

6.4 PLANNING PROPOSAL TO AMEND THE ZONING OF MANILLA TOWNSHIP TO RECOGNISE THE COMMERCIAL USE OF 18 PROPERTIES – FILE NO SF5303

DIRECTORATE: PLANNING AND COMMUNITY SERVICES

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Reference: Item 6.4 to Ordinary Council 28 June 2011 – Minute No 173/11
Item 7.4 to Ordinary Council 13 December 2011 – Minute No 405/11

CONFIDENTIAL ENCLOSURE ENCLOSED

RECOMMENDATION

That Council resolve to forward the “Manilla Planning Proposal” to the Minister for Planning and Infrastructure in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

SUMMARY

This report seeks Council's endorsement of a planning proposal to amend the *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010) as it relates to 18 parcels of land in the township of Manilla (refer to *Manilla Planning Proposal* Site Map below). The aim is to recognise existing commercial operations on the subject lands with appropriate industrial and business zones to provide certainty for business owners regarding permissibility of such uses in the future. The land parcels were zoned *R1 – General Residential* through the publication of the TRLEP 2010 on 21 January 2011.

The proposal also seeks to correct two anomalies that have arisen via the publication of the TRLEP 2010. It is proposed to remove one of the subject properties from *Schedule 5 – Environmental Heritage* in the TRLEP 2010 as it has been incorrectly identified as a heritage item. It is also proposed to rectify a zoning anomaly by rezoning one lot from *B2 – Local Centre* to *RE1 – Public Recreation*, this being a portion of Rotary Park in the main street of Manilla.

Refer to **CONFIDENTIAL ENCLOSURE 6.4** for the complete *Manilla Planning Proposal*.

Reference is made to previous reports to Council relating to the zoning of Manilla Township. Item 6.4 (28 June 2011) summarised the concerns that members of the Manilla community had raised regarding the impact of zoning changes under the TRLEP 2010. Council resolved to call for Expressions of Interest (Eoi) in October 2011, and request a further report be presented to Council to advise of the outcome of the process.

Item 7.4 (13 December 2011) provided a briefing to Council on the progress made to address the community representations regarding the impact of the ‘town zoning’ on particular parcels of land in Manilla under the *Tamworth Regional Local Environmental Plan 2010*. Council resolved to receive and note the report and that a report be presented to Council to advise of the outcomes of the submissions process with reference to the findings of the *Manilla Flood Study* when completed.

BACKGROUND

When the *Tamworth Regional Local Environmental Plan 2010* was published on 21 January 2011 'town zoning' was applied to the township of Manilla. This had the positive effect of recognising the characteristic precincts that have developed over the 150 year history of the town and the 'village' zoning that had applied up to that date. The aim was to provide certainty for residents, business operators and potential investors regarding the ongoing use of land across the town. The main street of Manilla was recognised with the *B2 – Local Centre* zone, Station Street and adjacent rail land was zoned *IN1 – General Industrial* and the remainder of the town was zoned *R1 – General Residential*.

Following the publication of the *TRLEP 2010*, a range of enquiries were received relating to specific holdings in Manilla where business owners consider they are disadvantaged by the town zoning implemented under the *Tamworth Regional Local Environmental Plan 2010*. In particular, the application of the *R1 – General Residential* zone had caused concern for owners of businesses that are prohibited uses under the zone. While these operations were likely to have 'existing use' rights, opportunities for future expansion or changes to other forms of commercial use may be restricted.

A public meeting was held on 18 October 2011, to workshop a path forward to address the concerns of residents relating to the planning provisions applying to Manilla. It was determined at the public meeting to continue with the town zoning approach and call for submissions and Expressions of Interest (Eol) relating to the zoning of Manilla.

It was noted that the process would also allow for submissions supporting a return to 'village zoning' and it was confirmed that written representations regarding this issue that had already been made would be considered in this process. These landowners were written to again and invited to make a further submission to add to or amend their original representation.

