

PLANNING PROPOSAL

Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)

Hyman Park Planning Proposal

Amendment of Land Classification Provisions

Part 1 – Objectives or Intended Outcomes

The objective of this proposal is to provide for future community uses of a vacant section of Hyman Park. Hyman Park is located in Robert Street, South Tamworth, approximately three (3) kilometres to the southwest of the Tamworth City Central Business District.

The proposal will amend the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) Schedule 4 – Classification and Reclassification of Public Land*.

Location

The subject lands are identified as part of Lot 39, Section F in Deposited Plan 20599. The land is owned by Tamworth Regional Council and identified as Hyman Park, 25A Robert Street, South Tamworth. The land is designated as public reserve and has Community Classification under the *TRLEP 2010*.

Hyman Park in total is 4.17 hectares and is bounded by residential houses, St Edwards Infants School and has frontage to Robert Street, Kathleen Street, Bruce Street, Thomson Crescent, David Street and Hillvue Road. Refer to **Attachment 1 – Location Plan**.

The park is bisected by Hillvue Road which does not have a formalised road reserve through the park. The proposal seeks to remove the Public Reserve status and reclassify the part of the park to the east of Hillvue Road from Community Land to Operational Land to provide for future community uses on the site. The area to be reclassified to Operational is approximately 1.7 hectares in size.

Background

Hyman Park was provided for in DP 20599 for ‘Reserve for Park, Recreation and Drainage’ on 14 February 1947 under the Shire of Peel. The land was vested in Tamworth City Council by notification in the *Government Gazette*, 13 November 1987, pursuant to Section 340C of the *Local Government Act 1919*. Refer to **Attachment 2 – Deposited Plan 20599**.

The section of the land to the west of Hillvue Road is approximately 2.13ha and has been and remains a focus for investment and embellishment by Council. This site incorporates the road safety bike park, an extensive playground with shade structures, picnic shelters, and other related recreational facilities. It is the site of the Boy Scout Hall. This section of Hyman Park is not subject to the planning proposal and there are no plans to change planning provisions under the TRLEP 2010 or undertake changes to this land aside from continued investment to maximise the recreational value of the park.

The section of the park to the east of Hillvue Road has not been embellished aside from some tree planting particularly at the Kathleen Street end of the site. The Girl Guides Hall is located on this section on the corner of Bruce Street and Hillvue Road. It is not intended that the Girl Guides operations be affected by this planning proposal. Refer to **Attachment 3 - Existing Conditions**.

It is noted that both the Boy Scouts and Girl Guides are entered into lease arrangements with Council and it is not planned to change these arrangements.

Current Context

Council has been approached by two organisations in 2017 who have expressed an interest in locating facilities on the eastern portion of Hyman Park as described above. The first is the Tamworth Aboriginal Medical Service who identified the site as having potential for the construction of a substantial medical centre. The approach was the subject of a report to the Ordinary Council Meeting on 12 September 2017 where it was resolved to undertake community consultation to gauge the community's sentiment regarding the medical centre. A media release and letterbox drop of adjacent residents advising of future consultation was undertaken at that time.

Subsequently, Fire and Rescue NSW have also expressed an interest in locating a fire station on the site independent of the proposed medical centre. At this stage co-locating the two facilities on the site appears to be a viable option.

Both of the proposals are built for purpose 'state of the art' facilities that would involve significant investment in the construction of the facilities (\$10 million approx.) and ongoing employment potential. It should be noted that neither of these proposals have progressed past concept stage and are only possible future uses.

Having received these approaches, Council recognises that reclassifying this section of Hyman Park may be a prudent course of action to facilitate these or other community uses on the site in future. No other amendments to planning provisions are proposed meaning that the land will remain with the *RE1 – Public Recreation* zone with no minimum lot size restrictions. Retaining the *RE1* zone emphasises Council's intention that the land be used for community purposes in future as opposed to, say, business or residential uses.

As the *TRLEP 2010* does not include a *Land Classification (Part Lots) Map* a 'Part-Lot' is not an appropriate description of reclassified land in Schedule 4 of the LEP. Consequently, it is proposed to subdivide the land in conjunction with the Planning Proposal process to facilitate the reclassification. It is also proposed to use this subdivision process to formally establish the road reserve for Hillvue Road through Hyman Park. The proposed layout of the land following subdivision and reclassification is represented at **ATTACHMENT 4 – Proposed Land Classifications**.

Summary

The planning proposal represents an important amendment to the *Tamworth Regional Local Environmental Plan 2010* to provide for community uses to be developed in future to respond to the needs of South Tamworth residents and the wider community. It is important to note that while Council has analysed a range of issues relating to the site, the potential impacts relating to future development proposals will need to be addressed via development application (DA) processes to determine the feasibility of proposed development types in specific sections of the subject lands.

