



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 **Council Chambers, Lands Building, 25-27 Fitzroy Street, Tamworth**, commencing at **6pm**.

ORDINARY COUNCIL AGENDA

10 MARCH 2026

**PAUL BENNETT
GENERAL MANAGER**

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Council

Meeting Date: 2nd and 4th Tuesday of the month commencing at 6:30pm.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *“the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of an operational plan under section 405*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.”*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Principal Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*

Membership: All Councillors
Quorum: Five members
Chairperson: The Mayor
Deputy Chairperson: The Deputy Mayor

Public Forum Policy

The first 30 minutes of Open Council Meetings is available for members of the Public to address the Council Meeting or submit questions either verbally or in writing, on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of three minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council or Committee Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day prior to the Meeting to address the Council Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit three speakers in support and three speakers in opposition to a recommendation contained in the Business Paper. If there are more than three speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- personnel matters concerning particular individuals (other than Councillors);
- personal hardship of any resident or ratepayer;
- information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it, or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
- information that would, if disclosed prejudice the maintenance of law;
- matters affecting the security of the Council, Councillors, Council staff or Council property;
- advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- on balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of the order and may be expelled.

Disclosure of Political Donations or Gifts

If you have made a relevant planning application to Council which is listed for determination on the Council Business Paper you must disclose any political donation or gift made to any councillor or employee of the Council within the period commencing two years before the application is made and ending when the application is determined (Section 147(4) Environmental Planning and Assessment Act 1979).

If you have made a relevant public submission to Council in relation to a relevant planning application which is listed for determination on the Council Business Paper you must disclose any political donation or gifts made to any councillor or employee of the Council by you as the person making the submission or any associate within the period commencing two years before the submission is made and ending when the application is determined (Section 147(5) Environmental Planning and Assessment Act 1979).

AGENDA

1 APOLOGIES AND LEAVE OF ABSENCE

2 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 24 February 2026, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

3 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

4 MAYORAL MINUTE

Nil

5 NOTICE OF MOTION

5.1 NOTICE OF MOTION – CR RYAN BROOKE - INVESTIGATE ESTABLISHING AN AFFORDABLE HOUSING CONTRIBUTION SCHEME

MOTION

That Council:

- (i) note that the provision of social and affordable rental housing is identified as an action of critical importance under Priority 3 of the Tamworth Regional Housing Strategy 2024;*
- (ii) note that Local Councils can require affordable housing contributions to be paid when development or rezonings are being undertaken in their local government area;*
- (iii) investigate creating an Affordable Housing Contribution Scheme to facilitate the creation of affordable housing stock within our local government area; and*
- (iv) request a future report on a draft Affordable Housing Contribution Scheme be presented to Council for review.*

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 10 March 2026.

SUPPORTING INFORMATION

Our nation is in a housing crisis, and our region hasn't been spared. In the Tamworth Region, low-income, and increasingly middle-income, residents in our community are finding it difficult to access housing that is affordable and/or appropriate to their needs. This has not only unacceptable human impacts, with people in our community facing constant housing uncertainty and financial stress, but it also impacts on our local economies where many workers cannot find housing or cannot work to their full potential because they are in housing stress.

As the level of government closest to the people they represent, local councils are at the forefront of dealing with this fallout and can make use of effective tools to tackle housing affordability and supply. I'm suggesting that we do this via introducing an Affordable Housing Contribution Scheme (AHCS), and this motion is seeking support from Councillors to proceed with the development of such a scheme tailored to local issues and needs.

Councils can require the contributions to be in the form of the allocation of land within a proposed development to be used for the purpose of providing affordable housing, or the payment of a monetary contribution to be used for the purpose of providing affordable housing, or both.

Councils can only impose reasonable contributions, having regard to the extent of the need in the area for affordable housing, the scale of the proposed development, and what other contributions the developer is required to make.

It's also worth noting that the NSW Government has announced that every Local Government in Greater Sydney will be required to have an affordable housing contribution scheme in place by 2027. While the current focus of the State Government in this area appears to be on metropolitan councils, it's reasonable to expect that this will eventually expand to become a requirement for Regional Councils, particularly those with projections of growth.

Tamworth, as the capital of the New England North West, has Tamworth Regional Council well placed to implement initiatives to boost affordable housing supply. Given our established current shortfall of affordable dwellings, our projections of growth as a major regional centre (including the future need for student accommodation relating to the UNE campus development), and our unique incoming challenges as a service base for the development of the New England REZ.

The Need For Increased Affordable Housing Stock

As outlined in Tamworth Regional Housing Strategy 2024:

"It is estimated that 1,150 households have an unmet need for affordable housing in the Tamworth Regional LGA. This represents 4.9% of all households compared to 5.0% for Regional NSW. This is shown below in Figure 15."

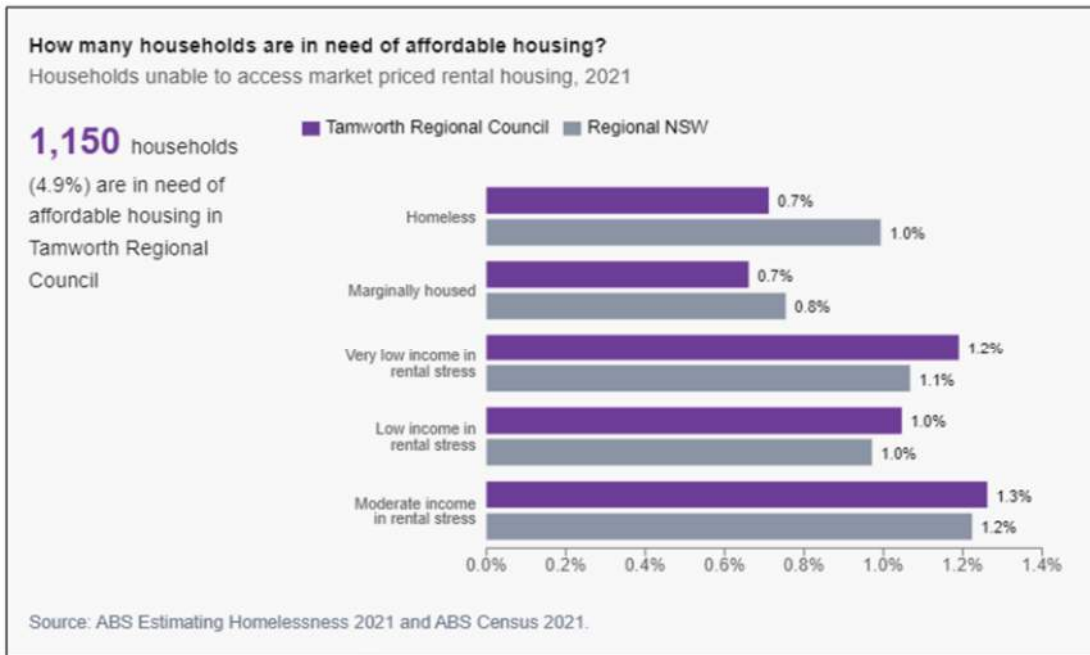


Figure 15: Households in need of affordable housing

Although we thankfully have marginally lower levels of homelessness compared to the regional NSW average, we do have higher levels of rental stress (30% of the gross household income being spent on rent). It’s worth noting that in our region, the majority of people in housing stress are renters.

“In 2021, of the 25,341 households in the Tamworth Regional LGA, there were 2,165 households (8.5%) experiencing housing stress. This is dominated by the 1,651 households in rental stress as shown below in Figure 14”

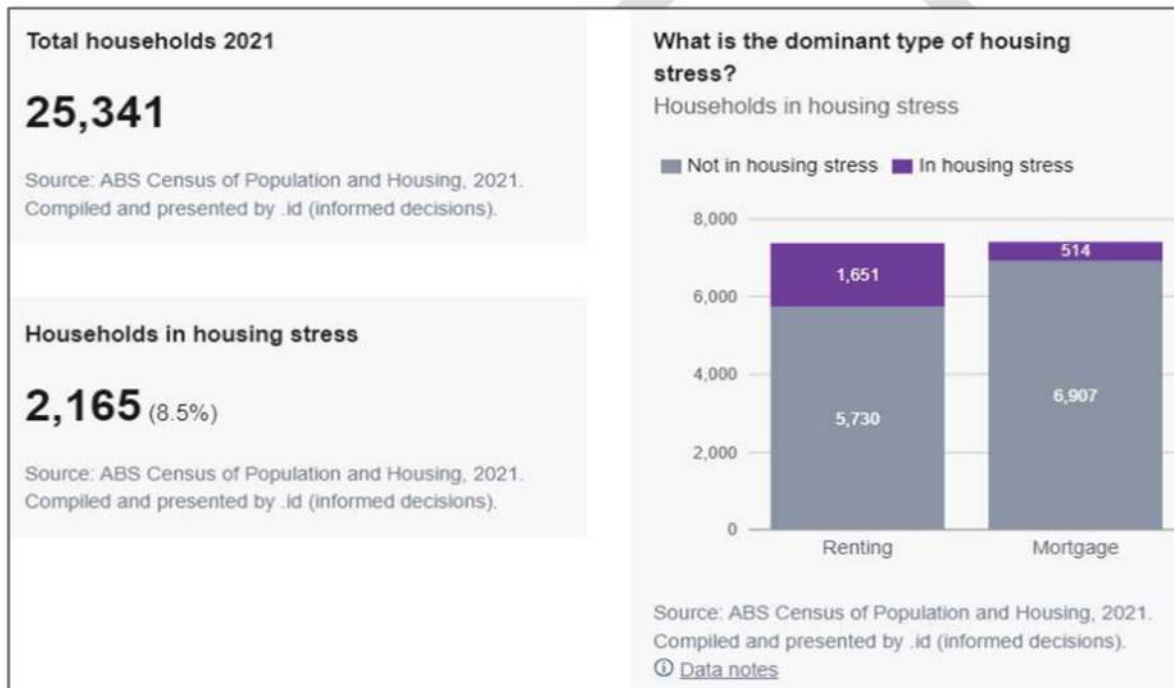


Figure 14: Dominant type of housing stress

What Form Could An Affordable Housing Contribution Scheme Take?

This motion is calling for Councillors to commit to investigating a AHCS to meet our adopted commitments of boosting affordable housing supply to address the amount of residents living in housing stress within our region. Although I have personal suggestions, I'm intentionally not asking fellow Councillors to approve a pre-developed AHCS, but rather to commit to the process of developing a scheme that considers localised needs and approaches. Taking this approach would also bolster our case with the State Government for a Gateway Determination to implement a potential scheme.

While we look to take further steps and develop a scheme, there are various considerations that will need to be taken into account. Such as:

How much affordable housing are we wanting to achieve?

What percentage of affordable housing would we want to achieve overall across our LGA or across Tamworth City? And considering that, what percentage of affordable housing would we want to see in new sub-divisions?

Do we want buildings or a developer contribution, or a mix?

A AHCS could require a set percentage of dwellings in a new development to be dedicated to affordable housing. Alternatively, we could require developers to make a contribution to Council to fund affordable housing initiatives. We can also do a mixture of these two options, e.g giving developers a choice to either directly build affordable housing or pay a contribution as an alternative.

Would it apply to residential or commercial development, or both?

In other Councils where an AHCS has been implemented, they may only be on new housing stock, but others also apply the scheme to commercial development. If Councils choose to do this they can also apply different rates to these different types of development. This is something we could consider implementing.

Would it apply to only new developments or renovations as well?

This is another option we could consider. It appears that in Councils that do both, in both cases a contribution is only required when a development is a certain size.

Would we apply a flat rate, or try and capture more if a building is rezoned to create more density?

In addition to the above regarding potentially including renovations in the scheme, as well as a flat rate for existing buildings being renovated, if there is a planning proposal for more height or density, we could consider capturing an additional contribution to reflect this densification. Although a large amount of our development is on greenfield sites, this is something that will become more relevant to us as we continue to promote infill development and shop-top housing. Councils that utilise this practice tend to require somewhere between 2% and 15%. This is referred to as "Value Uplift Capture".

Where would the scheme apply?

Again looking at examples of other Council areas where this is implemented, Blacktown City Council has a scheme that applies everywhere in the LGA, with a 1% levy. The City of Sydney applies everywhere, with a 3% levy. Most schemes only apply in target areas though, e.g. a new growth area or the CBD of their LGA. With ourselves being a large regional Council, we would have various options to consider, although I would recommend

focusing on growth areas of Tamworth City. Councils can also apply different rates in different parts of their LGA.

What kind of affordable housing would we deliver, and for who?

Councils get to write a policy which outlines what kind of affordability or housing will be delivered by an AHCS. A common utilisation is to fund Community Housing Providers housing for people on low incomes. At Waverley Council they fund housing for people with a disability. At Byron Shire they are putting money aside to build Council housing, potentially for council workers being priced out of the area. At Willoughby City they fund housing for “key workers” like health care professionals. All of these are options we may wish to consider.

Will the housing be permanently affordable?

Would we want affordable housing supply created to have a defined time period of being allocated as affordable stock, or require it to remain affordable stock into perpetuity?

What impacts on Developer feasibility are we willing to accept?

The State Government typically requires some modelling or a feasibility report that shows that an applying Council has thought about this question. That is, modelling that shows that property development margins will remain profitable after the addition of an AHCS.

