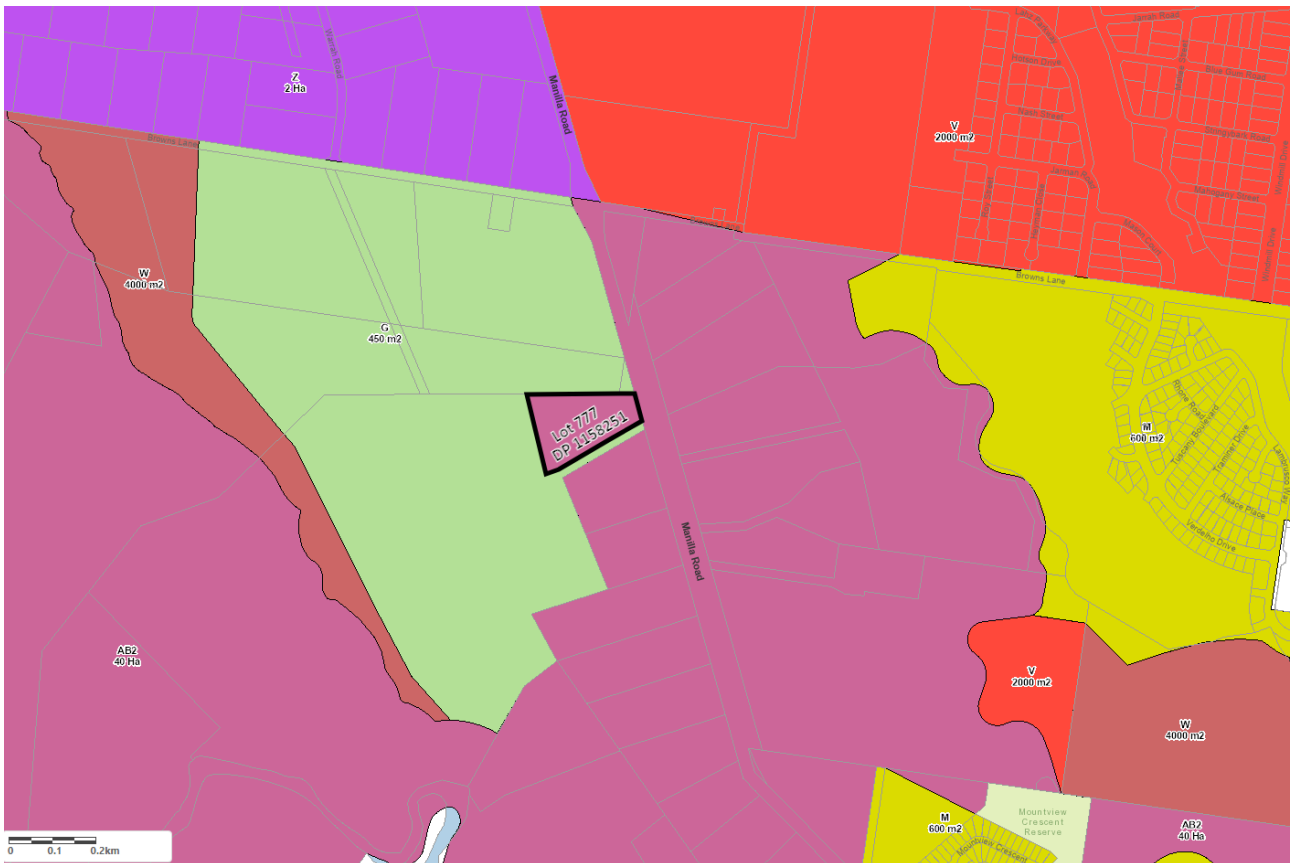


Figure 63: Current TRLEP 2010 Minimum Lot Size of Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale

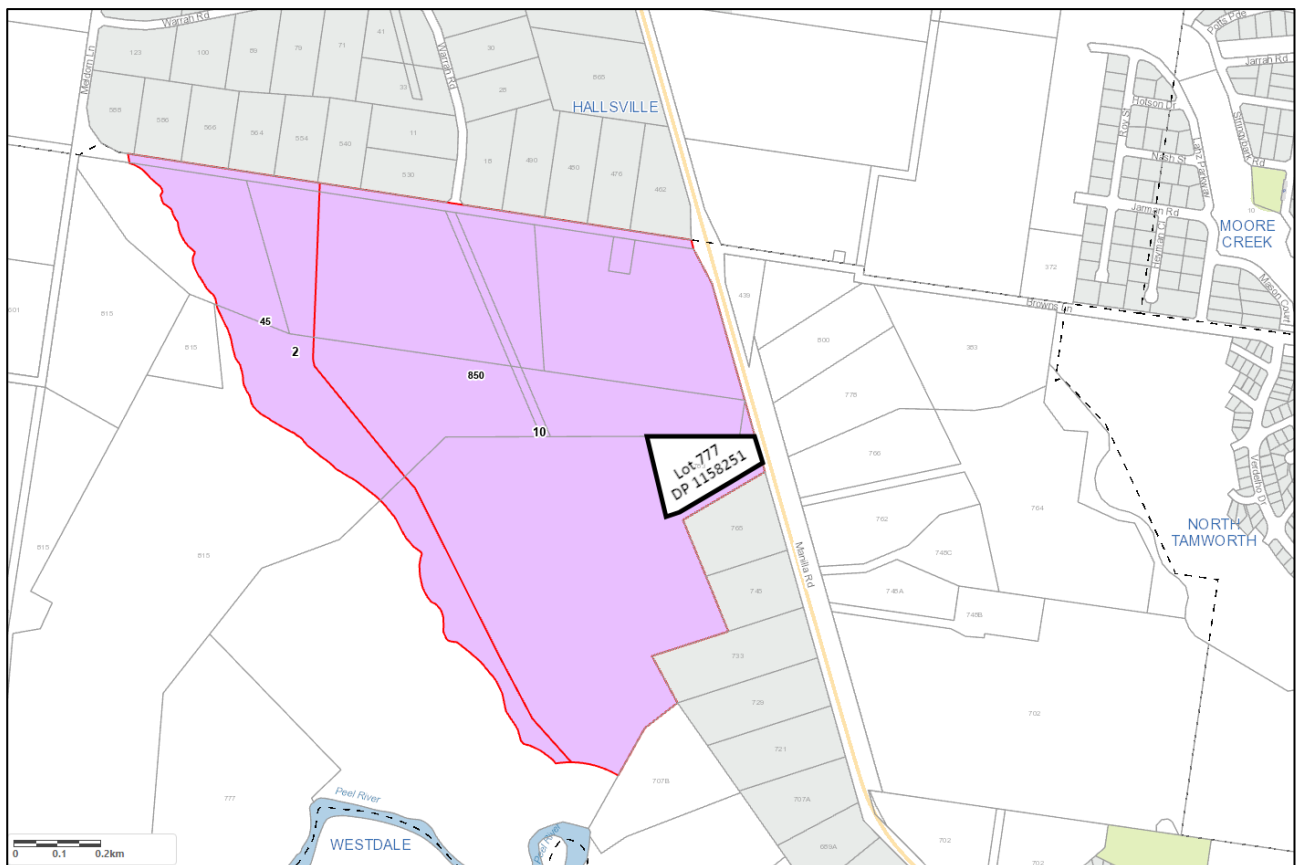


Figure 64: Current TRLEP 2010 Dwelling Density Map around Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale

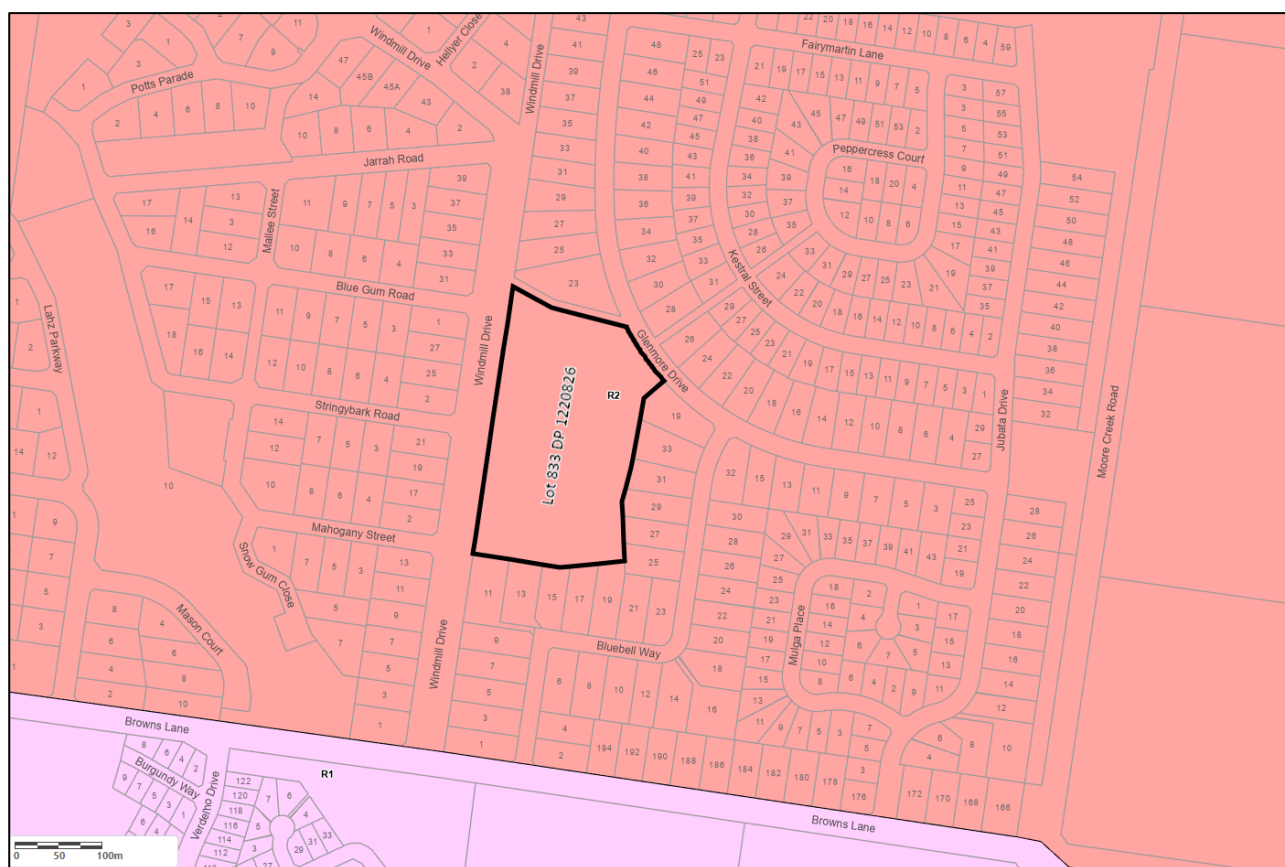


Figure 65: Current TRLEP 2010 Zoning of Lot 833 DP 1220826, Glenmore Drive, Moore Creek

Part 3: Justification

Section A: Need for the planning proposal

Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Item 1	Refer to Chapter 4.
Item 2	The proposed <i>TRLEP 2010</i> amendments for Lot 28 DP 842308, 7 Edward Street, Moonbi are a result of the EOI process for the comprehensive review of the TRLEP informed by <i>Blueprint 100: Part 2: LSPS 2020</i> .
Item 3	Whilst identified through the EOI process, the proposed re-zoning of Lots A and B DP 161758 is consistent with Action SG1 of <i>Blueprint 100: Part 2: LSPS 2020</i> to “implement planning controls to support continued growth to the north of Tamworth and provide for the efficient use of land in new residential developments at Stratheden 1 and 2”. Specifically, the planning proposal will facilitate a neighbourhood supermarket in the Oxley Vale area that will support growth in the north of Tamworth, including the new Stratheden Estates.
Item 4	The proposed <i>TRLEP 2010</i> amendments for northern portion of Lot 901 DP 1297546, Mulconda Close, Oxley Vale are a result of the EOI process for the comprehensive review of the TRLEP informed by <i>Blueprint 100: Part 2: LSPS 2020</i> . No amendments are proposed to the southern portion of Lot 901 DP 1297546
Item 5	Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale has been identified by <i>Blueprint 100: Part 2: LSPS 2020</i> as part of the ‘Stage 2a – Plan supported’ Stratheden growth area (. Therefore, the proposed re-zoning of Lot 777 DP 1158251 is in accordance

	with Action SG1 of <i>Blueprint 100: Part 2: LSPS 2020</i> to “implement planning controls to support continued growth to the north of Tamworth and provide for the efficient use of land in new residential developments at Stratheden 1 and 2”.
Item 6	<p>Lot 833 DP 1220826 was dedicated to Council in 2016 as a public reserve and contains a remnant patch of White Box - Yellow Box - Blakely’s Red Gum Grassy Woodland, which is a critically endangered ecological community under the <i>Biodiversity Conservation Act 2016</i>. Re-zoning the site in recognition of its environmental significance was identified during the EOI process and is consistent with the following Actions of <i>Blueprint 100: Part 2: LSPS 2020</i>:</p> <ul style="list-style-type: none"> • DN3 – Partner with the development sector to complete a Tamworth City growth areas Grassy White Box Woodlands study and explore Council owned land that could be easily used as off-set sites for threatened species in growth areas in order to facilitate development; and • DN6 – Complete and utilise mapping for flood, bush fire hazards, vegetation and biodiversity and support renewable initiatives.

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

Item 1	Refer to Chapter 4.
Item 2	A planning proposal is the only method of applying a single zone and minimum lot size development standard to Lot 28 DP 842308, 7 Edward Street, Moonbi.
Item 3	<p>A neighbourhood supermarket is currently prohibited within R1 – General Residential zone. A planning proposal is the only method of enabling a neighbourhood supermarket on Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale.</p> <p>The current planning proposal is to re-zone the subject site E1 local Centre to enable the development of a neighbourhood supermarket; however, two other possible options are:</p> <ul style="list-style-type: none"> • <u>Alternative Option 1: Permit neighbourhood supermarkets within the entirety of the R1 – General Residential zone</u> – This is not supported as it creates potential for a proliferation of small supermarkets, which would have a significant impact on the hierarchy of the economic centres within Tamworth; and • <u>Alternative Option 2: Retain the R1 – General Residential Zone and Permit a Neighbourhood Supermarket as an Additional Permitted Use</u> – The subject site contains the “Oxley Vale Superette”, which services the surrounding Oxley Vale community. Within the continued growth of Oxley Vale, including the new Stratheden Estate to the north-west, there is demand to provide a local centre to serve the needs of the immediate community. Such a local centre would include (at minimum) a neighbourhood supermarket, but has potential for other small-scale business (e.g., hairdressers, chemists, etc.). Nominating a neighbourhood supermarket as an additional permitted use will stifle future opportunities for other businesses and is not recommended. <p>It is considered that re-zoning Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale from R1 – General Residential to E1 – Local Centre is the best means of creating</p>

	a local economic centre, inclusive of a neighbourhood supermarket, to serve the needs to the Oxley Vale community without impacting the broader city of Tamworth.
Item 4	A planning proposal is the only method of applying a single zone and minimum lot size development standard to the northern portion of Lot 901 DP 1297546, Mulconda Close, Oxley Vale.
Item 5	A planning proposal to amend zoning and minimum lot size is the only method of incorporating Lot 777 DP 1158251 into the Stratheden Estate growth area.
Item 6	A planning proposal is the best method of changing the zoning of Lot 833 DP 1220826 to reflect the environmental significance of the site.

Section B: Relationship to the Strategic Planning Framework

Question 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)?