Part 2 – Explanation of Provisions

The proposed amendment will amend Schedule 4 of the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* to reclassify a section of Hyman Park of approximately 1.7ha from Community to Operational Land. The proposed layout of the land following subdivision and reclassification is represented at **ATTACHMENT 4– Proposed Land Classifications**. The proposal also seeks to remove the Public Reserve status of the newly created lot to the east of Hillvue Road.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

Extensive strategic recreation and open space planning has been undertaken in the period from the 1990's to the present including the formulation of the *Tamworth Recreation and Open Space Plan 2008*. This strategy maps the western portion of Hyman Park as 'Recreation' but the eastern portion (the subject of this planning proposal) as 'Amenity/Undeveloped'. [Page 108]

The locality is not identified in an area of deficiency within 500m of walking. [Page 132]

Recommendations (Hyman Park):

Hyman Park—Learn to ride cycle park - Master plan this park to increase recreation facility provision. This should include recreating a link between the areas divided by Jean St (Hillvue Road). Develop and build on the cycling theme, establish picnic and play facilities that will cater for larger groups and families and connect the park area with pathways. Ensure the available space is maximised, by moving recreation elements away from the road area. [Page139]

Creating a link across the busy Hillvue Road has not been pursued and investment has focussed on the western section of the park.

The proposal is in accordance with the *Tamworth Regional Development Strategy 2008 (TRDS)* which informed the formulation of the *TRLEP 2010*, see *Section B* below.

A2. Is this 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 reclassify the land from Community to Operational to provide for future community uses. In accordance with LEP Practice Note PN16-001 Council is not seeking Delegated Authority to make this LEP as the proposal seeks to remove the Public Reserve status affecting the subject land.

A3. Is there a net community benefit?

There is a net community benefit associated with the proposed amendment to the *TRLEP 2010*. Refer to **ATTACHMENT 5** for the analysis of the net community benefit criteria.

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 2008 (TRDS)* in several sections, for example:

4.2.2 Community Services and Facilities

- (b) Identify areas that are lacking services and develop collaborative arrangements to provide these facilities and services. Foster effective partnerships between public, private and community sectors in responding to identified community needs and in developing services.*
- (f) Encourage the co-location of health and community services and facilities with public transport, activity centres and housing to improve accessibility.*
- (g) Facilitate improved community access and delivery of health and community services and facilities, particularly in areas with disadvantaged communities. [Page 10]*

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

The *New England North West Regional Plan 2036* was approved and released on 23 August 2017. The regional plan has relevance to the planning proposal in several sections including:

Direction 17 – Strengthen community resilience.

Direction 18 – Provide great places to live.

Direction 19 – Support Healthy, safe, socially engaged and well connected communities.

[Pages 52-54]

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 *TRDS*, as noted above. The proposal is also consistent with Tamworth Regional Council's Community Strategic Plan (CSP). The *Keychange 2017-2027 Community Strategic Plan* was formulated and subject to an extensive consultation process in the first half of 2017 and was adopted by Council on 27 June 2017. The CSP has relevance to the planning proposal in several sections including the following:

Strategy C1.4: *Meet social justice principles through the provision of accessible and inclusive high-quality, integrated community services that meet current and emerging needs.* The measures of success for this objective include the delivery of accessible, inclusive services. [Page 16]

Strategy C2.2: *Provide accessible, functional, multi-purpose facilities and spaces suitable for cultural, recreational, learning and information services and activities* with one measure being the number of additional services/facilities provided. [Page 17]

Strategy L1.2: *Represent and advocate community needs* with measures of success including successfully managing and maintaining strong relationships with all levels of government, NGO's and major stakeholders. [Page 24]

B3. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Refer to **ATTACHMENT 6 – Consideration of Relevant SEPPs.**

B4. Is the planning proposal consistent with applicable S.117 Ministerial Directions?

Refer to **ATTACHMENT 7 – Consideration of S.117 Ministerial Directions.**

Section C – Environmental, Social and Economic Impacts

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?

Hyman Park is modified urban land that has been incorporated into the urban fabric of Tamworth since the 1940's. It is considered that there is no likelihood of any adverse impact on critical habitat or threatened species.

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

There are approximately 30 trees planted in the eastern section of Hyman Park with the majority located toward Kathleen Street. While the trees are not all native species they afford habitat for birds and other fauna. The potential retention and management of these trees will be the subject of future development application processes.

The land falls to the east from Hillvue Road to Kathleen Street at grade of approximately 1.6% and performs an overland flow drainage function which again will be addressed by DA processes.

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

Refer to the community benefit established at **ATTACHMENT 5.**

Section D – State and Commonwealth interests

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

Yes – There are established utilities in and adjoining Hyman Park. The proponents of any future community uses to be established on the land will be required to design and construct infrastructure to service the undertakings without compromising sewer and stormwater services located in the park.

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.

The Tamworth Aboriginal Medical Service and Fire and Rescue NSW have approached Council expressing an interest in locating a medical centre and fire station independent of each other on the land. Both agencies continue to support the proposed reclassification of the identified section of the Hyman Park.

Further consultation will be undertaken in accordance with the requirements of a Gateway Determination.