How are other Councils utilising an Affordable Housing Contribution Scheme?

Examples of recent affordable housing levies established or proposed by other Councils include:

Randwick City Council - affordable housing contribution in the city centre is 5% of the total floor area of the development used for residential purposes;

Byron Shire Council – up to 30% contribution uplift rate for greenfield investigation areas, and a 6% for residential and 2% for non-residential total gross floor area in the Byron Bay Town Centre;

Inner West Council – 50% of the increase in residual land value from value uplift;

City of Parramatta Council – developer contributions equivalent to 50% of the land value uplift outside of the CBD, with 10% of the value uplift to go toward affordable housing;

a) Policy Implications

The proposed potential Affordable Housing Contribution Scheme by this motion would align with Council’s commitment to achieve Priority 3: Improve housing affordability and reduce housing costs of the Tamworth Regional Housing Strategy 2024.

The Tamworth Regional Housing Strategy sits under the New England North West Regional Plan 2041, which also contains Objective 14 - Provide more affordable and low cost housing.

This would likewise align with achieving action SG6 from the Tamworth Regional Blueprint 100: Part Two: Local Strategic Planning Statement 2020.

Further this is consistent with the objectives of Focus Area 2 - A Liveable Built Environment in our Community Strategic Plan 2025-2035 and our commitment to increase opportunities for diverse and affordable housing.

b) Financial Implications

The creation of an Affordable Housing Contribution Scheme has the potential to result in increased developer contributions made in the form of cash payments to Council to then re-invest into affordable housing. This will be dependent on what form a potential Contribution Scheme as outlined in the supporting commentary of the motion.

c) Legal Implications

Section 7.32 of the EP&A Act allows councils to levy contributions for affordable housing provided a State Environmental Planning Policy (SEPP) identifies a need for affordable housing in the LGA. Clause 14 of the Housing SEPP identifies that there is a need for affordable housing in the Tamworth Region.

Section 7.32(3) of the EP&A Act states that a condition may be imposed on a development consent requiring a reasonable dedication or contribution for affordable housing provided the condition is authorised by a LEP and is in accordance with an affordable housing contribution scheme for dedications or contributions set out in, or adopted by, the LEP.

A potential scheme should be consistent with the NSW Government's Guideline for Developing an Affordable Housing Contribution Scheme.

d) Sustainability Implications

Nil

e) Community Consultation

At this stage none, but if a draft AHCS was approved by Council and progressed to a planning proposal the planning proposal would typically undergo public exhibition.

f) Delivery Program Objective/Strategy

Focus Area 2 - A Liveable Built Environment

Cr Ryan Brooke

2 March 2026

OPEN COUNCIL REPORTS

6 ENVIRONMENT AND PLANNING

6.1 DA_REV2026-0001 - DIVISION 8.2 REVIEW OF THE DETERMINATION OF DA2025-0204 - SUBDIVISION OF THE SITE INTO 47 RESIDENTIAL LOTS WITH ASSOCIATED ROAD AND SERVICE INFRASTRUCTURE ON LOT 1 DP 1017953, 18-50 MAYNE DRIVE WESTDALE NSW 2340

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development

6 ANNEXURES ATTACHED
2 CONFIDENTIAL ENCLOSURES ENCLOSED

GENERAL MANAGER’S ADVISORY NOTE TO:

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

Record (Division) of Voting

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

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

Relevant Planning Application

In accordance with Section 10.4(4) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local Councillor of Council;
- (b) all gifts made to any local Councillor or employee of Council.

Relevant Public Submission

In accordance with Section 10.4(5) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant public submission to Council in relation to a relevant planning application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local Councillor of Council;
- (b) all gifts made to any local Councillor or employee of Council.

Disclosure of Reportable Political Donations and Gifts

Planning Applications

Nil

Public Submissions

Nil

RECOMMENDATION

That in relation to the Division 8.2 Review of the Determination of DA2025-0204 for the subdivision of the site into 47 residential lots with associated road and service infrastructure at Lot 1 DP 1017953, 18-50 Mayne Drive Westdale NSW 2340, Council confirms its original refusal decision, with an amendment to reflect that legal vehicular access has now been resolved.

The revised refusal reasons are as follows:

In the determination of this application Council considered all matters listed under Section 4.15 of the Act. The development application has been determined by way of a refusal of consent for the following reasons:

Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979

Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)

- a) *On the basis that the proposal is inconsistent with the R2 zone objectives as it does not provide infrastructure necessary to support the day-to-day needs of residents.*
- b) *On the basis that the development application has failed to satisfy the following requirements of the Tamworth Regional Local Environmental Plan 2010:*

Clause 7.14 Essential Services

- i. *Clause 7.14(1) of the TRLEP 2010 requires that development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required:*
- a. *the supply of water;*
 - b. *the supply of electricity;*
 - c. *the disposal and management of sewerage;*
 - d. *stormwater drainage or on-site conservation; and*
 - e. *suitable vehicular access.*

The proposed subdivision development is not suitably serviced for the following reasons:

- *The development does not provide suitable sewerage disposal for the majority of the lots through connection to Council sewer. Reticulated sewer is required for all lots, except the lot that contains the land zoned RU4 with a minimum lot size of 40ha (proposed lot 122). The development only proposes reticulated sewer for 9 of the 46 lots required.*
- *Technical investigations confirm that gravity sewer connection is feasible given the site's proximity to existing infrastructure and suitable topography.*

Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979

Tamworth Regional Development Control Plan 2010 (TRDCP 2010)

- c) *On the basis that the development application has failed to satisfy the following requirements of the Tamworth Regional Development Control Plan 2010:*

Subdivision Development Controls

- i. *The development does not provide a satisfactory servicing strategy and preliminary engineering designs in relation to sewer. An extension to reticulated sewer infrastructure is required for all lots and this is not proposed in the development application.*
- ii. *All residential lots are to be serviced by gravity sewer, and the development has not made provision for this.*

Section 4.15(1)(b) Environmental Planning and Assessment Act 1979

- d) *On the basis of the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic*

impacts in the locality:

- i. Given the density and proximity of the proposed lots, the cumulative risk of environmental harm is considered unacceptable.*
- ii. The large number of proposed residential lots without reticulated sewer in a residential area could pose an environmental health nuisance.*

Section 4.15(1)(e) Environmental Planning and Assessment Act 1979

- e) On the basis that the development application has failed to satisfy the following requirements in the public interest:**
 - i. The lack of provision of reticulated sewer infrastructure in a residential area where strategic sewerage has been planned is not in the public interest. Council’s current sewer strategy for the subject site is gravity sewer system with connection point to Council’s 300mm main.*
 - ii. Given the density and proximity of the proposed lots, the cumulative risk of environmental harm is considered unacceptable.*
 - iii. The development would disadvantage the 37 lots with onsite sewerage management systems in comparison to the neighbouring lots in the locality with reticulated sewer. The costs of development are being shifted from the developer to future residents.*

APPLICATION DETAILS:

Application No.	DARev2026-0001 (PAN-589373)
Application For:	Division 8.2 Review of the Determination of DA2025-0204 - Subdivision of the site into 47 residential lots with associated road and service infrastructure
Date Received:	11 November 2025
Applicant:	Tony Polvere
Owner:	Mr RA Sinclair & Mrs MJ Sinclair
Land/Address:	Lot 1 DP 1017953, Ta-Le 18-50 Mayne Drive WESTDALE NSW 2340
Zoning:	R2 Large Lot Residential and RU4 Primary Production Small Lots - <i>Tamworth Regional Local Environmental Plan 2010</i>

DEVELOPMENT ASSESSMENT SUMMARY

Development Application (DA2025-0204) for a subdivision of the site into 47 residential lots with associated road and service infrastructure was previously refused by Council under staff delegation on 26 September 2025. The primary reasons for the refusal related to outstanding issues associated with obtaining legal access to the proposed development and a failure to make provision for reticulated gravity sewer servicing to the majority of the proposed lots. The Refusal Notice is **ATTACHED** to this report as **ANNEXURE 1**.

Following the issue of the Refusal Notice, Council received a subsequent application requesting a review of the decision pursuant to Division 8.2 and Section 8.3 of the *NSW Environmental Planning Assessment Act 1979*.

This detailed assessment report and recommendation follows Council's assessment of the review application. The summary below, focuses on the two key concerns with the proposed development and presents the final findings that results in a recommendation for Council to maintain its refusal of the proposed development:

Legal Access to the Subdivision

As part of the original assessment of the application, the Applicant failed to provide owner's consent from property owners who have a right to the existing Right of Carriageway. This requirement has now been satisfied, with owner's consent for all affected properties having been provided.

This will now allow the existing Right of Carriageway to be converted to a public road and, therefore, enable legal access to be provided to the subdivision. The subdivision has also been amended to straighten the proposed road, addressing Council staff's concerns regarding road safety and access to the lots.

Council staff are now satisfied that this issue has been resolved and is no longer a reason for refusing the development. The original legal access concerns are now removed from the reasons for refusal.

Sewer Servicing

The Applicant has not amended the subdivision to provide reticulated gravity sewer to all lots, as required by Council. The proposal includes gravity sewer servicing for only 9 of the 47 lots (less than 20%), with the remaining lots proposed to rely on on-site sewer management systems due to claimed time and cost constraints associated with obtaining an easement over adjoining private land.

Council's Development Assessment, Development Engineering, Environmental Health, and Water and Waste teams have reviewed the proposed sewer strategy and advise that all lots, except the southern-most rural lot (Lot 122), must be serviced by a reticulated gravity sewer system.

Council's staff have also confirmed that all remaining lots can be serviced via a gravity sewer network, with connection points available to Council's existing 300 mm main at 55 Nowland Crescent and the main within the Mayne Drive road reserve. Engineering plans submitted by the Applicant (Spiire) demonstrate that a connection from the subject site to these points is achievable.

Accordingly, Council requires the entire subdivision to be serviced by a gravity sewer reticulated system, for the reasons outlined below.

Tamworth Regional Local Environmental Plan 2010 (TRLEP) - Clause 7.14 Essential Services

Development consent must not be granted unless essential services, including sewerage disposal and management, are available or adequate arrangements are made.

The proposal does not comply, as it fails to provide suitable sewerage disposal for the majority of lots through connection to Council's reticulated sewer network. Reticulated sewer is required for all lots, except the RU4-zoned lot with a minimum lot size of 40 Ha (proposed Lot 122).

Tamworth Regional Development Control Plan 2010 (TRDCP) - Subdivision Development Controls

The application fails to satisfy the DCP because:

- a satisfactory sewer servicing strategy and supporting preliminary engineering designs have not been provided, and no reticulated sewer extension is proposed; and
- residential lots must be serviced by gravity sewer where the minimum lot size is up to and including 4,000 m², which has not been addressed.

Section 4.15(1)(b) Environmental Planning and Assessment Act 1979

The provision of a large number of residential lots without reticulated sewer in an urban area presents potential environmental and public health risks to future occupants.

Section 4.15(1)(e) Environmental Planning and Assessment Act 1979

The proposed onsite sewer option is not considered in the public interest because:

- it fails to provide reticulated sewer in an area where a strategic gravity sewer network is planned;
- it is inconsistent with Council's adopted sewer servicing strategy;
- it places future homeowners at a disadvantage compared to neighbouring properties with reticulated sewer; and
- it shifts construction, maintenance, compliance, and potential upgrade costs to future residents.

Additionally, the use of multiple on-site systems may result in a high-risk classification under Council's On-site Sewage Management Systems Operational Strategy, increasing regulatory and inspection demands and further costs for both Council and residents.

Recommendation

There are compelling reasons why the Applicant's proposed on-site sewer strategy is not acceptable and should not be supported by Council.

As the Applicant has now resolved the legal access issue, which was a previous reason for refusal, and addressed all other relevant matters under Section 4.15 of the *NSW Environmental Planning and Assessment Act 1979*, Council staff are satisfied that the legal access matter has now been resolved.

Pursuant to Section 8.4 of the Act, Council may, following its review of the refusal, change the original determination. In this instance, it is recommended that Council confirms its original refusal decision with a change to the determination following the resolution of legal access issue.

DESCRIPTION OF PROPOSAL:

The proposed subdivision development into 47 residential lots with associated road and service infrastructure includes:

- 45 residential lots in land zoned R2 ranging in size from 4,039m² to 7,119m²;
- one large residential lot (Lot 101) in land zoned R2 accommodating the existing house on a site of 13,125m²;

- one large residential lot (Lot 122) in land zoned R2 and RU4 with a site area of 55,869m²; and
- road infrastructure.

The submitted plans are **ATTACHED** to this report as **ANNEXURE 2**.

SUBJECT SITE AND LOCALITY MAP:

Lot 1 DP 1017953 is an irregularly shaped lot with an area of approximately 28.9 Hectares. There is an existing dwelling, and it is currently serviced by a Right of Carriageway and easement for services from Mayne Drive to the north. The land is split zoned with the majority on land zoned R2 and the south-east portion is zoned RU4. It is currently used for grazing.