COMMENTARY

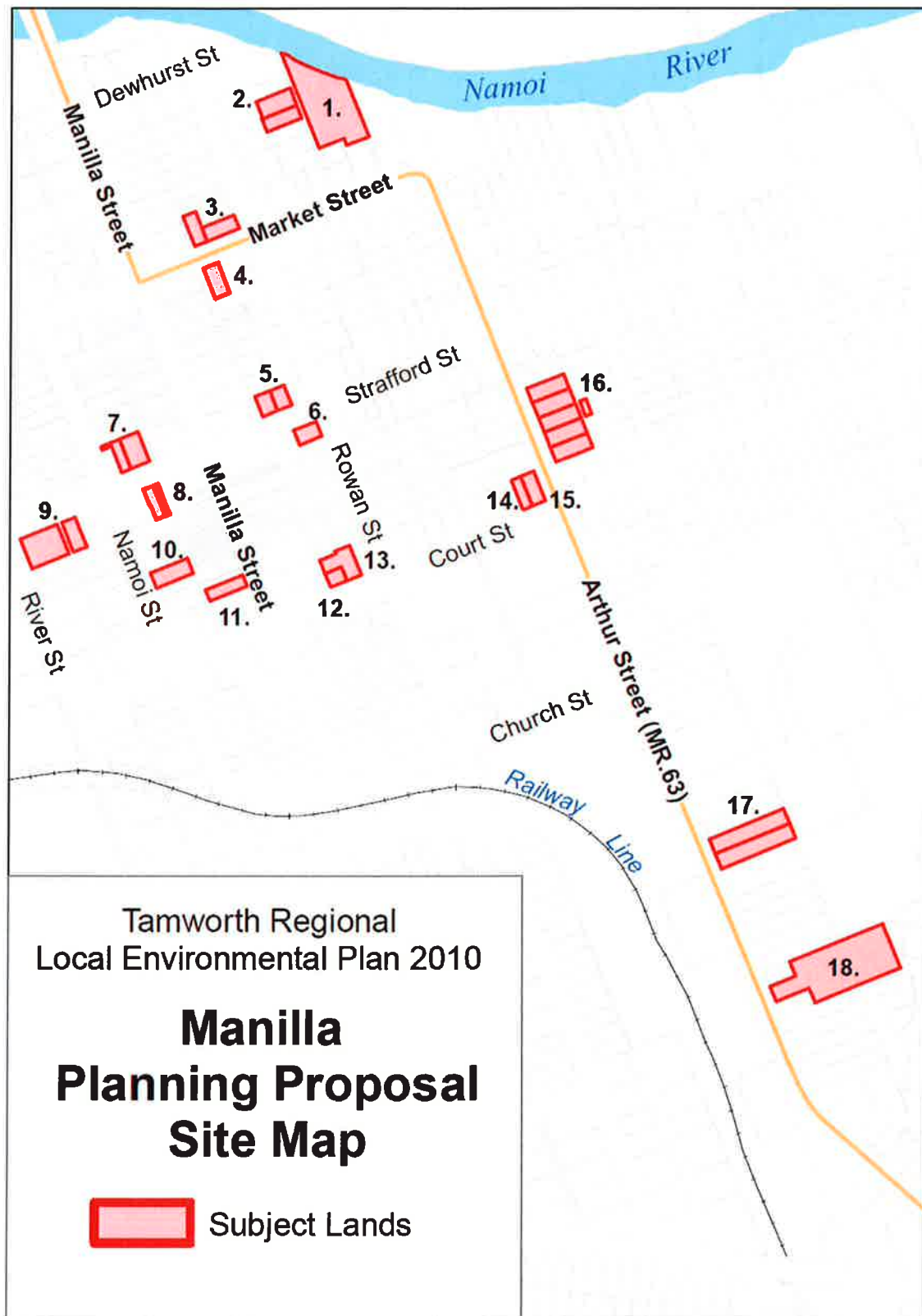
An official call for Eol and submissions from individual landholders was made and the submissions period ran from 14 November 2011 to 12 December 2011. During this time advertising was undertaken in the *Northern Daily Leader* and the *Manilla Express* for three consecutive weeks. Aside from enquires and appointments at Ray Walsh House in Tamworth, Council's Strategic Planner was stationed at Council's Manilla Branch Office on the four Thursdays during the submission period.

Submissions relating to 18 properties were received including two from Divisions within Tamworth Regional Council (TRC). The outcomes of this consultation have been analysed and the requests of landowners are reflected in the draft rezonings in the planning proposal.

