

PLANNING PROPOSAL
Tamworth Regional Local Environmental Plan (TRLEP) 2010

Manilla Planning Proposal

- ❖ **Amendment of zoning pattern to recognise existing and future commercial land use in Manilla Township.**

Part 1 – Objectives or Intended Outcomes

The objective of this proposal is to recognise and support commercial land uses on 17 parcels of land (subject lands) in the township of Manilla by rezoning the lots from *R1 – General Residential* to either; *IN1 – General Industrial*, *B2 – Local Centre*, *B1 – Neighbourhood Centre* or *RE2 – Private Recreation*. It is proposed to remove one (1) of the subject properties from *Schedule 5 – Environmental Heritage* in the *Tamworth Regional Local Environmental Plan (TRLEP) 2010* as it has been incorrectly identified. It is also proposed to rectify a zoning anomaly by rezoning one (1) lot from *B2 – Local Centre* to *RE1 – Public Recreation*, this being a portion of a public park in the main street of Manilla.

(Refer to **Attachment 1 – Locality Map – Regional**).

The proposal aims to address the concerns of business owners and residents relating to the changes of zoning that were implemented by the publication of the *Tamworth Regional Local Environmental Plan (TRLEP) 2010*. The intended outcome is to provide certainty for businesses and residents by recognising existing commercial land uses. It is an intended outcome that affected parcels remain available for future commercial use to support the future growth of Manilla.

This proposal is supported by extensive research and strategic planning leading to the formulation of the *Tamworth Regional Development Strategy (RDS) 2008*, which provided the basis for the *TRLEP* including a change from the 'village zoning' to the 'town zoning' pattern for Manilla.

Part 2 – Explanation of Provisions

The owners of the subject lands have proposed the range of zoning amendments below. Some of the current uses are permissible under the existing zoning. However, owners are concerned that limitations on future commercial use will impede the marketability of the subject lands with a consequent reduction in value of the premises. The consequence is a reluctance to invest in the infrastructure on the premises due to concerns that the cost of improvements may not be redeemable through a future sale of the lands.

The affected lots are listed below and shown on the *Manilla Planning Proposal Site Map* at **Attachment 2**.

There are several scenarios addressed by this proposal as follows:

1. Change of zone from *R1 – General Residential* to *IN1 – General Industrial* to recognise existing industrial uses and provide certainty for future industry by permitting development applications to be submitted for industrial uses on the subject lands in the future.

The affected lots are listed below. Properties owned by Tamworth Regional Council are identified as 'TRC':

<u>Street address & land use</u>	<u>Lot</u>	<u>Deposited Plan</u>
48-50 Northbrook Lane Manilla <i>Stone mason and contractor depot</i>	Lots 3&4	DP814536
Northbrook Lane Manilla <i>Wood turning and furniture repair</i>	Lot 1	DP385499
25 Arthur Street Manilla <i>Steel fabrication</i>	Lot 232	DP802060
43-45 Arthur Street Manilla <i>Soil Conservation Service depot</i>	Lots 4&5	DP3712
32-34 Market Street Manilla <i>Car yard / steel fabrication</i>	Lots 1&3	DP326746
40 Court Street Manilla	Lot 2	DP810301
73-75 River Street Manilla Strafford Street (TRC)	Lot1/Sec 23 Lot C	DP758644 & DP420644
<i>TRC works depot</i>		

2. Change of zone from *R1 – General Residential* to *B2 – Local Centre* to recognise existing business uses and provide for future business opportunities by permitting development applications to be submitted for commercial uses on the subject lands in the future. The B2 zone maintains the permissibility of residential uses on the subject lands.

The affected lots are listed below:

<u>Street address & land use</u>	<u>Lot</u>	<u>Deposited Plan</u>
39 Strafford Street Manilla <i>Plumbing business depot</i>	Lot 1	DP650619
Strafford Street Manilla <i>Former Scout Hall</i>	Lots18&19/ Sec 26	DP758644
Strafford Street Manilla <i>Storage shed</i>	Lots B&C	DP328858
41 Market Street Manilla <i>Veterinary practice</i>	Lot C	DP935304
53 Namoi Street Manilla <i>Accountant</i>	Lot B	DP329579
Court Street Manilla <i>Storage facility</i>	Lot 1	DP810301

In addition to the proposed change of zone from R1 to B2, it is proposed to remove the following property from *Schedule 5 – Environmental Heritage* in the *TRLEP 2010* as it has been incorrectly identified and is not listed in a heritage inventory. It has been confirmed with Council's Heritage Advisor that the land does not have any heritage significance in terms of built structures or historical use.

<u>Street address & land use</u>	<u>Lot</u>	<u>Deposited Plan</u>
38-40 Strafford Street Manilla <i>Former car yard</i>	Lots 2&3	DP871939

3. Change of zone from *R1 – General Residential* to *RE2 – Private Recreation* to recognise an existing Registered Club and provide certainty for the ongoing operation of the business by permitting a development application to be submitted for complementary uses on the subject lands in the future.

The affected parcel is shown below:

<u>Street Address</u>	<u>Lot</u>	<u>Deposited Plan</u>
93-101 Arthur Street Manilla <i>Registered Club</i>	Lots 4,5,6,7,8/Sec 1 Lot 152	DP5787 & DP546573

4. Change of zone from *R1 – General Residential* to *B1 – Neighbourhood Centre* to recognise an existing business and adjacent complementary property and provide certainty for future business by permitting development applications to be submitted for commercial uses on the subject lands in the future.

