



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the Meeting of Tamworth Regional Council held in the Lands Building
Nemingha Room, 25-27 Fitzroy Street, Tamworth

12 JULY 2022

**PAUL BENNETT
GENERAL MANAGER**

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, 4th Floor Ray
Walsh House, 437 Peel Street, Tamworth
TUESDAY 12 JULY 2022 at 6:30PM

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Minutes

PRESENT: Cr Russell Webb (Mayor), Cr Mark Rodda, Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, Cr Stephen Mears, Cr Marc Sutherland, Cr Helen Tickle.

IN ATTENDANCE: The General Manager, Director Liveable Communities, Director Growth and Prosperity, Director Regional Services, Director Water and Waste, and Executive Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Brooke Southwell who is unable to attend the Meeting due to being out of town on private business.

MOTION

Moved Cr Betts/Cr Sutherland

That the apology be accepted and Cr Brooke Southwell be granted leave of absence from the Meeting.

200/22 RESOLVED

2 COMMUNITY CONSULTATION

7.1 SECTION 8.2 REVIEW - CHANGE OF USE - FEEDLOT (INTENSIVE LIVESTOCK AGRICULTURE)

Rebecca Brady addressed the Council to speak in opposition to the recommendation.

7.1 SECTION 8.2 REVIEW - CHANGE OF USE - FEEDLOT (INTENSIVE LIVESTOCK AGRICULTURE)

Jessica Pittman addressed the Council to speak in opposition to the recommendation.

7.1 SECTION 8.2 REVIEW - CHANGE OF USE - FEEDLOT (INTENSIVE LIVESTOCK AGRICULTURE)

Matthew Pittman addressed the Council to speak in opposition to the recommendation.

8.2 PROPOSED NEW DUNGOWAN DAM AND PIPELINE - OWNERSHIP AND OPERATION

David McKinnon addressed the Council to speak in opposition to the recommendation.

8.2 PROPOSED NEW DUNGOWAN DAM AND PIPELINE - OWNERSHIP AND OPERATION

Graham Carter addressed the Council to speak in opposition to the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Mears/Cr Burke

That the Minutes of the Ordinary Meeting held on Tuesday, 28 June 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

201/22 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR JUDY COATES - COUNTRY MAYORS ASSOCIATION (CMA) RURAL HEALTH

MOTION

Moved Cr Coates/Cr Tickle

That the report 'Country Mayors Association – Rural Health Forum' be received and noted.

202/22 RESOLVED

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 SECTION 8.2 REVIEW - CHANGE OF USE - FEEDLOT (INTENSIVE LIVESTOCK AGRICULTURE)

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Gina Vereker, Director Liveable Communities
Reference: Item 7.1 to Ordinary Council 26 October 2021 – Minute 299/21.

MOTION

Moved Cr Burke/Cr Betts

A. That Council in relation to Development Application No. DA2021-0254 for a Change of Use – Feedlot (Intensive Livestock Agriculture) at Lot 29 DP 755329 and Lot 33 DP 755329 and Lot 34 DP 755329 and Lot 282 DP 587888, “Lloma” 252 Pendene Road LOOMBERAH NSW 2340, grant development consent subject to the following conditions:

GENERAL

Advising: In interpreting this consent, headings are for guidance only. Conditions include the reason for the condition. Advice does not form part of the consent but is provided for guidance. Council will follow the advice provided in its own actions.

- 1) The person having the benefit of this consent shall, prior to works commencing, supply to Council amended plans for endorsement which:
 - a) Shall incorporate any and all design modifications that might be proposed to address conditions of this consent, and
 - b) Measures proposed in the endorsed Construction and Operations Management Plan (where relevant)

The plans, once endorsed by the Council become part of the Consent.

Reason: To ensure that the endorsed plans are an accurate reflection of the development approved under this consent.

Advising: The feedlot design and management should reflect the relevant components of the National Guidelines for Beef Cattle Feedlots in Australia, 3rd Edition (MLA), the National Beef Cattle Feedlot Environmental Code of Practice, 2nd Edition, and Beef Cattle Feedlots: Design and Construction Standards (August 2016).

