

was undertaken in the Northern Daily Leader, Manilla Express and Barraba Gazette on two occasions during the exhibition period. A media release was issued and two articles were published in the Northern Daily Leader.

CONCLUSION

Nineteen submissions were received during the public exhibition period. All of the submissions supported the initiative. Two of the submissions identified potential shortcomings of the planning proposal as it now stands. Consequently, it is considered that Council should support the content of these submissions and recommend to the Department of Planning and Infrastructure that the issues be taken into consideration in the drafting of an amendment to the *TRLEP 2010* to effect the provisions of the *Rural Dwelling Entitlements Planning Proposal*.

7.2 PLANNING PROPOSAL TO REZONE PART OF LAND AT 5-7 HILTON STREET AND 7-33 SCOTT ROAD TO 'B4 MIXED USE' – FILE NO SF6060

DIRECTORATE: PLANNING AND COMMUNITY SERVICES
AUTHOR: Nathan Bartlett, Strategic Planner

1 ANNEXURES ATTACHED

RECOMMENDATION

That Council resolve to forward a Planning Proposal to rezone Part of Land at 5- 7 Hilton Street and 7-33 Scott Road to 'B4 Mixed Use' 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 2010 (TRLEP 2010) concerning the subject land identified as 5-7 Hilton Street and 7-33 Scott Road, South Tamworth. The Planning Proposal comprises three allotments, legally described as Lot 1, DP 797999, Lot C3, DP 160164 and Lot 1, DP 196665.

Background

Under the current TRLEP 2010, the site is zoned a combination of B4 - Mixed Use, RU4 - Primary Production Small Lots and R1 - General Residential. The intended outcome of this Planning Proposal is to amend the TRLEP 2010 by extending the existing B4 - Mixed Use zone over the residual area.

COMMENTARY

The site is located at 5-7 Hilton Street and 7-33 Scott Road, South Tamworth as shown in the aerial map **ATTACHED**, refer **ANNEXURE 1**. The Planning Proposal comprises three allotments, legally described as Lot 1, DP 797999, Lot C3, DP 160164 and Lot 1, DP 196665. The subject site is largely vacant land that is centrally located in Tamworth, highly accessible and visible to vehicles, particularly from Scott Road. The Planning Proposal is considered to be consistent with the objectives, actions and priorities outlined in the Tamworth Regional Development Strategy 2008. The rezoning of part of the subject land will encourage and support development that is not only consistent with the adjoining locality, but will also provide additional land for 'mixed use' purposes in Tamworth and provide local employment opportunities.

It is also recommended that a Floor Space Ratio (FSR) of 0.5:1 should apply for a portion of the subject site (2.82ha) that is proposed 'B4 Mixed Use'. This ratio is considered appropriate given the site constraints which apply to this particular area of land. It should be noted that there will be no minimum lot size for the amended zoning area.

In order to amend the TRLEP 2010, Council is required to initiate a Planning Proposal to rezone part of the subject land to permit mixed use development on the site. The Planning Proposal has been written in accordance with the Department of Planning's '*A Guide to preparing Local Environmental Plans*' and '*A Guide to preparing Planning Proposals*' as a requirement for the preparation of the Gateway Determination by the Department of Planning and Infrastructure. The Planning Proposal is also supported by a Flood Report, Traffic Report, Environmental Site Assessment, Environmental Due Diligence Report, Ecological Assessment, Aboriginal Heritage Site Survey, Asbestos Assessment and a Geotechnical Statement.

It is noted that the subject land is located on a Main Arterial Road (State Highway 9). Therefore, further studies and agency consultations are likely to be required. In addition, as the subject land is proposed to be extended to the Peel River flood plain, consultation will be required with relevant agencies.

(a) Policy Implications

The Planning Proposal will result in the amendment of the TRLEP 2010 Zones, MLS Maps and FSR Maps.

(b) Financial Implications

This proposal has been privately initiated and relevant planning proposal fees and charges will apply.

(c) Legal Implications

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

(d) Community Consultation

The proposed rezoning of part of Lot 1, DP 797999, part of Lot C3, DP 160164 and part of Lot 1, DP 196665 has not been the subject of any formal community consultation. However, after a review of the Planning Proposal, the Gateway Panel will advise Council of the necessary community consultation requirements.

CONCLUSION

The Planning Proposal is the first step in the 'gateway' plan-making process and explains the effect of and justification for the initiative. 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 to initiate the process.
