

# EXTRAORDINARY COUNCIL

## MINUTES

held in the Council Chambers Ray Walsh House, 437 Peel Street, Tamworth

MONDAY 7 JUNE 2010 at 6:30pm

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**PRESENT:** Crs James Treloar (Mayor), Cr Phil Betts, Cr Paul Durant, Cr Helen Tickle, Cr Russell Webb Cr Juanita Wilson and Cr Warren Woodley.

**IN ATTENDANCE:** The General Manager, Director Corporate and Governance, Director Environmental & Planning and Economic Development, Director Regional Services, Director Water Enterprises and Finance and Information Technology Manager.

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## 1 APOLOGIES

Apologies were announced as having been received from:

Cr Col Murray, who was unable to attend the meeting due to personal business out of the Region.

Cr Ray Tait, who was unable to attend the meeting due to personal business out of the Region.

### MOTION

Moved Cr Paul Durant/Cr Phil Betts

**180/10 RESOLVED**

That the apologies be accepted and Cr Col Murray and Cr Ray Tait be granted leave of absence from the Meeting.

## 2 COMMUNITY CONSULTATION

### 2.1 REFER ITEM 4.1 - DRAFT TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2009 - FILE No SF 4831

Mr John Worldon of Brown & Krippner advised the Council that he had not made any donation or gift to any councillor or Council employee. He requested Council amend the Draft Tamworth Regional LEP 2009 Lot Size Map for the 'upper' Daruka Road section of the property 'Eagle Grange'. He stated that the current proposal would seriously reduce the potential to develop this parcel of land.

Mr Bill Kelly owner of a 500Ha property on New England Gully Road advised Council that he had not made any donation or gift to any councillor or Council employee. He requested that Council amend the Draft Tamworth Regional LEP 2009 Lot Size Map for the New England Gully Road area as the current proposal would seriously reduce the potential to subdivide this property and the proposed minimum lot size does not reflect the current existing land parcels.

### 3 DISCLOSURE OF INTEREST

The General Manager advised the Council that the Minister for Local Government, the Hon Barbara Perry MP, has exercised her discretion under Section 458 of the *Local Government Act 1993* to remove the pecuniary interest disabilities of all nine councillors subject to one (1) qualification to be advised by Cr James Treloar with respect to their consideration of and voting on the Draft Tamworth Regional Local Environmental Plan 2009 (Draft LEP).

The relevant Instruments for each councillor is included with correspondence (*TRIM Record 55793/2010*) received from the Deputy Director General (Local Government) Department of Premier and Cabinet and dated 15 April 2010.

The Deputy Director General also advised that the Council should note a number of matters relevant to the Instruments:

- 1 Councillors must disclose their interests as soon as practicable after the commencement of any meeting of the Council, or of a Council Committee meeting, at which the Draft LEP issues, in which you have declared a pecuniary interest, are to be considered, discussed or voted on.
- 2 The dispensation will only apply until the date of the Council's next Ordinary Election which is scheduled to be held in September 2012.
- 3 The dispensation will only apply to the consideration of and voting on issues related to the Draft LEP. This limitation will prevent councillors from participating in any other matters, such as development applications, that are particular to property in which they have an interest.
- 4 The dispensation has been granted only in terms of the pecuniary interests disclosed to the Minister for Local Government as part of Council's submission to the Minister and only with respect to the actions undertaken from the date of the Instrument and not to any actions undertaken prior to that date.

The Minister's approval operates prospectively from the date of approval, that is, on and from the date of the Instrument being 12 April 2010. Under no circumstances may the Instrument be construed as having a retrospective operation in respect of any decisions which councillors may have participated in as a councillor in relation to the Draft LEP prior to the date of approval.

All Councillors stated that the pecuniary interests as disclosed to the Minister for Local Government, Barbara Perry MP are correct subject to the following further disclosures:

Cr Helen Tickle declared she had purchased a property Unit 3, 20 Rawson Avenue, Tamworth after the approval date of the Instrument being 12 April 2010, and stated that she believed it did not materially affect the nature or extent of her pecuniary interest and would remain in the Chamber and participate in the debate and vote.

Cr James Treloar advised that he had submitted a Revised Pecuniary Interest Exemption Application for the Draft Tamworth Regional Local Environmental Plan 2009 because a number of properties owned by a company in which he has an interest were inadvertently omitted from the original application dated 21 December 2009.

As Cr James Treloar had not received a revised Instrument to remove the pecuniary interest disabilities for the Revised Pecuniary Interest Exemption

Application he declared that he would leave the Chamber whilst the debate and vote was undertaken.

In accordance with Section 369(2) of the *Local Government Act 1993* the Chairperson, Cr James Treloar called for nominations from the floor for an Acting Chairperson to chair the meeting in the absence of both the Mayor and Deputy Mayor.

### **3.1 ACTING CHAIRPERSON SF 806**

#### **MOTION**

**Moved Cr Warren Woodley/Cr Paul Durant**

**181/10 RESOLVED**

That Cr Phil Betts be appointed Acting Chairperson for the duration of the Extraordinary Council Meeting to consider the Draft Tamworth Regional Local Environmental Plan 2009.

The Mayor, Cr James Treloar, vacated the Chair and Cr Phil Betts as Acting Chairperson occupied the Chair for the remainder of the meeting.

At 6.45 pm Cr James Treloar vacated the Chambers.

## **4 OPEN COUNCIL REPORTS**

### **4.1 DRAFT TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2009 - FILE No SF 4831**

**DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT**

**AUTHOR: Alison McGaffin – Director, Environment, Planning and Economic Development  
Genevieve Harrison – Strategic Planning Manager**

#### **MOTION**

**Moved Cr Warren Woodley/Cr Paul Durant**

**182/10 RESOLVED**

(i) That the following recommendations be adopted by Council:

Submission 1      Retain item in Schedule 5 – Environmental Heritage.

- Submission 2 That the submission not be supported on the basis that:-
- Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP.
  - The estimated cost to the developer of providing town water supply to the area undermines the viability of such development on the subject land.
  - The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.
- Submission 3 That the request to rezone Precinct 6 in the Taminda Revitalisation Strategy to an industrial zone not be supported.
- Submission 4 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 5 Retain item in Schedule 5 – Environmental Heritage and amend Item name to remove house (include only bakery and store).
- Submission 6 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 7 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 8 Retain the Grantham's Stone Bridge item in Schedule 5 – Environmental Heritage.
- Submission 9 That the submission be noted and no amendment to the Draft TRLEP is required.
- Submission 10 That the Lot Size Map not be altered regarding 800Ha MLS. That Clause 4.2B(3) be retained in the Draft TRLEP.
- Submission 11 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 12 Retain item in Schedule 5 – Environmental Heritage.
- Submission 13 Retain the item in Schedule 5 – Environmental Heritage. The property address to be amended to include 25 Old School Road. The property description to be amended to Lot 102 DP 753839.

