

**(b) Financial Implications**

It is considered that the potential benefits to the community significantly outweigh the administrative cost of undertaking the planning proposal. The potential future sale of land may provide funding options for further embellishment of Hyman Park to the west of Hillvue Road.

**(c) Legal Implications**

An amendment of the *Tamworth Regional Local Environmental Plan 2010*, will change the legal status of the affected land and Council's ability to sell or otherwise deal in the land.

**(d) Community Consultation**

As described in this report, a media release was issued and letterbox drop of adjacent residents undertaken regarding future consultation about a potential Aboriginal Medical Centre was undertaken in September 2017.

Preliminary consultation has been undertaken with both the Tamworth Aboriginal Medical Service and Fire and Rescue NSW regarding the interests they have expressed in the land.

Community consultation requirements will be specified by a Gateway Determination and will include a Public Hearing.

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**7.8 PLANNING PROPOSAL FOR LOT 18 DP 1199163 - OAKLANDS ESTATE, OAKLANDS DRIVE, NEMINGHA – FILE NO SF8166**

**DIRECTORATE: PLANNING AND COMPLIANCE**

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

**2 ANNEXURES ATTACHED**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**RECOMMENDATION**

*That in relation to the report "Planning Proposal for Lot 18 DP 1199163 - Oaklands Estate, Oaklands Drive, Nemingha", Council:*

- (i) forward the Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979;*
- (ii) request that the Minister for Planning and Environment exercise their 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; and*
- (iii) upon receipt of a Gateway Determination in relation to the planning proposal, publicly exhibit the proposal.*

**SUMMARY**

The purpose of this report is to seek a resolution of Council to amend the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*, in relation to land identified as Lot 18 DP 1199163 and known as Oaklands Estate, Oaklands Drive, Nemingha, to permit the reduction

of the prescribed Minimum Lot Size (MLS).

In accordance with the *Tamworth Regional Local Environmental Plan 2010*, the subject site is currently zoned *R5 – Large Lot Residential*, *RU1 – Primary Production* and *E3 Environmental Management*. The aim of the Planning Proposal is to reduce the MLS of approximately 38.9 hectares of *R5 – Large Lot Residential* zoned land from 2 hectares (Z) to 1 hectare (Y). The identified land is located in the southern portion of Lot 18 DP 1199163. A small portion of the land affected by the Planning Proposal is zoned *E3 Environmental Management* which has a prescribed MLS of 100 hectares (AD).

The Planning Proposal is consistent with the Tamworth Regional Development Strategy (TRDS) by providing additional large lot rural residential housing in the wider Tamworth region.

## COMMENTARY

The Planning Proposal aims to amend the MLS to enable the future development of the southern portion of the site to provide for large lot rural residential development. The Planning Proposal is a result of the discovery of a Critically Endangered Ecological Community (CEEC), being *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland (Box-Gum Woodland)* as defined by *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (CEPBC Act)*.

Approval was previously granted by Council for the subdivision of this land under Development Application No. DA0193/2010, but the presence of Box-Gum Woodland has prevented the developer from carrying-out the development (Stage 3 of Oaklands Estate) in accordance with the approved plans.

A locality map and site plan are **ATTACHED**, refer **ANNEXURE 1** and **2**.

The change to the MLS relates to the southern portion of Lot 18 DP 1199163, and encompasses an area of approximately 38.9 hectares. The remaining 345 hectares located to the north, is to be conserved and managed. The reduction of the MLS from two hectares to one hectare enables an increase in lot yield to offset the cost associated with the ongoing maintenance and management of the CEEC and to compensate for the capital cost of installing key infrastructure to the Oaklands Estate, namely reticulated water. The minimum lot size maps indicating the change to the subject site is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

In order to amend the *TRLEP 2010*, Council is required to submit the Planning proposal to the Department of Planning and Environment (The Department) for a Gateway Determination. If a Gateway Determination is issued, then the draft plan will be placed on public exhibition and any additional studies or agency referrals required by The Department undertaken.

The proposal has been written in accordance with the Department of Planning and Environment's '*A Guide to preparing Planning Proposals*'. Furthermore, it's supported by a Flora and Fauna Assessment, Biodiversity Constraints Analysis, Traffic Impact Assessment, Market Value Impact Study and Servicing Strategy (water, sewer and stormwater).

Council will also request the Minister for Planning and Environment exercise the planning power under Section 73A of the *Environmental Planning & 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 early 2018.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Amendments to the *Tamworth Regional Local Environmental Plan 2010*, will alter the planning provisions for the subject site.

**(d) Community Consultation**

Community consultation requirements will be specified by the Department of Planning and Environment's Gateway Determination.

