

TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Lands Building, Namingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6:30pm**.

ORDINARY COUNCIL AGENDA

28 JUNE 2022

PAUL BENNETT
GENERAL MANAGER

(c) Legal Implications

Under the provisions of the *Local Government Act 1993, Section 632 (1) and (2)(e)* Council has the authority to erect notices and enforce the provisions of these notices to control specified activities in order to protect the health and wellbeing of its community.

(d) Community Consultation

Details of the evaluation compiled by University of New England Masters student Ms Olivia Monk, **ATTACHED**, refer **ANNEXURE 2**.

The revised Smoke-Free Environment Policy is recommended to Council for public exhibition for a period of 28 days. The final adoption of the revised policy will be recommended to Council at a subsequent date after the consideration of any public feedback received during the consultation period.

It is also intended that the proposed revised policy be referred to the Tamworth City Centre Working Group for consideration.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C11 Provide high-quality open spaces, parks and reserves suitable and accessible to all.

7.2 TAMINDA PLANNING PROPOSAL

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Genevieve Harrison, Manager Integrated Planning

RECOMMENDATION

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

- (i) not support the Taminda planning proposal due to its lack of strategic merit and the significant issues relating to flooding, site serviceability, access and economic viability; and*
- (ii) upload its decision to the Department of Planning and Environment Planning Portal.*

SUMMARY

This planning proposal has been lodged via the Department of Planning and Environment Planning Portal and seeks to amend the zoning of a nine (9) hectare site (known as 55 Dampier Street and 21 Wallamore Road) in Taminda from RU4 Primary Production to part *IN1 General Industrial* and part *B5 Business Development*. The site was the subject of a previous planning proposal which Council resolved not to support in August 2021, meaning that Council determined not to proceed with the making of the plan (the rezoning).

The site and locality are significantly affected by flooding. Despite this and the other issues of concern relating to site serviceability, access and questions surrounding the economic viability of the eventual development, the current planning proposal has been described by the applicant as “substantially the same” as the previous one.

On the basis that the planning proposal has not changed from that previously rejected by Council and noting the current state government review of flood planning in NSW, it is

recommended that Council not support the planning proposal and update the planning portal accordingly.

COMMENTARY

The current planning proposal is essentially unchanged from the previous proposal rejected by Council and no new information has been provided to warrant a departure from Council's previous decision. If anything, recent flood events in NSW have only served to affirm Council's position that the site is significantly constrained by flood hazards and that it would be irresponsible to facilitate future development of the site. Importantly, any rezoning of the site would be inconsistent with the Section 9.1. Ministerial Direction relating to 'proper' flood planning and if Council was of a mind to support the proposal, Council would need to justify its position, i.e. the inconsistency, to the Secretary of the Department of Planning and Environment.

It should be noted that the State Government is currently reviewing its approach to permitting development in floodplains. It makes no sense to rezone a flood-affected site when there are large tracts of zoned, serviced, flood-free land readily available in other locations for industrial and business development that could be brought to market at a reasonable cost.

In addition to the above issues relating to flooding, the proponent has also failed to demonstrate that:

- future stormwater generated from the development site can be satisfactorily managed without adversely impacting on adjoining properties (including a road reserve);
- practical, cost-effective sewer servicing of the site (and ongoing maintenance of the system) can be achieved; and
- satisfactory access to and from the site can be achieved due to the proposed filling of the site to resolve flooding and sewer accessibility.

It should be noted that the planning proposal is inconsistent with a number of other key S.9.1 Ministerial Directions such as the Regional Plans, Business and Industrial Zones and Rural Lands. In particular, the site is not identified for future development in either the current New England North West Regional Plan 2036 or the draft New England North West Regional Plan 2041. There is therefore no strategic basis for the proposed rezoning.

In summary, it is recommended that Council re-affirm its previous decision and resolve to not support the Taminda planning proposal.

(a) Policy Implications

A decision to support the planning proposal would not be consistent with either regional or state planning policy.

(b) Financial Implications

Nil - the appropriate lodgement fee has been paid by the applicant.

(c) Legal Implications

Should Council resolve not to support the planning proposal, the applicant will have the opportunity to apply for a review of Council's decision by the Department of Planning and Environment Gateway Panel.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Region for the Future – F1 Sound asset and land planning to facilitate future community needs

7.3 TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING - 17 JUNE 2022

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

Reference: Item 7.1 to Ordinary Council 12 October 2021 - Minute No. 277/21

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Council Heritage Working Group Meeting - 17 June 2022”, Council endorses the recommendations of the Tamworth Regional Council Heritage Working Group, as follows:

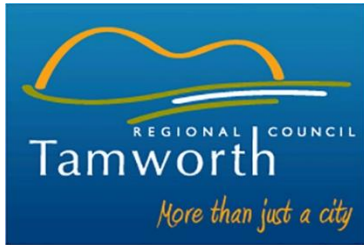
- (i) that the unspent amount of \$6,592.55 be rolled over to the 2022/2023 Heritage Assistance Fund;*
- (ii) that the Terms of Reference be amended to acknowledge the current representatives from the Tamworth Historical Society and Tamworth Local Aboriginal Land Council;*
- (iii) that Mrs Juanita Wilson, Mr Jim Maxwell and Mr Geoff Deane be appointed as community members of the Tamworth Regional Council Heritage Working Group;*
- (iv) that acknowledging the significant increases in the cost of tradesmen and building supplies an additional amount of \$5,000.00 be allocated to the annual Heritage Assistance Fund budget, commencing in the 2022/2023 financial year; and*
- (v) that the minutes of the Tamworth Regional Council Heritage Working Group Meeting held on 17 June 2022 be received and noted.*

SUMMARY

The purpose of this report is to present the minutes of the Tamworth Regional Council Heritage Working Group (TRCHWG) meeting held on 17 June 2022, and provide Council with an overview of the meeting outcomes.

COMMENTARY

The following is a summary of the main items discussed at the TRCHWG meeting held on 17 June 2022, as reported in the minutes, **ATTACHED**, refer **ANNEXURE 1**.



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the **Meeting of Tamworth Regional Council** held in the **Council Chambers, 4th
Floor Ray Walsh House, 437 Peel Street, Tamworth**

28 JUNE 2022

**PAUL BENNETT
GENERAL MANAGER**

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 SMOKE-FREE ENVIRONMENT POLICY

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Rachel Mann, Senior Environmental Health Officer

MOTION

Moved Cr Sutherland/Cr Tickle

That in relation to the report “Smoke-Free Environment Policy”, Council:

- (i) endorse the revised draft Smoke-Free Environment Policy for public exhibition for a period of 28 days with the inclusion of Nundle and Kootingal main streets;
- (ii) approve the provision of a recurrent annual \$5,000 budget to fund ongoing promotion and maintenance of Smoke Free signage and advertising; and
- (iii) receive a subsequent report to a future Ordinary meeting of Council on the outcomes of the public exhibition prior to adoption of the final Policy.

184/22 RESOLVED

7.2 TAMINDA PLANNING PROPOSAL

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Genevieve Harrison, Manager Integrated Planning

MOTION

Moved Cr Betts/Cr Tickle

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

- (i) not support the Taminda planning proposal due to its lack of strategic merit and the significant issues relating to flooding, site serviceability, access and economic viability; and
- (ii) upload its decision to the Department of Planning and Environment Planning Portal.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Stephen Mears
5. Cr Brooke Southwell
6. Cr Marc Sutherland
7. Cr Helen Tickle
8. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Mark Rodda

185/22 RESOLVED