- Submission 14 Support the submission by amending Schedule 1 to allow :  
Use of certain land at Tamworth in Zone B1
1. This clause applies to Lot 1 and 2, DP 563441 and Lot 3 DP 222686 in Zone B1 Neighbourhood Centre at Kathleen Street, Tamworth.
  2. Development for the purposes of a supermarket, being major retail premises as defined in 7.8(4), up to a floor space ratio of 0.6:1.
- Submission 15 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 16 Retain item in Schedule 5 – Environmental Heritage and amend item name to the “Former Brewery Building”.
- Submission 17 That the Lot Size Map be amended to 9.9Ha for Lot 4 DP755326.
- Submission 18 That the Lot Size Map be amended to 100Ha for Lot 1 DP714318.
- Submission 19 That the submission relating to the Heritage Conservation Area in the Draft TRDCP be addressed when the Draft DCP is re-submitted to Council for consideration.
- Submission 20 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 21 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 22 That the Draft TRLEP Land Zoning Map be amended to remove the E2 zone from Lot 58 DP752184 and replace it with an RU1 Primary Production zone.  
That the Lot Size Map be amended to show Lot 58 DP752184 as 800Ha MLS.
- Submission 23 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 24 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 25 That the submission be noted and no amendment to the Draft TRLEP is required.

- Submission 26 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 27 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 28 Retain item in Schedule 5 – Environmental Heritage.
- Submission 29 Submission is noted.  
Retain item in Schedule 5- Environmental Heritage.
- Submission 30 That the rezoning and reclassification of the Lots 48 & 49 DP7303 be the subject of a future LEP process if supported by Council.
- Submission 31 That the current 400Ha MLS areas be retained in the Draft LEP as shown on the Lot Size Map.
- Submission 32 That the rezoning and reclassification of the Lots 48 & 49 DP7303 be the subject of a future LEP process if supported by Council.
- Submission 33 That the rezoning and reclassification of the Lots 48 & 49 DP7303 be the subject of a future LEP process if supported by Council.
- Submission 34 That the rezoning and reclassification of the Lots 48 & 49 DP7303 be the subject of a future LEP process if supported by Council.
- Submission 35 That the rezoning and reclassification of the Lots 48 & 49 DP7303 be the subject of a future LEP process if supported by Council.
- Submission 36 Retain item in Schedule 5 - Environmental Heritage.
- Submission 37 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.

- Submission 38 That “viticulture” be identified as permissible with consent in the Land-Use Table for the R5 zone.
- That Schedule 1 be amended to permit “cellar door premises” on the subject land as follows:
- Use of certain land at New England Highway, Tintinhull in Zone R5.
1. This clause applies to Lot 1 DP 120444, Lot 20 DP 662023 and Lot 1 DP 794540 in Zone R5 Large Lot Residential at 752 New England Highway, Tintinhull.
  2. Development for the purposes of cellar door premises.
- Submission 39 Retain item in Schedule 5 – Environmental Heritage.
- Submission 40 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 41 That the MLS applying to the subject properties not be altered.
- Submission 42 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 43 That the RU4/40Ha provisions not be altered over the subject land pending preparation of an “equine master plan” as identified in the Tamworth Regional Development Strategy.
- Submission 44 That the rezoning and reclassification of the Lots 48 & 49 DP7303 be the subject of a future LEP process if supported by Council.
- Submission 45 That Lot 99 DP 752197 and Lot 98 DP 668888 be amended on the Lot Size Map from Lot Size AB2 – 40Ha to Lot Size AA1 – 5Ha.
- That the 800Ha MLS in the Barraba area not be altered on the Lot Size Map.
- Submission 46 The former Wine Shanty and Residence be removed from Schedule 5 – Environmental Heritage and from the Heritage Map.

- Submission 47 That the submission not be supported on the basis that:-
- \* Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP
  - \* The estimated cost to the developer of providing town water supply to the area undermines the viability of such development on the subject land.
  - \* The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.
- Submission 48 Retain item in Schedule 5 – Environmental Heritage.
- Submission 49 The submission is not supported as it is considered that the proposed lot layout can be substantially accommodated without adjustment of the zone/MLS boundary.
- The split zone and MLS provisions on the subject land are addressed via a clause in the Draft TRLEP.
- Submission 50 Retain item in Schedule 5 – Environmental Heritage.
- Submission 51 That the proposals be further investigated as part of a future LEP process.
- Submission 52 Remove item from Schedule 5 – Environmental Heritage and the Heritage Map.
- Submission 53 That the E2 zone be removed and the subject land be zoned RU1 with the same minimum lot size as surrounding land (800Ha).
- Submission 54 That the submission be noted. No amendments to the Draft TRLEP be made as a consequence. The Kootingal Tip may be investigated for an SP2 zone during preparation of a future LEP.
- Retain the subject land in Schedule 4 and reclassify the Kootingal Depot site from “Community” to “Operational”.
- Retain the current land classification and zoning for the park adjacent to the IGA.
- Retain provisions for Farm Dams, Rainwater Tanks, Silos, and Solid Fuel Heaters in Schedule 2 Exempt Development of the Draft TRLEP.
- No changes proposed to R5 zoning (already reduced in area).

- Submission 55 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 56 The introduction of a Heritage Conservation Area will be addressed when the Draft DCP is resubmitted to Council for consideration.
- All development applications for two storey flats require a detailed merit assessment under current planning legislation.
- Submission 57 Submission partially supported. In this regard, the Lot Size Map provides opportunity for smaller lot subdivision in the vicinity of larger centres such as Tamworth and gradually increases farm sizes further from these centres.
- Submission 58 Adjust the proposed zone in the Draft TRLEP from E3 to R1 and MLS from 40Ha to 2000m<sup>2</sup> for the identified part of Lot 17 DP 787936, Wollemi Close.
- Submission 59 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 60 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 61 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 62 That the Draft TRLEP be amended to include the gazetted 'village' zone along Kanangra Road as R1 General Residential with a MLS of 600m<sup>2</sup>.
- Submission 63 It is not recommended that the MLS applying to the subject properties in Heiligmans Lane be altered.
- Submission 64 That the Draft TRLEP be amended to include the gazetted 'village' zone along Kanangra Road as R1 General Residential with a MLS of 600m<sup>2</sup>.
- Submission 65 That the Draft TRLEP be amended to change the zoning of Lot 3011 DP 829670 from IN1 to R1 with a MLS of 600m<sup>2</sup>.
- Submission 66 That the submission be noted. No change to Draft TRLEP is recommended.

- Submission 67 Retain item in Schedule 5 – Environmental Heritage.
- Submission 68 That the Draft TRLEP be amended to rezone Pt Lot 2 DP 533835 and Lot 335 DP 753848 from RU4 Rural Small Holdings to R1 General Residential with a MLS of 600m<sup>2</sup>.
- Submission 69 That the Lot Size Map in the Draft TRLEP be amended to Lot 12 DP 547514 and Lot 1A DP 37818 as 20Ha MLS to facilitate the boundary adjustment.
- Submission 70 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 71 The author of this submission passed away in September 2009. It is recommended that the minimum lot size for Attunga remain at 2000m<sup>2</sup> and that the author's Estate be advised accordingly.
- Submission 72 That the Draft TRLEP Land Zoning Map be amended to change the zoning of all properties within this locality (including the subject property) from E2 to RU1, with a MLS of 800 Ha.
- Submission 73 Retain item in Schedule 5 – Environmental Heritage. The property description in Schedule 5 should be amended to 46-48 Strafford Street, Manilla.
- Submission 74 That the zoning on Lot 8 DP 773136 remain as B4 Mixed Use and an additional provision to be included in Schedule 1 as follows:
- Use of certain land at Tamworth in Zone B4
- (1) This clause applies to Lot 8, DP 773136 in Zone B4 Mixed Use at 67-81 Bridge Street, Tamworth.
- (2) Development for the purposes of major retail premises as defined in 7.8(4).
- Submission 75 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 76 That the MLS for Lot 196 DP 804523 not be altered.
- Submission 77 That the MLS not be reduced for these properties from 800Ha to 400Ha.