Figure 1 – Subject Site Lot 1 DP 1017953

ASSESSMENT REPORT:

The following matters listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are relevant in considering this application:

S4.15(1)(a)(i) Provisions of any environmental planning instrument

NSW Rural Fires Act 1997

The lot is mapped as bushfire prone land. The Applicant provided an amended bushfire assessment report, and it was referred to the NSW Rural Fire Services.

Pursuant to Section 100B(1) of the *NSW Rural Fires Act 1997*, the Commissioner may issue a bush fire safety authority for:

- a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes; or
- development of bush fire prone land for a special fire protection purpose.

A bush fire safety authority has been issued and this is **ATTACHED** in **ANNEXURE 3**

NSW Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* and Biodiversity Conservation Regulation 2017 (section 7.1) apply to subdivisions. When assessing subdivisions, the consent authority must consider the clearing of native vegetation required, or likely to be required, for the purpose for which the land is to be subdivided.

A preliminary biodiversity assessment by Cedar Ecology was provided. The clearing for the development triggered the Biodiversity Offset Scheme (BOS) and a Biodiversity Development Assessment Report (BDAR) was subsequently provided.

The report concluded that the vegetation on the subject site is representative of a highly disturbed variant of the BC Act Box-Gum Woodland TEC but not the EPBC Act listed Box-Gum Woodland TEC.

Following avoidance and mitigation measures, the direct impact from the development is the removal of 27.03 ha of vegetation which includes:

- 7.06 ha of PCT 599 – ‘modified’ condition (with small trees); and
- 19.97 ha of PCT 599 – ‘derived’ condition.

As a result, the development (if an approval was being recommended) would require the retirement of 85 ecosystem credits.

NSW Water Management Act 2000

The DA was referred to Department of Climate Change, Energy, the Environment and Water (DCCEEW) because a hydrography line crosses the property, and the proposed road will intersect it. DCCEEW - Water reviewed the documents and considers that, for the purposes of the *Water Management Act 2000*, a controlled activity approval is not required for the proposed works.

NSW State Environmental Planning Policy (Resilience and Hazards) 2021

A Preliminary Site Investigation (PSI) for the proposed residential subdivision was undertaken by Hunter Environmental Consulting and comprised a desktop review and site inspection. The key findings were that potential contamination sources are limited based on historical land use, and no visible signs of gross contamination were observed during the site inspection.

The PSI concluded that there are no potential contamination sources or indications of gross contamination that would constrain the site’s development for low-density residential purposes, and no further assessment was recommended.

Council’s Environmental Health Officer reviewed the PSI and supported its conclusions.

NSW State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4: Koala Habitat Protection 2020 for all other zones

This Chapter of the Policy applies in the Tamworth Regional Council Local Government Area (LGA) to land zoned R2 and RU4 that have an area of more than 1 Hectare. Therefore, the

provisions of this Policy require consideration as part of the proposed development. This environmental planning instrument encourages the conservation and management of natural vegetation areas that provide habitat for koalas.

The BDAR assessed this section of the SEPP. Based on BioNET results and site investigations, the BDAR found that the site is not considered to contain core Koala habitat and impacts to Koalas and their habitats are negligible.

NSW State Environmental Planning Policy (Transport and Infrastructure) 2021

The subdivision is located approximately 225 m south of Gunnedah Road (Oxley Highway).

The proposal is below the threshold requiring formal concurrence under Section 2.122 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Schedule 3, as it involves fewer than 50 lots and is more than 90 m from a classified road. Accordingly, Council sought advisory comments only from Transport for NSW (TfNSW).

TfNSW reviewed the modelling and supporting information and advised that it has no requirements for the proposal, as it is satisfied the development will not have a significant impact on the nearby classified (State) road network.

Tamworth Regional Local Environmental Plan 2010

The objectives of the zone R2 Low Density Residential are:

- to provide for the housing needs of the community within a low-density residential environment; and
- to enable other land uses that provide facilities or services to meet the day to day needs of residents.

The objectives of the zone RU4 Primary Production Small Lots are:

- to enable sustainable primary industry and other compatible land uses;
- to encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature; and
- to minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed subdivision provides for 47 residential lots, one with an existing dwelling and the others allowing for future housing. This meets the first objective of the R2 housing zone. Council is not, however, satisfied that the second objective which is to provide facilities or services to meet the day-to-day needs of residents has been met. This is documented throughout this report.

All the land zoned RU4 will be contained within Lot 122. The development will not reduce the land available for small lot primary production. The potential for the land to meet the objectives of RU4 remains unchanged.

Clause 4.1B Minimum subdivision lot sizes for certain split zones

The lot is split zoned with most of the lot being R2 with a minimum lot size of 4000m², and the south-east portion being zoned RU4 with a minimum lot size of 40ha.

Of the 47 lots, 46 will be entirely within R2 and meet the minimum lot size of 4000m². The last lot will be a large residential lot (Lot 122) in land zoned R2 and RU4 with a site area of

55,869m². It complies because Lot 122 is over 4000m² within the R2 and it contains all the land zoned RU4.

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

This clause applies to the erection of a dwelling or subdivision on land zoned RU1, RU2, RU3, RU4, RU6, R5, C2, C3, and C4.

The subject site is split-zoned, with the majority zoned R2 and the south-eastern portion zoned RU4. The existing use of the site is a dwelling located within the R2-zoned land. Surrounding land uses are mixed and reflect the varying zoning in the area. Land to the north is zoned R2 and R1 and contains urban residential development, while land to the east, south, and west is zoned RU4 and used for small-scale farming and a chicken hatchery.

The proposed subdivision will create 47 allotments, with the lot containing the RU4-zoned land meeting the minimum subdivision lot size requirements for split-zoned land. A dwelling would be permitted on this lot with consent. Any future dwelling on Lot 122 would be located within the R2-zoned portion, placing it closer to existing residential development and reducing potential land-use conflict with surrounding rural land.

5.21 Flood planning

The subject site is partially mapped within the flood planning area, with the south-eastern corner affected (refer to Figure 1).

The subdivision layout has been amended for the south-eastern lots, and the cul-de-sac will be required to be raised to ensure safe access to all lots. Indicative building envelopes have been provided and are detailed in the Applicant's engineering consultant's (Spiire) memorandum dated 19 March 2025. The amended subdivision plan demonstrates that future dwellings and access can be located outside flood-prone land.

Based on the amended design and supporting information, the proposal satisfies the flood-related requirements.



Figure 1 – Flood planning area shown in blue.

Clause 7.6 Development in flight path

Several of the proposed lots, as well as the existing dwelling, are located within the Flight Training Path (refer to Figure 2). Clause 7.6 provides that development consent must not be granted for the erection of a building within the Tamworth Airport flight path if the proposed building height exceeds the obstacle height limit determined by the relevant Commonwealth authority. The obstacle height limit at the site is 45 m. Clause 7.6 also requires referral to the relevant Commonwealth authority and consideration of any comments received. The development application was referred to the Civil Aviation Safety Authority (CASA) who raised no objections to the proposal.

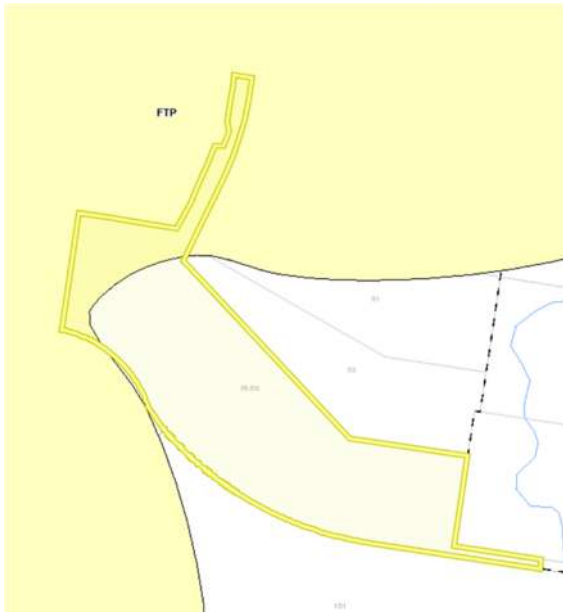


Figure 2 - Flight training path shown in yellow with a black outline.

Clause 7.14 Essential Services

Clause 7.14 of the Tamworth Regional Local Environmental Plan 2010 (TRLEP) requires that development consent must not be granted unless essential services, including reticulated water, electricity, sewerage, stormwater management, and suitable vehicular access are available, or adequate arrangements have been made for their provision.

The amended subdivision proposal shows that 9 lots (101, 140–147) will be connected to reticulated gravity sewer, with the remaining 38 lots proposed to be serviced by On-Site Sewage Management Systems (OSSM). Council staff maintain that all lots (with the exception of Lot 122) are required to connect to the existing gravity sewer network to satisfy Clause 7.14 of the TRLEP and the Tamworth Regional Development Control Plan 2010 (TRDCP 2010).

The following analysis explains Council staff reasons for this position to be maintained.

➤ *Capacity of Westdale Wastewater Treatment Plant (WWTP)*

The projected wastewater load from 46 residential lots represents a minor and manageable increase in inflow to the Westdale Wastewater Treatment Plant (WWTP). The facility currently has adequate capacity to accept additional residential connections, and an upgrade is already planned within the next 5–10 years to accommodate broader urban growth.

Capacity constraints arise only if Council elects to accept increased volumes of liquid trade waste from Baiada's proposed new processing facility; this is independent of residential

servicing demands for this proposed development. Accordingly, the Mayne Drive development does not compromise WWTP performance or future planning.

➤ *Assessment of OSSM as an Alternative Servicing Method*

While OSSM is generally permissible on lots exceeding 4,000 m² in rural zones, this is not a rural zone. This is a low density residential zone and its use is not considered appropriate in this instance due to the following strategic and practical factors:

1. Proximity to Existing Sewer Infrastructure

The site lies within approximately 450 metres of existing reticulated sewer, and the area's topography enables connection by gravity without requiring new pump station infrastructure. This distinguishes the Mayne Drive site from locations such as Burgmann's Lane, where no sewer infrastructure exists and OSSM is the only feasible option.

2. Planning Policy Consistency

The TRDCP 2010 requires residential lots within serviced urban areas to connect to reticulated gravity sewer. Allowing OSSM in this context would conflict with adopted policy, undermine orderly servicing principles, and create precedents affecting future development of neighbouring parcels (e.g. 51 and 53 Mayne Drive, and land west of the site).

3. Long-Term Environmental and Compliance Risk

Over the past decade, evidence suggests approximately 20% of OSSM systems inspected in the TRC region have been found to be failing, typically due to odour issues, trench failures, pollution of watercourses, or unsafe tanks. Many OSSM systems are also being installed without the necessary approval permits being issued by Council, leaving systems being installed without the required oversight by the regulatory authority.

OSSM systems require ongoing servicing, electricity supply, operational approvals, and regulatory inspections. These risks and regulatory burdens would become permanent obligations for Council and as many as 38 individual landowners.

Additionally, six lots (106–108 and 132–134) are constrained by an Order 1 drainage line, which significantly limits feasible siting of OSSM systems, dwellings, and ancillary structures.

For these reasons, staff do not consider OSSM to be a reasonable or feasible alternative for this urban subdivision.

➤ *Reticulated Sewer Feasibility and Floodplain Considerations*

Two sewer connection options have been identified by the developer (**ATTACHED refer ANNEXURE 4**):

- **Option A (Green alignment):** No fill required but would reduce development yield by approximately three lots.
- **Option B (Red alignment):** Capable of servicing all proposed lots, requiring less than 1,000 m³ of fill. This volume is considered to have an insignificant impact on flow conveyance across the Timbumburi Creek floodplain.

It is the developer's responsibility to select and demonstrate a compliant sewer option and to address any associated floodplain or engineering impacts.

➤ *Cost Considerations*

An estimated comparison of servicing costs indicates:

Reticulated Sewer

- Estimated sewer construction cost: \$410,000
- Headworks charges (based on 38 additional ETs): \$68,590
- Total developer cost: \$478,590

On-Site Sewage Management

- Developer infrastructure cost: Nil
- Estimated owner installation cost for 38 OSSM units: ~\$665,000
- Ongoing owner costs include servicing (\$1,000–\$1,250/year), electricity (\$700–\$1,200/year), operational approvals, and compliance inspections.

Whilst reticulated sewer involves additional developer expenditure, it delivers long-term servicing certainty, full lot usability, and reduced environmental and regulatory risks.

S4.15(1)(a)(ii) Provisions of any draft environmental planning instrument

There are no draft environmental planning instruments which apply to the development proposal.

S4.15(1)(a)(iii) Provisions of any Development Control Plan

Tamworth Regional Development Control Plan 2010:

The following categories have been considered for the proposed development with the relevant Subdivisions Controls. Details are provided in the subsections below.

Plans of Subdivision

A plan of subdivision has been provided. The subdivision is not Strata or Community Title, so it did not need to be prepared by a registered surveyor at this stage.

Servicing Strategy & Preliminary Engineering Designs

The original development did not provide a satisfactory servicing strategy and preliminary engineering designs, this was one of the reasons for the refusal. The amended development subject to this review still does not provide a satisfactory servicing strategy and preliminary engineering designs. An extension to sewer infrastructure is required and details have not been provided in the development application.

