



New South Wales

Tamworth Local Environmental Plan 1996 (Amendment No 16)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/01008/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 684

Clause 1 Tamworth Local Environmental Plan 1996 (Amendment No 16)

Tamworth Local Environmental Plan 1996 (Amendment No 16)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tamworth Local Environmental Plan 1996 (Amendment No 16)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies to Zone No 1 (h) Rural Small Holdings under *Tamworth Local Environmental Plan 1996*, and
- (b) to specify development controls applying to that land, and
- (c) to require the Council to take into account certain matters in considering whether to grant consent to any development on that land, if it considers that the site of the development is likely to be affected by bushfire.

3 Land to which plan applies

This plan applies to the land within the City of Tamworth that is shown edged heavy black on the map marked “Tamworth Local Environmental Plan 1996 (Amendment No 16)” deposited in the office of Tamworth City Council.

4 Amendment of Tamworth Local Environmental Plan 1996

Tamworth Local Environmental Plan 1996 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 How are types of development and other terms defined in this plan?

Insert in appropriate order in the definition of *the map* in clause 6 (1):

Tamworth Local Environmental Plan 1996 (Amendment No 16)

[2] Clause 6 (3)

Insert after clause 6 (2):

(3) Notes included in this plan do not form part of this plan.

[3] Clause 8 What zones apply in this plan?

Insert after the matter relating to Zone No 1 (e):

Zone No 1 (h) Rural Small Holdings—coloured light brown, edged scarlet and lettered “1 (h)”,

[4] Clause 10 What rural zones apply in this plan?

Insert before the development control table:

1 (h) Rural Small Holdings

[5] Clause 10, development control table

Insert after the matter relating to Zone No 1 (e):

Zone No 1 (h) Rural Small Holdings

1 Objectives of the zone

- (1) The general objectives of this zone are:
 - (a) to identify rural land in the Hills Plain East area of the City of Tamworth suitable for closer settlement, and
 - (b) to facilitate and promote an increased range of living opportunities by providing for very low intensity residential development compatible with the rural and environmental characteristics of the locality.
- (2) The specific objectives of this zone are:
 - (a) to permit the use of rural land for very low density residential purposes in accordance with the *Hills*

2003 No 684

Tamworth Local Environmental Plan 1996 (Amendment No 16)

Schedule 1 Amendments

Plain Master Plan adopted by the Council on 26 March 1996, and

- (b) to provide for the creation of rural-oriented living areas by allowing the subdivision of land into a variety of appropriate allotment sizes, and
 - (c) to provide for a style of residential living which is not appropriate for urban areas, and
 - (d) to ensure the type and intensity of development is consistent with the environmental constraints of the land and retention of an essentially rural landscape character, and
 - (e) to ensure development of the Hills Plain East area does not impact on the efficient and effective continuation of operation of the Tamworth City Council Recycling and Waste Disposal Depot.
- (3) Development for the purposes of the following is usually not consistent with the objectives of this zone:
airport-related land uses; aquaculture; car parks; commercial premises; helicopter landing sites; hotels; institutions; materials recycling yards; medical centres; retail plant nurseries; roadside stalls; rural industries; rural workers' dwellings; service stations; shops; stock and sale yards; veterinary hospitals.

2 Development allowed without development consent

Development for the purpose of:
bushfire hazard reduction.

3 Development allowed only with development consent

Any development not included in Item 2 or 4.

4 Development which is prohibited

Development for the purpose of:
abattoirs,
advertisements (other than advertisements ancillary to development permitted in the zone),
airports,
brothels,
bulky goods sales rooms or showrooms,
depots,
drive-in take-away food shops,
extractive industries,
feed lots,
hazardous industries,
hazardous storage establishments,
heliports,

industries,
 liquid fuel depots,
 major commercial premises,
 major retail premises,
 mines,
 multiple dwellings,
 offensive industries,
 offensive storage establishments,
 passenger transport terminals,
 road transport terminals,
 sawmills,
 serviced apartments,
 vehicle body repair workshops,
 vehicle repair stations,
 warehouses or distribution centres,
 waste disposal depots.