- Submission 78 That the submission be generally supported.  
That clause 4.1 of the LEP be amended to authorise the approval of lots less than 600m<sup>2</sup> on land zoned R1 and located in an Urban Release Area identified in the Draft TRLEP 2009.  
That Part 6 of the TRLEP 2009 be retained as a mechanism to allow the creation of integrated housing developments incorporating smaller lots.
- Submission 79 That the submission be noted.
- Submission 80 That the submission be noted.
- Submission 81 That the MLS of 600m<sup>2</sup> not be reduced for Lot 6 DP 880856, Part Lot 64 DP 205692, Crawford Street, Tamworth.
- Submission 82 That the proposed RU4/40Ha provisions be retained in keeping with the rural character of the locality and the related constraints on future residential development.
- Submission 83 That the proposed MLS be changed to 400Ha for the subject land.  
That the proposed change to the 2 year time limit for action per Clause 4.2B(3) not be supported.  
That Schedule 1 be amended to permit a dwelling entitlement on the subject land as follows:  
Use of certain land at Crow Mountain Road, Manilla in Zone RU1
- (1) This clause applies to Lot 1 DP377811 in Zone RU1 Primary Production at Crow Mountain Road, Manilla;
  - (2) Development for the purposes of a dwelling house.
- Submission 84 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 85 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 86 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 87 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.

- Submission 88 That Lot 19 DP 233288 continue to be shown as R1 – General Residential on the zoning map of the Draft TRLEP.
- Submission 89 That the submission not be supported and proposed Clause 4.2B remain a provision in the Draft TRLEP. It is recommended that the owner lodge a development application as soon as possible on the basis that there is currently the potential to erect a dwelling (i.e. Council approved subdivision – Clause 14 of the Parry LEP 1987). Should consent be granted, approval to erect a dwelling will be valid for 5 years.
- Submission 90 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 91 That the Draft TRLEP be amended to include the gazetted ‘village’ zone along Kanangra Road as R1 General Residential with a MLS of 600m<sup>2</sup>.
- Submission 92 That the request to amend the MLS applying to Lot 72 DP 873428 not be supported and that the Author’s Estate be notified accordingly.
- Submission 93 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 94 That Lot 58 DP 752184 be zoned RU1 Primary Production under TRLEP 2009, with a MLS of 800 Ha on the Lot Size Map.
- Submission 95 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future separate LEP process, if supported by Council.
- Submission 96 That the proposed MLS of 400Ha for Lot 61 DP 753839 be retained in keeping with the surrounding pattern of holdings and constrained nature of the subject land.
- Submission 97 That the submission be reviewed when the revised Draft DCP is submitted to Council for further consideration.
- Submission 98 That the suggested inclusion of the property as a heritage item be further investigated with State Water for possible inclusion in a future LEP.
- Submission 99 Remove item from Schedule 5 - Environmental Heritage and from the Heritage Map.

- Submission 100 Retain item in Schedule 5 - Environmental Heritage.
- Submission 101 Remove item from Schedule 5 - Environmental Heritage and from the Heritage Map.
- Submission 102 Remove item from Schedule 5 - Environmental Heritage and from the Heritage Map.
- Submission 103 Retain item in Schedule 5 – Environmental Heritage.
- Submission 104 That the following property and details be included in Schedule 1 of the Draft TRLEP:  
Use of certain land at Goonoo Goonoo Road, Tamworth in Zone RU4.  
(1) This clause applies to Lot 1, DP 501210 in Zone RU4 Rural Small Holdings at 452-462 Goonoo Goonoo Road, Tamworth.  
(2) Development for the purposes of office premises only within the extent of the existing building envelope.
- Submission 105 That Lot 451 DP 1050163 remain zoned RU1 with 100Ha MLS provisions.  
That an appropriate boundary adjustment clause be included in the Draft TRLEP.
- Submission 106 That the request to facilitate subdivision of part of Lot 42 DP 580145 into 3-4 lots not be supported until a proper planning/environmental analysis is undertaken as part of a future LEP process.
- Submission 107 That the zoning and MLS for Lot 1 DP 721399 under Draft TRLEP be changed to Zone RU4 and 5Ha MLS.
- Submission 108 That the proposed change in zoning and minimum lot size not be supported for the following reasons:  
\* Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP.  
\* The estimated cost to the developer of providing town water supply to the area undermines the viability of such development on the subject land.  
\* The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.
- Submission 109 That the request to change the proposed 400Ha Minimum Lot Size relating to Lot 8 DP 37547 not be supported.

- Submission 110 Retain item in Schedule 5 – Environmental Heritage.
- Submission 111 That the support of the proposed zone and minimum lot size provisions applying to 687 Armidale Road be noted.
- Submission 112 That the request to zone additional land for village purposes in Barraba not be supported.
- Submission 113 That the submission be reviewed when the revised Draft TRDCP is submitted to Council for further consideration.
- Submission 114 Retain item in Schedule 5 – Environmental Heritage.
- Submission 115 That the proposed change in zoning and minimum lot size not be supported for the following reasons:
- \* Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP
  - \* The estimated cost to the developer of providing town water supply to the area undermines the viability of such development on the subject land.
  - \* The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.
- Submission 116 That the Minimum Lot Size of 600m<sup>2</sup> not be reduced for Lot 9 DP 24950.
- Submission 117 Amend the Draft TRLEP to include the gazetted “village” zone along Kanangra Road as R1 General Residential with a MLS of 600 m<sup>2</sup>.
- Submission 118 That the request to include viticulture as a ‘permitted with consent’ use in the R5 Large Lot Residential zone be supported.
- Submission 119 That the proposed zoning of 67 River Street Manilla be changed from R1 to IN1 – General Industrial, to recognize the established industrial landuse on Lots 3 & 4 Sec 23 DP758644.
- Submission 120 That the submission be noted and that the author be advised that the Draft TRLEP does provide for a range of lot sizes and lifestyle choices throughout the local government area.
- Submission 121 That Lot 99 DP 752197 and Lot 98 DP 668888 be amended on the Lot Size Map from Lot Size 40Ha to Lot Size 5 Ha.

- Submission 122 Retain item in Schedule 5 – Environmental Heritage
- Submission 123 That the rezoning and reclassification of Lots 48 & 49 DP7303 be the subject of a future LEP process, if supported by Council.
- Submission 124 That the request to permit the development of “storage premises” on Lot 2 DP 38807 not be supported.
- Submission 125 That support for the proposed zoning/minimum lot size maps applying to the Nundle area is noted.
- Submission 126 That the submission not be supported for the following reasons:
- \* Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP
  - \* The estimated cost to the developer of providing town water supply to the area undermines the viability such development on the subject land.
  - \* The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.
- Submission 127 That the E3 zone be amended to include secondary dwellings to provide additional flexibility of landuse on this type of property.
- That the E3 zone and 100Ha MLS not be altered over Lot 202 DP 634300.
- Submission 128 That the request to decrease the minimum lot size/change the zoning of the property not be supported.
- Submission 129 That the support for the proposed R1 zone be noted.
- That an additional clause be inserted in the Draft TRLEP which permits lot sizes less than 600m<sup>2</sup> in designated Urban Release Areas zoned R1.
- That the Urban Release Area designation be retained in the LEP.
- Submission 130 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.