Council's Water and Waste Directorate provided advice that the residential lots are capable of being serviced by gravity sewer, the site has been accounted for in the Development Servicing Plan (DSP) and the site needs to be serviced by gravity sewer. Despite Council staff providing this advice to the Applicant many times, multiple requests for additional information to provide gravity sewer during the original assessment, and it being a reason for the refusal, the Applicant has not included it for the majority of lots in the development.

Water

A servicing strategy for water has been provided. Reticulated water can be provided for all lots.

Sewer

The development does not provide a satisfactory sewer servicing strategy or adequate preliminary engineering designs in accordance with the Tamworth Regional Development Control Plan 2010 (TRDCP). An extension to sewer infrastructure is required; however, supporting details addressing this was not provided with the original development application and have not been provided as part of the review.

The TRDCP 2010 requirements are:

- *the servicing strategy including preliminary engineering designs shall identify the method of providing sewer to the proposed lots in accordance with the Council's current version of the Engineering Design Minimum Standards;*
- *residential lots are to be serviced by gravity sewer. Detail of any lot filling required to achieve minimum grade shall be provided;*
- *the area within proposed lots shall be capable of being serviced by gravity sewer (unless located within an estate where an alternate sewer system is established);*
- *Reticulated sewer is required where the Lot Size Map specifies a minimum lot size of up to and including 4000m² (excluding Kingswood Estate, which is serviced by on-site sewage management facilities); and*
- *On-site sewer management facilities will be required when developing lots where the Lot Size Map specifies a minimum area of greater than 4000m².*

The proposal does not comply with these requirements. Council's Water and Waste Directorate has confirmed that the residential lots are capable of being serviced by a gravity sewer system, the site is already accounted for in the Development Servicing Plan, and reticulated sewer is required.

The northern lots can connect to the existing network in Mayne Drive. Spiire's Preliminary Gravity Sewer Concept Plan (April 2025) **ATTACHED** in **ANNEXURE 4**, increased the number of serviceable northern lots to nine. Council's Development Engineering and Water and Waste teams have confirmed that the remaining lots can be serviced via gravity sewer by extending the network to Council's 300 mm main, including from the existing manhole at 55 Nowland Crescent. While Spiire identified challenges related to fill, pipe sizing, and the need for an easement, Council's review of the long sections confirms that the majority of filling would occur within the subject site. Council maintains that gravity sewer is feasible and necessary. Notwithstanding this, the Applicant has declined to provide reticulated sewer for the majority of lots.

All proposed lots have a minimum lot size of 4,000 m², except Lot 122, which is split-zoned with part 4,000 m² and part 40Ha. Council acknowledges that amendments to the TRDCP adopted in July 2024 created conflicting wording regarding sewer requirements for 4,000 m² lots. This matter was explained to the Applicant at a meeting on 5 September 2024, and it was clarified that Council's longstanding position is that reticulated sewer is required for lots up to and including 4,000 m². This error was corrected by TRDCP Amendment No. 18, adopted on 9 September 2025.

The Applicant's Statement of Environmental Effects relies solely on the on-site sewage provisions of the TRDCP and does not address the controls requiring gravity sewer. The Applicant also relied on the On-site Wastewater Management Plan, asserting that all lots exceed 4,000 m². However, this ignores a key Level 1 criterion limiting subdivisions to fewer than five lots. The proposal creates 47 lots, with 38 relying on on-site systems, representing a substantial departure from Level 1 assessment criteria.

Originally, the review application provided no technical evidence demonstrating that on-site sewer management is feasible for the subdivision. Council's Environmental Health Officer raised concerns regarding a Class 1 watercourse traversing the site, which would constrain system setbacks and reduce available effluent disposal areas. Despite these concerns, Council requested a Wastewater Management Plan Feasibility Study as a matter of procedural fairness.

The Applicant subsequently provided a study from Decentralised Water Australia **ATTACHED** in **ANNEXURE 5**. This study has been assessed by Council Water and Waste Directorate and Environmental Health Unit. While the study outlines ways in which on-site sewer could be managed for the development this has not been accepted for reasons previously outlined in this report.

Overall, the proposal fails to satisfy the sewer servicing requirements and objectives of the TRDCP 2010. Inadequate sewer servicing represents poor planning practice and was a primary reason for the original refusal.

A copy of the referral advice from Council's Environmental Health Officer in response to the Section 8.2 Review Application and following an inspection of the site and review of the Decentralised Water Australia study is **ATTACHED** in **ANNEXURE 6**

Stormwater Drainage

The Major Event Roadside Swale – Function Design Memo (dated 4 July 2025) by Spiire has provided sufficient supporting information to justify a 22m road reserve.

The stormwater from lots south-west of the new road will flow to the new road, which the memo has supported. However, the stormwater from the north-eastern lots will flow unrestrained and this can cause nuisance to the neighbouring properties (53 Mayne Drive and Lot 41 DP 533610).

Telecommunications

The servicing strategy is there is telecommunications infrastructure in the locality.

Electricity

The majority of the site proposes to use new underground services, but the Applicant requested to use the existing overhead powers for part of the subdivision. This was passed on to the Applicant to assist with future electrical design work. Electrical work will need Essential Energy approval.

Lot Size

The lot sizes comply with Clause 4.1B of the TRLEP.

Battle-axe shaped lots

Lot 122 is a battle axe shape lot with an area of 55,869m² and a 10.03m access handle. This meets the development controls.

Road Network Design

The subdivision will connect to Mayne Drive to the north.

The DA originally proposed 20m internal roads which did not meet the Minimum Standards. The road formation width and Design Traffic from table 2-C from Councils Engineering Minimum Standards shall be;

- classification R5; and
- local road 25m width.

The road design standard from Table 2-A from Councils Engineering Minimum standards would be required.

- RDS 3

There was substantial correspondence and meetings between Development Engineering and the Applicant’s engineers and traffic engineer. Following the provision of additional information, there were discussions with Council’s Asset team and Council would be prepared to reduce the width down to a minimum of 22m provided the following points are met:

- pavement width is unchanged 2 x 3.5m travel lanes and 2 x 0.5m shoulders;
- the roadside swales shall be in accordance with Chapter 2 of Book 6 of ARR 2019, having regard to vehicle crossover and access requirements in Part 2 of these Standards. The swales shall have a minimum floor width of 2.0m and batter slopes not exceeding 1(V) in 5(H) to allow for maintenance and mowing, provided the HGL of the drain is below the bottom of all pavement layers in the adjacent pavement; and
- freeboard in the swales during the 1%AEP flood event is 150mm.

The Applicant provided amended plans during the original assessment with 22m roads and sufficient stormwater data to justify the variation. The northern part of the new proposed road will be located on a Right of Carriageway. The applicant provided owners’ consent for the conversion of the Right of Carriageway as part of the review. This northern part would be 25m wide with kerb and gutter.

Future Development

No lots were nominated for future dual occupancy, multi dwelling housing developments and/or further subdivision.

Cul-de-sac

Radius of the cul-de-sac bowl in the southern end of the residential subdivision is more than 10m.

Site Levels and Retaining Walls

Site levels are shown on the Topographical and Detail Survey. No retaining walls are proposed.

Geology

A Preliminary Site Investigation was prepared and included desktop searches of databases. The probability of occurrence of Acid Sulphate Soils is B. Low (6-70%). From the Atlas of Australian Soils, the soils are GB12 and Ob14 (see Table 1 below).

Table 1 – Soils in the site based on Atlas of Australian Soils mapping.

Map Unit Code	Soil Order	Map Unit Description	Distance	Direction
Gb12	Dermosol	River flood-plains, terraces, and levees: chief soils are probably dark porous loamy soils (Um6.11 and Um6.12) with other (Um) and (Uc) soils. Associated are, locally, fairly large areas of dark cracking clays such as (Ug5.16); areas of (Dy3.4) soils; and sometimes areas of gravelly (Gn2) soils. Soils data are limited.	0m	On-site
Ob14	Dermosol	Almost flat to strongly undulating terrain with long gentle slopes sometimes broken by ridges: chief soils are hard alkaline red soils (Dr2.23). Associated are relatively small occurrences of many soils, including: dark cracking clays, such as (Ug5.13 and Ug5.15), usually on slopes and in valleys; (Dr2.22) and shallow loams such as (Um4.1), usually on ridges; (Dy2.43) and (Dy3.43) soils, usually in flat areas and valleys. As mapped, small areas of units Gb12, Qb19, and Ra4 are included. Erosion has exposed subsoils in many places.	0m	On-site

Atlas of Australian Soils Data Source: CSIRO
 Creative Commons 4.0 © Commonwealth of Australia <http://creativecommons.org/licenses/by/4.0/au/deed.en>

There are no records of naturally occurring asbestos potential.

Landscaping Plan

A Landscaping Plan was provided in the original development application. The proposed street trees are *Callistemon viminalis* (Bottlebrush) and *Lagerstroemia* 'Natchez' (White Crepe Myrtle).

Environmental Values Locality Map

Refer to *Biodiversity Conservation Act 2016* section above.

Biodiversity Protection

Refer to *Biodiversity Conservation Act 2016* section above.

Site Access

The site is currently accessed by a Right of Carriageway that will to be converted to a public road. There are multiple easements over the same land, including two Right of Carriageways in the area in the same location:

- Right of Carriageway 20 Wide DP 1017953 – shown as E
- Right of Carriageway 20 Wide DP 1038239 – shown as J

The first Right of Carriageway was from the original subdivision in the year 2000 when 2 lots were created – the subject lot and a lot to the east. There was further subdivision on the eastern lot to create 3 lots, and another Right of Carriageway was created in the same location. The s88B instrument sets out the lots burdened and benefitted. Council is not listed as an authorised party.

The original development did not demonstrate that the dedication of the right of way can occur without agreement from 51 and 53 Mayne Drive. Council's original assessment also included that the intensification of the use of the right of way as a result of the DA constitutes "development" of the land which is the subject of the right of way. Owner's consent must be provided from all the owners of the land impacted by the intensification of the use of the right of way but owner's consent for 51 and 53 Mayne Drive were not provided. The inability of the development to provide suitable legal access to the subdivision was a reason for the refusal.

As part of this review application, the applicant has provided owners' consent from 51 and 53 Mayne Drive.

Another reason for the refusal was the development provided insufficient vehicular access to 51 and 53 Mayne Drive. As part of this review application the Applicant has also amended the proposed road in this location to be straight. This is an improved alignment that resolves the issue.

Lot Orientation

The lots are of a sufficient size to allow for solar access of future dwellings.

Open Space

The site has not been identified as a location for open space within the Section 94 (Direct) Development Contributions Plan 2013 or Site-Specific Design Criteria.

Construction Waste Management

A Construction and Environment Waste Management Plan was provided.

Garbage Collection

The road design accommodates the legal movement of garbage collection vehicles.

Contamination

See the *State Environmental Planning Policy (Resilience and Hazards) 2021* section previously in the report.

Road Widths

Refer to *Road Network Design* section above.

Environmental Effects

Refer to *Biodiversity Conservation Act 2016* section above for flora and fauna.

Soil and Erosion Control

Sediment and Erosion Controls are detailed in the Construction and Environment Waste Management Plan.

Noise

Noise would be generated during construction with earthworks and infrastructure construction. If a development consent was being recommended, a condition would be included to limit hours of construction to minimise impact to neighbours.

Aboriginal Cultural Heritage

An Aboriginal Heritage Archaeological Assessment was conducted by Eco Logical Australia (ELA). The AHIMS search recorded 93 Aboriginal sites within the site and 5km buffer, although 1 of those was a duplicate. One of the Aboriginal sites recorded in AHIMS, an artefact, is within the lot.

The report stated (page 39), “No Aboriginal objects or potential archaeological deposits were identified during the survey. Due to the moderate to high disturbance of the study area it is unlikely that Aboriginal objects or places will be impacted by the proposed subdivision. AHIMS ID 29-2-0277 is a duplicate of AHIMS ID 29-2-0094 and both sites were confirmed as not being located within the study area. AHIMS sites will not be impacted by the proposed subdivision.”

The DA was referred to Tamworth Local Aboriginal Land Council for their comment but no response was provided.

Developer Contributions

The development is within the Tamworth Urban Residue catchment and Section 7.11 (direct) contributions apply.

Water Management Act 2000 – Water & Sewer Headwork’s Charges

Water & Sewer Headwork’s Charges apply and would be:

Water - \$4,858 per additional lot

Sewer - \$1,805 per additional lot connected to reticulated sewer

S4.15(1)(a)(iii) Provisions of any Planning Agreement

A planning agreement was not proposed.

S4.15(1)(a)(iv) Any matters prescribed by the Regulations

There are no relevant matters.

S4.15(1)(b) *The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality*

NOTE: Only issues which are pertinent to the assessment of the subject development application are considered in significant detail under this section. This should not be viewed as having not been considered by this assessment. Some matters have been previously addressed under S.4.15(1)(a)(iii) Provisions of any Development Control Plan.

Heritage

There are no registered European heritage sites. Aboriginal heritage is addressed in *Aboriginal Cultural Heritage* section previously in this report.

Economic Impact

The proposed development would create jobs and supply chain opportunities during construction.

S4.15(1)(c) *The Suitability of Site for the Development*

The proposed residential subdivision generally aligns with the character of the locality, as the majority of the site is zoned R2 Low Density Residential.