The affected lots are listed below:

<u>Street Address</u>	<u>Lot</u>	<u>Deposited Plan</u>
70 Court Street Manilla <i>Neighbourhood shop and fuel outlet</i>	Lot C	DP102992
68 Court Street Manilla <i>Former Guide Hall</i>	Lot B	DP102992

Note: The owner of Lot B DP102992 has requested a return to 'village' zone provisions. The application of RU5 – Village is not supported in the planning proposal and the B1 – Neighbourhood Centre zone is proposed which will provide a broad range of provisions to support the appropriate current and future commercial use of the structures on the land.

5. Change of zone from *B2 – Local Centre* to *RE1 – Public Recreation* to rectify a zoning anomaly affecting a public park in the main street of Manilla.

The affected lot is owned by Tamworth Regional Council:

<u>Street Address</u>	<u>Lot</u>	<u>Deposited Plan</u>
Manilla Street (Rotary Park - TRC) <i>Public recreation - parkland</i>	Lot 7	DP664044

The proposed zoning of Manilla Township is shown at **Attachment 3** and the proposed accompanying lot size provisions are shown at **Attachment 4**.

Part 3 – Justification

Section A – Need for the planning proposal.

A1. Is this planning proposal a result of any strategic study or report?

The planning proposal is supported by extensive strategic planning including the *Tamworth Regional Development Strategy (RDS) 2008* which directly informed the development of the *TRLEP 2010* and states with regard to Manilla:

11.10.4 Strategic Actions

Principle – Strengthening the Region

Zone existing activity node as B2 Local Centre.

Principle – Meeting Future Housing Needs

Zone current village zone (not including the local centre) as R1 General Residential.

(Tamworth RDS 2008: Page 58)

This 'town zoning' direction is reiterated on Page 67;

12.6 Implementation: Short Term Priorities

Strengthening the Region and Supporting Existing Centres

For towns such as Barraba, Nundle, Manilla and Kootingal adopt residential, commercial, industrial, special purpose and recreation zoning that matches the existing land use mixture in each town.

(Tamworth RDS 2008: Page 67)

This strategic planning recognises that sections of existing towns should be identified to support and promote dominant uses such as the local centre of Manilla. However, the strategic analysis also acknowledges that the existing land use patterns need to be supported to sustain and strengthen existing centres.

A2. 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 legal method of amending the *TRLEP 2010* to recognise and provide certainty for existing commercial land uses in response to the concerns of business owners and residents in Manilla Township.

A3. Is there a net community benefit?

A significant net community benefit is identified in connection with the proposed amendments. Refer to **Attachment 5** for the analysis of net community benefit.

In summary:

- The proposed amendments recognise the suitability of the subject lands for a variety of ongoing commercial opportunities.
- This would support and stimulate future population and economic growth in the township of Manilla.
- As the amendments to zoning entail the recognition of existing land uses, there are effectively no 'on-ground' costs, such as infrastructure costs, associated with the proposal.

Consequently, it is considered that the resultant community benefit significantly outweighs the administrative cost of implementing the proposal.

Section B – Relationship to strategic planning framework

The planning proposal is consistent with the strategic planning direction outlined in the *Tamworth Regional Development Strategy (RDS)*, as noted above.

B1. Is the planning proposal consistent with the objectives and action contained within the applicable regional or sub-regional strategy?

Tamworth Regional Council is not subject to a regional or sub-regional strategy.

B2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the strategic planning direction outlined in the *Tamworth RDS*, as noted above. The proposal is consistent with Tamworth Regional Council's Community Strategic Plan.

B3. Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

Refer to **Attachment 6**.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Refer to **Attachment 7**.

Section C – Environmental, social and economic impact

C1. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No – The proposal does not affect critical habitat or threatened species, population or ecological communities, or their habitats.

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No – refer to C1 above. The planning proposal was formulated with reference to the findings of the *Manilla Flood Study 2012* which does not contradict the justification of the proposed amendments to the planning provisions.

C3. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal has outlined how the related social and economic effects can have a significant and positive impact on the township of Manilla. These effects are outlined in section A3 above and analysed at **Attachment 5**

Section D – State and Commonwealth interests

D1. Is there adequate public infrastructure for the planning proposal?

Yes – the subject lands are serviced by road, water, wastewater, electricity and telecommunications infrastructure. As the proposal aims to recognise existing uses of the subject lands no increase in the demand for public infrastructure is identified.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with gateway determination, and have they resulted in any variations to the planning proposal.

As part of the planning process for the *TRLEP 2010*, Council implemented an extensive consultation process with a range of government agencies through the Section 62 process. No specific concerns are identified relating to this proposal as a result of the LEP process. The Catchment and Lands Division of Department of Primary Industries were consulted with regard to crown holdings in Manilla. This resulted in a submission from the Soil Conservation Service requesting a change of zone for 43-45 Arthur Street, Manilla. This request is reflected in the proposed zoning and lot size provisions.