Part 4 – Mapping

The proposed amendment will not affect the *Tamworth Regional Local Environmental Plan 2010* Mapping.

Part 5 – Community Consultation

Initial discussions have been undertaken with The Tamworth Aboriginal Medical Service and Fire and Rescue NSW. A media release and letterbox drop of adjacent residents was undertaken in September 2017 advising of future consultation.

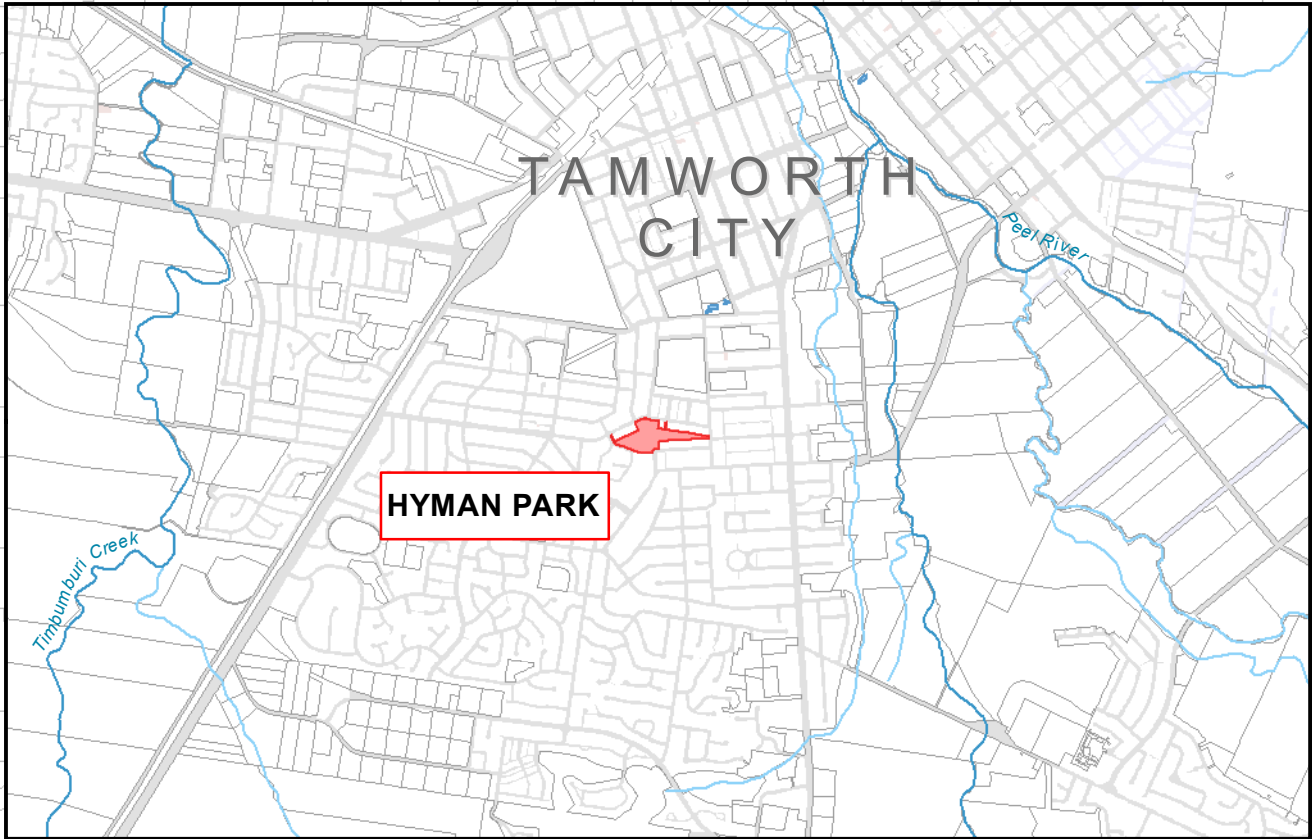