Submission 131 That the minimum lot size maps in the Draft TRLEP be amended to reflect the fragmented land holdings in the Dungowan locality in order to permit a dwelling to be erected on certain vacant land.

Submission 132 That the submission not be supported for the following reasons:

- \* Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP
- \* The estimated cost to the developer of providing town water supply to the area undermines the viability of such development on the subject land.
- \* The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.

Submission 133 That Schedule 1 be amended to permit bulky goods premises on the subject land as follows:

Use of certain land at 1 Edgeroy Street, South Tamworth in Zone R1;

- (1) This clause applies to Lot 17/E DP22316 in Zone R1 General Residential at 1 Edgeroy Street, South Tamworth.
- (2) Development for the purposes of bulky goods premises.

Submission 134 That the draft TRLEP be amended to rezone part of Lot 191 DP 1107583 to R1 General Residential with a MLS of 600m<sup>2</sup>.

Submission 135 That the MLS map be amended for various 8Ha properties fronting Bielefelds Road, Duri from 100Ha to 5Ha to permit a dwelling to be erected on each vacant lot (including the subject properties).

Submission 136 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.

Submission 137 That the submission to change the zone of the land along Tanglewood Road through to and along Limbri Road from RU1 to RU4 not be supported.

That the request to change the minimum lot size from 100Ha to 40Ha be supported and the Lot Size Map be amended accordingly.

That an appropriate boundary adjustment clause be included in the Draft TRLEP.

Submission 138 That the rezoning and reclassification of Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.

Submission 139 That the submission not be supported and it is recommended that an 800Ha minimum lot size be endorsed for Lot 2 DP 10853329.

It is also recommended that the proponents be advised of the opportunity to submit a DA to erect a dwelling on the property pursuant to CI4.2B of the Draft TRLEP.

Submission 140 That the Lot Size Map be amended to extend proposed 600m<sup>2</sup> MLS provisions over the approved standard residential lot layout only, with 4000m<sup>2</sup> to remain over the approved larger lot area per development approval (DA0510/2004).

That the R1 zone be extended to reflect the existing consent and the proposed R2 Low Density Residential zone remain over the residual area.

Submission 141 That the proposed zone be amended from R5 to R1 and the MLS be changed from 2Ha to 600m<sup>2</sup> for land in the vicinity of Warwick Road (including the subject property).

Submission 142 That the submission not be supported for the following reasons:

- \* Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP
- \* The estimated cost to the developer of providing town water supply to the area undermines the viability of such development on the subject land.
- \* The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.

Submission 143 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.

Submission 144 That the submission to change the zone of the land along Tanglewood Road through to and along Limbri Road from RU1 to RU4 not be supported.

That the request to change the minimum lot size from 100Ha to 40Ha be supported and the MLS map be amended accordingly.

That an appropriate boundary adjustment clause be included in the Draft TRLEP.

- Submission 145 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 146
- 1a. Request for rezoning and MLS change not be supported - zone remains R5 and the MLS provisions to remain at 2Ha.
  - 1b. Supported – Adjust zone and MLS boundary to reflect approved lot layout.
  2. That a minor modification of existing consents where approved lots are below the MLS shown on the Lot Size Map be considered within existing legislation.
  3. The Draft TRLEP be amended to incorporate an appropriate clause that will facilitate subdivision of allotments affected by a split zone/MLS.
- Submission 147 That the request to change the Land Zone Map and Lot Size Maps not be supported.
- Submission 148 It is recommended the Draft TRLEP be amended and the R2/1Ha boundary be adjusted further to the east of the Hills Plain Masterplan area to align with the 570m contour.
- That the request to change the 1Ha MLS provisions in the central section of the subject land to 4000m<sup>2</sup> not be supported.
- Submission 149 That the request to change the Lot Size Map as it relates to 1818 New England Gully Road from a 800Ha MLS to 40Ha MLS not be supported.
- Submission 150 That Council amend the Draft Tamworth Regional LEP Lot Size Map for the 'upper' Daruka Road part of Lot 51 DP 1114638 from 2Ha to 4,000m<sup>2</sup>.
- Submission 151 Retain item in Schedule 5 – Environmental Heritage.
- Submission 152 That the submission to change the zoning of the land along Tanglewood Road, through to and along Limbri Road, from RU1 to RU4 not be supported.
- That the request to change the minimum lot size applying to properties along Tanglewood Road from 100Ha to 40Ha be supported.
- That the Lot Size Map be amended for properties in the locality including Lot 31 DP 1095842.
- That an appropriate boundary adjustment clause be included in the Draft TRLEP.

Submission 153 That the Draft TRLEP be amended to reflect the gazetted “village” zone along Kanangra Road as R1 General Residential with a 600m<sup>2</sup> MLS.

Submission 154 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.

Submission 155 That the request to rezone the property not be supported for the following reasons:

- \* Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP
- \* The estimated cost to the developer of providing town water supply to the area undermines the viability of such development on the subject land.
- \* The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.

Submission 156 That the land-use table for the B7 Business Park zone be amended to include the following permitted land-uses:

- \* Places of Public Worship
- \* Restricted Premises
- \* Food and Drink Premises
- \* Training Facilities (Educational Establishments)
- \* Storage Premises
- \* Industries

Submission 157 That the request to include viticulture as a ‘permitted with consent’ use in the R5 Large Lot Residential zone be supported.

Submission 158 That the Draft TRLEP be amended to change the MLS shown on the Lot Size Map for Lots 1 & 2 DP625625 and Lots 1 & 2 DP 797233, 52-66 Wellington Street Moonbi from 2Ha to 4000m<sup>2</sup>.

Submission 159 That the request to amend the Lot Size Map as it relates to “Moorelands” and “Kanangra” Moonbi, to reduce the proposed 800Ha MLS to 40Ha not be supported.

Submission 160 That the submission be noted and referred to the Local Traffic Committee for further consideration.

- Submission 161 Barraba Central School:-  
Retain the item and property description in Schedule 5 – Environmental Heritage.
- Bendemeer Public School:-  
Retain item and property description in Schedule 5 – Environmental Heritage.
- Dungowan Public School:-  
Retain item and property description in Schedule 5 – Environmental Heritage.
- Kootingal Public School:-  
Retain item and property description in Schedule 5 – Environmental Heritage.
- Limbri Public School:-  
Retain item and property description in Schedule 5 – Environmental Heritage.
- Manilla Central School:-  
Retain item and property description in Schedule 5 – Environmental Heritage.
- Nundle Public School:-  
Retain item and property description in Schedule 5 – Environmental Heritage.
- Somerton Public School:-  
Retain item and property description in Schedule 5 – Environmental Heritage.
- Tamworth Public School:-  
Retain item and property description in Schedule 5 – Environmental Heritage.
- Submission 162 That the proposals contained in the submission be further considered when the revised Draft TRDCP is submitted to Council for consideration.
- Submission 163 That the owner be notified that 22 Attunga Street is not listed in Schedule 5 of the Draft TRLEP.
- Submission 164 That the property “Stratheden” not be rezoned to R1 General Residential under the Draft TRLEP.  
That Council continue to monitor the take-up rates for residential land within the City during the next five years.

