

6.5 Planning Proposal to Rezone Lot 1 DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Uses – File No SF5507

DIRECTORATE: PLANNING AND COMMUNITY SERVICES

AUTHOR: Megan Purkiss, Strategic Planner

CONFIDENTIAL ENCLOSURE ENCLOSED

RECOMMENDATION

That in relation to the report “Planning Proposal to Rezone Lot 1 DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Uses”, Council forward the 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 consideration of a Planning Proposal to amend the Tamworth Regional Local Environmental Plan (TRLEP) 2010 as it relates to Lot 1 DP 803644 located at 89 Marius Street, Tamworth. The Planning Proposal has been submitted to Council by Mitchell Hanlon Consulting Pty Ltd with the aim to rezone Lot 1 DP 803644 from IN1 General Industrial to B4 Mixed Use to enable the site to be utilised for a range of commercial uses which are prohibited under the IN1 General Industrial zoning.

The Planning Proposal also seeks to introduce a maximum floor space ratio to Lot 1 DP 803644 to be consistent with the surrounding B4 land. The objective of the proposal is to combine Lot 1 DP 803644, 89 Marius Street, Tamworth and Lot 1 DP 70023, 8 O’Connell Street, Tamworth to comprise of a single site maintaining the same zoning and floor space ratio. The proposal also seeks to amend clause 7.4 of TRLEP 2010 to allow future commercial/retail development of the site to have a floor space greater than 2500m².

Background

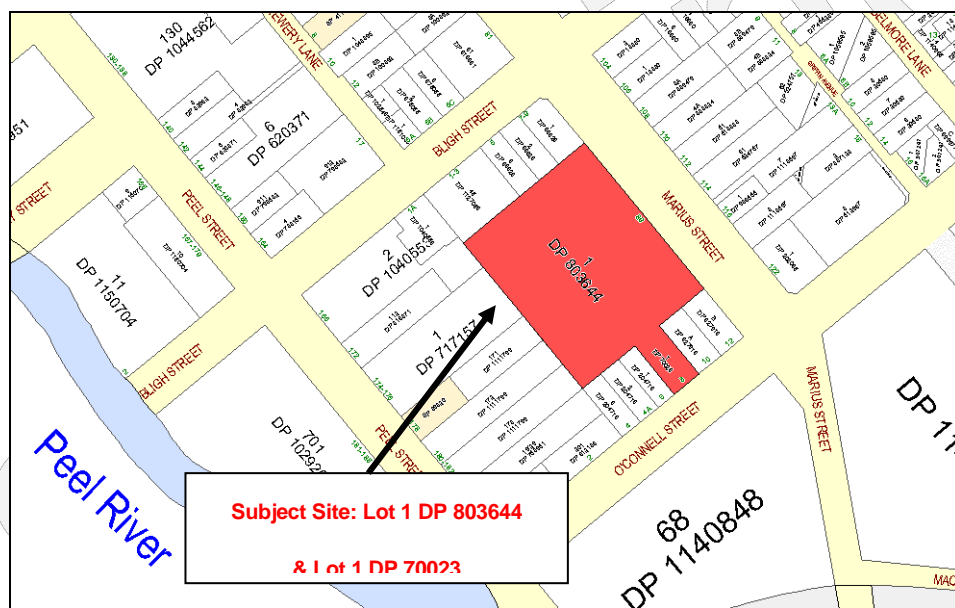
The site is currently owned by Telstra Corporation Limited (Telstra) and is located to the north of an existing commercial precinct that faces Peel Street and contains a series of compatible mixed land uses. The site is currently used for operational purposes by Telstra with a number of administrative staff based on site as well as storage equipment. The site has been identified as being surplus land by Telstra for their current requirements and they are proposing to divest the site for commercial development.

The planning proposal is not the result of any strategic study or report; however the site is adjacent to an area identified in the Tamworth Regional Development Strategy 2008 (TRDS 2008) as an enterprise corridor that currently contains commercial development. The TRDS 2008 promotes the protection and enhancement of the urban centre and recommends that the area north of the Central Business District be sustained as an enterprise corridor.

COMMENTARY

The Planning Proposal seeks to rezone Lot 1 in DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Use. The land surrounding the lot is zoned B4 Mixed Use and includes a number of commercial premises, a recreational facility and a child care centre. There are two lots adjacent to the subject site that are zoned R1 Residential on the corner of Bligh and Marius Streets that are health/respite facilities. A copy of the planning proposal is enclosed, refer **CONFIDENTIAL ENCLOSURE 6.5**, with this report for the information of Councillors.

