



New South Wales

Tamworth Local Environmental Plan 1996 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (TAM6364358/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 532

Clause 1 Tamworth Local Environmental Plan 1996 (Amendment No 21)

Tamworth Local Environmental Plan 1996 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tamworth Local Environmental Plan 1996 (Amendment No 21)*.

2 Aims of plan

This plan aims:

- (a) to rezone certain land from Zone No 1 (a) Rural to part Zone No 1 (d) Rural-Residential, part Zone No 2 Residential, part Zone No 2 (b) Low Density Residential and part Zone No 3 (a) Business under *Tamworth Local Environmental Plan 1996*, and
- (b) to specify development controls applying to that land, and
- (c) to reclassify Reserve No 87996, Parish of Tamworth, from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (d) to allow for the provision and co-ordination of essential infrastructure, facilities and services to support urban development on the land to which this plan applies.

3 Land to which plan applies

This plan applies to the land in the vicinity of Moore Creek Road, Browns Lane and Forest Road, Parish of Tamworth, that is shown edged heavy black on the map marked "Tamworth Local Environmental Plan 1996 (Amendment No 21)" deposited in the office of Tamworth Regional 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):

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

Insert after the matter relating to Zone No 2:

Zone No 2 (b) Low Density Residential—coloured light scarlet, edged scarlet and lettered “2 (b)”,

[3] Clause 18 What residential zones apply in this plan?

Omit “zone applies”. Insert instead “zones apply”.

[4] Clause 18

Insert after “2 Residential”:

2 (b) Low Density Residential

[5] Clause 18, development control table

Insert after the matter relating to Zone No 2:

Zone No 2 (b) Low Density Residential**1 Objectives of the zone**

- (1) The general objectives of this zone are:
 - (a) to provide for the housing needs of the community in a low density residential environment, and
 - (b) to enable other land uses that provide facilities or services to meet the day to day needs of residents.
- (2) The specific objectives of this zone are:
 - (a) to permit the use of rural land for low density residential purposes in accordance with the *Hills Plain Master Plan* adopted by the Council on 26 March 1996 (including any amendments adopted by the Council before the commencement of *Tamworth Local Environmental Plan 1996 (Amendment No 21)*), and

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Schedule 1 Amendments

- (b) to ensure development of the Hills Plain area does not impact on the efficient and effective continuation of the operation of the Tamworth Recycling and Waste Disposal Depot.
- (3) Development for the purpose of the following is usually not consistent with the objectives of this zone:
agriculture; aquaculture; car parks; convenience stores; helicopter landing sites; hotels; medical centres; registered clubs; retail plant nurseries; roadside stalls; shops; veterinary hospitals.

2 Development allowed without development consent

Development for the purpose of:

bushfire hazard reduction,
utility installations,
utility undertakings.

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,
airport-related land uses,
animal establishments,
brothels,
bulky goods sales rooms or showrooms,
commercial premises,
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,
materials recycling yards,
mines,
offensive industries,
offensive storage establishments,
passenger transport terminals,
restricted premises,
re-use of effluent and biosolids,
road transport terminals,
rural industries,
rural workers' dwellings,
sawmills,
service stations,
stock and sale yards,
vehicle body repair workshops,
vehicle repair stations,
warehouses or distribution centres,
waste disposal depots.

[6] Clause 18A

Insert after clause 18:

18A What is the minimum area for subdivision of land zoned 2 (b)?

The Council may grant consent for the subdivision of land in Zone No 2 (b) only if each allotment proposed to be created in the subdivision has an area of not less than 2000m² and not more than 4000m².

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Schedule 1 Amendments

[7] Clauses 54 and 55

Insert after clause 53:

54 What are the specific provisions in relation to subdivision and development of land within the landfill buffer zone?

Development of land for residential purposes within the area identified on the map as the Landfill Buffer Zone, other than development for the purposes of the erection of a dwelling-house and associated buildings, is prohibited.

55 Restriction on certain subdivisions—infrastructure, facilities and services

- (1) This clause applies to land shown as being within Zone No 2 or 2 (b) on the map marked “Tamworth Local Environmental Plan 1996 (Amendment No 21)”, but does not apply to such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).
- (2) The object of this clause is to require assistance towards the provision of the following infrastructure, facilities and services to satisfy needs that arise from development on land to which this clause applies, but only if the land is developed intensively for urban purposes:
 - (a) regional transport infrastructure,
 - (b) education facilities and services provided by the State,
 - (c) health facilities and services provided by the State,
 - (d) facilities and services provided by the State for the purposes of emergency services.
- (3) Despite any other provision of this plan, the Council must not grant consent to the subdivision of land to which this clause applies if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of *Tamworth Local Environmental Plan 1996 (Amendment No 21)*, unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of infrastructure, facilities and services referred to in subclause (2) in relation to that lot.
- (4) Subclause (3) does not apply to any lot:
 - (a) identified in the certificate as a residue lot, or
 - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads,

public utilities, educational facilities, or any other public purpose.

- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.

[8] Schedule 4 Classification and reclassification of public land

Insert in alphabetical order in Part 2 of Schedule 4:

Moore Creek Road	Reserve No 87996, Parish of Tamworth, as shown cross-hatched on the map marked “Tamworth Local Environmental Plan 1996 (Amendment No 21)”.
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[9] Schedule 6 Complying development

Insert in Column 2 at the end of the matter opposite the matter relating to dwelling-house (single storey):

Siting

- Not to be located in the area identified on the map as the Landfill Buffer Zone.