- Submission 165 That Lot 452 DP 1050163 and Lots 40/44 DP 755334 remain zoned RU1 with 100Ha MLS provisions.  
That an appropriate boundary adjustment clause be included in the Draft TRLEP.
- Submission 166 That the submission be noted.
- Submission 167 That the request be supported and Lot 58 DP 752184 be zoned RU1 Primary Production with a MLS of 800Ha.
- Submission 168 That the rezoning and reclassification of the Lot 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 169
- (i) That the Draft TRLEP not be amended to include the ESA overlays and clauses recommended by DECCW.
  - (ii) That information arising from the aboriginal heritage study of the Moore Creek area be addressed in a future LEP.
  - (iii) That the suggested change to the notification provision of the Draft TRDCP be reviewed when the revised Draft TRDCP is resubmitted to Council for consideration.
- Submission 170 That the rezoning and reclassification of the Lot 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 171 That the environmental significance of the Klori TSR be further investigated for rezoning and listing as a heritage item under a future LEP.
- Submission 172 That the request to consider a change to the MLS map for part of Lot 52 DP 755337 is supported and it is recommended that the MLS map be amended to 40Ha.
- Submission 173 That the request to rezone the property not be supported for the following reasons:
- \* Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP.
  - \* The estimated cost to the developer of providing town water supply to the area undermines the viability of such development on the subject land.
  - \* The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.

Submission 174 That the request to rezone the property not be supported for the following reasons:

- \* Demand for large lot residential living is more than adequately met by the proposed areas of R5/2Ha under the Draft TRLEP.
- \* The estimated cost to the developer of providing town water supply to the area undermines the viability of such development on the subject land.
- \* The potential of the subject land for large lot residential development may be reconsidered in a future review of the LEP.

Submission 175 That Council support the submission from the Taminda Revitalisation Working Group.

That Council request the Department of Planning to include “bulky goods premises” as a permissible form of development in the landuse table for the IN1 zone.

That the Lot Size Map be amended to show a zero MLS for land zoned IN1.

Submission 176 1. That the request to change Clause 7.8 so that it does not apply to Lot 341 DP 1080348, The Ringers Road not be supported.

That the request to add a clause which permits the building of a supermarket on Lot 341 DP 1080348, The Ringers Road not be supported.

2,3,4 & 5 That the requests to amend the Draft TRDCP be reviewed when the revised Draft TRDCP is resubmitted to Council for further consideration.

Submission 177 That the request is not currently supported but that the Klori TSR be further investigated for possible inclusion in a future LEP as an item of Environmental Heritage or to be rezoned for Environmental Conservation / Management.

Submission 178 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.

- Submission 179    Kootingal Public School  
Retain item and property description in Schedule 5 – Environmental Heritage.  
Former Blacksmith's  
Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.  
St Lukes Uniting Church  
Retain item in Schedule 5 – Environmental Heritage.  
Kootingal Hotel  
Retain item in Schedule 5 – Environmental Heritage.  
Kootingal Post Office  
Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.  
Catholic Church in Irvine Street  
Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 180    That the request to rezone the subject property known as "Rosebank" to allow smaller rural holdings not be supported at this time.
- Submission 181    That the proposals contained in the submission be reviewed when the revised Draft TRDCP is submitted to Council for further consideration.
- Submission 182    That the request to rezone the subject properties to R2 Low Density Residential not be supported.  
That Council continue to monitor the take-up rates for residential land within the City during the next five years.
- Submission 183    Retain both items in Schedule 5 – Environmental Heritage.  
Amend property details in Schedule 5 – Environmental Heritage to "Yaccamunda" and current parcel Lot 1 DP 1101440.
- Submission 184    That the submission not be supported.  
That the proposed RU4/40Ha provisions be implemented in keeping with the rural character of the locality and the related constraints on residential development.
- Submission 185    That the concerns raised in the submission be further considered when the revised Draft TRDCP is resubmitted to Council for consideration.

Submission 186 Remove items from Schedule 5 – Environmental Heritage and from the Heritage Map.

Submission 187 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.

Submission 188 Retain property in Schedule 5 – Environmental Heritage.

Submission 189 That the MLS for the land at Mt Falcon shown as R5 Large Lot Residential be reduced to 4000m<sup>2</sup>, while the MLS for the land shown as RU4 be maintained at 40Ha respectively.  
That the Lot Size Map be amended accordingly.

Submission 190 That the request to rezone Lot 4 DP 1066283 “Oakbank” 278 Sandy Road Kootingal to Zone R5 - Large Lot Residential with a 2Ha MLS not be supported.

Submission 191 That Council request the Department of Planning include “Bulky Goods Premises” as a consent use in the IN1 zone for Taminda.

That it be noted that Council has recently been advised that the Department of Planning has recognised this issue and ‘group terms’ will be more adequately defined in a new version of the standard template.

That it be noted that the Department of Planning proposes to address this issue in a new version of the standard LEP template.

Amend Schedule 5 of Draft TRLEP to include 34 Bourke Street.

Amend the land use tables of Draft TRLEP to include ‘secondary dwellings’ wherever ‘dwellings’ are permissible. In addition, dual occupancies be prohibited in the RU1 and RU4 areas.

Amend the land use matrix to insert an ‘x’ in blank squares to give effect to the prohibition of ‘storage premises’ and ‘air transport facilities’.

Amend the zoning of Lots 6 and 7 DP 559805 to RU5 Village.

No further action required.

Amend the minimum subdivision lot size clause (CI 4.1) to clarify that it only applies to sewered land in R1 and RU5.

Amend clause 4.2 to facilitate boundary adjustments between existing undersized lots.

Amend clause 4.2B to refer to clause 15 instead of clause 14 in the Manilla LEP.

- Submission 192
- Land Use Table  
Request not supported
  - Minimum Lot Size  
Request not supported
  - Restriction on more than one dwelling  
Rural Worker’s Dwellings are provided for via Clause 7.1 of the TRLEP 2009.
  - Exempt Developments  
That no amendments be made to Schedule 2 - Exempt Development.
  - Minimum Lot Size Map  
That the issues raised in the submission be noted, however, no amendment be made to the provisions of the Draft Plan.
- Submission 193
- That the zoning and Minimum Lot Size Map for Lot 231 DP 1026396 be amended to include the land in the proposed RU5 Village zone.
- That the proposal to extend the village zone to the Dungowan Hotel not be supported.
- Submission 194
- That the submission be noted and that Council give consideration to preparing a Local Area Strategy for Somerton during the next review of the Tamworth Regional Development Strategy.
- Submission 195
- That the submission not be supported.
- That the proposed RU4/40Ha provisions be implemented in keeping with the rural character of the locality and the related constraints on residential development.
- Submission 196
- That the submission be supported via adjustment of the Minimum Lot Size Map for the Lot 10 DP 533626 from 100Ha to 2Ha (with no change of zone).
- Submission 197
- That the submission not be supported and the Draft TRLEP not be amended as requested.
- Submission 198
- That the submission not be supported.
- That the proposed RU4/40Ha provisions be implemented in keeping with the rural character of the locality and the related constraints on residential development.