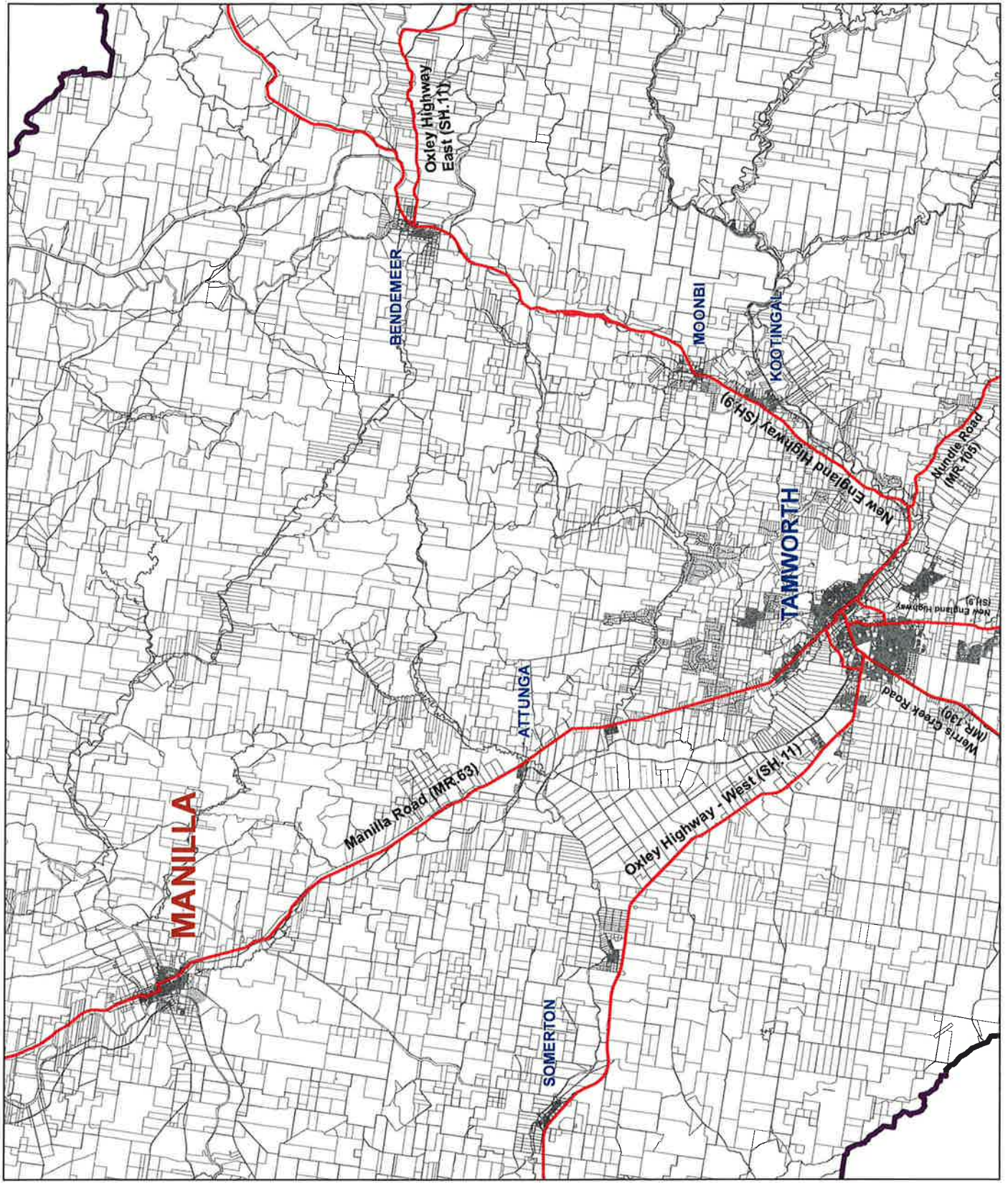
Part 4 – Community Consultation

As part of the planning process for the *TRLEP 2010*, Council undertook and implemented an extensive consultation strategy engaging with the community using a range of means including; media, internet, community presentations and displays at each of the Council Branches, as well as the Kootingal Library. This included a community presentation at Manilla and a display at the Manilla branch office of Council.

At Ray Walsh House in Peel Street, Tamworth, a comprehensive display provided detailed information and many members of the community attended the building to discuss aspects of interest with the relevant Council planning officers. Following this process the *Draft TRLEP* was adopted by Council and forwarded to the Department and published by the Minister for Planning on 21 January 2011.

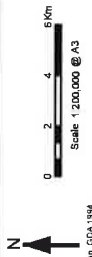
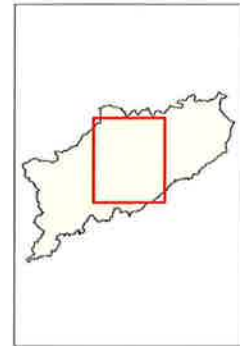
The concerns of business owners and residents relating to the zoning of commercial properties in Manilla have been raised with Councillors and Council officers in the period since the publication of the *TRLEP 2010*. This community interest resulted in a community meeting on 18 October 2011 attended by Council Planning officers and a number of Councillors. It was determined at that meeting to call for submissions over a four (4) week period from those interested in amending the zoning of the properties. During this time a Council strategic planner was stationed at Council's Manilla Branch Office one (1) day a week to answer enquiries and advise on the process for making a submission.