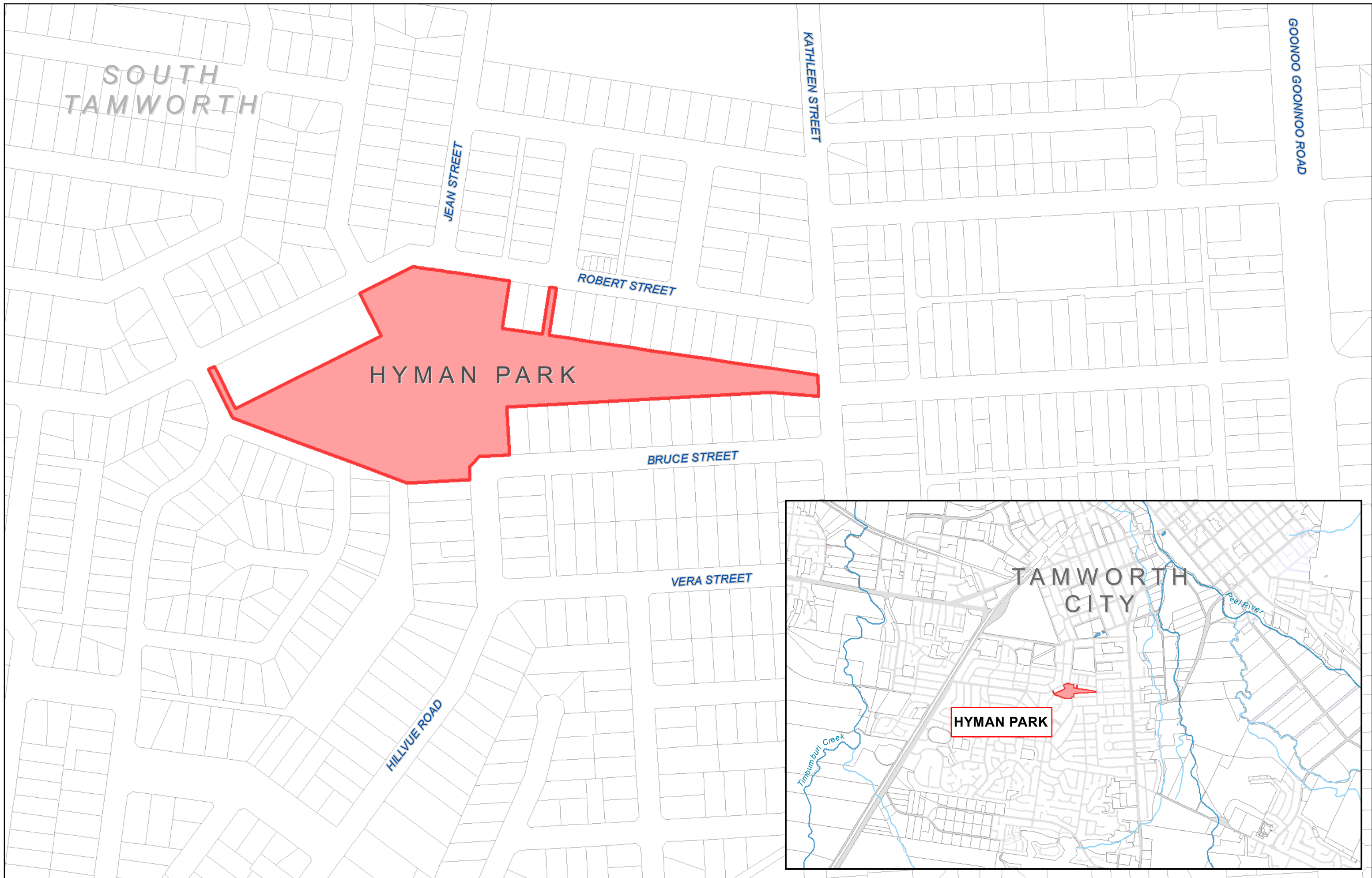
A community consultation strategy for this planning proposal will be implemented to engage stakeholders and general public. The engagement process will involve displays at Council offices, media releases, public notices and interviews with residents and stakeholders upon request. It is also planned to undertake an online consultation using Council's website and social media as appropriate.