- Submission 199 The proposal has considerable merit. The land activities identified in the submission are consistent with the objectives of the proposed zone.
- An Environmental Masterplan may be offered as a suggestion in the future where investigation can focus on the proposed activities and the timing in relation to the decommissioning of the Sewer Treatment Plant.
- Submission 200 The Draft TRLEP is an instrument endorsed by NSW Department of Planning which promotes the safeguarding of all issues identified within the submission (i.e. native flora, fauna, wildlife corridors and habitat etc.) through the regulations imposed. No further action is required.
- Submission 201 No further action required.
- Submission 202 That the proposed rezoning of Lot 5 and Pt Lot 6 DP 1103706 to R1 General Residential be endorsed.
- That a new clause be incorporated in the Draft TRLEP to allow consideration of lots less than 600m<sup>2</sup> in areas zoned R1 within Urban Release Areas identified in Draft TRLEP.
- Submission 203 That the proposed MLS of 100Ha for Lot 27 DP 656210, 466 Duri-Winton Road not be reduced.
- Submission 204 That Lot 2 DP 599998 be zoned RU1 Primary Production with a MLS of 800Ha.
- Submission 205 That a new Clause be incorporated in the Draft TRLEP to allow consideration of lots less than 600m<sup>2</sup> in areas zoned R1 within Urban Residential Areas.
- That Clause 4.2 be amended to facilitate boundary adjustments between existing undersized lots.
- That the issues raised in the submission be noted but that no additional amendments be made to the provisions of the Draft TRLEP.
- Submission 206 That the comments and suggestions raised by the Namoi CMA be received and noted.
- No amendments to the TRLEP 2009 are required in response to the submission.
- Submission 207 That the submission be noted and that the author be advised of the amendments to the Draft TRLEP relating to Manilla.
- Submission 208 Retain item in Schedule 5 – Environmental Heritage.

- Submission 209 That the submission be noted and no further action is required in relation to the Draft TRLEP.
- Submission 210 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.

Minutes

- Submission 211
1. Operation of the Obstacle Limitation Surface (OLS) associated with the Tamworth Regional Airport

The protection of the immediate airspace around airports is an essential component of ensuring and maintaining a safe operating environment and to provide for future growth.

Therefore, it is necessary to restrict some types of development and land uses in the vicinity of airports. This is to guarantee that designated airspace segments remain obstacle-free, thereby contributing to the safety, efficiency and regularity of aircraft operations.

2. ANEF Contours

That the comment in relation to the ANEF Contours be noted.

3. Proposed B7 Zoning

That Clause 7.8(2) be amended to clarify that development for the purposes of major commercial or major retail development is not permitted in Zone B7.

4. Zoning of Lot 2 DP 816346 Goddard Lane

That the landuse table for the IN3 Heavy Industrial zone be amended to include the following additional uses as permissible with consent:

- Boat repair facilities
- Industrial Retail Outlets
- Vehicle body repair workshops
- Vehicle Repair Stations
- Wholesale supplies.

5. Zoning of Lot 46 DP 755333 Marathon Street Westdale and minimum lot sizes

That the request to amend the zoning from R5/RU4 to R1 General Residential or R2 Low Density Residential not be supported.

6. Sewer Treatment Plant Map

That the submission be noted.

7. General issues surrounding drainage in the Westdale Area

That an integrated approach to drainage in the Murroon Creek catchment be investigated as part of the development planning process.

- Submission 212
- That Council advise the author that the issues raised will be addressed as part of the development assessment process.

Submission 213 That Schedule 1 be amended to permit a “dwelling” on the subject properties as follows:

Use of certain land at Hanging Rock in Zone RU1:

- (1) This clause applies to Lots 48, 49, 63-65, 102, 123 - 125 DP 755324, Happy Valley Road Hanging Rock.
- (2) Development for the purpose of a dwelling.

Submission 214 That the Land Zoning and Lot Size Maps of the Draft TRLEP be amended to show Lots 6 and 7, DP 559805 as Zone RU5 Village with a 2000m<sup>2</sup> MLS.

- Submission 215
1. That the request to allow an average lot size of 2Ha, with a 1Ha MLS, on Lot 504 DP 1014387 not be supported.
  2. That the request to allow the R5 zoning to extend into the E3 zone not be supported except for a minor realignment to reflect the subdivision design concept as submitted in the Expression of Interest.
  3. That the request to allow a MLS of 1Ha on Lot 51 DP827631 be supported and that the Lot Size Map be amended accordingly.
  4. That the comment concerning the provision of water infrastructure be noted.

Submission 216 That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.

Submission 217 That Schedule 1 be amended to permit a dwelling entitlement on the subject land as follows:

Use of certain land at Nundle Road (MR105) Woolomin in Zone RU1.

- (1) This clause applies to Lot 14 DP755350 in Zone RU1 Primary Production at Nundle Road, Woolomin.
- (2) Development for the purposes of a dwelling house.

- Submission 218
1. Moore Creek Road Part Lot 305 -307 DP 753848, Lot 420 DP 1005750, Lot 433 DP 1054103  
That the request to rezone certain land along Moore Creek Road to R5 Large Lot Residential not be supported.
  - 2 Lot 396 DP 257195 Monterey Street, eastern side Forest Road, Lot 7008 DP 1076545 (western side of Forest Road to the Gully)  
That the request to rezone certain land in Forest Road to R1 General Residential not be supported.
  3. Waste Management Facility  
That the RU6 zone surrounding the Waste Management Facility be retained.
  4. Noted.
  5. Protection and Use of Crown Reserves.  
That the request to vary the Draft TRLEP land-use table not be supported.
- Submission 219
- That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 220
- That the rezoning and reclassification of the Lots 48 & 49 DP 7303 be the subject of a future LEP process, if supported by Council.
- Submission 221
- That the Draft TRLEP Land Zoning and MLS Maps be amended to show Lot 32, DP 233288 as Zone R1 General Residential with a MLS of 600m<sup>2</sup>.
- Submission 222
- Remove item from Schedule 5 – Environmental Heritage and from the Heritage Maps.
- Submission 223
1. Zoning within Taminda  
That the objection be noted, however, the land was rezoned to the equivalent zone (3(c) Business Development) via an amendment to the Tamworth LEP 1996 in 2009.
  - 2 Zoning and Lot Size  
That the request to change the zoning and minimum lot sizes in the vicinity of the Equine Centre not be supported until an “Equine Masterplan” has been formulated for the area.
- Submission 224
- That the author be advised that the Draft TRLEP does not propose the construction of a levee bank in the vicinity of Dampier Street and Bass Street.