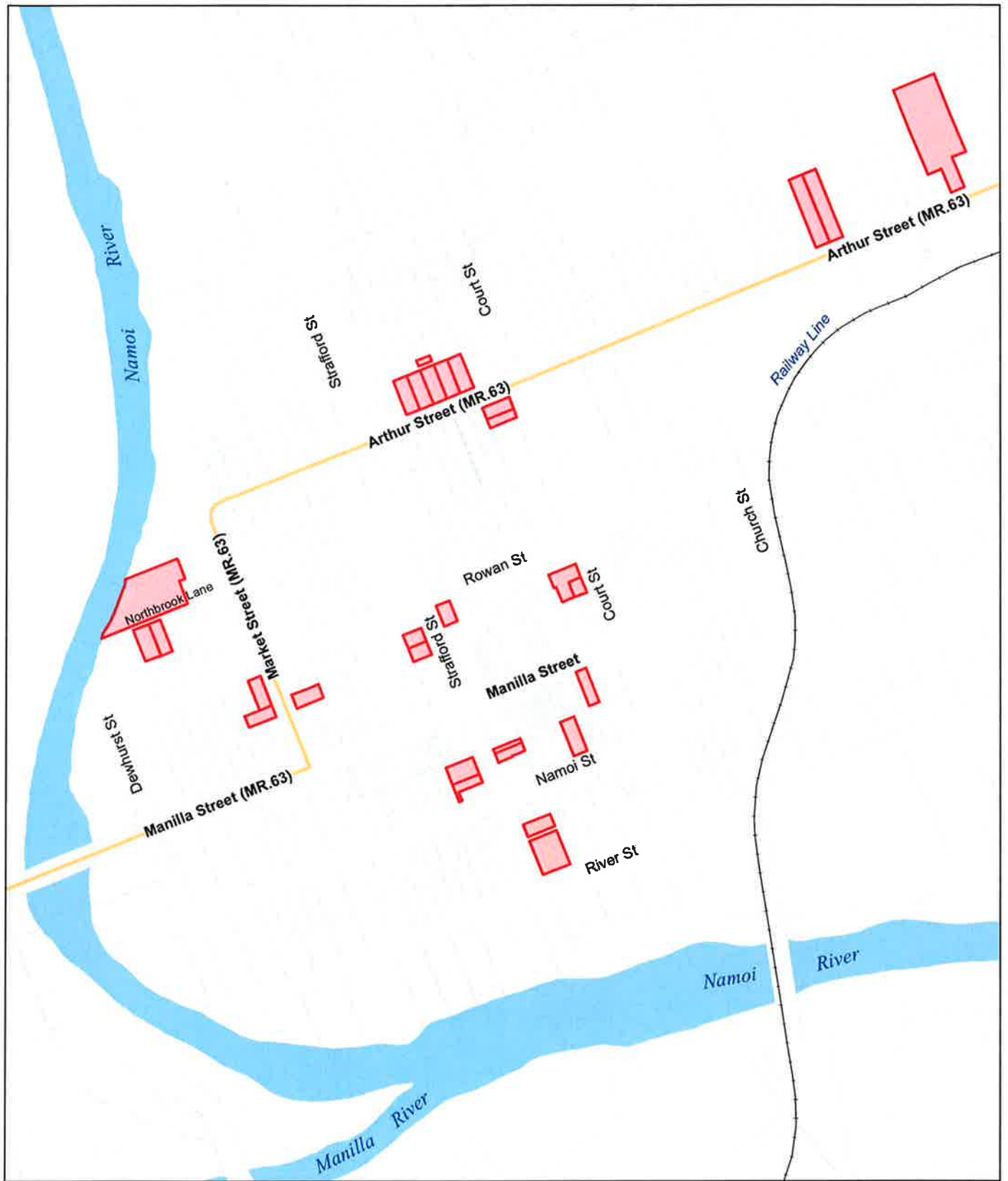
Submissions relating to a total of 18 properties were made by business owners and relevant agencies requesting a change in zoning and these requests form the basis of the planning proposal.



Attachment 1

- Manilla
- Planning Proposal
- Regional Map

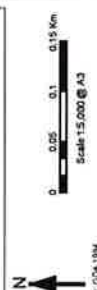




- Manilla
- Planning Proposal
- Site Map

Planning Proposal

 Subject Land



Attachment 3

- Manilla
- Planning Proposal
- Proposed Zoning Map

Zone

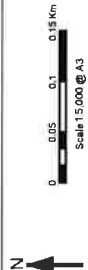
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|------------|------------------------------------|------------|-------------------------|
| B1 | Neighbourhood Centre | IN1 | General Industrial |
| B2 | Local Centre | IN3 | Heavy Industrial |
| B3 | Commercial Core | R1 | General Residential |
| B4 | Mixed Use | R2 | Low Density Residential |
| B5 | Business Development | R5 | Large Lot Residential |
| B7 | Business Park | RE1 | Public Recreation |
| B8 | National Parks and Nature Reserves | RE2 | Private Recreation |
| E1 | Environmental Conservation | RU1 | Primary Production |
| E2 | Environmental Management | RU3 | Forestry |
| E3 | General Industrial | RU4 | Rural Small Holdings |
| IN1 | General Industrial | RU5 | Village |
| IN3 | Heavy Industrial | RU6 | Transition |
| R1 | General Residential | SP1 | Special Activities |
| R2 | Low Density Residential | SP2 | Infrastructure |
| R5 | Large Lot Residential | SP3 | Tourist |
| RE1 | Public Recreation | | |
| RE2 | Private Recreation | | |
| RU1 | Primary Production | | |
| RU3 | Forestry | | |
| RU4 | Rural Small Holdings | | |
| RU5 | Village | | |
| RU6 | Transition | | |
| SP1 | Special Activities | | |
| SP2 | Infrastructure | | |
| SP3 | Tourist | | |

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Base Data 21/06/2011 © NSW LPM

