

## AGENDA

- 1 APOLOGIES AND LEAVE OF ABSENCE**
- 2 COMMUNITY CONSULTATION**
- 3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

### **RECOMMENDATION**

*That the Minutes of the Ordinary Meeting held on Tuesday, 28 April 2015, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.*

### **4 DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

### **5 MAYORAL MINUTE**

Nil

### **6 NOTICE OF MOTION**

Nil

## **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

- 7.1 PLANNING PROPOSAL TO REZONE LOT 4, DP 1059291 AND LOT 5, DP 1117974, 70-72 BELMORE STREET FROM IN1 GENERAL INDUSTRIAL ZONE TO B4 MIXED USE ZONE – FILE NO SF6810**

**DIRECTORATE: PLANNING AND COMMUNITY SERVICES**

**AUTHOR: Nathan Bartlett, Strategic Planner**

**2 ANNEXURES ATTACHED**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **RECOMMENDATION**

*That in relation to the report “Planning Proposal to Rezone Lot 4, DP 1059291 and Lot 5, DP 1117974, 70-72 Belmore Street from IN1 General Industrial Zone to B4 Mixed Use Zone”, Council:*

- (i) resolve to forward the enclosed “70-72 Belmore Street” Planning Proposal to the Minister for Planning and Environment in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979; and*

- (ii) ***request that the Minister for Planning and Environment exercise the plan making powers under Section 73A of the Environmental Planning and Assessment Act 1979 and grant Council delegated authority to amend the Tamworth Regional Local Environmental Plan 2010.***

#### **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 Lot 4, DP 1059291 and Lot 5, DP 1117974, 70-72 Belmore Street, Tamworth. The objective of this proposal is to amend the zoning of the land zoned *IN1 General Industrial Zone* to *B4 Mixed Use Zone*, and introduce a Floor Space Ratio (FSR) restriction of 1:1 in the *B4 Mixed Use Zone*. The intention of the rezoning is to enable the future development of the subject land for a higher land use (i.e. commercial and other mixed use development) should the proposal be approved.

#### **COMMENTARY**

The Planning Proposal aims to rezone Lot 4, DP 1059291 and Lot 5, DP 1117974, 70-72 Belmore Street, as shown on the **ATTACHED** Site Map, refer **ANNEXURE 1**, from *IN1 General Industrial Zone* to *B4 Mixed Use Zone* to facilitate the redevelopment of the land for future commercial and other mixed use related purposes that is also consistent with the surrounding locality. The Proposal will also introduce a 1:1 Floor Space Ratio (FSR) on the proposed mixed use zone as shown on the **ATTACHED** on the Floor Space Ratio Map, refer **ANNEXURE 2**.

The total area of land to be rezoned is approximately 913.4m<sup>2</sup> (Lot 4 - 468.5m<sup>2</sup> and Lot 5 - 444.9 m<sup>2</sup>). The subject land parcels are located adjacent to an area identified in Council's Regional Development Strategy 2008 as an 'enterprise area' with arterial road connections to the CBD and featuring a wide variety of land uses.

It is considered that, given the location of the lots and the type of buildings located on them, the current *IN1 General Industrial* zoning currently restricts the future development of the land for commercial purposes. Lot 4, DP 1059291 (72 Belmore Street) contains a commercial premises currently operating as the 'Belmore Cottage' hair salon. Lot 5, DP 1117974 (70 Belmore Street) contains a not-for-profit organisation known as 'Peel Valley Training and Employment', which provides employment and vocational training services. The subject sites are located to the west and within 50m of Bridge Street. Development within the immediate locality consists of a combination of residential dwellings and various commercial developments. Adjoining development consists of residential premises to the west and a Caltex Service Station to the east.

The rezoning of the subject lots from *IN1 General Industrial* to *B4 Mixed Use* will encourage and support development that is not only consistent with existing land uses in the locality, but will also provide additional commercial land close to the Bridge Street commercial precinct. The Planning Proposal is considered to be consistent with the objectives, actions and priorities outlined in the *Tamworth Regional Development Strategy 2008*.

In order to amend the TRLEP 2010, Council is required to initiate a Planning Proposal (refer **CONFIDENTIAL ENCLOSURE 1**). This Planning Proposal has been written in accordance with the Department of Planning and Environment'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.



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 Environment for a gateway determination to initiate the process.

Council will also request the Minister for Planning and Environment to exercise the planning powers under Section 73A of the *Environmental Planning and Assessment Act 1979* and grant Council delegated authority to amend the TRLEP 2010. Should the Gateway Panel approve the public exhibition of the Planning Proposal, it is anticipated that the proposal would be exhibited during May/June 2015.

**(a) Policy Implications**

The Planning Proposal will result in the amendment of the TRLEP 2010 Zone and FSR Maps.

**(b) Financial Implications**

An application fee was lodged with the Planning Proposal in accordance with Council's fees and charges.

**(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 Lot 4, DP 1059291 and Lot 5, DP 1117974, 70-72 Belmore Street 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.

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**7.2 SUBDIVISION (323 RESIDENTIAL LOTS, PUBLIC RESERVE, ROADS AND RESIDUE) - DA0278/2015 – FILE NO SF5761**

**DIRECTORATE: PLANNING AND COMMUNITY SERVICES**

**AUTHOR: Mitchell Gillogly, Development Assessment Planner**

**3 ANNEXURES ATTACHED**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**GENERAL MANAGER'S ADVISORY NOTE TO:**

Councillors

Applicants

Persons making public submissions (written or verbal) Members of the Public

**Record (Division) of Voting**

In accordance with Section 375A(3) of the Local Government Act 1993, a Division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

A DIVISION under Section 375A(3) of the Act is required on this Planning Application.