Public exhibition and consultation including a public hearing will be undertaken in accordance with the relevant legislation and the requirements of a Gateway Determination.

Part 6 – Project timeline

The table below provides an indication of the timeline for the planning proposal.

| | |
|--|--|
| Anticipated commencement date (date of Gateway Determination) | 15 January 2018 |
| Anticipated timeframe for the completion of technical information | Studies complete. |
| Government agency consultation | Subject to Gateway Determination requirements. |
| Commencement and completion dates for public exhibition period | February 2018 (28 days) |
| Dates for public hearing (if required) | March 2018 (21 days following close of exhibition) |
| Timeframe for consideration of submissions | April 2018 - dependent on the level of community interest in the proposal |
| Timeframe for further consideration of the proposal | 2 weeks – dependent on the level of community interest in the proposal |
| Date of submission to PCO and the Department to finalise the LEP | April – May 2018 |
| Anticipated date Council will make the plan (if delegated) | N/A |
| Anticipated date Council will forward to the Department for notification | May - June 2018 |



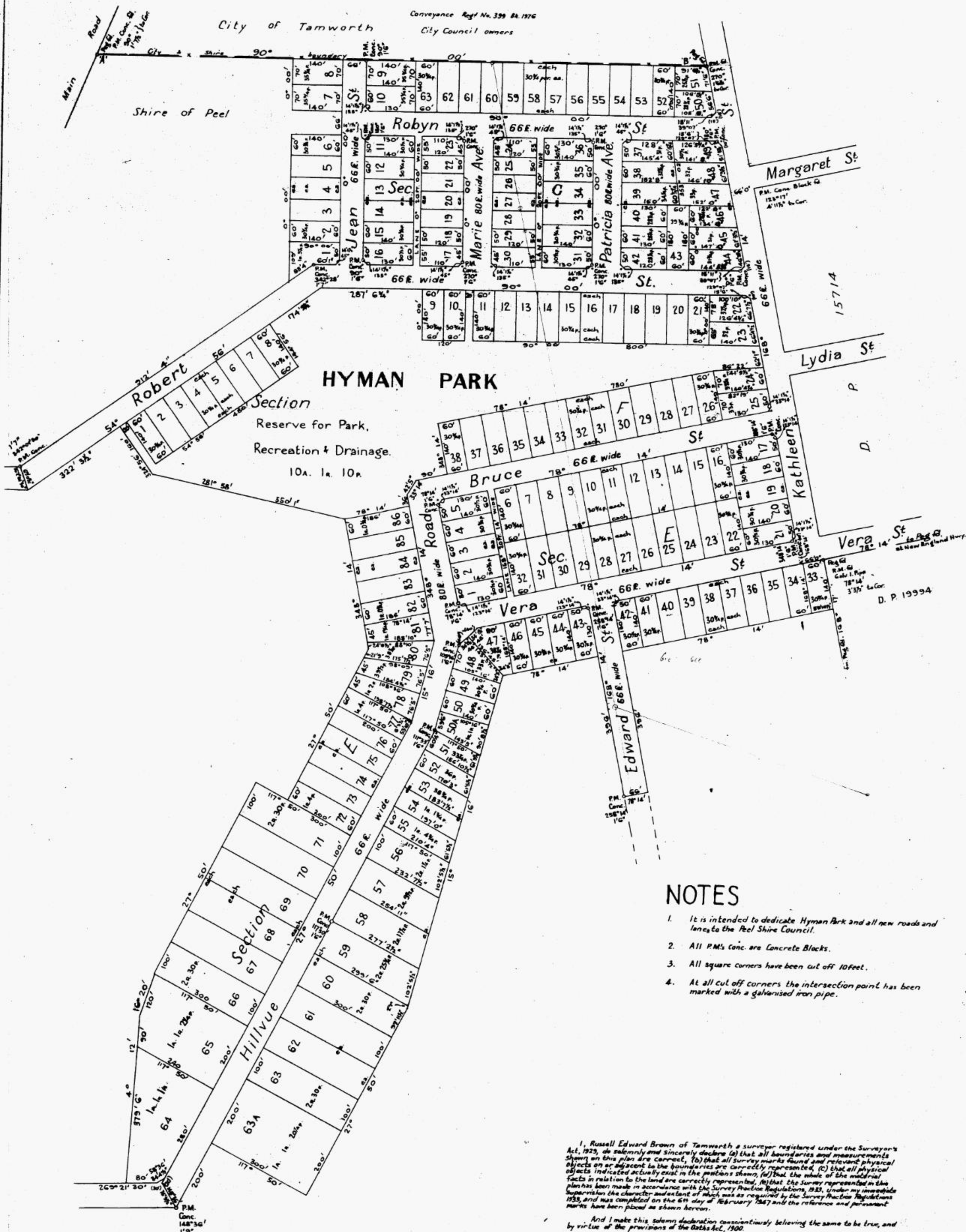
of HILLVUE Residential Sections being part of C. of T. vol. 4185 fol. 85

Parish of Calala

County of Parry

Scale - 150 ft. to 1 in.

Hyman Park Planning Proposal: ATTACHMENT 2 - Deposited Plan 20599



NOTES

1. It is intended to dedicate Hyman Park and all new roads and lanes to the Peel Shire Council.
2. All P.M.'s conc. are Concrete Blocks.
3. All square corners have been cut off 10 feet.
4. At all cut off corners the intersection point has been marked with a galvanised iron pipe.

I, Russell Edward Brown of Tamworth a surveyor registered under the Surveyor's Act, 1929, do solemnly and sincerely declare (a) that all boundaries and measurements shown on this plan are correct, (b) that all survey marks found and relevant physical objects indicated actually exist in the positions shown, (c) that the whole of the material facts in relation to the land are correctly represented, (d) that the survey represented in this plan has been made in accordance with the Survey Practice Regulations, 1932, under my immediate supervision the character and extent of which was as required by the Survey Practice Regulations 1932, and was completed on the 6th day of February 1967 and the reference and permanent marks have been placed as shown hereon.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

R. E. Brown
Surveyor Registered under the
Surveyor's Act, 1929.

Approved by Council and covered by Council
Clerk's Certificate

Nº 121 of 14.2.47

William Hyman
Council Clerk

Subscribed and declared before me at Tamworth
this 8th day of February 1967.

A. B. Taylor Justice of Peace.

Datum line of Azimuth A.B.