[6] Clause 11 What are the minimum areas for subdivision of land zoned 1 (a), 1 (c), 1 (d), 1 (e) or 1 (h)?

Omit “1 (d) or 1 (e)”. Insert instead “1 (d), 1 (e) or 1 (h)”.

[7] Clause 11

Insert after the matter relating to Zone No 1 (e):

Zone No 1 (h)—4000m².

[8] Clauses 17A and 17B

Insert after clause 17:

17A What provisions apply to subdivision in the “Hills Plain East area”?

- (1) This clause applies to the Hills Plain East area.
- (2) The Council must not grant consent to the subdivision of land to which this clause applies, being an existing holding listed in Column 1 of the following table, unless the number of allotments to be created from the holding is equal to or less than the number shown opposite the listed existing holding in Column 2 of the table.

2003 No 684

Tamworth Local Environmental Plan 1996 (Amendment No 16)

Schedule 1 Amendments

| Existing holding | Maximum number of allotments |
|--------------------|------------------------------|
| Lot 301, DP 753848 | 25 |
| Portion 299 | 27 |
| Portion 302 | 23 |
| Portion 353 | 3 |
| Portion 354 | 3 |
| Portion 355 | 3 |
| Portion 356 | 8 |

Note. Under clause 11, the Council may grant consent for the subdivision of land zoned 1 (h) only if each allotment proposed to be created in the subdivision has an area of not less than 4000m².

- (3) The Council must not grant consent to the subdivision of land to which this clause applies, being existing holding Lot 1, DP 1033583 and existing holding Portion 148, unless:
- (a) each allotment to be created in the subdivision has an area of not less than 1 hectare in accordance with the *Hills Plain Master Plan* adopted by the Council on 26 March 1996, and
 - (b) the number of allotments to be created is equal to or less than 29 allotments in the case of Lot 1, DP 1033583 or 25 allotments in the case of Portion 148.
- (4) The area of each allotment to be created in accordance with this clause must, in the opinion of the Council, be sufficient to accommodate:
- (a) on-site disposal of effluent or a pressure sewer system, and
 - (b) an appropriate building envelope that would not impact on:
 - (i) items of Aboriginal cultural heritage, or
 - (ii) vegetation of conservation significance, or
 - (iii) other items of significance that may be identified in the *Hills Plain East Development Control Plan* adopted by the Council on 26 November 2002.

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- (5) In this clause:

existing holding means an allotment, portion or parcel of land as it was in existence on the date of gazettal of *Tamworth Local Environmental Plan 1996 (Amendment No 16)*.

Hills Plain East area means the land known as the Hills Plain East area and shown edged heavy black and lettered “1 (h)” on the map marked “Tamworth Local Environmental Plan 1996 (Amendment No 16)”.

17B What matters will Council consider if a development application proposes development in the “Hills Plain East area” on bushfire prone land?

- (1) In considering whether to grant consent to any development on land in the Hills Plain East area that, in the opinion of the Council, is likely to be affected by bushfire, the Council must take into account whether:
- (a) the development is likely to have a significant adverse effect on the implementation of any strategies for bushfire control and fuel management adopted by the Council, and
 - (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the development, and
 - (c) any increased demand for emergency services during bushfire events created by the development would lead to a significant decrease in the ability of emergency services personnel to effectively control major bushfires, and
 - (d) any measures adopted to avoid or mitigate the threat from bushfire (including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas, landscaping and fire control aids, such as roads and water supplies) are inadequate for the locality or would result in unacceptable environmental impacts.
- (2) In considering the matters referred to in subclause (1), the Council must have regard to and, as much as possible, be satisfied that, the provisions of *Planning for Bushfire Protection* have been met.

- (3) In this clause:

Hills Plain East area has the same meaning as in clause 17A.

Planning for Bushfire Protection means the document of that name published in December 2001 by the NSW Rural Fire Service, a copy of which is available for inspection at the office of the Council.