Item 1	Refer to Chapter 4.
Item 2	Lot 28 DP 842308 is currently subject to split zoning and split minimum lot size under the <i>TRLEP 2010</i> . Applying a single zoning and minimum lot size development standard will enable orderly development and is not inconsistent with the <i>NENW Regional Plan 2041</i> .
Item 3	<p><u>Objective 5: Enhance the diversity and strength of Central Business Districts and town centres</u></p> <p>The planning proposal will not create a new retail centre as the subject site already contains the 'Oxley Vale Superette' which services the surrounding Oxley Vale community. With the current and future growth of Oxley Vale, including the new Stratheden Estate to the north-west, the proposed E1 – Local Centre zoning of the subject site will facilitate a larger commercial area of appropriate size for the service catchment. Furthermore, whilst the total combined area of Lots A and B DP 161758 is 2,333m² is large enough to facilitate a larger commercial premises, is not of sufficient size to have a significant adverse impact on the economic viability of the Tamworth CBD or other local centres.</p>
Item 4	The northern portion of Part Lot 901 DP 1297546, Mulconda Close, Oxley Vale is current subject to split zoning and split minimum lot size under the <i>TRLEP 2010</i> (Figure 60 and Figure 61). Applying a single zoning and minimum lot size development standard will enable orderly development and is not inconsistent with the <i>NENW Regional Plan 2041</i> . No amendments are proposed to the southern portion of Lot 901 DP 1297546
Item 5	<p><u>Objective 2: Protect the viability and integrity of rural land</u></p> <p>Whilst zoned RU4 – Primary Production Small lots, Lot 777 DP 1158251 has insufficient area (3.21ha) for agricultural, adjoins the previously zoned Stratheden Residential area and is not mapped as important agricultural land. The proposed re-zoning is not considered to adversely impact the viability of integrity of rural land, and is not inconsistent with this Objective.</p>

	<p><u>Objective 13: Provide well located housing options to meet demand</u></p> <p>Lot 777 DP 1158251 is located within a 'future residential area investigation area' within the Local Government Narrative for the Tamworth Regional LGA (Figure 66).</p> <p>The overall Stratheden area 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.</p> <p>The proposed re-zoning of Lot 777 DP 1158251 is consistent with Objective 13 of the <i>NENW Regional Plan 2041</i>.</p>
Item 6	<p><u>Objective 12: Protect regional biodiversity and areas of High Environmental Value</u></p> <p>The White Box - Yellow Box - Blakely's Red Gum Grassy Woodland within Lot 833 DP 1220826 whilst small and fragmented from other communities, is still representative of a critically endangered ecological community. Additionally, this community remains an accessible habitat for mobile species such as bats and number of birds species. Lastly, the remnant vegetation provides natural landscape that contributes to the wellbeing of the surrounding residential areas.</p> <p>Re-zoning Lot 833 DP 1220826 from R2 – Low Density Residential to C2 – Environmental Conservation is consistent with a number of Actions and Strategies of the <i>NENW Regional Plan 2041</i>, including to "<i>protect, maintain and restore environmental assets in strategic planning</i>" and "<i>protect, maintain and enhance HEV on public land</i>".</p>

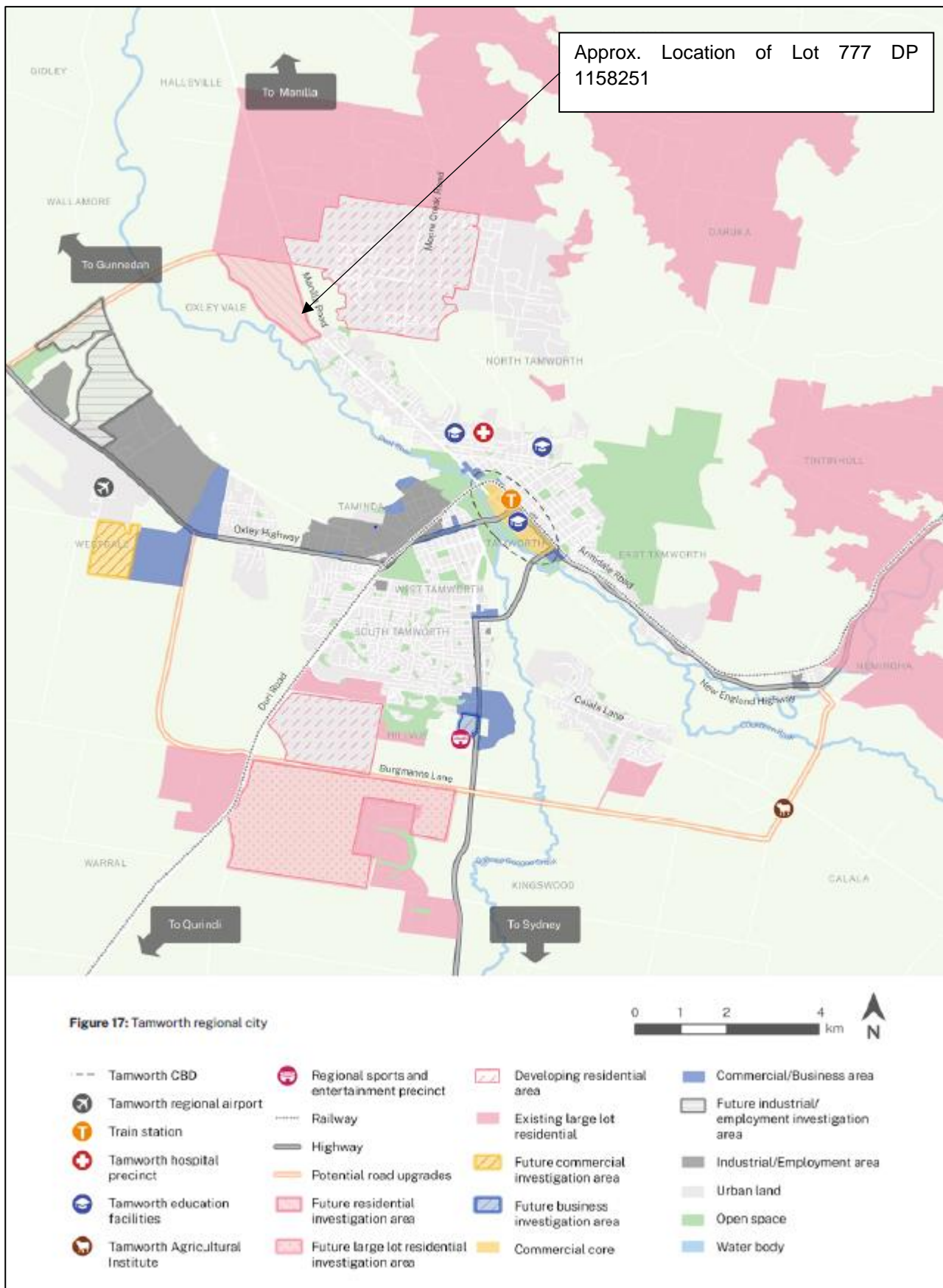


Figure 66: Approximate Location of Lot 777 DP 1158251 in relation to Stratheden 'future residential investigation area' mapped under the NENW Regional Plan 2041

Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Item 1	Refer to Chapter 4.
Item 2	Lot 28 DP 842308 is currently subject to split zoning and split minimum lot size under the <i>TRLEP 2010</i> . Applying a single zoning and minimum lot size development standard will enable orderly development and is not inconsistent with <i>Blueprint 100: Part 2: LSPS 2020</i> .
Item 3	<p>A factor of smart residential growth and housing choices (Theme 1 of <i>Blueprint 100: Part 2: LSPS 2020</i>) is for residential areas to have access to amenities and services that support a high quality of life. This includes commercial premises that provide day-to-day goods and services to local residents. The proposed re-zoning of Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale from R1 – General Residential to E1 – Local Centre will provide a reasonably sized commercial area that serves the existing Oxley Vale community and future Stratheden residents.</p> <p>In addition, to create a prosperous region (Theme 2 of <i>Blueprint 100: Part 2: LSPS 2020</i>) it is necessary to retain and attract workers through creation of employment opportunities. Expansion of the commercial premises on Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale will promote employment and economic development.</p>
Item 4	The northern portion of Lot 901 DP 1297546, Mulconda Close, Oxley Vale is currently subject to split zoning and split minimum lot size under the <i>TRLEP 2010</i> . Applying a single zoning and minimum lot size development standard will enable orderly development and is not inconsistent with <i>Blueprint 100: Part 2: LSPS 2020</i> . No amendments are proposed to the southern portion of Lot 901 DP 1297546
Item 5	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. Lot 777 DP 11158251 is identified as part of the Stratheden preferred growth area and the proposed re-zoning is consistent with Theme 1 Facilitate Smart Residential Growth and Housing Choices of <i>Blueprint 100: Part 2: LSPS 2020</i> and <i>Objective 4.1 of Tamworth Tomorrow Strategy 2022</i> . .
Item 6	<p>Theme 5 Design with Nature of <i>Blueprint 100: Part 2: LSPS 2020</i> discusses the need for further studies into biodiversity, especially the implications of the rare and important Grassy White Box Woodlands. Whilst these studies are yet to be completed, a known example of White Box - Yellow Box - Blakely's Red Gum Grassy Woodland is located within Lot 833 DP 1220826. This land was dedicated to Council as public reserve in 2016 specifically to protect ecological values.</p> <p>Re-zoning of Lot 833 DP 1220826 in recognition of its environmental significance is consistent with the them Design with nature and in accordance with Actions DN3 and DN6 of <i>Blueprint 100: Part 2: LSPS 2020</i>.</p>

Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Item 1	Refer to Chapter 4.
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Item 2	No other State or regional strategies are considered applicable to the proposed <i>TRLEP 2010</i> amendments for Lot 28 DP 842308.
Item 3	No other State or regional strategies are considered applicable to the proposed <i>TRLEP 2010</i> amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale.
Item 4	No other State or regional strategies are considered applicable to the proposed <i>TRLEP 2010</i> amendments for Part Lot 901 DP 1297546, Mulconda Close, Oxley Vale.
Item 5	<p><u>Key Government Priority - Housing</u></p> <p>The provision of housing for the growing population is a key priority for the NSW Government, with a number of initiatives developed to boost housing supply, including social and affordable housing reforms, investing in infrastructure and low-and mid-rise housing reforms.</p> <p>Stratheden Estate was subject to a planning proposal (PP-2021-7149) completed in June 2023. Since completion of this planning proposal, further access design work for Stratheden Estate has identified that the original access through Lot 708 DP 1252037 is constrained by a culvert under Manilla Road immediately south of the access. Relocating the intersection north along Manilla Road would enable an improved access to Stratheden Estate with minimal changes to the overall estate and minimal impacts on Manilla Road.</p> <p>Lot 777 DP 1158251 is within a designated growth area, endorsed by the State Government. The proposed re-zoning to improve access for Stratheden Estate and boost housing supply is consistent with NSW Government's priority.</p>
Item 6	<p><u>NSW Threatened Species Scientific Committee – Conservation Assessment of White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland</u></p> <p>This conservation assessment informed the Final Determination of NSW Threatened Species Scientific Committee for the listing of White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived native Grasslands as a critically endangered ecological species.</p> <p>One of the key threats to the critically endangered ecological community is clearing with a conservation action being the "protection of remnants of the listed ecological community through the development of conservation agreements and covenants". It is considered that applying an appropriate land use zone (i.e., C2 – Environmental Conservation) is another suitable conservation action.</p>

Question 6 – Is the planning proposal consistent with applicable SEPPs?

Item 1	Refer to Chapter 4.
Item 2	The proposed <i>TRLEP 2010</i> amendments for Lot 28 DP 842308 are minimal and are considered to be consistent with the applicable SEPPs.
Item 3	<p>The proposed <i>TRLEP 2010</i> amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale are considered consistent with all applicable SEPPs.</p> <p>In relation to <i>SEPP (Transport and Infrastructure) 2021</i>, the subject land has frontage to a classified road and the future development (subject to separate application) may be</p>

	<p>'traffic generating development'. In response to potential access, parking and traffic impacts associated with re-zoning and developing the land:</p> <ul style="list-style-type: none"> • A Traffic Impact Assessment (TIA) has been undertaken for the site; • The TIA was referred to TfNSW for preliminary advice; and • The proponent has provided a response to the matters raised by TfNSW. <p>Appendix 7 contains a copy of the TIA, preliminary advice from TfNSW and the proponent's response.</p> <p>In consideration of the information contained in Appendix 7, it is considered that the majority of the traffic requirements for the subject site are design specific, i.e., swept paths, construction of medians, etc. These types of matters, whilst useful to identify at the planning proposal phase are best resolved as part of a future Development Application.</p> <p>For the purpose of re-zoning of the site, the TIA and subsequent response are considered to contain sufficient information to determine that the efficiency, safety and Level of Service of Manilla Road and surrounding network will not be adversely affected by the proposed re-zoning. Further consultation will be undertaken with TfNSW in accordance with the Gateway Determination.</p>
Item 4	The proposed <i>TRLEP 2010</i> amendments for the northern portion of Lot 901 DP 1297546 are minimal and are considered to be consistent with the applicable SEPPs.
Item 5	The proposed re-zoning of Lot 777 DP 1158251 is considered consistent with all applicable SEPPs.
Item 6	<p>The proposed re-zoning of Lot 833 DP 1220826 is considered consistent with all applicable SEPPs.</p> <p>In relation to <i>SEPP (Transport and Infrastructure) 2021</i>, the proposed C2 – Environmental Conservation zone will not prevent Council from undertaking low impact works or utilising the land for community purposes, via the provisions for parks and other public reserves.</p>

Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Item 1	Refer to Chapter 4.
Item 2	<p>The proposed <i>TRLEP 2010</i> amendments for Lot 28 DP 842308 are minimal and are considered to be consistent with the applicable Ministerial Directions.</p> <p>Discussion has also been provided on Directions '4.1 Flooding' as the lot is partially affected by the FPL (unqualified).</p> <p><u>Ministerial Direction 4.1 Flooding</u></p> <p>This Ministerial Direction is applicable as the north-east portion of the lot is affected by the FPL (unqualified).</p> <p>In consideration of Part 1 of the Direction, this Chapter is consistent with the:</p> <ul style="list-style-type: none"> • NSW Flood Prone Land Policy;

- Principles of the Floodplain Development Manual 2005;
- Considering Flooding in Land Use Planning Guidelines 2021; and
- *Tamworth City Wide Floodplain Risk Management Plan 2023*.

This Chapter is consistent with Part 2 of the Direction as it does not propose to re-zone any land.

This Chapter is consistent with Part 3 and Part 4 of the Direction, as it will not:

- Permit any new development;
- Permit an increase in dwelling density or additional landuses;
- Result in significant increased government spending; or
- Significantly impact the safe occupation and efficient evacuation (refer **Figure 67**).

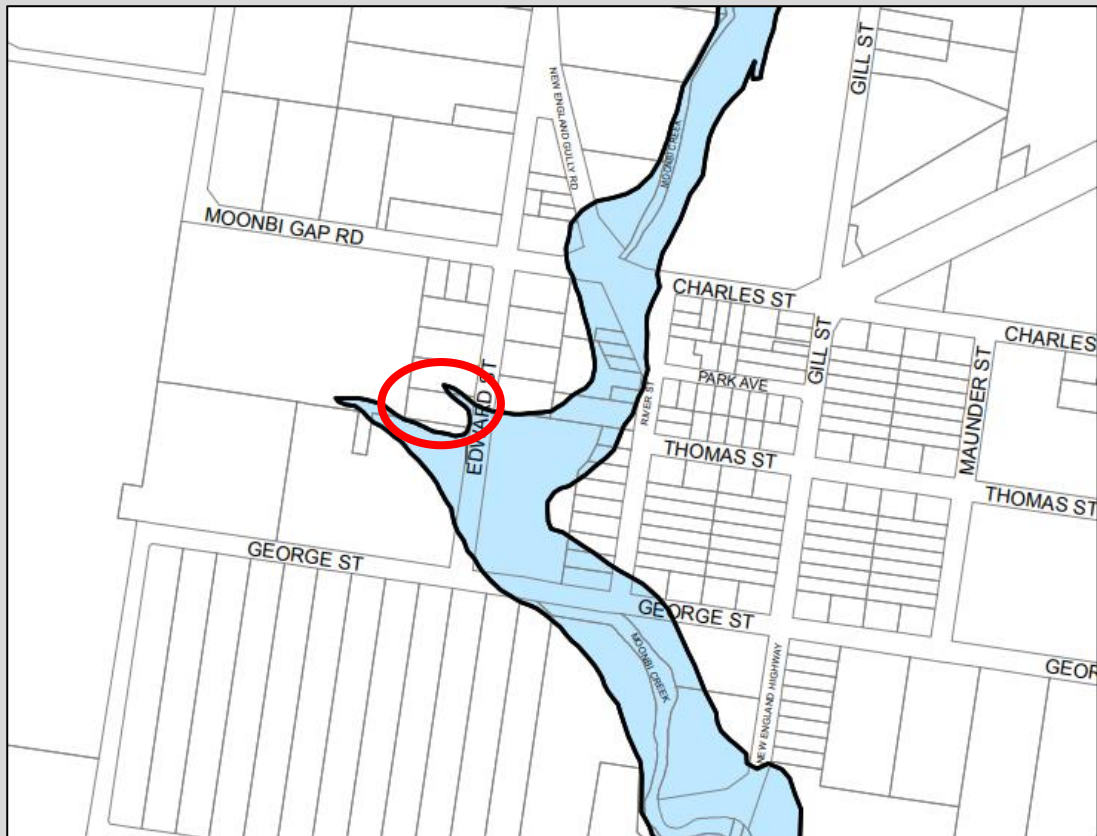


Figure 67: Extract of Flood Planning Map (Sheet CL3_004F) – Tamworth Regional Local Environmental Plan 2010

Item 3

The proposed *TRLEP 2010* amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale is considered consistent with all applicable Ministerial Directions except Direction '1.4 Site Specific Provisions', '4.4 Remediation of Contaminated Land', Direction '6.1 Residential Zones' and Direction '7.1 Employment Zones', which are justifiably inconsistent.