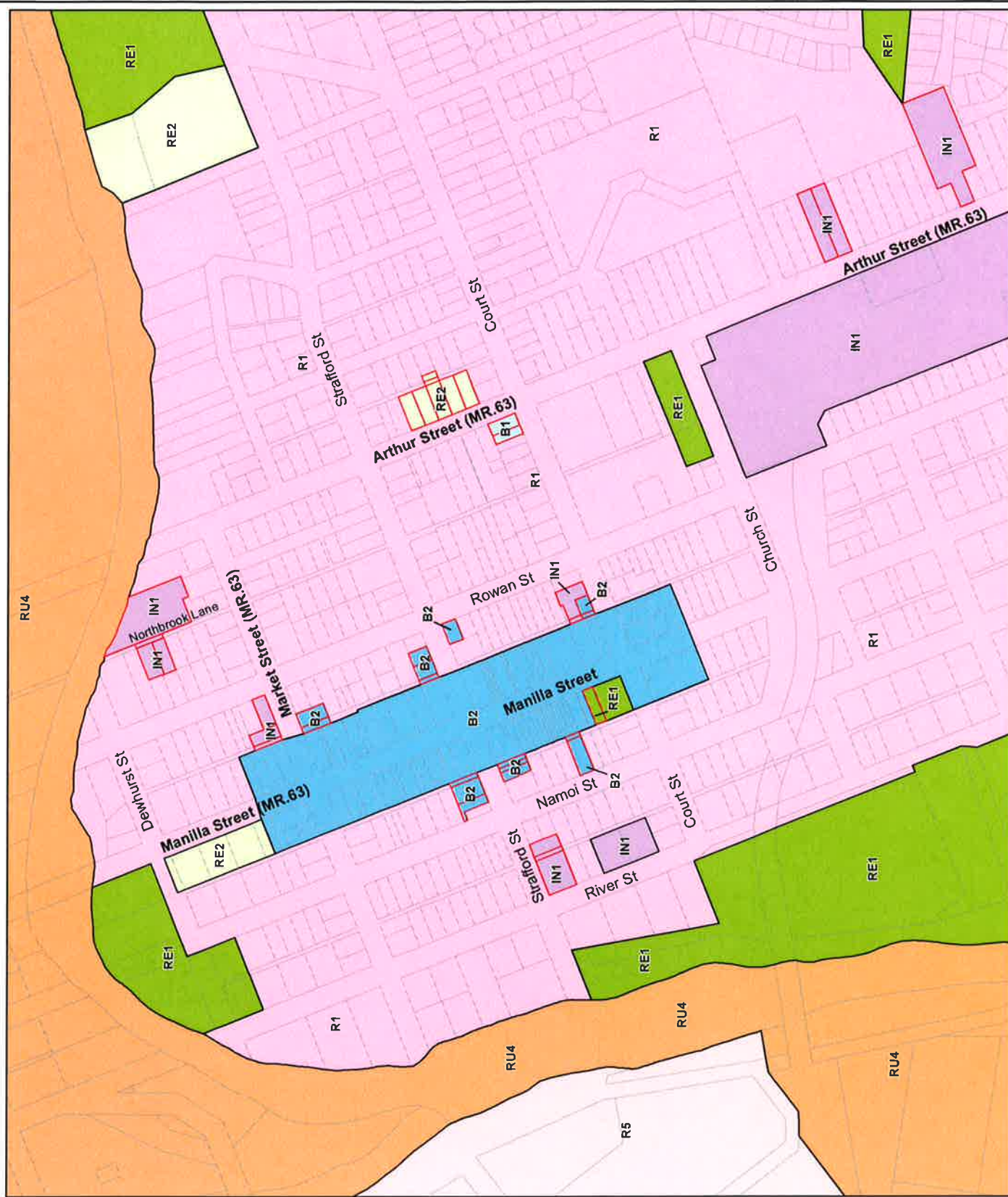
Planning Proposal

- | | |
|------------|----------------------|
| B1 | Neighbourhood Centre |
| B2 | Local Centre |
| IN1 | General Industrial |
| RE1 | Public Recreation |
| RE2 | Private Recreation |



Projection: GDA 1994

Map Information No. 2010



Attachment 4

- Manilla
- Planning Proposal
- Proposed Lot Size Map

Minimum Lot Size (sq m)

M	600m ²
U	1000m ²
S	2000m ²
W	4000m ²
Y	1 ha
Z	2 ha
AA1	5 ha
AA2	9.9 ha
AB1	20 ha
AB2	40 ha
AD	100 ha
AF	400 ha
AH	800 ha

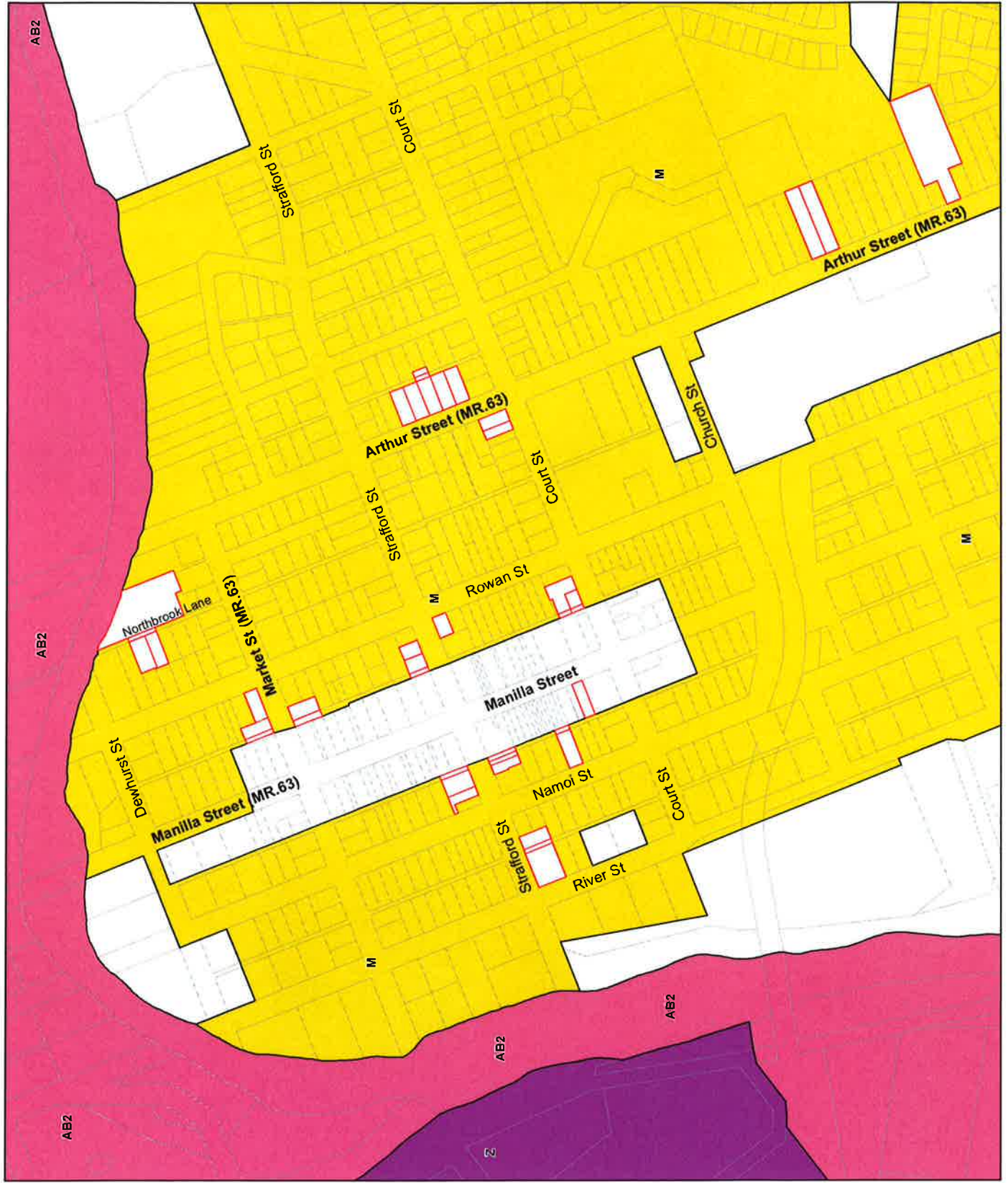
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Base Date 20/06/2011 © NSW LPM