- Submission 225 That the author be advised that there are unlikely to be any rating implications arising from the proposed transfer to an equivalent zone.
- Submission 226 That the submission be noted. No further action required.
- Submission 227 That the submission be noted. No further action required.
- Submission 228 That the submission be noted. No further action required.
- Submission 229 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 230 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 231 That the request not be supported, however the proponent be advised that an application for subdivision could still be lodged under the Manilla LEP until such time as the Draft TRLEP is gazetted.
- Submission 232 Retain item in Schedule 5 – Environmental Heritage.
- Submission 233 Barraba Uniting Church:  
Retain item in Schedule 5 – Environmental Heritage.  
Manilla Uniting Church:  
Retain item in Schedule 5 – Environmental Heritage.
- Submission 234 Timbumburi Public School:  
Retain item and property description in Schedule 5 – Environmental Heritage.  
Tintinhull Public School:  
Retain item and property description in Schedule 5 – Environmental Heritage.  
Woolomin Public School:  
Remove item and property description from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Submission 235 That the submission be received and noted. It is acknowledged that the area is of environmental significance and the location concerned, along with the other known five (5) VCA areas, will be extensively investigated and nominated for consideration for rezoning in the preparation of a future LEP.

Submission 236 That the MLS map in Draft TRLEP be amended to 1Ha for the southern part of Lot 101 DP 1133818 adjoining Levy and Johnston Streets.

Submission 237 That in relation to Lot 2 DP 1092556, the:

1. Request to reduce MLS to 2000m<sup>2</sup> not be supported due to potential landuse conflict issues.
2. Request to add “secondary dwellings” as a consent use be supported, however, not the request to add “semi-detached dwellings”.
3. Request to include exhibition homes as a consent use in the SP3 zone be supported, but not the inclusion of exhibition villages.  
Request to include light industry and rural supplies as consent uses in the SP3 zone is supported.  
No amendment is required in relation to stabling.
4. Proposed amendment to Clause 4.1(4) as it relates to the SP3 zone not be supported.
5. Amendments to facilitate long term/ permanent occupation of tourist and visitor accommodation not be supported in the SP3 tourist zone.
6. Request to include Business Premises and Shops as consent uses in the SP3 zone not be supported.

Submission 238 That Draft TRLEP Land Zoning and Lot Size Maps be amended to R1 General Residential and 600m<sup>2</sup> MLS respectively for Pt. Lot 2 DP533835 and Lot 335 DP753848 Dean Street Tamworth.

Submission 239

Provisions affecting affordable housing:

That no amendment is required to Clause 1.2(2) of the Draft TRLEP.

Parking Requirements:

That the request to review the parking controls in the draft DCP be considered when the draft TRDCP is resubmitted to Council.

Incentive Schemes:

That the request to include incentive schemes to encourage affordable housing be considered when the draft TRDCP is resubmitted to Council.

Secondary dwellings (Granny Flats):

That the current provisions in Clause 5.4(9) be retained.

Caravan parks:

That the request to rezone certain caravan parks to SP1 not be supported.

Social Housing in Tamworth Region:

That the request to review the height, density and floor space ratio controls in the Draft TRLEP not be supported. This request will be reviewed when the Draft TRDCP is reconsidered by Council.

29 White Street, Tamworth - Lot 41 DP 789064:

That the request to review the height, density and floor space ratio controls in the Draft TRLEP not be supported. This request will be reviewed when the Draft TRDCP is reconsidered by Council.

Tamworth and West Tamworth Train Stations:

Proposal to increase residential densities near Tamworth's two train stations not be supported.

Affordable Rental Housing SEPP 2009:

Noted. No action required.

Development Control Plan:

That the NSW Housing Authority be invited to comment on the revised Draft TRDCP when it is publicly re-exhibited.

The mapping of flood affected land in the rural areas of Nundle is contained in the DCP.

The flood map for the Nundle village area represents the best information available at the time of preparing the LEP.

Late  
Correspondence  
1

Late Correspondence 2 That the applicant be advised that drainage, traffic and noise issues relating to the proposed Business Park development have been satisfactorily addressed through the rezoning process. Any proposed development of the subject site will also be subject to a comprehensive development assessment process.

Late Correspondence 3 That the submission not be supported and proposed Clause 4.2B remain a provision in the Draft TRLEP.

Late Correspondence 4 That the land on the northern side of Warwick Road be shown as Zone R1 General Residential with a MLS of 600m<sup>2</sup>.

Late Correspondence 5

Aims of plan:  
Amend Clause 1.2(2)(a)(i) of the Draft TRLEP to refer to "Important Agricultural Land".  
Zone RU1 /Objectives:  
Retain 5<sup>th</sup> dot point in the aims of the zone.  
Rural RU4/Clause 3:  
Retain "intensive livestock agriculture" as a prohibited use in the RU4 zone.  
Zone E3:  
Retain "agriculture" as a prohibited use in the E3 zone.  
Clause 4.2A:  
Retain revised clause 4.2A in Draft TRLEP.  
Clause 4.2B:  
Retain revised clause 4.2B in Draft TRLEP.  
Part 7/Clause 7.1:  
Retain clause 7.1 in Draft TRLEP.  
Schedule 2/Exempt Development:  
Retain existing provisions for dams and silos in the Schedule 2 of the Draft TRLEP.  
That the issues raised in relation to the Draft TRDCP for Subdivision and Intensive Agriculture be considered when the Draft TRDCP is re-submitted to Council for consideration.

FORESTRY  
Zone RU3:  
No change required to the Draft TRLEP.  
Zone RU4:  
No change required to Draft TRLEP (other than the response to the submission from Nundle Sawmill).  
Zone E2:  
No change required to the Draft TRLEP.  
Zone E3:  
No change required to the Draft TRLEP.

FISHERIES  
That Council investigate the possible inclusion of 'environmentally sensitive land' maps in the draft DCP.

No further action required.

**MINING RESOURCES**

Amend the Draft TRLEP Land Use Table for Zone RU5 to remove “mining” and “extractive industry” as prohibited activities.

Request to amend the Draft TRLEP Land Use Table for RU6 not be supported. In this zone, the Mining SEPP will prevail.

Amend the Draft TRLEP Land Use Table for Zone R5 to remove “mining” and “extractive industry” as prohibited activities.

Amend the Draft TRLEP Land Use Table for Zone B5 to remove “mining” and “extractive industry” as prohibited activities.

Amend the Draft TRLEP Land Use Table for Zone B7 to remove “mining” and “extractive industry” as prohibited activities.

Amend the Draft TRLEP Land Use Table for Zone IN1 to remove “mining” and “extractive industry” as prohibited activities.

Amend the Draft TRLEP Land Use Table for Zone E3 to remove “mining” and “extractive industry” as prohibited activities.

That the Landuse Zoning Matrix be amended to reflect the proposed amendments.

Late  
Correspondence  
6

That the Draft TRLEP2009 Land Zoning Map be amended to change the zoning of all properties within this locality (including the subject property) from E2 to RU1 with a MLS of 800Ha.

Late  
Correspondence  
7

That the request to change the zoning and minimum lot size for Lot 30 DP 753851 not be supported as there is an ample supply of land zoned for 2Ha subdivision within the Hills Plain/Moore Creek area.

Late  
Correspondence  
8

That the correspondence be noted.

The majority of proposed zones and MLS for Nemingha represent a direct transfer from the current LEP, however the new proposed R5 Large Lot Residential zone will provide some opportunity for lifestyle lots in the Nemingha locality.

Late  
Correspondence  
9

That the Authority be advised that comments received in relation to the exhibition of the Draft TRDCP will be reviewed when the Draft TRDCP is submitted to Council for consideration.

