

21.6 PLANNING PROPOSAL - GALLIPOLI STREET, HAKEA STREET, MILVALE ROAD AND LOFTUS STREET TEMORA**File Number:** REP24/213**Author:** Town Planner**Authoriser:** Director of Environmental Services**Attachments:**
1. Email from Mark Stewart Highfields Estate
2. Amended Planning Proposal

The Council is satisfied that, pursuant to Section 10A(2) of the *Local Government Act 1993*, the information to be received, discussed or considered in relation to this agenda item is:

- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

REPORTBackground

At the Confidential November 2023 Council Meeting, Councillors considered a report in relation to a Draft Planning Proposal to amend the *Temora Local Environmental Plan 2010* (LEP).

As Councillors will recall, the Planning Proposal seeks to undertake a series of rezonings across several individual land parcels.

A. The proposal seeks to rezone the following parcels of land from E4 General Industrial to R1 General Residential.

The Planning Proposal also seeks to undertake a corresponding amendment to these same parcels of land by applying a 750m² minimum lot size consistent with other R1 zoned land within the Council area:

- Lot 1, DP1152018, addressed as 55 Gallipoli Street, Temora
- Lot 2, DP1152018, addressed as 57 Gallipoli Street, Temora
- Lot 3, DP1152018, addressed as 59-63 Gallipoli Street, Temora
- Lot 4, DP1152018, addressed as 59-63 Gallipoli Street, Temora
- Lot 5, DP1152018, addressed as 59-63 Gallipoli Street, Temora

These lots are shown by Figure 1.

- Part Lot A, DP370331, addressed as 47-53 Gallipoli Street, Temora (western portion of lot)

This land is shown by Figure 2 and is owned by Regional Growth & Development Pty Ltd (Highfields Estate).



Figure 1: Lots 1-5 DP 1152018, 55, 57, 59-63 Gallipoli Street



Figure 2: Part Lot A DP 370331 47-53 Gallipoli Street Temora

B. The proposal also includes the following land, which is proposed to be rezoned from RU1 Primary Production to E4 General Industrial.

A corresponding change to the minimum lot size map is also proposed to remove the existing 40 hectare minimum lot size that applies to this land and applying no minimum lot size consistent with other E4 zoned land within the Council area.

- Part Lot 1 DP1165762, addressed as 5 Hakea Street, Temora (northern portion of lot)

This is shown by Figure 3.

- Lot 46 DP1242414, addressed as 7778 Milvale Road, Temora

This site is shown by Figure 4 and is currently used as art of Council's Depot

- Lot 583 DP750587, addressed as 7723 Milvale Road, Temora and Lot 584 DP750587, addressed as 7797 Milvale Road, Temora

This is shown by Figure 5 and is proposed to be developed by Intersales Temora to consolidate their operations.



Figure 3: Part Lot 1 DP 1165762 5 Hakea Street Temora



Figure 4: Lot 46 DP 1242414 7778 Milvale Road Temora



Figure 5: Lots 583 and 584 DP 7500587, 7723 and 7797 Milvale Road Temora

C. The proposal includes the following land, which is proposed to be rezoned from RU1 Primary Production to part R1 General Residential (northern portion) and E4 General Industrial (southern portion).

A corresponding change to the minimum lot size map is also proposed to remove the existing 40 hectare minimum lot size that applies to this land and applying a 750m² minimum lot size as it relates to the R1 zoned portion of the land and no minimum lot size as it applies to the E4 zoned portion of the land consistent with other R1 and E4 zoned land within the Council area.

- Lot 47 DP1242414, addressed as 7795 Milvale Road, Temora

This is shown by Figure 6 and is owned by Regional Growth & Development Pty Ltd (Highfields Estate).



Figure 6: Lot 47 DP 1242414 7795 Milvale Road Temora

As Councillors will also recall, Councillors considered the Planning Proposal at the November Council meeting and the following resolution was supported by a majority of Councillors.

That Council

1. Support the changes to the LEP as detailed in the Planning proposal provided there is 4,000 sq metres of public open spaces on the existing Lot; 47 DP; 1242414 and
2. Submit the Planning Proposal to the Department of Planning and Environment for Gateway Determination

Developer discussions

Since the November Council Meeting, Council staff have held discussions with the developer of Highfields Estate, which is the land most affected by the previous resolution of Council.

The developer has since advised Council staff of their agreement to the request of Council that land be set aside for a 4000sqm park within the Highfields Estate.

A copy of this written advice, via email, is attached for the information of Council.

In summary, the response provided by the developer:

- Welcomes the opportunity to provide an area of 4000sqm in line with the council's request.
- Committed to provide the requested land and will work constructively and cohesively with Temora Council staff to identify and dedicate the parcel of land in line with the suggestion of the north-eastern area of the proposed rezoning lot.
- Is supportive of the subject land, indicative to be public open space, to be rezoned to R1 General Residential. In this zoning Recreation Area is permitted with consent. In time, once the exact lot boundaries are known through a subdivision certificate, the subject land could be rezoned to RE1 Public Recreation by Council, to be consistent with Council's other parks.

- Suggests that the use of the R1 zone allows flexibility with lot boundaries, until the subdivision process is complete.

The developer has also noted the matter of the paper road, adjoining the subject site, which may form part of future discussions in relation to Council securing ownership of the lots to be used for the purpose of a future park.

The Planning Proposal prepared by Habitat Planning, has been amended to reflect the inclusion of 4000sqm of public open space as part of the future development of the area. The changes are largely reflected on page 40 of the Planning Proposal. A copy of the amended draft Planning Proposal is attached.

Discussion

Council officers are supportive of this flexible approach to the creation of future open space, as it is not practical to create the exact lot boundaries without a plan of subdivision, and a plan of subdivision requires that the land be zoned R1 General Residential to be approved.

The developer has indicated their commitment to Council securing ownership of the 4000sqm of land to enable a park to be provided within the Highfields Estate. The Planning Proposal aligns with this commitment and will form a key part of the public exhibition material associated with the LEP amendment.

The next step in the process is for the Planning Proposal to be endorsed by Council to be sent for Gateway Determination by the Department of Planning, Housing and Infrastructure, to seek approval to commence the public exhibition.

Cr Max Oliver declared a pecuniary interest in relation to item REP24/213, due to being an adjacent landowner.

Cr Max Oliver left the meeting at 6:34pm and took no further part in the discussion.

RESOLUTION 37/2024

Moved: Cr Belinda Bushell

Seconded: Cr Jason Goode

It was resolved that Council.

1. Support the changes to the LEP as detailed in the Planning Proposal
2. Submit the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for Gateway Determination.

CARRIED

In Favour: Crs Rick Firman, Graham Sinclair, Lindy Reinhold, Nigel Judd, Claire McLaren, Jason Goode, Belinda Bushell and Anthony Irvine

Against: Nil

CARRIED 8/0

Report by Claire Golder