Discussion has also been provided on Direction, '4 '5.1 Integrating Land Use and Transport', which is relevant to this Chapter. Direction 1.4 Site Specific Provisions

The purpose of the proposed *TRLEP 2010* amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale is to facilitate a neighbourhood supermarket. The TIA (**Appendix 7**) contains concepts drawings, which is inconsistent with Direction 1.4 (2). These concepts drawings are provided for the sole purpose of allowing Council and TfNSW to undertake a high-level assessment of traffic impacts potential upgrades associated with the proposed re-zoning. These concepts drawings are not reproduced elsewhere in the planning proposal. It is not intended to restrict Lots A and B DP 161758 to a specific neighbourhood supermarket development. Consistent with Direction 1.4 (1) (b) to facilitate the development, it is proposed to re-zone the land to E1 – Local Centre. In this instance, the inclusion of draft drawings within the TIA is of minor significance and the proposed *TRLEP 2010* amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale are justifiably inconsistent with Ministerial Direction 1.4 Site Specific Provisions.

Ministerial Direction 4.4 Remediation of Contaminated Land

Lot A DP 161758, 175 Manilla Road, Oxley Vale contains a dwelling and has historically been utilised for residential purposes. This historic use is not considered a contaminating land use and a detailed assessment is not required as part of this planning proposal.

Lot B DP 161758, 171-173 Manilla Road, Oxley Vale contains the 'Oxleyvale Superette', which included a single fuel bowser and associated underground petroleum storage system. The purpose of this planning proposal is to recognise the historic use of Lot B DP 161758 and facilitate expansion of the business into a neighbourhood supermarket. It is not envisioned that as a result of the planning proposal that a significant change of use will occur, with the site remaining commercial.

A site investigation has previously been undertaken for Lot B DPP 16175, which included soil testing around the site and installation of monitoring wells. This investigation concludes that the site is "free of any notable contamination" and is suitable for continued commercial land use. A copy of this site investigation is included as **Appendix 8**.

Lastly, the planning proposal, intends to change the zoning from R1 – General Residential to E1 – Local Centre. Compared to the R1 – General Residential and other sensitive zones the E1 – Local Centre permits fewer sensitive land uses and is an appropriate zone for a site involving the sale of fuel.

In consideration of Ministerial Direction 4.4 Remediation of Contaminated Land, Council has reviewed potential contamination, including consideration of a site investigation (**Appendix 8**). It is considered that the proposed re-zoning of Lot B DP 161758, 171-173 Manilla Road, Oxley Vale is justifiably inconsistent with this Ministerial Direction.

Ministerial Direction 6.1 Residential Zones

Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale are currently zoned R1 – General Residential zone, which are intended to be re-zoned E1 – Local Centre to facilitate a neighbourhood supermarket. Despite reducing the amount of residential zoned land available for the housing market, the proposed *TRLEP 2010* amendments for Lots A and B DP 161758 to facilitate a neighbourhood supermarket will still have a positive outcome on the provision of housing. Specifically, a neighbourhood supermarket in the Oxley Vale will encourage housing in the locality by supporting the

	<p>future Stratheden Estate and increasing the desirability of in-fill residential development in the area. It is considered that the reduction in R1 – General Residential zoned land is of minor significance and justifiably inconsistent with Ministerial Direction 6.1 Residential Zones.</p> <p><u>Ministerial Direction 5.1 Integrating Land Use and Transport</u></p> <p>Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale are considered a suitable location for the proposed E1 – Local Centre zone, being located on main road and within walking distance of residential areas. A neighbourhood supermarket centrally located in Oxley Vale will encourage shorter travelling distances and fewer trips, with people not having travel to Northgate or the Tamworth CBD for essential items. The co-location with Oxley Vale Public School also enables people to carry out more than one activity in a single trip, i.e., school trips and shopping.</p> <p>Overall, it is considered that the proposed <i>TRLEP 2010</i> amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale is consistent with the objectives and principles of <i>The Right Place for Business and Services – Planning Policy</i>.</p> <p><u>Ministerial Direction 7.1 Employment Zones</u></p> <p>Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale are considered a suitable location for employment growth with the total size of the site (2,333m²) not considered to adversely impact the economic viability of the Tamworth CBD or other centres.</p> <p>It is noted that the imposition of a FSR of 0.5:1 to Lots A and B DP 161758 will reduce the total potential floor space area for employment uses within the proposed E1 – Local Centre zoning for the site, which is inconsistent with Direction (1) (c). The imposition of a FSR is standard strategic approach for local centres in Tamworth and gives effect to Objective 5 of the <i>NENW Regional Plan 2041</i> to protect the economic viability of the Tamworth CBD. The proposed 0.5:1 FSR is considered to be of minor significance.</p> <p>Overall, it is considered that the proposed <i>TRLEP 2010</i> amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale give effect to the objectives of Direction 7.1 and is justifiability inconsistent in relation to the imposition of a FSR development standard.</p>
Item 4	<p>The subject site (Lot 901 DP 1297546) is located in two separate portions: northern and southern. The two portions are physically separated (116m approx..) by residential development on separate lots. The planning proposal only proposes amending the zoning and minimum lot size for a part of the northern portion to rectify a mapping anomaly. No planning amendments are proposed to the southern portion.</p> <p>The proposed amendments are consistent with all applicable Ministerial Directions and justifiably inconsistent with “Direction 4.3 Planning for Bush Fire Protection’, ‘Direction 4.4 Remediation of Contaminated Land’, Direction 9.1 Rural Zones’ and ‘Direction 9.2 Rural Lands’, which are discussed below.</p> <p>Discussion has also been provided on ‘Directions 4.1 Flooding’ and which is relevant.</p> <p><u>Ministerial Direction 4.1 Flooding</u></p> <p>This Ministerial Direction is applicable as the southern portion of Lot 901 DP 1297546 is affected by both the FPL and PMF. Importantly, the northern portion of Lot 901 DP</p>

1297546, which is subject to the zoning and MLS amendments, is not affected by the FPL or PMF (**Figure 68**).

In consideration of Part 1 of the Direction, this Chapter is consistent with the:

- NSW Flood Prone Land Policy;
- Principles of the Floodplain Development Manual 2005;
- Considering Flooding in Land Use Planning Guidelines 2021; and
- Adopted *Tamworth City Wide Flooding Investigation 2019 and Tamworth City Wide Floodplain Risk Management Plan 2023*.

This Chapter is consistent with Part 2 of the Direction as it does not propose to re-zone any land which is located within the Flood Planning Area.

This Chapter is consistent with Part 3 and Part 4 of the Direction, as it will not permit any new development in the Flood Planning Area. The northern portion of Part Lot 901 DP 1297546 is not located in the Flood Planning Area.



Figure 68: Extract of Figure B08A, of the *Tamworth Floodplain Risk Management Study and Plan Report – Flood Planning Area in relation to Part Lot 901 DP 1297546*

Ministerial Direction 4.3 Planning for Bushfire Protection

The southern portion of Lot 901 DP 1297546 is mapped as bush fire prone land (**Figure 69**). The northern portion subject to the amendments is not identified as bushfire prone land. The planning proposal will not introduce inappropriate development and can readily meet the requirements of Planning for Bushfire Protection 2019. Consultation

will be undertaken with the NSW Rural Fire Service in accordance with any Gateway condition.