Map Key

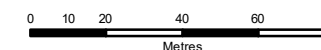


Community Land

Proposed Operational Land



Proposed Public Road



Scale @ A3: 1:2,000

Map Projection: Universal Transverse Mercator
Horizontal Datum: Geodetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56



ATTACHMENT 5: ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
HYMAN PARK PLANNING PROPOSAL

| EVALUATION CRITERIA <i>YES/NO (or other comment as applicable)</i> | COMMUNITY COSTS AND BENEFITS | | |
|---|---|---|--|
| | BASE CASE – CURRENT SITUATION (or COMMENT) | PLANNING PROPOSAL | COMMUNITY BENEFIT PER CRITERION |
| Is the planning proposal compatible with agreed State and regional strategic direction for development in the area? YES | The proposal is compatible with the <i>New England North West Regional Plan 2036</i> prepared by the Department of Planning and Environment and the <i>Tamworth Regional Development Strategy 2008</i> . Both plans emphasise the need to identify, encourage and facilitate community facilities to meet the needs of residents. | The Planning Proposal provides for the potential to establish community uses on the subject lands, (in full or in part) in future without prejudicing the use of the land for public recreation should community uses not be established on site. | The reclassification of the land to the east of Hillvue Road will benefit the community by providing for future community uses on the land as appropriate. Additional benefits may include an increase in services to the community and employment opportunities generated by the community facilities. A community benefit is identified for this criterion. |
| 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? YES | The subject site shown as 'Parks and Reserves' on the Tamworth map identified within the <i>New England North West Regional Plan 2036</i> . | The proposed changes to the lands are supported by the goals identified by the <i>New England North West Regional Plan 2036</i> for community resilience, healthy and well connected communities. | The <i>New England North West Regional Plan 2036</i> supports the location of community services and facilities to serve the public in the immediate area and are well planned to provide services to the wider Northwest Region. A community benefit is identified for this criterion. |

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HYMAN PARK PLANNING PROPOSAL

| EVALUATION CRITERIA <i>YES/NO (or other comment as applicable)</i> | COMMUNITY COSTS AND BENEFITS | | |
|--|---|---|---|
| | BASE CASE – CURRENT SITUATION (or COMMENT) | PLANNING PROPOSAL | COMMUNITY BENEFIT PER CRITERION |
| Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders? YES | The owner of the land is Tamworth Regional Council. The site is surrounded by private and public housing, parkland, schools and neighbourhood businesses. | A change in classification will provide the opportunity for Council to facilitate future community uses on the land. While not a precedent, the expectation of landowners in the locality may change. | A change in classification will provide the opportunity for Council to facilitate future community uses on the land and as such a community benefit is identified for this criterion. |
| Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? N/A | No spot rezoning have been undertaken in the locality. | Not applicable (N/A) | N/A |
| Will the planning proposal facilitate a permanent employment generating activity? YES | The subject site is currently used for passive recreation and amenity for local residents. | It is proposed to reclassify the subject site from Community to Operational classification to provide for future community uses that may entail substantial employment opportunities. | Potential employment opportunities in areas such as health and community services or emergency services would be available for local Tamworth residents and professionals wanting to relocate to Tamworth. A community benefit is identified for this criterion. |
| Will the planning proposal impact upon the supply of residential land and therefore housing supply and affordability? NO | The land is zoned <i>RE1 – Public Recreation</i> with Community classification. | The zoning will remain <i>RE1 – Public Recreation</i> providing for potential community uses but not affecting housing supply. | It is considered that the planning proposal may be benefit/cost neutral for this criterion. |

ATTACHMENT 5: ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
HYMAN PARK PLANNING PROPOSAL

| EVALUATION CRITERIA <i>YES/NO (or other comment as applicable)</i> | COMMUNITY COSTS AND BENEFITS | | |
|--|--|---|--|
| | BASE CASE – CURRENT SITUATION (or COMMENT) | PLANNING PROPOSAL | COMMUNITY BENEFIT PER CRITERION |
| Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is public transport currently available or is there infrastructure capacity to support future public transport? YES | Hyman Park is located centrally in South Tamworth. The subject lands has frontage to Hillvue Road, Robert Street and Kathleen Street. Utilities are provided to this urban area. | The proposal provides for community uses on the site in future that can take advantage of infrastructure, utilities and public transport services. | A significant community benefit is identified in relation to this criterion. |
| Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? NO If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety? | Hyman Park is located centrally in South Tamworth. The subject lands has frontage to Hillvue Road, Robert Street and Kathleen Street. | The proposal provides for community uses on the site in future that will be more accessible to the community and may reduce distances travelled by car and take advantage public transport services | A community benefit is identified in relation to this criterion. |
| Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? YES If so, what is the expected impact? | There is significant local government investment in recreational facilities in the western section of Hyman Park (not subject to the Planning Proposal). | The proposal may increase patronage of these facilities and facilitate further investment in the park. | It is considered that the planning proposal provides a community benefit for this criterion |