The site is suitable for subdivision, with most of the land not mapped as Box-Gum Woodland TEC, largely unaffected by flooding, sufficient area available to accommodate appropriate bushfire protection measures, and the capacity to connect to Council-provided utilities.

However, as outlined elsewhere in this report, the subdivision would not be compatible with the site or consistent with surrounding residential development if reticulated sewer infrastructure is not provided to all lots, excluding the lot containing RU4-zoned land. The reliance on on-site sewer systems for the majority of lots would be inconsistent with Council Policy and established servicing standards for residential development in this location.

For this reason, on the basis that the Applicant has not proposed to connect the majority of lots in the development to reticulated gravity sewer it is recommended that Council confirms its original refusal decision with a change to the determination following the resolution of legal access.

Section 88B Instrument Impacts

The lot is currently benefitted and serviced by multiple Rights of Carriageway and easement for services from Mayne Drive to the north.

1. Right of carriageway 20 m.
2. Easement for services 20 m.

The s88B instrument allows for every person who is at any time entitled to an estate or interest in possession of land herein indicated as the lot benefitted shall have the right at any time to make an application to have the area of land comprising the Right of Carriageway constructed and dedicated as a public road.

Council is not listed as a party to the Right of Carriageways or easements. The applicant did not provide owners’ consent for all entitled parties as part of the original development application but did provide them as part of the review. This will allow the Right of Carriageway to be dissolved and converted to a public road.

S4.15(1)(d) Any Submissions Made in Accordance with the Act or Regulations

The original development application was notified to adjoining landholders and properties on Mayne Drive pursuant to the *TRC Community Participation Plan 2019* and 13 submissions were received. Two were objecting to all or part of the development while 11 were in support. The submissions are **ENCLOSED**, refer to **CONFIDENTIAL ENCLOSURE 1**.

One of the requirements in the Regulations for a Division 8.2 review is that ‘*An application for review must be otherwise notified or advertised in the same way as the development application or modification application was originally notified or advertised.*’ The review was notified for 14 days to the same properties. The original submitters were also notified. Four submissions were received and all were in support. The submissions are **ENCLOSED**, refer to **CONFIDENTIAL ENCLOSURE 2**.

The issues raised, and how Council considered them in the assessment, are summarised in Table 2 below.

Table 2 – Public Submissions from the original notification of DA2025-0204 and the review of the determination of DA2025-0204.

Issue	No. of Submissions	Council’s Response
Increased Traffic and Safety Concerns	DA2025-0204 – 2 Review – 0	<p>The development would result in an increase in traffic on the Right of Carriageway (ROW) from 5 lots to 51 lots. Council would expect the ROW to be converted to a public road to provide appropriate access to the lots.</p> <p>Owner’s consent from all parties to the ROW was needed but not provided in the original DA and this was a reason for the refusal. Owners’ consent was provided as part of the review.</p> <p>The subdivision is approximately 225m south of Gunnedah Road (Oxley Highway) and it was referred to Transport for NSW (TfNSW) for comments. TfNSW advised the Traffic Impact Assessment had not identified any intersection upgrade works to the Oxley Highway / Mayne Drive intersection to be required.</p> <p>The original Traffic Impact Assessment was based on a previous subdivision design with 115 lots. The applicant’s traffic engineering provided additional information including amended modelling with 47 lots. TfNSW reviewed the additional information provided and advised it had no requirements for the proposed development as it is considered there will</p>

		be no significant impact on the nearby classified (State) road network.
Strain on Local Infrastructure	DA2025-0204 – 1 Review – 0	The Developer is responsible for the costs of connecting services to the site. Council is able impose section 7.11 (direct) Developer contributions on a subdivision to account for additional demands on infrastructure in accordance with the <i>Tamworth Regional Council Section 94 (Direct) Development Contributions Plan 2013</i> .
Loss of Privacy and Neighbourhood Character	DA2025-0204 – 1 Review – 0	Future development on lots would be subject to the relevant development controls. For example, the <i>Tamworth Regional Development Control Plan 2010</i> has setbacks from the boundaries that provide for privacy and amenity. As part of the review, the applicant proposed to upgrade the boundary fence with this neighbour. If approval was recommended, the fence upgrade would be conditioned.
Construction Impacts/Loss of quiet enjoyment	DA2025-0204 – 1 Review – 0	It is acknowledged there would be some disturbance during construction. Council would impose a condition to restrict hours of construction to reduce the impact of noise in the event the DA was not being refused.
Impact on Property Value	DA2025-0204 – 11 (10 positive and 1 negative) Review – 1 (positive)	Property values are not a planning consideration.
Horses	DA2025-0204 – 1 Review – 0	Any new residential lots would be able to keep animals the same as existing neighbouring lots.
Increased Customer Base and Economic Growth	DA2025-0204 – 4 Review – 2	The subdivision would provide for 47 residential lots, one with an existing dwelling and the others allowing for future additional housing. This has the potential for more future residents and economic benefits for the local area.
Local Employment / Job	DA2025-0204 – 6 Review – 1	The proposed development would create jobs and supply chain opportunities during construction.

Creation and Supply Chain Opportunities		
Local Housing	DA2025-0204 – 6 Review – 4	<p>Housing is a priority for Council and in 2024 it released the <i>Tamworth Regional Housing Strategy 2024</i>. The site is mostly located on land zoned R2 Low Density Residential. The objectives of R2 are:</p> <ul style="list-style-type: none"> • to provide for the housing needs of the community within a low density residential environment; and • to enable other land uses that provide facilities or services to meet the day to day needs of residents. <p>The proposed subdivision provides for 47 residential lots, one with an existing dwelling and the others allowing for future housing. This meets the first objective of the R2 housing zone. Council is not however, satisfied that the second objective which is to provide facilities or services to meet the day-to-day needs of residents has been met.</p>
Sustainable Design	DA2025-0204 – 1 Review – 1	<p>Sediment and Erosion Controls are detailed in the Construction and Environment Waste Management Plan.</p> <p>The stormwater from lots south-west of the new road will flow to the new road and engineering has been provided to support this. However, the stormwater from the north-eastern lots will flow unrestrained and this can cause nuisance to the neighbouring properties.</p> <p>Dwellings were not proposed as part of this development.</p>
Community Infrastructure	DA2025-0204 – 1 Review – 1	<p>The development is close to existing schools and bus routes and these would be beneficial for a future subdivision.</p> <p>A well planned urban expansion would connect to the available existing services such as sewer. Council's current sewer strategy for this area is gravity sewer system with connection point to Council 300mm main. The applicant has not proposed this, which is a reason for the refusal.</p>
Amenity	DA2025-0204 – 1 Review – 1	<p>There are features of the subdivision that improve the amenity such as retaining large trees.</p>

S4.15(1)(e) The Public Interest

The development application as proposed fails to satisfy the public interest for the following reasons:

- The absence of reticulated sewer infrastructure in a residential area where strategic sewerage planning provides for connection represents poor planning and is contrary to the public interest. Council's adopted sewer strategy for this area is a gravity sewer system with connection to the existing mains; and
- The proposal would disadvantage the lots relying on on-site sewer management systems compared to neighbouring properties that are serviced by reticulated sewer, with development costs effectively shifted from the Developer to future residents.

The impact on the two adjoining properties affected by a gravity sewer connection is considered to be low. An easement would be located at the rear of the lots and would not interfere with existing dwellings. Engineering cross-sections provided by the Applicant demonstrate that the greatest depth of fill would occur within the subject site rather than on neighbouring properties (**ATTACHED** refer **ANNEXURE 4**).

While some disruption during sewer construction is acknowledged, the public benefit of providing reticulated sewer to the subdivision outweighs the temporary impacts on the adjoining properties. Compensation would be available through negotiation or the Section 88K process, if required.

(a) Policy Implications

The non-provision of reticulated sewer does not comply with Council's Development Servicing Strategy and DCP. If a variation was approved for this development where reticulated sewer is planned for and achievable, this could set a serious adverse precedent with other developers not wanting to provide servicing due to the cost.

(b) Financial Implications

The Applicant proposes to pass the cost of servicing to the future lot owners through on-site sewerage management systems. This is not only an upfront cost but there is continued maintenance cost with servicing, upgrades and inspections. There is risk to Council if future residents without reticulated sewer feel disadvantaged compared to their neighbours, campaign for connection to Council sewer and the Council has the costs of later connecting to sewer, rather than the Developer.

(c) Legal Implications

Any refusal of a development application carries the potential for appeal in the Land and Environment Court, as applicants have statutory rights under the *Environmental Planning and Assessment Act 1979* to challenge a refusal within six months of determination. This is a normal and expected process of the NSW planning system.

A Deferred Commencement consent was initially considered by Council as a mechanism to allow the developer time to obtain the necessary landowner permissions and approvals to construct reticulated sewer post-determination. However, this approach is not recommended, because deferred commencement conditions should not be used to overcome a fundamental requirement, and, in this case, an essential service prior to granting consent.

Because Council requires reticulated sewer as an essential servicing requirement, the proposal cannot lawfully be approved subject to a deferred commencement condition.

Doing so would expose Council to an elevated risk that any consent granted could be challenged as invalidly issued.

Accordingly, while an appeal to the Court remains possible regardless of the outcome, a refusal based on inadequate sewer servicing is appropriate as it aligns with clear statutory powers and avoids misusing the deferred commencement mechanism.

(d) Community Consultation

Consultation with the community has been undertaken in accordance with Council's *Community Participation Plan 2019*. The submissions have been considered in Table 2 of this report.

(e) Reason for Consideration by Council

Section 8.3(4) requires the review of a determination or decision made by a delegate of a Council to be conducted by the Council or by another delegate of the Council who is not subordinate to the delegate who made the determination or decision. The determination was made under delegation by the Director – Liveable Communities. The review could be conducted by the General Manager or Council.

CONCLUSION:

This report provides a review under Division 8.2 of the *Environmental Planning Act 1979*. As part of the review this report provided an assessment of the amended development.

The determination of the original DA was a refusal. The amended development has resolved the reasons for refusal related to legal access. The amended development has not resolved the reasons for refusal related to sewer.

On the basis that the Applicant has not proposed to connect the entire development to reticulated gravity sewer it is recommended that Council confirms its original refusal decision with a change to the determination following the resolution of legal access.

6.2 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - AMENDMENT TO THE SECONDARY DWELLINGS IN CERTAIN RURAL LANDS MAP LAYER

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Mitchell Gillogly, Team Leader – Strategic Planning

Reference: Item 7.1 Ordinary Council Meeting 27 February 2024 - Minute 22/24
Item 7.2 Ordinary Council Meeting 13 August 2024 - Minute 201/24
Item 7.2 Ordinary Council Meeting 12 November 2024 - Minute 297/24
Item 7.1 Ordinary Council Meeting 11 November 2025 - Minute 279/25

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Environmental Plan 2010 - Amendment to the Secondary Dwellings in Certain Rural Lands Map Layer”, Council request the Department of Planning, Housing and Infrastructure to amend the Tamworth Regional Local Environmental Plan 2010 in accordance with Section 3.22 of

the Environmental Planning and Assessment Act 1979, to remove the ‘Secondary Dwelling Inclusion Area Map’ layer and insert this map into the ‘Additional Permitted Use Maps’ layer in the NSW Planning Portal Digital Environmental Planning Instrument Viewer.

SUMMARY

The purpose of this report is to seek a resolution of Council to correct a mapping error on the NSW Planning Portal Digital Environmental Planning Instrument Viewer (NSW Digital EPI Viewer). The mapping error relates to the layer which identifies the lands where secondary dwellings are permissible with consent in certain rural lands.

The NSW Digital EPI Viewer, which is managed by the Department of Planning, Housing and Infrastructure (DPHI), currently contains a separate ‘Secondary Dwelling Inclusion Area Map’ layer, however, to be consistent with Schedule 1 of the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* this map should be in the ‘Additional Permitted Use Map’ layer.

The mapping layer amendment will not change the boundaries or the impact of the provisions, only the layer type in the NSW Digital EPI viewer to be consistent with the *TRLEP 2010*.

This mapping update would be facilitated through a minor amendment to the *TRLEP 2010* under Section 3.22 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* which specifically facilitates minor administrative changes to Local Environmental Plans.

COMMENTARY

Background

At its Ordinary Meeting of 11 November 2025, Council resolved to adopt the Secondary Dwellings in Certain Rural Lands Planning Proposal (Planning Proposal). The Planning Proposal amended the *TRLEP 2010* to permit secondary dwellings in certain rural lands, namely outside of the proposed Namoi Regional Jobs Precinct and other intensive agriculture clusters. The map is **ATTACHED**, refer **ANNEXURE 1**.

The Planning Proposal was published on the NSW Legislation website as Amendment No 28 to the *TRLEP 2010* on 23 January 2026.

Amendment No 28 to the *TRLEP 2010*, inserted a new Additional Permitted Use (APU) under Schedule 1 of the *TRLEP 2010* which permits secondary dwellings on lands identified on the ‘Additional Permitted Uses Map’ in the NSW Digital EPI Viewer. Following finalisation of the mapping on the NSW Digital EPI Viewer, it was discovered the layer which identified the lands where secondary dwellings are permissible was not in the ‘Additional Permitted Uses Map’ layer rather a separate ‘Secondary Dwelling Inclusion Area Map’ layer.