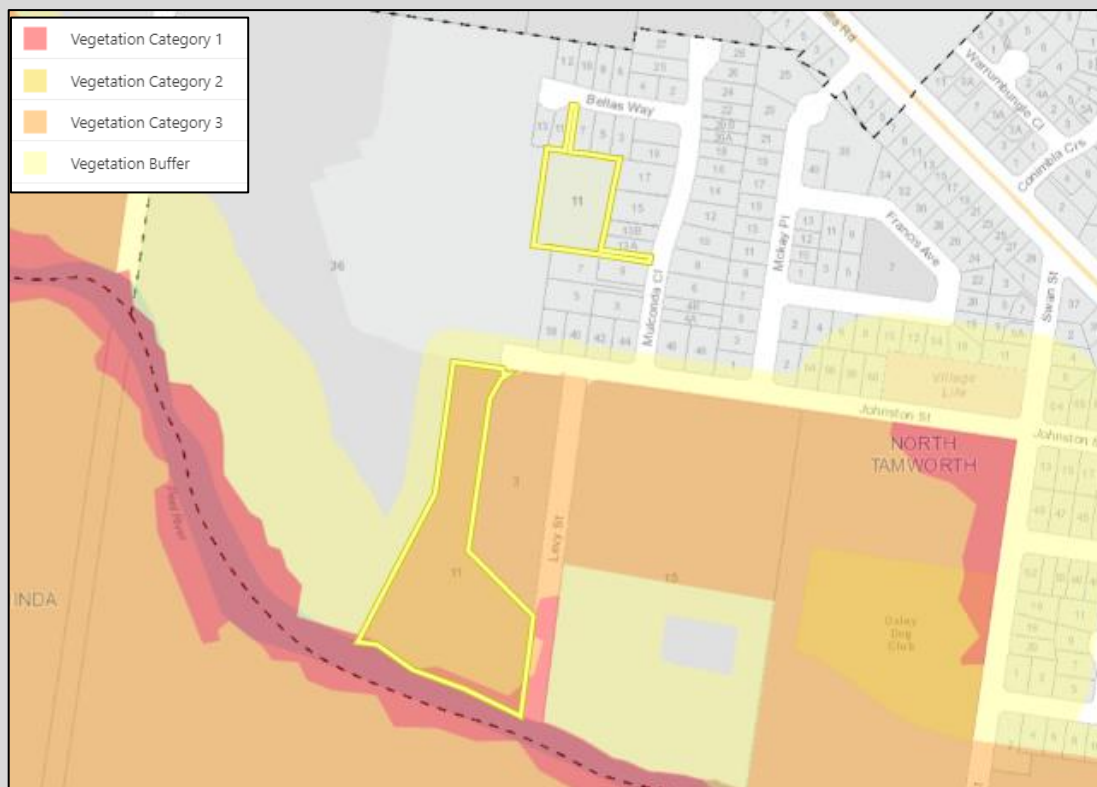


Figure 69: Lot 901 DP 1297546 Bush Fire Prone Land Map

Ministerial Direction 4.4 Remediation of Contaminated Land

The northern portion of the subject site has historically and continues to be used for residential purposes. The southern portion of the subject site has been historically been used for agricultural purposes; a potentially contaminating land use of which Council has insufficient records regarding specific past practices. A contamination assessment has not been submitted and the planning proposal, and therefore is inconsistent with this Direction.

The planning proposal seeks to amend the planning provisions for a small strip of land associated with the northern portion. The majority of the northern portion is already zoned R1 – General Residential with the planning proposal seeking to rectify a mapping area.

To resolve this inconsistency, a contamination assessment may be required as part of the Gateway conditions, however it is considered the minor nature of the amendments, it may not be necessary to satisfy this Direction.

Ministerial Direction 9.1 Rural Zones

The proposed rezoning of Part Lot 901 DP 1297546 is justifiably inconsistent with Direction (1) (a), which states that a planning proposal must not rezone land from a rural zone to residential.

A planning proposal may be inconsistent with this Direction if it is justified by a strategy that is approved by the Planning Secretary. Applying a single zoning development

standard to Part Lot 901 DP 1297546 (northern portion) will enable orderly development and is not inconsistent with the *NENW Regional Plan 2041*.

Therefore, the inconsistency with Direction 9.1 Rural Zones is justified and is recommended for support by the Planning Secretary.

Ministerial Direction 9.2 Rural Lands

The planning proposal seeks to change the minimum lot size on land within a rural zone. It is considered the amendment to the minimum lot size is minor in nature due to the small size of the land involved, its lack of a viable agricultural use and the surrounding land uses being residential in nature. Therefore, it is considered the amendments are of “minor significance” and the inconsistency with Ministerial Direction 9.2 can be supported by the Planning Secretary.

Item 5

The proposed re-zoning off Lot 777 DP 1158251 is considered consistent with all applicable Ministerial Directions except ‘Direction 4.4 Remediation of Contaminated Land’, Direction 9.1 Rural Zones’ and ‘Direction 9.2 Rural Lands’, which are discussed below. Discussion has also been provided on ‘Direction 4.3 Planning for Bush Fire Protection’, which is relevant to Lot 777 DP 1158251.

Ministerial Direction 4.3 Planning for Bush Fire Protection

The north-east corner of Lot 777 DP 1158251 is mapped as bush fire prone land by virtue of a vegetation buffer (**Figure 70**). In consideration of the Stratheden Estate being developed for residential purposes and area being managed land, the planning proposal is not considered to be adversely affected by bush fire. Consultation will be undertaken with the NSW Rural Fire Service in accordance with any gateway condition.

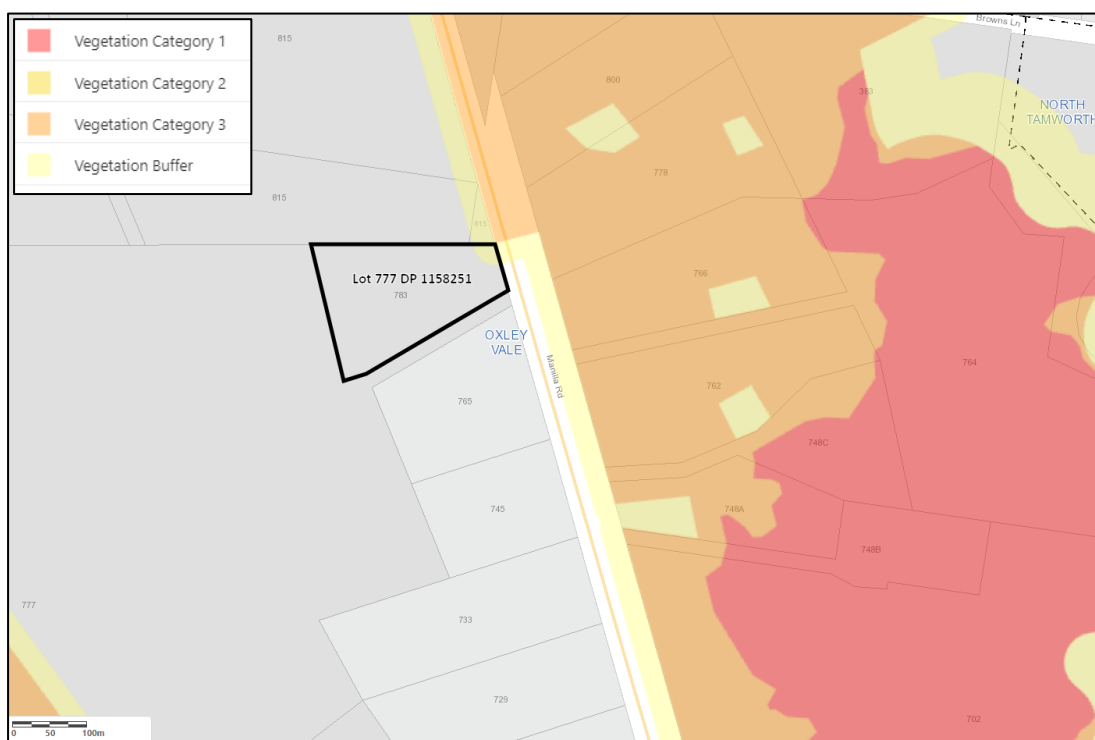


Figure 70: Lot 777 DP 1158251 Bush Fire Prone Land Map

	<p><u>Ministerial Direction 4.4 Remediation of Contaminated Land</u></p> <p>The subject site has been historically been used for agricultural purposes; a potentially contaminating land use of which Council has insufficient records regarding specific past practices. At this point in time, a contamination assessment has not been submitted and the planning proposal remains inconsistent with this Direction.</p> <p>To resolve this inconsistency, a contamination assessment will be undertaken prior to exhibition and the findings of the assessment considered by Council. The Secretary will be advised of the outcome of the assessment and whether an inconsistency remains.</p> <p><u>Ministerial Direction 9.1 Rural Zones</u></p> <p>The proposed re-zoning of Lot 777 DP 1158251 is inconsistent with Direction (1) (a), which states that a planning proposal must not re-zone land from a rural zone to residential.</p> <p>A planning proposal may be inconsistent with this Direction if it is justified by a strategy that is approved by the Planning Secretary. As discussed above, Lot 777 DP 1158251 forms part of the Stratheden growth area identified in <i>Blueprint 100: Part 2: LSPS 2020</i> and the <i>NENW Regional Plan 2041</i>, both approved by the Planning Secretary.</p> <p>Therefore, the inconsistency with Direction 9.1 Rural Zones is justified and is recommended for support by the Planning Secretary.</p> <p><u>Ministerial Direction 9.2 Rural Lands</u></p> <p>Similar to Direction 9.1 a detailed assessment against the Ministerial Direction is not warranted as the proposed re-zoning of Lot 777 DP 1158251 is supported by <i>Blueprint 100: Part 2: LSPS 2020</i> and the <i>NENW Regional Plan 2041</i>, both approved by the Planning Secretary.</p> <p>Therefore, the inconsistency with Direction 9.2 Rural Lands is justified and is recommended for support by the Planning Secretary.</p>
Item 6	The proposed re-zoning of Lot 833 DP 1220826 is considered consistent with the applicable Ministerial Directions.