Late  
Correspondence  
10

That the request to amend the aims of the Draft TRLEP not be supported.

That the additional zone objectives of the Draft TRLEP be retained.

That the request to remove the local planning objective relating to retail hierarchy and to amend Clause 7.8 not be supported.

That the land-use tables for the village and neighbourhood centre zones be retained as exhibited in the Draft TRLEP.

That “business premises” continue to be prohibited in the B7 zone.

That major retail and commercial development be prohibited in the B7 zone (as per an amendment to Clause 7.8 of the Draft TRLEP).

That the list of prohibited uses in the Land Use Tables of the Draft TRLEP be retained as exhibited.

That Part 6 of the Draft TRLEP relating to Urban Release Areas be retained.

That Part 6 of the Draft TRLEP relating to urban Release Areas be retained.

That Clause 4.6 and Part 6 of the Draft TRLEP relating to urban Release Areas be retained.

Late  
Correspondence  
11

That the following property and details be included in Schedule 1 of the Draft TRLEP:

Use of certain land at Skeltons Lane, Duri in Zone RU1

(1) This clause applies to Lot 198 and Pt Lot 55, DP755344 in Zone RU1 Primary Production at Skeltons Lane, Duri.

(2) Development for the purposes of subdivision (boundary adjustment) resulting in one allotment of not more than two (2) hectares and one residual allotment with each parcel incorporating one existing dwelling (no additional lots to be created).

Late  
Correspondence  
12

That it be noted that the RTA has raised no specific concerns in relation to the Draft TRLEP.

Late  
Correspondence  
13

The proposal has considerable merit. The land activities identified in submission 199 are consistent with the objectives of the proposed zone.

An Environmental Masterplan may facilitate future investigation which can focus on the proposed activities and the timing in relation to the decommissioning of the Sewer Treatment Plant.

- Late Correspondence 14 That the request to permit liquid fuel depots in the RU4 zone not be supported.
- Late Correspondence 15 That the author be advised that a pet motel and/or equine spelling paddocks would be permissible in the proposed RU4 zone subject to development consent. However, the development assessment process would need to properly address traffic/access issues associated with the New England Highway.
- Late Correspondence 16 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.
- Late Correspondence 17 That the request to rezone all of Lot 12, DP 1130126, 13 Janison Street to R1 General Residential not be supported and that the exhibited zoning be endorsed.
- Late Correspondence 18 The Land Use Table for the RE2 Private Recreation zone be amended in the proposed Draft TRLEP so that “tourist and visitor accommodation” is permissible with consent.
- Late Correspondence 19 That the Land Use Table for the SP3 zone be amended in the proposed Draft TRLEP so that ‘medical centres’ are permissible with consent.
- Late Correspondence 20 That the following property and details be included in Schedule 1 of the Draft TRLEP as follows:  
Use of certain land at Happy Valley Road, Nundle in Zone RU4  
(1) This clause applies to Lot 1 DP 1017604 Happy Valley Road, Nundle;  
(2) Development for the purpose of sawmill or log processing works.
- Late Correspondence 21 That Schedule 5 of Draft TRLEP be amended to substitute the word ‘Local’ in the significant column for the following items:  
75, 76, 77, 93, 94, 125, 197, 243, 249, 250, 264, 305, 312, 332, 367, 373, 406, 410, 411, 412, 446, 447, 460, 476, 479, 509, 526, 527  
The above items are not listed in the State Heritage Register and therefore their significance should be amended from ‘State’ to ‘Local’ Significance.
- Late Correspondence 21 Retain item in Schedule 5 – Environmental Heritage.

Late Correspondence 22 That Lot 368 DP 753848 be zoned RE2 under Draft TRLEP, and the Land Use Table for the RE2 Private Recreation Zone be amended in the proposed Draft TRLEP so that “tourist and visitor accommodation” is permissible with consent.

Late Correspondence 23 That the request in relation to subdivision of Lot 120 DP 1105753 not be supported and that no amendment be made to Draft TRLEP.

Late Correspondence 24 Remove item from Schedule 5 – Environmental Heritage and from the Heritage Map.

Late Correspondence 25 That the Item name listed in Schedule 5 of the Draft TRLEP for 52-54 Fitzroy Street Barraba be amended to delete reference to the Youth Centre and include reference to the Parish Hall.

Late Correspondence 26 That the following property and details be included in Schedule 1 of the Draft TRLEP:  
Use of certain land at Goonoo Goonoo Road, Tamworth in Zone RU4.  
1. “This clause applies to Lot 1, DP 501210 in Zone RU4 Rural Small Holdings at 452-462 Goonoo Goonoo Road, Tamworth.  
2. “Development for the purposes of office premises only within the extent of the existing building envelope”.

Late Correspondence 27 That the proposed MLS of 800Ha be endorsed for the subject land.

Late Correspondence 28 That the comments be noted. No amendments recommended to the Draft TRLEP.

Late Correspondence 29 Retain item in Schedule 5 – Environmental Heritage.

Late Correspondence 30 The submission is not supported as it is considered that the proposed lot layout can be substantially accommodated without adjustment of the zone/MLS boundary.  
The split zone and MLS provisions on the subject land be addressed via a clause in the Draft TRLEP.

Late Correspondence 31

That the submission be supported in principle.  
That a new clause be incorporated in the Draft TRLEP to allow consideration of lots less than 600m<sup>2</sup> on land zoned R1 and designated within an Urban Release Area identified in Draft TRLEP.

That 'Kiosks' and 'Recreation facilities (Indoor)' be included in Schedule 1 as 'permitted with consent' on land zoned R1 and designated within an Urban Release Area identified under the Draft TRLEP.

Late Correspondence 32

Retain item in Schedule 5 – Environmental Heritage.

Late Correspondence received 7 June 2010

Remove item 11 from Schedule 5 – Environmental Heritage and from the Heritage Map (due to incorrect property description).

Late Correspondence received 26 May 2010

That Council amend the Draft TRLEP Lot Size Map for Lots 1, 2, 3, 4, 5 and 6 in DP 716130 to MLS 40Ha.

- (ii) That Council receive and note the Report at Annexure B from the Public Hearing conducted on 12 October 2009 regarding the reclassification of 160 parcels of Council-owned land;
- (iii) That in accordance with Section 68(4) of the Environmental Planning and Assessment Act 1979, Council proceed with the finalisation of the Draft TRLEP 2009, subject to the amendments outlined within the body of this report, as adopted in item (i) above and the addendum to this report; and
- (iv) That Council receive and note the issues raised at the Community Consultation Forums together with the information supplied in any additional correspondence/documentation in conjunction with the Business Paper for the Extraordinary Council meeting on 7 June 2010.

**RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS – SECTION 375A(3) LOCAL GOVERNMENT ACT 1993**

**DIVISION**

COUNCILLORS WHO VOTED <b>FOR</b> THE DECISION	COUNCILLORS WHO VOTED <b>AGAINST</b> THE DECISION
1. Cr Phil Betts 2. Cr Paul Durant 3. Cr Helen Tickle 4. Cr Russell Webb 5. Cr Juanita Wilson 6. Cr Warren Woodley	Nil.

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 7:22pm.

Chairperson of the meeting at which these minutes were adopted, Title of Chairperson  
Chairperson  
Date at which these minutes will be adopted

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Minutes