Council staff contacted DPHI, who manage the NSW Digital EPI Viewer, to advise of the mapping error. DPHI acknowledged the mapping error and advised a minor amendment to the *TRLEP 2010* under Section 3.22 of the *EP&A Act 1979* is required to update the map layer in the NSW Digital EPI Viewer.

Proposed Amendment to the NSW Digital EPI Viewer

The mapping error relates to the layer which identifies the rural lands where secondary dwellings are permitted with consent. The minor amendment will simply remove the ‘Secondary Dwelling Inclusion Area Map’ layer and insert the layer into the existing ‘Additional Permitted Uses Map’ layer to be consistent with the *TRLEP 2010*.

DPHI has confirmed that the mapping amendment, is considered minor and an amendment under Section 3.22 of the *EP&A Act 1979* can be considered. The proposed amendment can be considered under this pathway as it will not have a significant impact on the environment or adjoining land. The Section 3.22 amendment will be carried out in accordance with the *DPHI Local Environmental Plan Making Guidelines 2023*.

Consequently, the amendment to the secondary dwelling mapping layer is an administrative matter and is considered minor in nature and will not alter any land use planning controls associated with the lands.

(a) Policy Implications

There are no policy implications or changes required to Council’s adopted Policies.

(b) Financial Implications

Nil - The amendment is an administrative matter and will be managed by Council using existing staff resources and the Department of Planning, Housing and Infrastructure.

(c) Legal Implications

The minor amendment will ensure the mapping shown on the NSW Digital EPI Viewer for the *TRLEP 2010* is consistent with Amendment No. 28 of the *Tamworth Regional Local Environmental Plan 2010*.

(d) Community Consultation

Nil – The amendment is an administrative matter and will be undertaken pursuant to Section 3.22 of the *Environmental Planning and Assessment Act 1979*. The DPHI Planning Circular (PS21-014) does not require minor amendments under Section 3.22 of the *Environmental Planning and Assessment Act 1979* to be placed on public exhibition.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

Focus Area 9 – Open and Collaborative Leadership

6.3 REQUEST FOR OBJECTION IN SECTION 82 OF THE LOCAL GOVERNMENT ACT IN RELATION TO A MANUFACTURED HOME ESTATE ON LOT 349 DP 753848, AND LOT 39 DP 22919, BROWNS LANE OXLEY VALE TO FACILITATE CONSTRUCTION OF DWELLINGS ONSITE AS OPPOSED TO MANUFACTURING OFF-SITE.

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Nicole Chegwyn, Team Leader - Building Certification

4 ANNEXURES ATTACHED

GENERAL MANAGER’S ADVISORY NOTE TO:

Councillors

Applicants

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

Record (Division) of Voting

In accordance with Section 375A(3) of the Local Government Act 1993, a Division is required to be called

whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

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

Relevant Planning Application

In accordance with Section 10.4(4) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Relevant Public Submission

In accordance with Section 10.4(5) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant public submission to Council in relation to a relevant planning application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Disclosure of Reportable Political Donations and Gifts

Planning Applications

Nil

Public Submissions

Nil

RECOMMENDATION

That in relation to the report “Request for Objection in Section 82 of the Local Government Act in Relation to a Manufactured Home Estate on Lot 349 DP 753848, and Lot 39 DP 22919, Browns Lane Oxley Vale to Facilitate Construction of Dwellings On-Site as Opposed to Manufacturing Off-Site.” Council:

- (i) support the Section 82 Objection lodged under Section 68 Application (LG2026-0277) by Browns Lane Developments Pty Ltd in relation to facilitating construction of manufactured homes on site at Lot 349 DP 753848 and Lot 39 DP 22919 Browns Lane Oxley Vale; and*
- (ii) seek the concurrence of Departmental Chief Executive under Section 23A of the Local Government Act 1993, in accordance with the Section 82 Objection.*

APPLICATION DETAILS:

Application No.	LG2026-0277
Application For:	S82 Objection to Local Government Act to allow construction of dwellings on site in lieu of manufacturing off site
Date Received:	24 September 2025
Applicant:	Browns Lane Developments Pty Ltd

Owner:	Maree Pozzer
Land/Address:	Lot 349 DP 753848 & Lot 39 DP 22919 Browns Lane Oxley Vale
Zoning:	The property is Split over three zones: RU4 – Primary Production R1 – General Residential C3 – Environmental - <i>Tamworth Regional Local Environmental Plan 2010</i>

SUMMARY

On 28 November 2025, a Development Application (DA2025-0248) was approved by Council under delegated authority for Demolition of Existing Structures, Staged Construction of a 218 Dwelling Manufactured Home Estate, including Communal Facilities and Lot Consolidation on Lot 349 DP 753848 & Lot 39 DP 22919 Browns Lane Oxley Vale.

An application has been received (LG2026-0277) seeking objection to various clauses within the Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds and Moveable dwellings) Regulation 2021, (the Regulation) under the provisions of Section 82 of the Local Government Act 1993 (LGA).

The variations sought by the Applicant relate to Clauses 36 and 41 of the Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds and Moveable dwellings) Regulation 2005 which request to facilitate the construction of dwelling on-site, and also Clauses 47, 51(2)(b), 65(1), 66, 67(2) & (3), 68 and 69 be appropriately varied and conditioned to permit dwellings being built on-site and to within 1.0m of a side lot boundary where required.

Section 82 contains provisions that allow an applicant to lodge a request to vary the regulation (an objection) relating to an activity for which approval is sought.

The applicant must include sufficient reasoning as to why this variation should be supported. If Council is satisfied that the objection is well founded, it may, with the concurrence of the Departmental Chief Executive, determine the application under delegation.

The purpose of this report is to seek Council’s endorsement of the Section 82 objection lodged by the Applicant to vary the above requirements and to facilitate the construction of future dwellings on the subject site.

BACKGROUND:

Development Application (DA2025-0248) for Demolition of Existing Structures, Staged Construction of a 218 Dwelling Manufactured Home Estate, including Communal Facilities and Lot Consolidation was approved by Council on 28 November 2025. The approved Development Application plans are **ATTACHED**, refer **ANNEXURE 1**. The Development Consent (DA2025-0248) is **ATTACHED**, refer **ANNEXURE 2**.

The development comprised the following stages and components:

Stage No.	No. of Lots	Other Works
1	25	Main entry to Browns Lane Maintenance & Men's Shed Caravan Storage Visitor Parking Internal roads Sewer works to Manilla Road All weather trafficable temporary access to provide emergency access to Manilla Road until Stage 6
2	0	Main Entry Foyer and Administration Buildings Community Facilities comprising Clubhouse, Gym, Pools, Bowling Green, Pickle Ball Court Visitor Parking
3	36	Internal roads
4	31	Internal roads
5	34	Internal roads
6	25	Internal roads Stormwater basin
7	25	Internal roads
8	26	Internal roads
9	16	Internal roads Community Facilities - Tennis Court and Picnic/BBQ Area
Total	218	

SUBJECT SITE AND LOCALITY MAP:

The subject site is known Lot 349 DP 753848 & Lot 39 DP 22919 Browns Lane Oxley Vale. See Figure 1 and 2 below, identifying the approved staging plan and aerial view of the subject site for the manufactured homes estate.



Figure 1 – Approved Site Plan (DA2025-0248)



Figure 2 – Lot 349 DP 753848 & Lot 39 DP 22919 Browns Lane Oxley Vale

DESCRIPTION OF PROPOSAL:

An application has been received (LG2026-0277) seeking objection to various clauses within the Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds and Moveable dwellings) Regulation 2021, (the Regulation) under the provisions of Section 82 of the Local Government Act 1993 (LGA) that would accompany the Approval to Operate a Manufactured Home Estate

The variations sought by the Applicant relate to Clauses 36 and 41 of the Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds and Moveable dwellings) Regulation 2005 which request to facilitate the construction of dwelling on-site, and also Clauses 47, 51(2)(b), 65(1), 66, 67(2) & (3), 68 and 69 be appropriately varied and conditioned to permit dwellings being built on-site and to within 1.0m of a side lot boundary where required.

Section 82 contains provisions that allow an applicant to lodge a request to vary the regulation (an objection) relating to an activity for which approval is sought.

LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION

Manufactured homes estates require both development consent under the Environmental Planning and Assessment Act and approval under the provisions of Section 68 of the Local Government Act. The Local Government Act requires that manufactured homes estates comply with the provisions of the Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds and Moveable dwellings) Regulation 2021.

The Applicant has lodged a formal Objection to the Regulation seeking to allow for the construction of manufactured homes on-site. If Council is satisfied that the objection is well founded, it may, with the concurrence of the Department Chief Executive, determine that such provisions of the Regulation relating to the activity, are not to apply, or are to apply with such modifications as are sought or specified in the application.

Under Section 82 of the Local Government Act, an applicant for an approval to operate a manufactured home estate, (or an application for an amendment to an approval) may lodge with their application an objection that:

- the regulations relating to the operation of the activity for which approval is sought do not make appropriate provision with respect to the activity; and
- that compliance with any provision of the regulations or policy is unreasonable or unnecessary in the circumstance of the case.

This objection to the Regulation relates to the following clause(s) of the Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds and Moveable dwellings) Regulation 2021:

Clauses requested not to be applied to facilitate on-site construction:

Clause 36 - Use of Manufactured Home Estate

- 1) A manufactured home estate must not be used:
 - i) for any commercial purpose other than a manufactured home estate or an associated purpose; and
 - ii) for the manufacture, construction or reconstruction of moveable dwellings.

Clause 41 - Manufactured Homes to be Constructed and Assembled Off-Site

- 1) a manufactured home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate; and

- 2) the fixing of cornices, the setting of wall lining joints, the fitting of skirting boards and architraves and the grouting of tiles may be done on the dwelling site.

Clauses requested to be varied and conditioned to permit dwellings being built on-site and constructed to within 1.0m of a side lot boundary where required:

Clause 47 - Site Boundary Arrangements

- 1) A manufactured home (the proposed manufactured home) must not be installed within 1 metre of the boundary of an adjoining dwelling site unless:
 - i) it is not practical to install a manufactured home on the part of the adjoining site that is within 2 metres of the proposed manufactured home; and
 - ii) a minimum 1-metre-wide access will be provided along each external wall of the proposed manufactured home.
- 2) This section does not apply to the installation of semi-detached manufactured homes on adjoining dwelling sites if they are separated by construction that complies with the fire safety and sound insulation provisions relating to class 1 buildings in the ABCB Housing Provisions Standard, Parts 9.3 and 10.7.

In lieu of the clause 47 requirements, it is proposed to have the following conditions imposed:

- 1) the external walls of any new manufactured home are to be setback a minimum of 900mm from the side and rear boundaries of the dwelling site; and
- 2) encroachments allowed within the 900mm setback, but not closer than 450mm from the dwelling site boundary, include non-combustible fascia's, gutters and downpipes, eaves with non-combustible roof cladding and non-combustible cladding lining, flues, chimneys, pipes and other services and otherwise are to be in conformity with Part 9.2.9 of the Housing Provisions, National Construction Code 2022.

Finally, it has also been requested that the term "installed" in the following Clauses of the Regulation may be interpreted as the word "erected" via a condition imposed on the Approval pursuant to Clause 82(4) of the Local Government Act 1993:

- Clause 51 (2) (b) - Structural Soundness
- Clause 65 (1) – Footings
- Clause 66 - Installation to comply with specifications
- Clause 67 (2) & (3) - Compliance plate
- Clause 68 - Notice of completion of installation
- Clause 69 - Certificates of completion.

Grounds for approving the Objection

The Applicant has specified the following grounds for the objections and variations identified above.

Evolution of the Manufactured Home Industry

Since the drafting of the controls in the Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds and Moveable dwellings) Regulation 2005, the contemporary Manufactured Home Estate (MHE) industry has advanced significantly in terms of the quality, type and range of manufactured homes that are now offered and "in demand" by the market. Manufactured homes have proven to be increasingly popular due to

their affordability and contemporary lifestyle option. It is noted that other States do not mandate that manufactured homes be constructed or assembled off-site. In recent years, the NSW Government and (most Councils in the State) have acknowledged that the standard of design and product has improved as the industry has evolved and have embraced the advantages for constructing manufactured homes on-site. It is now common practice to seek approval for “on-site construction” of dwellings in a MHE development.

Higher Quality Dwellings achieved by On-Site Construction

Clause 3(b) of the Regulation provides that an object of the instrument is to set standards “for the design and construction of manufactured homes”. It is considered that the proposed on-site construction of the moveable dwellings can meet all design, construction and installation specifications and at the same time achieve a higher quality result than that prescribed by the Regulation. Typically, slab-on-ground construction which is proposed as part of the on-site construction methodology proposed, achieves greater overall performance with better “at grade” accessibility compared to the inherent constraints of modular off-site construction. These superior performance outcomes include, but are not limited to improved thermal efficiency, more efficient designs and use of floor space, increased accessibility for mobility impaired people and higher streetscape amenity that is in keeping with residential development located within surrounding estates such as Windmill Hill & Windmill Downs.



Figure 3,4,5: Examples above of housing designs proposed to be constructed on-site.



