

Tamworth Regional LEP 2010 Amendment No 5 - LEP Amendments at Manilla

Proposal Title : **Tamworth Regional LEP 2010 Amendment No 5 - LEP Amendments at Manilla**

Proposal Summary : **To rezone certain residential land in Manilla to business, industrial or recreation, and undertake a minor amendment to the LEP Heritage Schedule**

PP Number : **PP_2012_TAMWO_002_00** Dop File No : **12/10755**

Proposal Details

Date Planning Proposal Received : **25-Jun-2012** LGA covered : **Tamworth Regional**

Region : **Northern** RPA : **Tamworth Regional Council**

State Electorate : **TAMWORTH** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : **Manilla** City : Postcode :

Land Parcel : **18 sites being rezoned, 1 of which is also being removed from the Heritage Schedule - as described in the supporting notes**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**

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RPA Contact Details

Contact Name : **Andrew Spicer**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **Yes**

MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **No meetings of other communications have been held with Registered Lobbyists in regards to this Planning Proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **Council is seeking to amend the Tamworth Regional Local Environmental Plan 2010 for the Manilla township by:**

- 1. Rezoning the land identified below and as illustrated on the Subject Sites location map**
- 2. Altering the minimum lot size of these sites to match other similarly zoned land in Manilla (0m2) and**
- 3. Removing one item from the Heritage Schedule that has been incorrectly included.**

The rezonings include the following:

Rezoning the following sites from R1 General Residential to IN1 General Industrial:

48-50 Northbrook Lane, Manilla (Lots 3 & 4 DP 814536)
Northbrook Lane, Manilla (Lot 1 DP 385499)
25 Arthur Street, Manilla (Lot 232 DP 802060)
43-45 Arthur Street, Manilla (Lots 4 & 5 DP 3712)
32-34 Market Street, Manilla (Lots 1 & 3 DP 326746)
40 Court Street, Manilla (Lot 2 DP 810301)
73-75 River Street, Manilla (Lot 1 Sec 23 DP 758644) and Strafford Street (TRC Depot) (Lot C DP 420644)

Rezoning the following sites from R1 General Residential to B2 Local Centre

39 Strafford Street, Manilla (Lot 1 DP 650619)
Strafford Street, Manilla (Lots 18 & 19 Sec 26 DP 758644)
Strafford Street, Manilla (Lots B & C DP 328858)
38-40 Strafford Street, Manilla (Lots 2 & 3 DP 871939)
41 Market Street, Manilla (Lot C DP 935304)
53 Namoi Street, Manilla (Lot B DP 329579)
Court Street, Manilla (Lot 1 DP 810301)

Rezoning the following sites from R1 General Residential to B1 Neighbourhood Centre

70 Court Street, Manilla (Lot C DP 102992)
68 Court Street, Manilla (Lot B DP 102992)

**Rezoning the following site from R1 General Residential to RE2 Private Recreation
93-101 Arthur Street, Manilla Lots 4, 5, 6, 7, & 8 Sec 1 DP 5787 & Lot 152 DP 546573**

**Rezoning the following site from R1 General Residential to RE1 Public Recreation
Manilla Street, Manilla (Rotary Park) (Lot 7 DP 664044)**

**Council is also seeking to remove Item No I232 from Schedule 5 Environmental Heritage.
This item, located at 38-40 Stafford Street (Lots 2 & 3 DP 871939), Manilla is a former car
yard and has no historical or heritage significance. It was listed in the LEP incorrectly.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed in relation to the proposed rezoning of land and removal of one item from the Heritage Schedule.**

A typographical error has been identified in the Planning Proposal. It identifies that 17 sites are being rezoned when it should state 18. Council has been made aware of this issue and has confirmed that it was a typographical error. This matter should be rectified prior to public exhibition.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides an adequate explanation of the intended provisions to achieve its objective in relation to the rezoning and change to the Heritage Schedule**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **3.1 Residential Zones**
3.2 Caravan Parks and Manufactured Home Estates
* May need the Director General's agreement **4.3 Flood Prone Land**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **The New England North West draft Strategic Regional Land Use Plan was publicly exhibited in early 2012 and applies to the Tamworth Regional LGA.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **The Planning Proposal is considered to be consistent with all relevant SEPPs and the England North West draft Strategic Regional Land Use Plan.**

The inconsistencies with relevant section 117 Directions are considered to be of minor significance and are discussed below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal will amend the Tamworth Regional LEP 2010 Land Zoning Map (LZN_002B), Lot Size Map (LSZ_002B) and the Heritage Map (HER_002B). Maps showing the proposed zoning and lot size amendments are included in the Planning Proposal and are considered adequate. It is recommended an additional map be added to the**

Planning Proposal prior to exhibition clearly identifying the heritage item proposed to be removed.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **No proposed community consultation details are provided in the current Planning Proposal.**

Due to the nature of the proposal, it is considered appropriate that the community be notified and invited to comment on the proposal. The Planning Proposal is considered to be generally 'low impact' in nature and an exhibition period of 14 days is recommended.

It is recommended that prior to exhibition, the Planning Proposal be revised and resubmitted confirming the proposed community consultation details.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Tamworth Regional LEP 2010 is a standard instrument LEP that was notified on 21 January 2011.**

Assessment Criteria

Need for planning proposal :

Since the commencement of Tamworth Regional LEP 2010 (TRLEP), Council has received numerous submissions from residents and business owners in Manilla who were concerned with the implications of zone changes made by the TRLEP. Previously, Manilla had a 'Village' zoning that permitted a wide range of uses across the town. The Tamworth Regional Development Strategy 2008 recommended adopting residential, commercial, industrial, special use and open space zonings in numerous towns across the LGA (including Manilla) to reflect existing land uses. This was undertaken and translated into the TRLEP.