Section C: Environmental, social and economic impact

Question 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?

Item 1	Refer to Chapter 4.
Item 2	Lot 28 DP 842308 contains an existing dwelling, outbuildings, ancillary structures and ornamental landscaping. The proposed <i>TRLEP 2010</i> amendments for Lot 28 DP 842308 are not considered to adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.
Item 3	Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale are historically disturbed properties located within the urban centre. They are not considered to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

Item 4	Part Lot 901 DP 1297546 (northern portion) is located within an urban residential area and contains no significant vegetation. The proposed amendments to the <i>TRLEP 2010</i> for Part Lot 901 DP 1297546 are not considered to adversely impact critical habitat or threatened species, populations or ecological communities, or their habitats.
Item 5	<p>The initial re-zoning of Stratheden Estate (PP-2021-7149) was supported by an ecological assessment that concluded that development of the Stratheden area for residential development is not considered to result in a significant impact on the region's Biodiversity or cause any significant loss of native vegetation and native habitat.</p> <p>Lot 777 DP 1158251 is largely cleared land with similar agricultural history as the previously zoned (PP-2021-7149) Stratheden Estate. The planning proposal is unlikely to result in any adverse impact on the environment including critical habitat or threatened communities. This will need to be verified by a more comprehensive review of the site should a Gateway Determination be issued.</p>
Item 6	The proposed re-zoning of Lot 833 DP 1220826 will provide greater protection for a critically endangered ecological community.

Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Item 1	Refer to Chapter 4.
Item 2	No other environmental effects are considered to occur from the proposed <i>TRLEP 2010</i> amendments for Lot 28 DP 842308.
Item 3	Lots A and B DP 161758 are not identified as bush fire prone land, flood prone land or subject to heritage protection. The primary environmental effects associated with the amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale are contamination and traffic. These matters have been discussed above and addressed in the assessments included as Appendix 7 and Appendix 8 .
Item 4	<p>Lot 901 DP 1297546, including the northern portion subject to this planning proposal, is mapped within a buffer area under Clause 7.5 of the <i>TRLEP 2010</i> (Figure 71). The buffer was established for the purpose of a 'Sewage Treatment Plant' previously located on Lot 36 DP 753848. This sewage treatment plant is no longer operational, being repurposed to a pump station directing sewerage to the main treatment plant at Wallamoore Road. With the downgrade of the facility on Lot 36 DP 753848 from a treatment plant to a pump station, a significant amount of residential development, including aged accommodation, has been constructed in the immediate locality on lands subject to the buffer. No significant adverse land use conflicts have occurred between the pump station and the surrounding residential development.</p> <p>The majority of the northern portion of Lot 901 DP 1297546 is already zoned R1 – General Residential. Clause 5.3 of the <i>TRLEP 2010</i> also enables residential development to be undertaken on the part of the northern portion zoned RU4 – Primary Production Small Lots. The proposed amendments to the <i>TRLEP 2010</i> to rectify the split zoning are orderly planning and will not significantly alter the development potential of the land. In consideration of the current pump station (not historic treatment plant) on Lot 36 DP 753848, the established residential development in the area and existing development potential of the northern portion of Lot 901 DP 1297546, the <i>TRLEP 2010</i> amendments</p>

for the northern portion of Lot 901 DP 1297546 are not considered to result in any significant environmental effects associated with the buffer under Clause 7.5 of the *TRLEP 2010*.

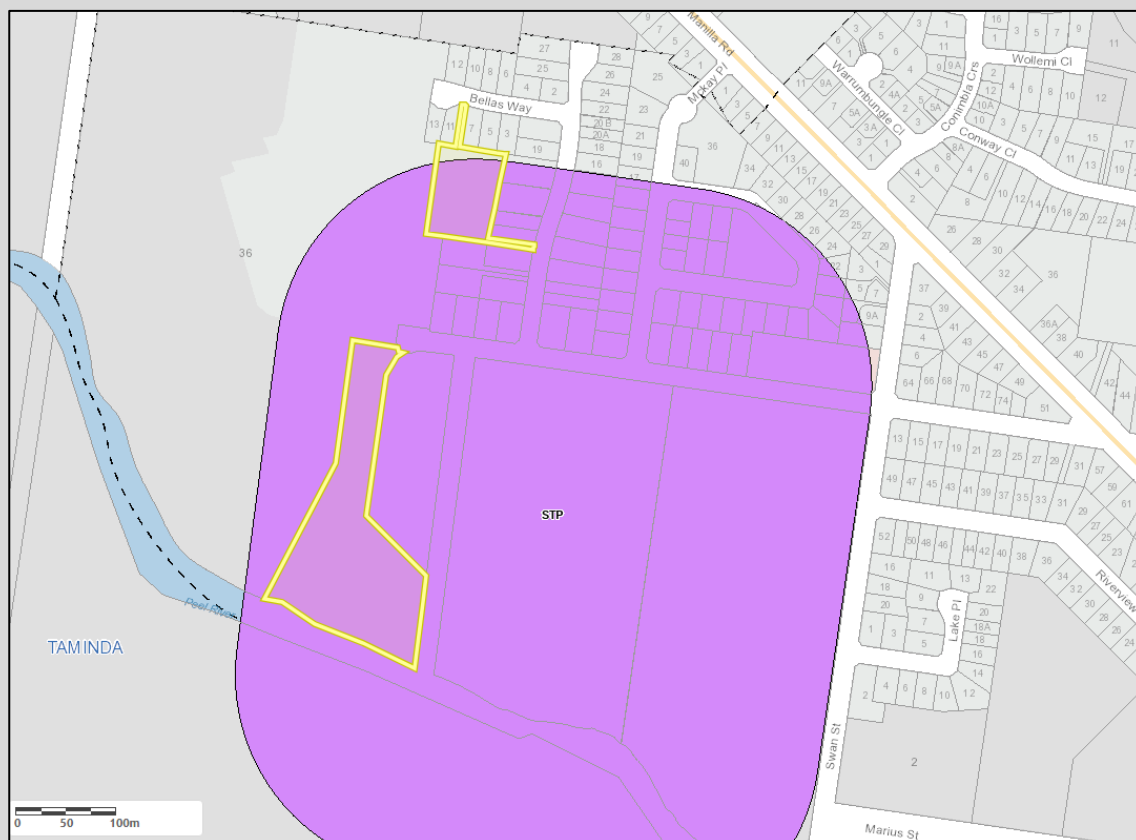


Figure 71: Clause 7.5 of the *TRLEP 2010* Sewage Treatment Buffer - Lot 901 DP 1297546

Item 5 The likely environmental effects associated within this planning proposal are considered to be

- Contamination;
- Traffic;
- Biodiversity; and
- Aboriginal heritage.

The above reports are currently being finalised with the consultant providing the status of each report in **Appendix 10**. These will be submitted prior to Gateway Determination.

Contamination

A detailed contamination assessment will be required prior to exhibition that determines:

- Whether the land is contaminated; and
- If the land is contaminated:
 - Whether it is suitable in its contaminated state for the proposed R1 – General Residential zoning; or
 - The remediation requirements to make the site suitable for the proposed R1 – General Residential zoning.