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 LOCKHEED STREET WATER STANDPIPE REPLACEMENT – FILE NO SF2760**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Bruce Logan, Director Water and Waste**

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Lockheed Street Water Standpipe Replacement” Council:*

- (i) agree to replace the existing Lockheed Street Water Standpipe with an automated tanker filling facility manufactured by Abberfield Industries Pty Ltd at an estimated cost of \$37,650 excluding GST; and*
- (ii) provide funds for this work from the Water Reserve.*

#### **SUMMARY**

A review of the operation of the Lockheed Street Bulk Water Standpipe has indicated it may be possible to remove the antiquated unit and replace with a unit that can cater for an indefinite number of water carters using large and small water tanks by installing an automated facility in the same location as the current standpipe.

#### **COMMENTARY**

The Lockheed Street Bulk Water Standpipe is situated in the carpark of the SES Depot across from TRC's Lockheed Street Depot. The standpipe was constructed over 30 years ago and consists of nine individual taps and associated water meters all connected to a single high level filling station. Water carters, who wish to access the standpipe, hire a key from Council which allows access to an individual tap. To access the water a carter will use the key to access the tap, turn on the tap allowing water to flow through the water meter associated with that tap, into the high level supply, and from there into the water cart. The water carter pays an upfront bond and a weekly rental for the key and for any water consumed as indicated on the water meter associated with his key.

The current standpipe has a number of issues including:

- (i) endorse the public exhibition of the Draft Tamworth Regional Council Asbestos Policy for a period of 28 days; and
- (ii) following the public exhibition period, request a further report on the community feedback and any amendments to the Draft Policy for consideration and adoption by Council.

**425/17 RESOLVED**

#### **7.7 HYMAN PARK PLANNING PROPOSAL – FILE NO SF8529**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Andrew Spicer, Senior Strategic Planner  
**Reference:** Item 7.2 to Ordinary Council 12 September 2017 - Minute No 278/17

#### **MOTION**

##### **Moved Cr Rodda/Cr Tickle**

That in relation to the report “Hyman Park Planning Proposal”, Council:

- (i) support the proposal to reclassify part of Lot 39, Section F, DP 20599 from Community to Operational Land;
- (ii) forward the planning proposal to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979 to exhibit the planning proposal;
- (iii) request that the Minister for Planning and Environment exercise the plan making powers under Section 73A of the Environmental Planning and Assessment Act 1979 to amend the Tamworth Regional Local Environmental Plan 2010;
- (iv) upon receipt of a Gateway Determination in relation to the planning proposal, publicly exhibit the proposal; and
- (v) authorise Council to subdivide the subject land to create a parcel of land that can be identified in Schedule 4 of the Tamworth Regional Local Environmental Plan 2010, to effect the reclassification and create a road reserve to formalise the route of Hillvue Road through Hyman Park.

**426/17 RESOLVED**

#### **7.8 PLANNING PROPOSAL FOR LOT 18 DP 1199163 - OAKLANDS ESTATE, OAKLANDS DRIVE, NEMINGHA – FILE NO SF8166**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Mitchell Gillogly, Development Assessment Planner

#### **MOTION**

##### **Moved Cr Webb/Cr Maxwell**

That in relation to the report “Planning Proposal for Lot 18 DP 1199163 - Oaklands

Estate, Oaklands Drive, Nemingha”, Council:

- (i) forward the Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979;
- (ii) request that the Minister for Planning and Environment exercise their 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; and
- (iii) upon receipt of a Gateway Determination in relation to the planning proposal, publicly exhibit the proposal.

**427/17 RESOLVED**

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 LOCKHEED STREET WATER STANDPIPE REPLACEMENT – FILE NO SF2760**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director Water and Waste

#### **MOTION**

**Moved Cr Tickle/Cr Maxwell**

That in relation to the report “Lockheed Street Water Standpipe Replacement” Council:

- (i) agree to replace the existing Lockheed Street Water Standpipe with an automated tanker filling facility manufactured by Abberfield Industries Pty Ltd at an estimated cost of \$37,650 excluding GST;
- (ii) provide funds for this work from the Water Reserve; and
- (iii) request that a review the bulk water charges be undertaken as part of the 2018/2019 revenue policy to recover the capital investment.

**428/17 RESOLVED**

### **8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE FORMAL ITEMS NOVEMBER 2017 – FILE NO SF1387**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Jeremy Bartlett, Acting Manager Road Infrastructure

#### **MOTION**

**Moved Cr Betts/Cr Inglis**

That in relation to the report “Tamworth Regional Local Traffic Committee Formal Items November 2017”, Council:

- (i) approve the road closure of Fitzroy Street, between Kable Avenue and Peel Street, as follows:
  - Wednesday 14 February 2018, for Valentines Day evening outdoor dining and entertainment;