While the proposed amendments reflect the current commercial use of the subject lands, any plans for future expansion or changes to the type of business will be subject to the development assessment process. An important part of the merit assessment is the need for the applicant to demonstrate that there will be no significant impacts on adjacent residential uses.

The land affected is shown on the Site Map below and described as follows:

<u>No.</u>	<u>Street address</u>	<u>Lot</u>	<u>Deposited Plan</u>
1.	Northbrook Lane Manilla	Lot 1	DP385499
2.	48-50 Northbrook Lane Manilla	Lots 3&4	DP814536
3.	32-34 Market Street Manilla	Lots 1&3	DP326746
4.	41 Market Street Manilla	Lot C	DP935304
5.	38-40 Strafford Street Manilla	Lots 2&3	DP871939
6.	39 Strafford Street Manilla	Lot 1	DP650619
7.	Strafford Street Manilla	Lots 18&19/ Sec 26	DP758644
8.	Strafford Street Manilla	Lots B&C	DP328858
9.	73-75 River Street Manilla & Strafford Street (TRC)	Lot 1/Sec 23 Lot C	DP758644 & DP420644
10.	53 Namoi Street Manilla	Lot B	DP329579
11.	Manilla Street - Rotary Park (TRC)	Lot 7	DP664044
12.	Court Street Manilla	Lot 1	DP810301
13.	40 Court Street Manilla	Lot 2	DP810301
14.	68 Court Street Manilla	Lot B	DP102992
15.	70 Court Street Manilla	Lot C	DP102992
16.	93-101 Arthur Street Manilla	Lots 4,5,6,7&8/ Sec 1 Lot 152	DP5787 & DP546573
17.	43-45 Arthur Street Manilla	Lots 4&5	DP3712
18.	25 Arthur Street Manilla	Lot 232	DP802060



Council completed and subsequently adopted the *Manilla Flood Study* on 24 April 2012, to deliver a detailed flood analysis for Manilla. The *Manilla Flood Study* provides data to progress the *Manilla Planning Proposal* and the findings have informed consideration of in the proposed amendments to the zoning of Manilla.

Council now has the option under Section 56 of the *Environmental Planning and Assessment Act 1979* to submit the *Manilla Planning Proposal* to the Minister for Planning and Infrastructure for gateway determination with the object of changing the planning controls over the subject land. The aim of the process is to give effect to Council's commitment to support existing businesses in Manilla and encourage future commercial investment in the town.

The planning proposal has been prepared in accordance with the Department of Planning's '*A Guide to Preparing a Planning Proposal*' as a requirement for submission to gateway determination. Using this framework the proposal has been assessed against a range of criteria including a net community benefit analysis, relevant *State Environmental Planning Policies (SEPPs)* and *S.117 Ministerial Directions*. This analysis indicates that the planning proposal meets the requirements for submission to the Minister for gateway determination.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Any amendment to *Tamworth Regional Local Environmental Plan 2010* changes the legal basis for the use of all affected land.

(d) Community Consultation

Council has received representations from concerned residents and business people in Manilla and responded in writing to all communications. The Mayor attended a community meeting on 31 August 2011, to hear the concerns of residents. A further public meeting/workshop was undertaken by Council planning officers on 18 October 2011, again with the Mayor, several Councillors and General Manager in attendance.

The official call for submissions and EoI between 14 November 2011 and 12 December 2011, was advertised in local newspapers and supporting material was displayed at Council's Manilla Branch Office and Ray Walsh House in Tamworth. Material was also made available on Council's website and Council's Strategic Planner was stationed at the Manilla Branch Office one day per week specifically to answer enquiries and assist interested persons with making submissions relating to the zoning of Manilla.

Submissions were received from the landowners of 18 properties in township of Manilla and the requested amendments to the planning provisions form the basis of the planning proposal.

CONCLUSION

The *Manilla Planning Proposal*, refer **CONFIDENTIAL ENCLOSURE 6.4**, is the first step in the gateway plan-making process and explains the effect of, and justification for, the initiative. The gateway process will determine whether the proposal should proceed and if further studies are required as well as any specific requirements for public exhibition. It is recommended that the *Manilla Planning Proposal* be referred to the Minister for Planning and Infrastructure for a gateway determination.