Planning Proposal
Subject Land



Prepared: 03/04/1994
Map Identification Number



**ATTACHMENT 5 – ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
MANILLA PLANNING PROPOSAL**

EVALUATION CRITERIA (YES/NO RESPONSE as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERIA
Is the planning proposal compatible with agreed State and regional strategic direction for development in the area? YES	The broad application of the R1 – <i>General Residential</i> zone does not recognise the individual businesses commercial land uses existing across the town.	The proposed amendments would recognise the existing and potential commercial uses on the subject lots without undermining the intent of the overall <i>Tamworth RDS and TRLEP2010</i> .	The planning proposal provides for continued commercial opportunities on lands utilised in the past and presently for business purposes to support economic activity in Manilla.
Is the planning proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy? NO	Not located in a specified area.	Not applicable	Not applicable
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders? YES	The subject lots currently have commercial uses or are developed in such a way to facilitate commercial uses. The R1 zone restricts future commercial uses of the land.	The proposal should reinforce the expectations that business owners held under the previous 2(v) – <i>Village</i> zone under the <i>Manilla LEP 1988</i> and reduce that uncertainty that has been caused by the zoning changes in the TRLEP 2010.	The proposal aims to reduce the uncertainty that has been caused by the zoning changes on the <i>TRLEP 2010</i> . The planning proposal provides for continued commercial opportunities and benefitting economic activity in Manilla.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? N/A	Planning proposals are in-train for three (3) localities in and around Tamworth City. There are no proposals that affect the township of Manilla	Not applicable	Not applicable

Will the planning proposal facilitate a permanent employment generating activity? YES	The subject lots currently have commercial uses or are developed in such a way to facilitate such uses. The R1 zone restricts potential future commercial use of the land.	The proposal aims to recognise the commercial land uses on the subject lots thereby supporting the existing employment and potential future employment associated with the land.	It is considered that the planning proposal provides a benefit as it supports current and potential future commercial land uses.
Will the planning proposal impact upon the supply of residential land and therefore housing supply and affordability? YES -technically	Much of the land relating to this proposal involves commercial premises now zoned R1 – <i>General Residential</i> .	Where there is recognition of existing commercial uses with a change of zone to <i>IN1 – General Industrial</i> the amount of land zoned for residential purposes will be reduced.	It is considered that the planning proposal may be benefit/cost neutral for this criteria as the amount of land accessible for residential purposes will be unchanged.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? YES Is public transport currently available or is there infrastructure capacity to support future public transport?	The subject lots are served by road, water, wastewater, electricity and telecom infrastructure. Public transport is available to the subject area in the form of taxi services.	There is no increase in traffic in the town relating to the provisions of the planning proposal. Businesses will continue to utilise existing infrastructure mitigating the need to extend services.	It is considered that the planning proposal may provide a benefit under this criterion by promoting the ongoing utilisation of existing services by supporting business activity.
Will the proposal result in changes to the car distances traveled by customers, employees and suppliers? NO If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety? Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? NO If so, what is the expected impact?	The subject lots currently have commercial uses or are developed in such a way to facilitate such uses. There are no infrastructure facilities that meet this criterion in the vicinity of the subject lots.	The proposal aims to recognise the commercial land uses on the subject lots and provide for the ongoing operation of business uses on the subject land. Not applicable	It is considered that the planning proposal may be benefit/cost neutral for this criteria. Not applicable

Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors? NO	The land lies with an existing urban environment.	The planning proposal has been formulated cognizant of the findings of the Manilla Flood Study.	It is considered that the planning proposal may be benefit/cost neutral for this criteria.
Will the LEP be compatible or complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve? STATUS QUO	The subject lots currently have commercial uses or are developed in such a way to facilitate such uses. The R1 zone restricts future commercial uses of the land.	The proposal aims to recognise the commercial land uses on the subject lots and provide for the ongoing operation of business uses on the subject land.	It is considered that the planning proposal may be benefit/cost neutral for this criteria as the current land-use pattern would remain.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? YES - potentially	The subject lots currently have commercial uses or are developed in such a way to facilitate such uses. The R1 zone restricts future commercial uses of the land	The proposal aims to recognise the commercial land uses on the subject lots and provide for the ongoing operation of business uses on the subject land supporting competition and consumer choice.	A net community benefit can be identified as the existing commercial premises are recognised and supported for future operation.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future? N/A	The proposal affects a range of existing lots in an existing centre, i.e. Manilla Township. As this is an existing centre it is considered that this criterion is not applicable.	Not applicable	Not applicable

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The current town zoning pattern has created uncertainty for the current and future operation of the commercial properties affected by this proposal. This situation is not in the public interest as it potentially reduces investment and undermines the economic viability of the town.	The proposal aims to recognise the commercial land uses on the subject lots and provide for the ongoing operation of business uses on the subject land. This outcome provides certainty for existing operators and potential purchasers of land in Manilla. Should the proposal not proceed at this time the uncertainty will continue restricting potential investment and growth in Manilla.	Implementing the proposed amendments in the short term is in the community interest in terms of economic activity and strengthening rural communities & centres in future. A delay in implementing the amendments continues the current uncertainty in Manilla potentially inhibiting future economic growth.
NET COMMUNITY BENEFIT = 6 of the 10 applicable criteria above identify a clear community benefit. 4 of the 10 applicable criteria are assessed as being potentially benefit/cost neutral. 0 or the 10 applicable criteria identify a significant cost to the community. Overall, a significant net community benefit is identified in relation to this planning proposal.			

**ATTACHMENT 6: CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)
MANILLA PLANNING PROPOSAL**

SEPP	Applicable to TRC	Consistent / Not inconsistent	Reason for inconsistency or comment
No. 1 Development Standards	No	N/A	SEPP1 does not apply to the Local Government Area (LGA) as per Cl.1.9 of the TRLEP 2010.
No. 4 Development Without Consent and Miscellaneous Exempt and Complying Development	Yes (N/A Cl.6 & parts 3&4)	Yes	SEPP 4 provisions are additional to those in TRLEP 2010.
No. 6 Number of Storeys in a Building	Yes	N/A	Height of buildings (Cl.4.3) not adopted in TRLEP 2010.
No. 15 Rural Land-sharing Communities	Yes	N/A	The land affected does not include rural or non-urban zones.
No. 21 Caravan Parks	Yes	Yes	Appropriate zoning is proposed to give effect to existing uses and relevant strategic planning for the area. The provisions of the SEPP are additional to those in TRLEP 2010
No. 22 Shops and Commercial Premises	Yes	Yes	The proposal aims to recognise existing commercial premises with relevant zoning. The provisions of the SEPP are additional to those in TRLEP 2010.
No. 30 Intensive Agriculture	Yes	N/A	The proposal does not affect land or zones used or suitable for intensive agriculture. The provisions of the SEPP are additional to those in TRLEP 2010.
No. 32 Urban Land Consolidation (Redevelopment of Urban Land)	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
No. 33 Hazardous and Offensive Development	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
No. 36 Manufactured Home Estates	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
No. 44 Koala Habitat Protection	No	N/A	The SEPP is not applicable to the Tamworth Regional LGA.

No. 50 Canal Estate Development	Yes	N/A	Not applicable to the subject land.
No. 55 Remediation of Land	Yes	Yes	The land subject is proposed to be rezoned from R1 – General residential and B2 – Local centre to zones of lesser residential potential to reflect the existing uses on the properties. The provisions of the SEPP are additional to those in TRLEP 2010. The proposal is not considered to be inconsistent with this SEPP.
No. 62 Sustainable Aquaculture	Yes	Yes	There is abundant RU1 zoned land in the Tamworth Regional LGA that is more suitable to sustainable aquaculture. The proposed zoning amendments do not alter to the permissibility of aquaculture on the subject lands. The proposal is not considered to be inconsistent with the SEPP.
No. 64 Advertising and Signage	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
No. 65 Design Quality of Residential Flat Development	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Housing for Seniors or People with a Disability 2004	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Building Sustainability Index: BASIX 2004	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Major Development 2005	Yes	N/A	The planning proposal does not affect major development sites or land of such potential. The provisions of the SEPP are additional to those in TRLEP 2010.
Mining, Petroleum Production and Extractive Industries 2007	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Temporary Structures 2007	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Infrastructure 2007	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.
Rural Lands 2008	Yes	Yes	The land is not affected by rural zones and is not used for rural pursuits. The provisions of the SEPP are additional to those in TRLEP 2010.

Exempt and Complying Development Codes 2008	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010. Proposal does not impact the operation of the SEPP.
Affordable Rental Housing 2009	Yes	Yes	The provisions of the SEPP are additional to those in TRLEP 2010.

**ATTACHMENT 7: CONSIDERATION OF SECTION 117 MINISTERIAL DIRECTIONS -
ASSESSMENT RELATIVE TO THE MANILLA PLANNING PROPOSAL**

1. Employment and Resources			
Direction	Applicable to TRC	Consistent	Reason for inconsistency or comment
1.1 Business and Industrial Zones	Yes	Yes	The principal purpose of the planning proposal is to encourage employment growth and protect employment land by recognising existing commercial operation with business and industrial zoning. The planning proposal is in accordance with the requirements of the Direction.
1.2 Rural Zones	Cl.2(a) Yes Cl.2(b) No	Not applicable	It is not proposed amend the planning provisions of any land currently affected by a rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The planning proposal does not propose a change of zoning that would affect the permissibility of mining on the subject lands. The SEPP (mining, petroleum production and extractive industries) prevails over the TRLEP 2010.
1.4 Oyster Aquaculture	No	Not applicable	Not affecting LGA.
1.5 Rural Lands	Yes	Not applicable	The proposal does not include a change for any rural zoned land.