The submissions received by Council from the Manilla community have raised concerns that they were disadvantaged by the 'urban zonings' implemented under the TRLEP. In particular, the application of the R1 General Residential zone has caused concern for certain business owners who now operate under 'existing use' rights. To address these concerns, Council has resolved to amend the TRLEP to rezone certain sites identified during a community consultation process to reflect their current use. The minimum lot size for these sites would also be changed to reflect the development standards of other lands in Manilla with the same zoning.

The Planning Proposal is the only means available to alter the zoning of land and minimum lot sizes of the site. It is also the only means available to delete an item that was incorrectly included previously by Council in the Heritage Schedule.

Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs.

While no Regional Strategies apply to the Tamworth Regional LGA, the New England North West draft Strategic Regional Land Use Plan was publicly exhibited in early 2012. The Planning Proposal is considered to be consistent with the provisions of this draft Plan.

The Tamworth Regional Development Strategy was prepared by Council and approved by the Director General in April 2008. The subject sites were not specifically discussed or identified in the strategy. However, it does recommend that Council adopt residential, commercial, industrial, special use and open space zonings that match the existing land use mixture within Manilla and other towns in the LGA. The proposed rezoning and change to the minimum lot size is considered to be consistent with Council's approved Development Strategy.

The Planning Proposal is also consistent with advice from Council's Heritage Consultant in regards to the removal of one item from the Heritage Schedule. The former car yard is not identified as having any heritage significance and is not in any Heritage Study or inventory. Council's Heritage Advisor has confirmed the site has no heritage significance in terms of built structures or historical use and its listing in the LEP was an error.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions, except in relation to Direction 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, and 4.3 Flood Prone Land as discussed below:

3.1 Residential Zones

The Proposal is considered inconsistent with this Direction as it reduces the area of land zoned residential in the town of Manilla. This inconsistency is considered as minor due to small area of land involved and because the sites proposed to be rezoned are not, or likely to be, developed for residential purposes due to their existing use.

3.2 Caravan Parks and Manufactured Home Estates

The Proposal is considered inconsistent with this Direction as it reduces the area of land available for Caravan Parks or Manufactured Home Estates in the town of Manilla. This inconsistency is considered to be minor due to significant area of land that will remain available for such uses in Manilla and because the sites proposed to be rezoned are not, or likely to be, developed for these purposes.

4.3 Flood Prone Land

The Proposal is considered inconsistent with this Direction as it rezones land (3 of the 18 sites) from residential to industrial within a flood planning area. This inconsistency is considered to be minor due to small area of land involved, due to their location within the existing urban area of Manilla and because the sites are already developed for industrial uses. Council has also identified that further investigation work on their flood planning areas is being undertaken to establish more current and accurate data on flooding in many of the towns and villages across the LGA. Preliminary work indicates that the flood planning area for Manilla will be revised and less of the urban area will be considered as flood prone, including these sites. Once completed, this new flood prone land data will be used to amend the LEP map via a separate Planning Proposal.

Environmental social economic impacts :

The Planning Proposal considers the environmental, social and economic impacts associated with the amendment and identifies no adverse impact. The Planning Proposal concludes that a positive social and economic impact is expected with the rezoning and change in minimum lot size due to increased certainty for land and business owners and subsequent employment generating opportunities and economic impetus for growth in the town.

There are no known critical habitats, threatened species, ecological communities or their habitats on any of the sites. None of the sites are prone to bushfire. 3 of the 18 sites are prone to flooding. However, this is not considered to be a significant issue as all three are currently developed for industrial uses and have been established for a significant length of time. The rezoning of the sites reflect their current usage.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DG**

Public Authority
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **The Planning Proposal should be resubmitted to the Department before public exhibition takes place. The Proposal should be amended to correct the typographical error (18 sites, not 17), to include a map clearly identifying the heritage item to be removed and to provide details of the proposed community consultation process.**

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal_June_2012.pdf	Proposal	Yes
Location_Map.pdf	Map	Yes
Proposed_Zonings.pdf	Map	Yes
Proposed_Minimum_Lot_Sizes.pdf	Map	Yes
Council_Report.pdf	Proposal	Yes
Council_Resolution.pdf	Proposal	Yes
Location_Map_Subject_Sites.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
4.3 Flood Prone Land**

Additional Information : **1. The Planning Proposal be supported;**

2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 6 months;
4. The Director-General's delegate agree that the inconsistency with s117 Directions - 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, and 4.3 Flood Prone Land are of minor significance; and
5. The Planning Proposal be amended and resubmitted prior to exhibition to correct the typographical error identifying only 17 sites as being rezoned, to include a map clearly identifying the heritage item to be removed and Part 4 of the Planning Proposal in terms of the proposed community consultation.

Supporting Reasons :

The proposal to rezone the land, alter their minimum lot sizes and remove an item from the LEPs Heritage Schedule is considered to be appropriate and is supported. The proposed zonings reflect the intent of Council's strategic planning work and provide certainty for land owners and business operators on the subject sites. The removal of the heritage item corrects a obvious error in the current Heritage Schedule.

Signature:



Printed Name:

Craig Diss

Date:

29/6/2012