ATTACHMENT 5: ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
HYMAN PARK PLANNING PROPOSAL

| EVALUATION CRITERIA <i>YES/NO (or other comment as applicable)</i> | COMMUNITY COSTS AND BENEFITS | | |
|---|--|---|--|
| | BASE CASE – CURRENT SITUATION (or COMMENT) | PLANNING PROPOSAL | COMMUNITY BENEFIT PER CRITERION |
| Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors? STATUS QUO | The subject lands are urban parkland with a number of trees planted some of which are not native. It is not identified as having high conservation values. The land performs local drainage functions. | The proposal does not require the removal of vegetation. Management of trees and drainage will be considerations of any future development applications relating to the site. | It is considered that the planning proposal may be benefit/cost neutral for this criterion. |
| 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 | Currently the subject lands are used for passive recreation and scenic amenity. | The LEP will be compatible with the surrounding land uses. However, the potential for buildings on the site may affect the amenity of the area. Amenity and public domain issues are matters considered with any future development applications. | It is considered that the planning proposal may be benefit/cost neutral for this criterion. |
| Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? STATUS QUO | Currently the subject lands are used for passive recreation and scenic amenity. There are some businesses operating in the area. There are also some vacant business premises. | The proposal facilitates community uses such as a medical centre. Increased use may attract businesses to the locality and potentially take up some vacant premises. | It is considered that the planning proposal may be benefit/cost neutral for this criterion. |

ATTACHMENT 5: ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
HYMAN PARK PLANNING PROPOSAL

| EVALUATION CRITERIA <i>YES/NO (or other comment as applicable)</i> | COMMUNITY COSTS AND BENEFITS | | |
|---|--|--|---|
| | BASE CASE – CURRENT SITUATION (or COMMENT) | PLANNING PROPOSAL | COMMUNITY BENEFIT PER CRITERION |
| If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future? NO | Currently the subject lands are used for passive recreation and scenic amenity. | It is not considered that the proposal has the potential to develop in to a centre. | N/A |
| What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time? | Currently the subject lands are used for passive recreation and scenic amenity. Residential properties adjoin two sides of the park. The remainder of the site has frontage to Hillvue Road, Robert Street and Kathleen Street. Council has had approaches from the Tamworth Aboriginal Medial Service and Fire and Rescue NSW in 2017 regarding the potential to locate facilities on the site. | Council recognises the benefit of reclassifying the eastern section of Hyman Park to facilitate future community uses of any nature. Progressing the planning proposal promptly provides the best opportunity for potential users of the site to budget for potential facilities. The planning proposal is in accordance with the <i>New England North West Regional Plan 2036</i> . | The proposed reclassification of the subject land from Community to Operational land provides the opportunity for community uses of any form to be located on the site. If the amendment to the <i>TRLEP 2010</i> is not implemented at this time, investment and development may be hampered. A community benefit is identified for this criterion. |
| <p>NET COMMUNITY BENEFIT = 8 of the 12 applicable criteria above identify a clear community benefit.</p> <p>4 of the 12 applicable criteria are assessed as being potentially benefit/cost neutral.</p> <p>0 of the 12 applicable criteria identify a significant cost to the community.</p> <p>Overall, a notable net community benefit is identified in relation to this planning proposal.</p> | | | |

**ATTACHMENT 6: CONSIDERATION OF RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)
HYMAN PARK PLANNING PROPOSAL**

| SEPPs applicable to the lands subject to the planning proposal | Consistent? | Reason for inconsistency or comment |
|---|--------------------|--|
| No.21 Caravan Parks | Yes | Caravan Parks are permissible in the <i>RE1 – Public Recreation</i> zone. The zoning of the land is not proposed to be changed. The provisions of the SEPP are additional to those in <i>TRLEP</i> |
| No.30 Intensive Agriculture | Yes | Intensive livestock agriculture is not a permissible use in the <i>RE1</i> zone. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| No.33 Hazardous and Offensive Development | Yes | Hazardous and offensive developments are not a permissible uses in the <i>RE1</i> zone. The provisions of the SEPP are additional to those in <i>TRLEP2010</i> . |
| No.36 Manufactured Home Estates | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| No.44 Koala Habitat Protection | Yes | The subject land is located in the centre of South Tamworth and is not koala habitat. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| No.55 Remediation of Land | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . Contamination investigations would be a consideration of any future development applications. |
| No.62 Sustainable Aquaculture | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| No.64 Advertising and Signage | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . Advertising and Signage would be a consideration of any future development applications |
| Building Sustainability Index: BASIX 2004 | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |

**ATTACHMENT 6: CONSIDERATION OF RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)
HYMAN PARK PLANNING PROPOSAL**

| SEPPs applicable to the lands subject to the planning proposal | Consistent? | Reason for inconsistency or comment |
|---|--------------------|---|
| Educational Establishments and Child Care Facilities 2017 | Yes | <i>Centre-based child care facilities</i> are permissible in the <i>RE1</i> zone. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| Exempt and Complying Development Codes 2008 | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| Housing for Seniors or People with a Disability 2004 | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| Infrastructure 2007 | Yes | The proposal is in accordance with the aims of the SEPP. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| Mining, Petroleum Production and Extractive Industries 2007 | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| Rural Lands 2008 | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| SEPP (State and Regional Development) 2011 | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| SEPP (State Significant Precincts) 2005 | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |
| SEPP (Vegetation in Non-Rural Areas) 2017 | Yes | The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . |

**ATTACHMENT 7: CONSIDERATION OF SECTION 117 MINISTERIAL DIRECTIONS
ASSESSMENT RELEVANT TO THE HYMAN PARK PLANNING PROPOSAL**

1. Employment and Resources

| Direction | Applicable to TRC | Consistent | Reason for inconsistency or comment |
|--|---------------------------|-------------------|---|
| 1.1 Business and Industrial Zones | Yes | N/A | The planning proposal does not affect business or industrial zoned land. |
| 1.2 Rural Zones | Cl.2(a) Yes Cl.2(b) No | N/A | The planning proposal does not affect rural zoned land. |
| 1.3 Mining, Petroleum Production and Extractive Industries | Yes | Yes | The proposal does entail a change of zone or the permissibility of mining. |
| 1.5 Rural Lands | Yes | N/A | The planning proposal does not affect land with a rural or environmental protection zoning. |

2. Environment and Heritage

| Direction | Applicable | Consistent | Reason for inconsistency or comment |
|----------------------------------|-------------------|-------------------|--|
| 2.1 Environment Protection Zones | Yes | Yes | The planning proposal does not affect environmentally sensitive areas. |

**ATTACHMENT 7: CONSIDERATION OF SECTION 117 MINISTERIAL DIRECTIONS
ASSESSMENT RELEVANT TO THE HYMAN PARK PLANNING PROPOSAL**

| | | | |
|------------------------------|-----|-----|---|
| 2.3 Heritage Conservation | Yes | Yes | The planning proposal does not affect land identified as having heritage significance. Future development approvals may include assessment of heritage matters. |
| 2.4 Recreation Vehicle Areas | Yes | Yes | The proposal does not increase the permissibility of recreation vehicle uses on environmentally significant land. |

3. Housing, Infrastructure and Urban Development

| Direction | Applicable | Consistent | Reason for inconsistency or comment |
|---|-------------------|-------------------|--|
| 3.1 Residential Zones | Yes | N/A | The planning proposal does not affect residential zoned land. |
| 3.2 Caravan Parks and Manufactured Home Estates | Yes | Yes | The planning proposal does not entail a change of planning provisions that would impact on caravan parks and manufactured home estates. |
| 3.3 Home Occupations | Yes | N/A | The planning proposal does not affect residential zoned land. |
| 3.4 Integrating Land Use and Transport | Yes | Yes | The planning proposal affects urban land (park land) and gives effect to the objectives of the Direction by facilitating the potential location of community uses to promote accessibility to the local community. |

ATTACHMENT 7: CONSIDERATION OF SECTION 117 MINISTERIAL DIRECTIONS
ASSESSMENT RELEVANT TO THE HYMAN PARK PLANNING PROPOSAL

| | | | |
|--|-----|-----|---|
| 3.5 Development Near Licensed Aerodromes | Yes | N/A | The planning proposal does not affect land in the vicinity of a licensed aerodrome. |
| 3.6 Shooting Ranges | Yes | N/A | The planning proposal does not affect land adjacent to or adjoining an existing shooting range. |

4. Hazard and Risk

| Direction | Applicable | Consistent | Reason for inconsistency or comment |
|--------------------------------------|------------|------------|--|
| 4.3 Flood Prone Land | Yes | Yes | The planning proposal does not affect flood prone land. Future development will be required to manage storm-water in accordance with the provisions of Council's guidelines in force at that time. |
| 4.4 Planning for Bushfire Protection | Yes | Yes | The proposal does not affect land that is covered by bushfire mapping. |

5. Regional Planning

| Direction | Applicable | Consistent | Reason for inconsistency or comment |
|---|------------|------------|-------------------------------------|
| 5.1 to 5.9 Repealed or not affecting Tamworth Regional Local Government Area (LGA) | No | N/A | Not affecting the LGA |

**ATTACHMENT 7: CONSIDERATION OF SECTION 117 MINISTERIAL DIRECTIONS
ASSESSMENT RELEVANT TO THE HYMAN PARK PLANNING PROPOSAL**

| | | | |
|---------------------------------------|-----|-----|--|
| 5.10 Implementation of Regional Plans | Yes | Yes | The planning proposal is in accordance with the <i>New England North West Regional Plan 2036</i> |
|---------------------------------------|-----|-----|--|

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 | The planning proposal facilitates the continued use of the subject land for community purposes. The approval of the Governor and Director General of the Department in accordance with <i>LEP Practice Note PN-16-001</i> and the terms of a Gateway Determination. |
| 6.3 Site Specific Provisions | Yes | Yes | The planning proposal is prepared in response to interest from organisations that provide community and emergency services. These are conceptual plans and the uses do not require a change in zone or lot size provisions. |

7. Metropolitan Planning – Directions 7.1 to 7.6 are not affecting the Tamworth Regional Council Local Government Area