2. Environment and Heritage			
Direction	Applicable	Consistent	Reason for inconsistency or comment
2.1 Environment Protection Zones	Yes	Yes	The proposal does not affect land within an environmental protection zone or include any elements that would jeopardise the protection and conservation of environmentally sensitive land.
2.2 Coastal Protection	No	Not applicable	Not affecting LGA

2.3 Heritage Conservation	Yes	No	The TRLEP contains provisions that facilitate the conservation of heritage conservation elements. Aboriginal objects or places are protected under the National Parks and Wildlife Act 1974. No study has been undertaken to identify specific objects within the Region. The subject lands have been part of the urban fabric of Manilla for approximately 150 years. It is proposed to remove one (1) item from Schedule 5 of the TRLEP as it has been incorrectly identified in the heritage register and consequently the TRLEP. It is considered that the planning proposal is justifiably inconsistent with the Direction.
2.4 Recreation Vehicle Areas	Yes	Yes	The planning proposal does not affect an environmental protection zone. The permissibility of the land-use is not increased or affected by the proposed amendments to zoning in Manilla.

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Reason for inconsistency or comment
3.1 Residential Zones	Yes	No	The planning proposal includes the proposed rezoning of Residential zoned land to industrial and business zones. While the B2 – Local Centre zone provides for all urban residential uses, the IN1 – General Industrial zone limits residential development to <i>shop-top housing</i> . As the proposed provisions seek to recognise existing industrial uses on seven (7) parcels it is considered that the actual impact on housing choice and provision is negligible. It is considered that the planning proposal is justifiably inconsistent with the Direction.
3.2 Caravan Parks and Manufactured Home Estates	Yes	No	The proposed changes to zoning do not affect an existing caravan park or manufactured home estate or any land identified for such uses. The proposed amendment of zone for the seven (7) parcels from R1 to IN1 prohibits these uses on the lots under the TRLEP. SEPP No.36 (Manufactured Home Estates) prevails over the TRLEP. It is considered that the proposal is justifiably inconsistent with this Direction as the provisions that are inconsistent are of a minor nature.

3.3 Home Occupations	Yes	Yes	The land-use continues to be permissible without consent where dwelling houses are permitted.
3.4 Integrating Land Use and Transport	Yes	No	The proposal includes alterations to urban zoning within the urban area of Manilla. However, it is not proposed to expand the urban zoning beyond the existing town area. Consequently, it is not considered that the proposal is justifiably inconsistent with this Direction as the provisions that are inconsistent are of a minor nature.
3.5 Development Near Licensed Aerodromes	Yes	Not applicable	Not affecting the subject land
3.6 Shooting Ranges	Yes	Not applicable	Not affecting the subject land

4. Hazard and Risk

Direction	Applicable	Consistent	Reason for inconsistency or comment
4.1 Acid Sulfate Soils	No	Not applicable	Not affecting LGA
4.2 Mine Subsidence and Unstable Land	No	Not applicable	Not affecting LGA
4.3 Flood Prone Land	Yes	Yes	A comprehensive flood study was undertaken by Tamworth Regional Council in February 2012 finding that flood risk to Manilla Township has been reduced by the construction of Split Rock Dam upstream of the township on the Manilla River. In general terms, the study found that the heights previously attributed to the 1% AEP event are now similar to a 0.5% AEP event with a commensurate effect on the calculated Flood Planning Level (FPL) being 1% AEP + 0.5m. In light of this current data and modelling and the fact that the planning proposal seeks to recognise existing uses and not provide for additional urban zoned land it is considered that the proposal is consistent with this Direction. Three (3) properties that were completely affected by the 1:100 year level (unqualified data) in the previous mapping are now identified as being only partly affected by the FPL.
4.4 Planning for Bushfire Protection	Yes	Not applicable	Not affecting the subject land – not shown in (or proximate to) a bushfire mapped area

5. Regional Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
5.1 Implementation of Regional Strategies	No	Not applicable	Not affecting LGA
5.2 Sydney Drinking Water Catchments	No	Not applicable	Not affecting LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	Not affecting LGA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	Not affecting LGA
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	Not affecting LGA

6. Local Plan Making

Direction	Applicable	Consistent	Reason for inconsistency or comment
6.1 Approval and Referral Requirements	Yes	Yes	The planning proposal does not entail provisions which increase approval and referral requirements as outlined in the Direction.
6.2 Reserving Land for Public Purposes	Yes	Yes	Tamworth Regional Council (TRC) asset managers have made submissions to amend zoning to reflect the existing use of two (2) parcels of land owned by TRC being a Council works depot and a public park. The planning proposal also proposes an amendment of zone for a parcel of crown land pursuant to the submission by the Soil Conservation Service (DPI) to reflect the industrial use of the land. The planning proposal is forwarded to the Gateway process for the approval of the Director General. It is not considered that the proposal is inconsistent with the Direction.
6.3 Site Specific Provisions	Yes	Yes	The planning proposal is not prepared on the basis of allowing a particular development to be carried out. It is prepared with the objective of recognising existing commercial uses and allowing for future commercial development on the subject land.

7. Metropolitan Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
7.1 Implementation of the Metropolitan Strategy	No	Not applicable	Not affecting LGA