Figures 6,7,8,9: Examples of housing design resulting from off-site manufactured dwelling construction.

Direct and Indirect Benefits to the Local Economy

Constructing manufactured homes on-site can generate significant direct and indirect benefits for the local economy, compared to off-site construction. Significant direct benefits to the local economy would be delivered by the proposed on-site construction of the moveable dwellings. Primarily these positive economic impacts are conveyed through the demand for local building trades including concreters, carpenters, plumbers, electricians, plasterers, painters, joiners, tilers, roofers and the sourcing of building materials as well as professional services such as engineers and surveyors. In addition to the direct economic benefits there are significant indirect benefits that flow through all sectors of the local economy that are linked to the increased demand for goods, services and consumption.

Reduced External Impacts Associated with Oversize Heavy Road Transport

Off-site construction requires the major sections of the manufactured homes to be transported to the site and often well beyond the LGA using a considerable number of pilot assisted oversized and heavy loads. This has the potential to result in earlier deterioration of roads, increased traffic delays, increased traffic noise, increased risk of road incidents and accidents, and increased vibration impacts caused by oversized and heavy loads. Onsite construction reduces these impacts, as the materials are locally sourced and are able to be transported to site in smaller sized loads, which reduces the impacts to roads and reduces the impact on the environment.

Diversity in Design & Larger Private Open Space

Allowing dwellings to be built to one site boundary will optimise the use of the site area and still provide compliant access around the dwellings. It is common for MHE developments to be constructed in a grid pattern; however it is the aim of the Landscape Architect and Dwelling Architect to provide curves throughout the estate including roads, which often

creates a variety of site shapes which do not easily fit a standard dwelling design as would occur in a grid alignment. The benefits from curves are far reaching and increase amenity for residents with greater community interaction and a more visually engaging environment. The option to build dwellings to one site boundary allows for greater flexibility with respect to the dwelling placement and design and responds to the unique shapes of the proposed sites. Importantly, it is necessary to acknowledge that the proposed sites range between 259m² – 559m² with an average of 302m², which is substantially larger than the minimum area of 130m² required by the Regulations. It is common for a 2-3 bedroom dwelling to be placed on a site with an area of 130m². In this instance, a 2-3 bedroom dwelling will be placed on a much larger site and opportunity arises for larger open space areas and gaps between dwellings.

The "Draft" Section 82 objection conditions are **ATTACHED**, refer **ANNEXURE 3**, for the information of Councillors.

The Section 82 Objection Report prepared by Land Dynamics are **ATTACHED** refer **ANNEXURE 4**.

CONCLUSION:

This report provides an assessment of the development regarding all relevant matters required under the Local Government Act and Manufactured Home Estate Regulation.

It is considered that the development will have a positive contribution to the site and the community.

Construction of dwellings on site facilitates reduced construction costs in the midst of the current housing crisis and will also allow local trades to be employed on the site, along with having additional flexibility on material choices that can be used that would otherwise not being able to be used where a dwelling is being transported.

It is recommended that Council supports the Recommendation as drafted.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

In considering a Section 82 objection, the *Act* requires Council to have assessed the proposal and, if satisfied that the objection is well founded, seek concurrence from the Department Chief Executive.

(d) Community Consultation

Public exhibition was undertaken in connection with the original development application (DA2025-0248) in line with Council's Community Participation Plan 2019, only two submission were received. Further consultation is not deemed as required for the subject clause 82 objection.

(e) Delivery Program Objective/Strategy

Focas Area 2 – A Liveable Built Environment.

7 INFRASTRUCTURE AND SERVICES

Nil

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 OPEN SPACE MANAGEMENT GUIDE - FEBRUARY 2026 UPDATE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager - Sports and Recreation

Samuel Eriksson, Sports and Recreation Strategy Officer

3 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Open Space Management Guide - February 2026 Update”, Council adopt the guide titled “Open Space Management Guide, February 2026”.

SUMMARY

The Open Space Management Guide (OSMG) is a strategic document designed to steer the distribution, embellishment and level of service of all open space owned or managed by Tamworth Regional Council and set designed conditions for new developments. The OSMG results in the consistent application of open space distribution and embellishment, as well as the community service levels for Council’s open space. The OSMG principles ensure the appropriate allocation of Council resources and help manage community expectation with regard to the provision of open space recreation.

Originally adopted in 2020, the OSMG has been updated to ensure its alignment with evolving community expectations and Council’s operational capabilities. As part of this update, design standards have also been introduced to help guide the delivery of functional open space within new developments. These minor amendments ensure the guide remains a relevant, responsive framework for delivering high-quality open space outcomes for our community.

COMMENTARY

Council manages over 400 parcels of open space totalling approximately 3,000 hectares across the Local Government area (LGA). Open space areas are significant community assets that require a strategic investment of finances and resources from Council to effectively manage and maintain them. Well managed and maintained open space promotes active and passive recreation, community pride, sense of place, and supports the health and wellbeing within the community.

The OSMG is designed to steer four key components of open space:

- distribution;
- embellishment;
- level of service; and
- design conditions.

Open Space Management Guide – Implementation and Impact

Since its adoption, the OSMG has become an essential resource for Council staff, supporting consistent decision-making and communication across multiple departments.

Outdoor Staff Engagement

Council's outdoor staff are frequently approached by community members with questions regarding the embellishment, distribution, and service levels of open space. The OSMG enables staff to respond with consistent and informed answers that ensure transparency and alignment with Council's strategic objectives.

Customer Service Support

Customer Service receives a high volume of enquiries related to open space servicing, standards and distribution. Following the adoption of the OSMG, Sport and Recreation technical staff provided comprehensive training to Customer Service teams. This has equipped staff with the knowledge and tools to effectively address community queries. As a result, both staff and residents gain a clear understanding of whether a request requires further action, streamlining service delivery and improving community satisfaction.

Project Planning and Delivery

For project officers, the OSMG serves as a practical guide when planning or renewing open space assets. It outlines appropriate embellishment items and design standards, contributing to a consistent and professional approach to open space development across the LGA.

Strategic Planning and Development Assessment

The OSMG plays a critical role in ensuring equitable distribution of open space throughout the LGA. Council staff routinely reference the guide when assessing new residential development applications, promoting alignment with Council's open space objectives. Additionally, developers benefit from a clear understanding of Council's expectations, facilitating more effective planning and collaboration.

2025 OSMG Update

In 2025 Sport and Recreation Division, in collaboration with other Council Divisions, reviewed the OSMG to ensure its continued strategic alignment and to better reflect operational delivery outcomes. This has resulted in the "Open Space Management Guide - February 2026 update" being produced which is **ATTACHED**, refer **ANNEXURE 1**.

The review has resulted in three minor updates:

1) Open Space Classifications

The proposed updated OSMG includes additional classifications of open space to include road reserves, drainage reserves, and cemeteries. This results in the service level assessment being more clearly reflective of all the open space Council manages rather than just parks. Classification changes are highlighted in Figure 1 below. A summary of open space that has had its classification changed as a result of this update is **ATTACHED**, refer **ANNEXURE 2**.

2020 OSMG

2026 OSMG

	Classification	Rating Score	
Park Hierarchy	Local	1	
	Neighbourhood	3	
	District	7	
	Regionally Significant	10	
	Significant Landscape Area	10	
Park Function	Undeveloped	1	
	Bushland	1	
	Other managed areas	3	
	Recreation Park	4	
	Sport	6	
	Roundabout	7	
	Tourist	10	
	Entry way	10	
	Cemetery, Category A	10	
	Cemetery, Category B	6	
Park Usage	Minor	1	
	Low	3	
	Medium	6	
	High	10	
Community Expectation	Minor	1	
	Low	3	
	Medium	6	
	High	10	

	Classification	Rating Score	Definition
Park Hierarchy	Local Park	1	
	Neighbourhood Park	3	
	District Park	7	
	Regionally Significant Park	10	
	Significant Landscape Area	10	
Open Space	Undeveloped	1	
	Road Reserve	1	The land between the road and the neighbouring property boundary
	Drainage Reserve	1	Land with the primary function of managing stormwater and or runoff
	Cemetery	7	A burial ground where the remains of deceased individuals are interred.
	Park Function	Bushland	1
Other managed areas		3	
Recreation Park		4	
Sport		6	
Tourist		10	
Entry way		10	
Drainage, Category A		2	Drainage located in a residential area
Drainage, Category B		1	Drainage located in a industrial area
Drainage, Category C		8	Drainage area with a specific flow function
Road Reserve, Category A		2	Road reserve located in an urban area
Road Reserve, Category B		1	Road reserve located in an rural area
Road Reserve, Category C		5	Road Reserve State Road
Road Reserve, Category D		7	Median Strip / Roundabout
Cemetery, Category A		10	
Cemetery, Category B		6	
Park Usage	Minor	1	
	Low	3	
	Medium	6	
	High	10	
Community Expectation	Minor	1	
	Low	3	
	Medium	6	
	High	10	

Figure 1 – Open Space classification proposed updates

2) Service level score ranges adjusted

The updated OSOM also includes minor adjustments to the service level scoring ranges to more accurately reflect the community (and Council’s) expectations. Service Level changes are summarised in Figure 2 below.

2020 OSMG	2026 OSMG	Service Level	Definition
34 – 40	34 - 40	Very High	Intensive maintenance regime to uphold civic pride and presentation of highly visible and regionally significant open spaces
<u>27 – 33</u>	<u>26 - 33</u>	High	Above average maintenance that presents high quality facilities and services
<u>18 – 26</u>	<u>15 - 25</u>	Medium	Moderate maintenance that presents open space in a good condition
06 - <u>17</u>	06 – <u>14</u>	Low	Low seasonal maintenance
0 - 05	0 – 05	Basic	Basic servicing

Figure 2 – Proposed Service Level changes

A summary of these service level changes is **ATTACHED**, refer **ANNEXURE 3**

3) Inclusion of Design Conditions

In addition to the above two changes, to ensure the delivery high-quality, functional and equitable open space in all new developments across Council, the OSMG update includes the addition of design conditions for developers. These conditions underpin Council's commitment to connected, accessible and sustainable public open space and ensure development applications are prepared in line with Council's expectations from the outset. Council's technical staff assess compliance during planning and approvals for every development application submission and this assessment will inform Council's acceptance of proposed open space. These conditions have been applied over the past twelve months, with clear direction from Council being positively received by developers.

Finally, to assist the community with better understanding and easy viewing of the embellishment and service levels of all open space, Council technical staff have created an online map that displays all the OSMG information. This map is linked to Council's website as per below:

<https://portal.tamworth.nsw.gov.au/geohub/apps/webappviewer/index.html?id=9f2192c2557d43d7a2b7c1f280974d38> but will also be made available via the QR code displayed in Figure 3 below. This map will provide the community with an interactive platform to view the hierarchy and service level of every area of open space across Council identified in the OSMG.

Figure 3 – QR Code for the OSMG interactive map



Following this review in 2025, Council's technical staff are recommending that the Open Space Management Guide – February 2026 be adopted.

If adopted, staff will next finalise a review of the quantity of current open space against the desired needs according to the OSMG and then can prepare information for Council to consider the sale of excess land and potentially use these funds to embellish other open spaces that are currently under-developed according to the OSMG. This body of work will be undertaken in conjunction with the Commercial Properties and Landholdings Activation Plan currently underway.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The draft OSMG was placed on Public Exhibition for 28 days between 29 September and 27 October 2020. A total of 12 people formally commented on the project.

A number of different methods were used to engage the community in this project. The different methods ensured activities were accessible, diverse and representative of community views. People were invited to participate through a range of communication methods, including media channels, social media, face-to-face information stands (totalling six across the Council area), Council website promotion, creation of a page on the MyTRC Online Community that hosted a Q&A section and a feedback form for formal submissions to be made.

Given the review of this document in 2025 resulted in only minor amendments to the OSMG (some of which was a result of community feedback since its inception), no new community consultation was undertaken. Instead, a workshop with the Councillors was held in September 2025 to seek their guidance and input.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

8.2 PROPOSED LICENCE TO BARRABA RUGBY LEAGUE FOOTBALL CLUB INCORPORATED

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager - Sports and Recreation

RECOMMENDATION

That in relation to the report “Proposed Licence to Barraba Rugby League Football Club Incorporated of Part Lot 195 in Deposited Plan 752197”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a new licence to Barraba Rugby League Football Club Incorporated as set out herein; and*
- (ii) authorise the affixing of the Seal of Council to the licence document and any other associated documentation.*

SUMMARY

The purpose of this report is to advise Council of the matters relating to Barraba Rugby League Football Club Incorporated and a proposed licence agreement between the two parties.

COMMENTARY

Barraba Rugby League Football Club Incorporated are seeking to undertake a licence agreement with Tamworth Regional Council between 31 March 2026 and 28 February 2029 in regard to Part Lot 195 in Deposited Plan 752197, commonly referred to as the Barraba Recreation Ground, Bingara Road, Barraba. The Barraba Rugby League Football Club Incorporated have expressed their interest in entering a three-year licence for this land. Figure 1 below shows the location (proposed licence area outlined in red).



Figure 1 – Proposed licence area

It is recommended that Council give approval for staff to negotiate a licence with Barraba Rugby League Football Club Incorporated as they return to the field of play in the Group 19 Competition for 2026 in accordance with the details provided in Table 1 below.