	<p><u>Traffic</u></p> <p>Manilla Road is a classified road and the proposed re-zoning to facilitate residential development will increase traffic volumes and may involve new/altered access locations. In the context of the overall Stratheden area, Lot 777 DP 1158251 is not considered to have a significant traffic impact; however, subject to a Gateway Determination, a traffic impact assessment will be completed. Consultation will also be undertaken with TfNSW in accordance with a Gateway Determination.</p> <p><u>Biodiversity</u></p> <p>The re-zoning of Lot 777 DP 1158251 is unlikely to result in any adverse impact on the environment including critical habitat or threatened communities. However, this will need to be verified by a more comprehensive review of the site should a Gateway Determination be issued.</p> <p><u>Aboriginal Heritage</u></p> <p>Two aboriginal sites were identified in the locality as part of the initial re-zoning (PP-2021-7149) of Stratheden Estate. While no harm is predicted to occur to these sites as a result of re-zoning Lot 777 DP 1158251, they do indicate the presence of aboriginal heritage in the area. Subject to a Gateway Determination, an Aboriginal Due Diligence Assessment and/or Cultural Heritage Assessment will be completed for Lot 777 DP 1158251.</p>
Item 6	No other environmental effects are considered to occur from the proposed re-zoning of Lot 833 DP 1220826.

Question 10 – Has the planning proposal adequately addressed any social and economic effects?

Item 1	Refer to Chapter 4.
Item 2	The proposed <i>TRLEP 2010</i> amendments for Lot 28 DP 842308 are considered minor and will not result in any adverse social or economic impacts.
Item 3	<p>The proposed <i>TRLEP 2010</i> amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale will promote economic growth and support the surrounding Oxley Vale community, which is considered to have positive economic and social impacts.</p> <p>The total combined size of Lots A and B DP 161758 (2,333m²) is not considered to significantly impact the commercial viability of the Tamworth CBD or other local centres, noting that the site is already used for the “Oxleyvale Superette”.</p>
Item 4	The proposed <i>TRLEP 2010</i> amendments for Part Lot 901 DP 1297546 are considered minor and will not result in any adverse social or economic impacts.
Item 5	The planning proposal will support the development of the Stratheden growth area, to deliver housing at varying densities, in accordance with <i>Blueprint 100: Part 2: LSPS 2020</i> and the <i>NENW Regional Plan 2041</i> . This is considered to have positive social and economic effects.
Item 6	The proposed re-zoning of Lot 833 DP 1220826 in recognition of the presence of a critically endangered ecological community is considered to have a positive social outcome. No economic impacts are considered to occur.

Section D: Infrastructure (Local, State and Commonwealth)

Question 11 – Is there adequate public infrastructure for the planning proposal?

Item 1	Refer to Chapter 4.
Item 2	Lot 28 DP 842308 has existing service connections and the proposed <i>TRLEP 2010</i> amendments will not alter or intensify the infrastructure requirements.
Item 3	Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale have existing service connections and the proposed <i>TRLEP 2010</i> amendments are not considered to significantly alter or intensify the infrastructure requirements.
Item 4	Essential services are connected and/or available to Part Lot 901 DP 1297546. The proposed amendments to the <i>TRLEP 2010</i> are not considered to significantly alter infrastructure requirements as it is not associated with any development. If development on Part Lot 901 DP 1297546 is proposed in the future this would be subject to a separate DA process, which include assessment of infrastructure.
Item 5	The initial re-zoning of Stratheden Estate (PP-2021-7149) was supported by a Servicing Strategy that demonstrated that the Stratheden area could be suitably serviced for residential development. Lot 777 DP 1158251 will utilise the same infrastructure. Subject to a Gateway Determination, an updated Servicing Strategy will be completed prior to exhibition.
Item 6	The proposed re-zoning of Lot 833 DP 1220826 does not require any infrastructure.

Section E: State and Commonwealth Interests

Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Item 1	Refer to Chapter 4.
Item 2	It is not anticipated the proposed <i>TRLEP 2010</i> amendments for Lot 28 DP 842308 would be of significant concern to State or Commonwealth authorities.
Item 3	The two primary agencies that are considered to have interest in the proposed <i>TRLEP 2010</i> amendments for Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale are TfNSW and Department of Education (Oxley Vale Public School). Both of these agencies have been consulted by the developer, with TfNSW providing comments in relation to a traffic impact assessment (Appendix 7) and Department of Education raising no objections in 2020 (Appendix 9). Further consultation will be undertaken with these agencies subject to a Gateway Determination.
Item 4	Subject to a Gateway Determination, consultation will be undertaken with the NSW Environment Protection Authority in relation to the buffer area around Lot 36 DP 753848. It is not anticipated the proposed <i>TRLEP 2010</i> amendments for Part Lot 901 DP 1297546 would be of significant concern to any State or Commonwealth authorities.
Item 5	All relevant public authorities will be consulted in accordance with the requirements of the Gateway Determination.

Item 6	It is not anticipated the proposed re-zoning of Lot 833 DP 1220826 in recognition of the presence of a critically endangered ecological community would be of significant concern to State or Commonwealth authorities.
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Part 4: Mapping

Table 18 identifies the following LEP mapping amendments required by this Chapter.

Subject to a Gateway Determination, this Part will be updated prior to exhibition with proposed maps.

Table 18: LEP Map Sheets to be Amended by Chapter 13

Existing Map Sheets to be Amended	
Map Sheet	Property to Change
Zoning LZN_004B	Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale Lot 833 DP 1220826, Glenmore Drive, Moore Creek
Zoning LZN_004C	Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale Part Lot 901 DP 1297546, Mulconda Close, Oxley vale
Zoning LZN_004F	Lot 28 DP 842308, 7 Edward Street, Moonbi
Lot Size LSZ_004B	Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale
Lot Size LSZ_004C	Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale Part Lot 901 DP 1297546, Mulconda Close, Oxley vale
Lot Size LSZ_004F	Lot 28 DP 842308, 7 Edward Street, Moonbi
Dwelling Density DWD_004B	Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale and broader Stratheden Estate (if necessary)
Floor Space Ratio FSR_004C	Lots A and B DP 161758, 171-175 Manilla Road, Oxley Vale

Chapter 14 Community and Agency Consultation

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

- Publish this planning proposal on the Tamworth Regional Council website and NSW Planning Portal for a minimum of 28 days;
- Notice in:
 - Northern Daily Leader;
 - Nundle and Barraba Community News; and
 - Community and school newsletters (subject to agreement);
- Notices on Council's social media;
- Notification via letter and e-mail (where practical) to land owners:
 - Of a heritage item subject to amendment (Chapter 2);
 - Within a proposed Heritage Conservation Area (Chapter 3);
 - Within the Bridge Street Precinct (Chapter 4);
 - Within a Scenic Protection Area;
 - Subject to a Housekeeping Amendment (Chapter 12); and
 - Adjoining / adjacent to land subject to an EOI (Chapter 13);
- Physical display of the planning proposal at Council's Development Hub at 474 Peel Street, Tamworth; and
- Drop-in sessions at:
 - The 'Lands Building' Fitzroy Street;
 - Moonbi / Kootingal;
 - Bendemeer;
 - Nundle Shire Offices;
 - Manilla; and
 - Barraba.

Subject to a Gateway Determination, the agencies within **Table 19** are proposed to be consulted (at minimum) in relation to the planning proposal. It is noted that the additional agencies may be identified as part of the Gateway Determination.

Table 19: *Agencies proposed to be consulted for each Chapter*

Chapter	Agencies to be Consulted
2	Heritage NSW
3	Heritage NSW
4	Transport for NSW
5	DPI Agriculture NSW Rural Fire Service

6	Airservices Australia Civil Aviation Safety Authority Transport for NSW
7	NSW Rural Fire Service
8	DPI Agriculture NSW Rural Fire Service
9	Nil
10	Nil
11	Nungaroo Local Aboriginal Land Council Tamworth Local Aboriginal Land Council
12	Nil
13	Transport for NSW NSW Rural Fire Service Tamworth Local Aboriginal Land Council NSW Biodiversity and Conservation Division NSW Environment Protection Authority

Chapter 15 Project Timeline

The anticipated timeframe to undertake Phase 1 of the comprehensive review of the *TRLEP 2010* is shown in **Table 20**.

Table 20: *Project Timeline*

Plan Making Step	Estimated Completion
Anticipated date of Gateway Determination	April 2024
Completion of required technical information	May 2024
Government agency consultation as required by Gateway Determination	May 2024
Public exhibition period	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