The aim of the zone B4 Mixed Uses is to provide a mixture of land uses and to integrate suitable business, residential, retail and other development in accessible locations to maximise patronage. The existing IN1 Industrial zoning applies to the site because it reflects the current 'industrial' nature of the depot activities conducted on the site. The proposed B4 Mixed Uses zone is considered to be an appropriate zone for this site as is compatible with the existing land uses and permits a range of commercial services.



The Planning Proposal is also seeking an exemption under *Clause 7.4 - Development in Zone B1 and Zone B4* under the TRLEP 2010 from the restriction of the gross floor area of 2500m². A floor space ratio does not currently apply to Lot 1 DP 803644, 89 Marius Street however the lots surrounding this site have a floor space ratio of 1:1 including Lot 1 in DP 70023, 8 O'Connell Street as listed under this proposal.

The aim of Clause 7.4 is to ensure that major business, office and retail premises are located within the core area of Tamworth Central Business District. Developments that exceed a gross floor area of 2,500 square metres should not usually be developed within these zones other than those sites listed under this clause. These exempted sites include the Tamworth Shopping World complex in Bridge Street and the Southgate Shopping complex in Kathleen Street.

It is considered that any future development proposed for the site identified under the Planning Proposal should be in context with the surrounding land uses. Therefore, it is necessary to introduce the floor space ratio for Lot 1 DP 803644 (on the "Floor Space Ratio" map) to include Lot 1 DP 803644 in the 1:1 Floor Space Ratio provision.

The proposal is considered consistent with the intent of the TDRS 2008 in that future development of the site for business, office or retail purposes will enhance the role of the enterprise corridor (to which the site is adjacent) and in turn support the role of the Central Business District. Given that land of this size (1.29 Ha) is limited within the Central Business District, it is not considered a threat to the role of the CBD. It is also expected that the site will attract new commercial premises rather than drawing existing commercial premises away from the Central Business District.

The Planning Proposal includes comprehensive reports that address a number of issues that impact upon the site. These included a traffic impact assessment, contamination assessment together with, removal and validation of selected structures on the site.

The traffic impact assessment concludes that any future development of the site will impact traffic conditions and the operation of the intersections at Peel Street with O'Connell Street and O'Connell Street with Marius Street. The impacts may however be managed through a series of traffic treatments. Future consideration should also be given to the intersections at Bligh and Peel Streets and Jewry and Peels Streets with regard to existing and future development within this area.

The site was also considered to have minimal contamination from previous land use and low potential for contamination from both current and neighbouring land uses. Recommendations are also made regarding the removal of existing infrastructure that once serviced the site and remediation of these areas.

The Planning Proposal has been written in accordance with the Department of Planning and Infrastructure's 'A Guide to Preparing a Planning Proposal' as a requirement for submission to a Gateway Determination. Using this framework the Proposal has been assessed against a range of criteria including 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 a Gateway Determination.

CONCLUSION

This planning proposal, if adopted, will contribute toward the enhancement of an underutilised site and provide additional commercial services and opportunities to this area.

The Planning Proposal is the first step in the 'Gateway' plan-making process. If approved, the Minister will provide a determination regarding the procedure and whether further studies are required and resources allocated for the preparation of the Proposal as well as any specific requirements for public exhibition. It is recommended that the Planning Proposal be referred to the Department of Planning and Infrastructure for a Gateway Determination.

a) Policy Implications

The Planning Proposal will result in the amendment of the TRLEP 2010 in regard to the zoning and floor space ratio map.

(b) Financial Implications

Nil

(c) Legal Implications

Any potential amendment to the TRLEP 2010 will change the legal planning controls for the affected land.

(d) Community Consultation

The proposed rezoning of Lot 1 DP 803644, 89 Marius Street, Tamworth and amendment to the floor space ratio in the TRLEP 2010, have not been the subject of a formal Community Consultation process. However, after a review of the Planning Proposal, the Gateway Panel will advise Council of any necessary Community Consultation requirements.

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Cr Treloar requested in relation to Item 6.5, clarification relating to the implications of the rezoning, in particular the types of businesses that would be allowed to operate in the area following an approval of the rezoning. Following advice from the Manager Development and Approvals, Cr Treloar declared a pecuniary conflict of interest and stated that he would leave the Chamber and not participate in the debate.

Cr Treloar left the Chamber 7.42pm.

MOTION

Moved Cr Webb/Cr Durant

138/12

RESOLVED

That in relation to the report "Planning Proposal to Rezone Lot 1 DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Uses", Council forward the 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.

Cr Treloar returned to the Chamber 7.43pm