Term	3 years
Option	Nil
Commencing rental	\$579.64 plus GST per annum
Annual increase	3% per annum
Outgoings	All outgoings including bore water charges, electricity usage including lighting, fire compliance, cleaning and rubbish removal, part septic costs and playing field preparation.

Table 1 – Proposed licence terms

These terms have been determined by the fact that the licence provides exclusive use and possession of the land to the licensee, and that Council is not seeking to recover a commercial return for the lease.

(a) Policy Implications

Nil

(b) Financial Implications

The rental received from Barraba Rugby League Football Club Incorporated for the licence of the land and building will be allocated to the General Fund -Sports and Recreation Operational budget.

(c) Legal Implications

The Seal of Council is required to be affixed to the licence.

The *Local Government (General) Regulation 2021, section 400(4)*, requires that the Seal of Council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the Seal be so affixed

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

9 COMMUNITY SERVICES

9.1 PROVISION OF SERVICE DELIVERY AT COUNCIL FACILITY - TAMWORTH REGIONAL YOUTH CENTRE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Haley Fenn, Team Leader, Inclusive Community
David Lightowler, Manager - Community Safety and Wellbeing
1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Provision of Service Delivery at Council Facility - Tamworth Regional Youth Centre”, Council:

- (i) approve the utilisation of Tamworth Regional Youth Centre by Birrelee Multifunctional Aboriginal Children’s Service for delivery of programs and activities for young people;*
- (ii) endorse the development of a formal agreement outlining responsibilities, child safe requirements and operational arrangement; and*
- (iii) notes the alignment of this initiative with Tamworth Youth Strategy 2024-2028 and its contribution to improved outcomes for young people in the region.*

SUMMARY

The purpose of this report is for Council to endorse that Tamworth Regional Youth Centre is made available for utilisation by Birrelee Multifunctional Aboriginal Children’s Service for the purpose of delivering programs for young people.

COMMENTARY

Tamworth Regional Council has committed to improving outcomes for young people through strengthened access to safe spaces, supportive service, and opportunities for participation. Tamworth Youth Strategy identifies the need for:

- increased access to inclusive, youth friendly spaces;
- stronger partnerships with community organisations;
- expanded programs that support wellbeing, connection, creativity and pathways; and
- localised responses to emerging youth needs.

Tamworth Regional Youth Centre is a purpose-built facility that provides young people in the community access to a range of facilities and programs including a drop-in service, the “Youthie” run by Tamworth Regional Council, that is aimed at young people aged 12-18.

Birrelee Multifunctional Aboriginal Children’s Service (MACS) Aboriginal Corporations (Birrelee) has expressed interest in delivering activities and programs in partnership with Council, particularly at the Tamworth Regional Youth Centre where access is suitable and community spaces can enable consistent engagement with young people.

Birrelee has formally approached Council seeking access to the Tamworth Regional Youth Centre to deliver a range of programs that are co-designed with children, young people, families, Elders and service partners. The proposal is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. The benefit for Council is that a higher level of service is provided to our youth/children with no additional cost to the community.

The arrangement would:

- provide regular, structured activities for young people;
- activate underutilised community space;
- strengthen cross-sector collaboration;
- support early intervention and community led youth development; and
- align with Council’s Tamworth Youth Strategy priorities for youth engagement.

The proposed utilisation would be subject to operational requirements and child safe compliance.

The proposal directly supports several priority areas of the Tamworth Youth Strategy, including:

Priority 1: Life Ready - develop a range of alternate education and life skills courses outside of schools

Priority 2: Wellbeing - Support and educate young people through coordinated and diverse wellbeing programs

Priority 3: Access and Connectivity - Support co-location of services in places that are convenient for young people

Priority 4: Community - Plan and run youth-led events

Priority 5: Identity - Provide events and programs that foster cultural connection, acceptance and celebrate diversity

(a) Policy Implications

Nil

(b) Financial Implications

No monetary considerations with no lease agreement entered

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 4: Resilient and Diverse Communities

9.2 BIOSECURITY OPERATIONAL REQUIREMENTS

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: David Lightowler, Manager - Community Safety and Wellbeing
1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Biosecurity Operational Requirements”, Council:

- (i) receive and note the report*
- (ii) approve the increase in budget of \$149,000.*

SUMMARY

On 9 September 2025, a Biosecurity workshop was held for Councillors in response to questions from Councillors Ryan Brooke and Brendon North.

As a recommendation of that workshop, a proposal to Council was requested by Councillors to provide a proposal to outline what is required for the biosecurity team and ensure that the program has adequate coverage and resource to conduct education and inspections across the LGA.

In response to this request, the Biosecurity Operational Requirements proposal has been submitted to Council for consideration and endorsement. The Biosecurity Proposal to Council requests an increase in budget of \$253,792.00 annually as a recurrent financial addition to the biosecurity budget.

Regional Services have agreed to contribute \$104,000.00 to the biosecurity budget to facilitate roadside spraying operations and assist with the maintenance of biosecurity response to weeds and invasive species incursion on their assets.

The increased financial contribution that is requested is \$149,792.00 annually. This increase in budget would be fixed until 2029 to coincide with the terms of the current WAP Funding Agreement 2025 – 2029.

COMMENTARY

The Biosecurity Proposal if approved, will:

- stabilise the Biosecurity unit, which has had an inherited ‘do what we have always done’ culture more aligned with the repealed Noxious Weeds Act rather than the current Biosecurity Act, ensuring sufficient Staff and resources are assigned in support of Council’s biosecurity program and the North West Regional Strategic Weed Management Plan;
-

- support the development of a strategic, forward focused Biosecurity program aimed at establishing positive, collaborative relationships with key stakeholders internal and external;
- create a proactive, positive and professional Biosecurity team through an injection of new Staff, established team goals and objectives and the introduction of best practice, responsive biosecurity programs to support landowners and asset managers throughout the region;
- ensure that Council's Biosecurity program is able to effectively, proactively engage and educate the community and where required enforce relevant legislation and standards within a reasonable timeframe;
- ensure a high-profile biosecurity program is delivered to Tamworth and outlying towns and villages on a regular basis, promoting Council in a positive and professional manner;
- position Council's Biosecurity unit to be seen as a best practice model, focused on an inspectoral role seeking continual improvement rather than achieving the same base line standard of other Councils; and
- improve community education and awareness through regular engagement and information workshops to increase biosecurity knowledge and reporting in Tamworth and the region.

As part of the Councillor Workshop held in September 2025, a cross-Directorate response within Council to address biosecurity issues was discussed. It has been agreed by Regional Services and the Community Safety Division that the Community Safety's Biosecurity Unit will have the overarching inspectoral role regarding Council's biosecurity program and will inform other Directorates and Divisions within Council of biosecurity issues and then coordinate a response in collaboration with those other work areas.

The implementation of this proposal will provide a greater level of accountability and capability within Council's biosecurity program with greater support and resources, a more consistent, proactive and responsive level of service delivery will be achievable to the community, landowners and businesses throughout the region, **ENCLOSED**, refer **ENCLOSURE 1**.

(a) Policy Implications

Nil

(b) Financial Implications

An increase in the Biosecurity budget of \$149,000.00 will be in the General Fund.

(c) Legal Implications

The adoption of the proposal and recommendations will assist in ensuring Council meets its' responsibilities under the Biosecurity Act 2015.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 3 - Prosperity and Innovation

Focus Area 4 - Resilient and Diverse Communities

9.3 TAMWORTH YOUTH STRATEGY - PROGRESS REPORT

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Haley Fenn, Team Leader, Inclusive Community

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Youth Strategy - Progress Report”, Council:

- (i) receive and note the report; and*
- (ii) acknowledge and recognise the achievements of the 2025 Youth Council*

SUMMARY

The purpose of this report is to present to Council the Tamworth Youth Strategy Progress Report, highlighting key achievements, partnerships and ongoing focus.

COMMENTARY

The Tamworth Youth Strategy and Action Plan outlines Council's commitments to improving outcomes for young people aged 12-24 across five priority areas:

- Life Ready;
- Wellbeing;
- Access and Connectivity;
- Community; and
- Identity.

The Action Plan identifies specific initiatives to be delivered in partnership with young people, community organisations, schools and service providers. This report summarises progress for the first two years of implementation 2024 and 2025.

Implementation of the Action Plan continues to advance, with strong collaboration across the youth sector and increased engagement from young people. The report is **ATTACHED**, refer **ANNEXURE 1**. Growth in youth programs delivery across the Local Government Area has seen increased participation from young people.

Tamworth Regional Youth Centre was host to wellbeing workshops in partnership with health providers, service providers, Non-Government Organisations (NGO), schools and community organisations focusing on mental health, resilience, healthy relationships and overall wellbeing.

In 2025, Tamworth Regional Youth Council played a significant leadership role in influencing Council policy and future direction.

The Youth Council delivered five major events in 2025 as part of the annual Youth Week celebration, including Tamworth Got Talent, Skate and Novelty Sports Competition, Comedy Workshop, Public Speaking and Creative Expression Competition and Trivia Night.

In May 2025, Youth Councillors had the opportunity to meet with Advocate for Children and Young People (ACYP), Zoe Robinson. It was an open conversation where Youth Council members had the opportunity to express and discuss their priorities for regional youth. Items discussed were transport in regional areas, cost of living, school stress, access to mental health and increased access to the arts in regional areas.

In relation to the report, continued delivery of Action Plan initiatives will focus on all five priority areas to see an expansion of youth co-designed and youth-led programs and events

throughout the region. Through continued collaboration across the youth sector, will see strengthened partnerships to address the needs of young people and service access gaps. This will support continued implementation of the Action plan, with a focus on addressing emerging needs of young people.

(a) Policy Implications

Nil

(b) Financial Implications

Funding for the activities and programs is provided from existing recurring youth services operational budgets, as well as a \$10,000 non-recurring budget to deliver initiatives under the Youth Council Action Plan.

The Youth Council will also continue to take advantage of relevant funding programs to assist with the implementation of the Action Plan.

(c) Legal Implications

Nil

(d) Community Consultation

The Tamworth Regional Youth Council represent a diverse group of young people of various backgrounds, who advise Council on issues that are relevant to young people across the local government area.

(e) Delivery Program Objective/Strategy

Focus Area 4 - Resilient and Diverse Communities

10 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

That the confidential reports as listed be considered in a Meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.

10.1 T059/2008 TAMWORTH EFFLUENT REUSE FARM OPERATIONS - HARLEY HAY LEGAL MATTER

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 12.3 to Ordinary Council 23 February 2021 - Minute No 45/21
Item 12.4 to Ordinary Council 25 May 2021 - Minute No 155/21
Item 12.12 to Ordinary Council 14 February 2023 - Minute No 22/23

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (g) of the Local Government Act 1993 on the grounds that the matter and

information is advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

SUMMARY

The Tamworth Effluent Reuse Farm (TERF) was developed to provide sustainable management of the effluent produced from Council's Westdale Wastewater Treatment Plant (WWTP) where this effluent could be beneficially reused in agricultural production.

On commencement of the operation of the TERF on 15 September 2011, a Project Agreement for the operation of the TERF was signed for a period of 10 years with the original TERF operator, REALM Agribusiness Pty Ltd. The Project Agreement included an option to extend the operation agreement for a further five years, solely at the discretion of Council.

The Agreement could also be novated to another party with Council's approval. At its Meeting of 9 February 2016, Council considered a report in relation to the Project Agreement being novated from REALM Agribusiness Pty Ltd to Harley Hay Pty Ltd. Council subsequently agreed to the novation of the Project Agreement for the operation of the TERF and on 15 March 2016, Council executed the Deed of Novation of Project Agreement for the TERF contract T059/2008 with Harley Hay Pty Ltd. As a result, Harley Hay Pty Ltd became the operational contractor for the TERF for the remaining term of the original Agreement i.e. until 15 September 2021.

The 2018/2020 drought occurred during the period Harley Hay was operating the TERF. Given the severity of the drought and the impacts of a proposed temporary weir on the Peel River on downstream license holders, Council agreed, following discussion with the NSW Government, to a trial where pumping of effluent to the TERF would cease and effluent would instead be pumped to the Peel River for possible use by downstream water license holders. The trial commenced on 3 December 2019 for a period of approximately five weeks. The trial was not successful and as a result pumping of effluent to the TERF recommenced on 8 January 2020.

As previously reported to Council, Harley Hay has commenced legal action against Council seeking compensation for the interruption to the pumping of effluent to the reuse farm during the trial period and compensation for crops in the ground when the contract for the ongoing operation of the TERF, post 15 September 2021, was awarded to Manuka Chaff following a tender process.

The purpose of this report is to update Council on this legal action

10.2 REPLACEMENT OF SIX LIGHT TRUCKS WITH SIX HEAVY DUTY 4x4 VEHICLES

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager - Plant Fleet and Building Services

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (d)i of the Local Government Act 1993 on the grounds that the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

SUMMARY

Light trucks have been used to transport staff and materials from local depots to worksites for

the past 20 years and have served the purpose well. Discussions with management and operational staff have resulted in an improved understanding of how these vehicles can be used which could result in significant savings for the Transport Operations division.