- 2) The development must be carried out in accordance with the information submitted by the applicant, as amended by the conditions of this consent. For the avoidance of doubt:
 - a) In the case of conflict between the written information and the plans submitted by the applicant, the endorsed plans prevail.
 - b) In the case of conflict between the information submitted and the conditions of this consent, the conditions prevail.
 - c) In the case of the Construction and Operational Environmental Management Plan, this Plan cannot amend the performance outcomes

of this consent, but may vary the operational methods by which those performance outcomes are achieved.

- d) The information on which this consent relies and which is incorporated in this consent is:
- i) The Statement of Environmental Effects prepared by Continuum ERS (Version 7) 11 May 2021;
 - ii) The report “Air quality impact assessment – Goonoo Goonoo Pastoral – Tamworth Feedlot 7 March 2022 by Todoroski Air Sciences Pty Ltd;
 - iii) The report “Lloma Effluent Application Project Soils Assessment – Final March 2022 by Minesoils Pty Ltd;
 - iv) The most recent issue of the Construction and Operational Environmental Management Plan, as endorsed by Council;
 - v) The most recent issue of the plans set out in Condition 1, as endorsed by Council, including but not limited to:
 - (1) A site and access plan;
 - (2) Plans of the proposed feed shed;
 - (3) A landscape plan;
 - (4) A plan of the controlled drainage area;
 - (5) A controlled drainage area calculation plan;
 - (6) Feed bunker detail plans;
 - (7) Silo detail plans; and
 - (8) Dead animal pit plans.

Reason: To make clear the provisions of this consent with respect to the development.

- 3) The person having the benefit of this consent shall, in addition to the explicit provisions of this consent, take all reasonable, feasible and practical measures to prevent or minimise harm to the environment and human health during the construction, operation, and where relevant, decommissioning of the development.

Reason: To ensure that, throughout the life of the development, good practice is exercised with respect to the development.

Advising: Throughout the life of the development, the person having the benefit of this consent will need to secure, renew, maintain and comply with all the relevant statutory approvals and other legislation applying to the development and ensure that all contractors and subcontractors are aware of, and comply with, the conditions of this consent and other relevant approvals and legislation, including maintaining the necessary insurances, in particular for any works on public lands.

The operation of the common law of nuisance runs alongside any statutory obligations under this consent or other legislation. In this respect a precautionary approach should be taken to the operation of the facility, with this consent establishing minimum requirements only.

- 4) It is the responsibility of the person having the benefit of this consent to ensure

that costs of any external works to the development site, incurred in the implementation of this consent, including on public lands, are met.

Reason: To ensure that the development is not cross-subsidised by the public.

Advising: In the situation that the proponents seek to utilise B-Doubles as the service vehicles to the site, some upgrading of the intersection of Pendene Road and Dungowan-Duri Road as well as the property entrance may be needed. These works, if proceeded with, would be funded in accordance with this condition. Costs of the works can only be determined on the basis of considerations by Council as to the degree to which any works might be required. Contact should be made with Council's Development Engineering Division to review the performance outcomes that would be sought for B-Double access, including the process of declaring a B-Double route.

5) With respect to drainage from the site:

- a) Overall, total peak flows from the property shall not exceed pre-development flows, taking into account any changes to the rainfall regime.
- b) Drainage from the shed shall be discharged to overland flow, not less than 3m from the building.
- c) All overland surface flows, including from the proposed on-site storage dams, must not have measurably increased negative impacts on watercourses outside the development site as compared to baseline conditions.

Reason: To ensure that the drainage from the site is dealt with in an effective manner.

6) Any lighting on the site shall be in accordance with Australian Standard AS4282.

Reason: To ensure that any lighting does not create a nuisance outside the development site.

7) The person having the benefit of this consent is to ensure that the costs of all necessary utilities to serve the development site and of any changes or disruptions to utilities are met.

Reason: To ensure that no utilities are negatively affected by the development, and that the costs of any utility upgrades are not met by the public.

Advising: The proponent should consult with any relevant utility providers for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s). This includes the use of the "Dial before you dig" service.

8) A business identification sign, no more than 1.8m wide by 0.9 m high, at the entrance to the property, together with any signage required under statutory obligation (including WHS) is explicitly authorised by this consent, notwithstanding exempt and complying development. The location of any signage shall not interfere with vehicle sight lines.

Reason: To clarify what signage is permitted on the property without further approval from Council and ensure safety is protected.

Advising: This signage can include the notification requirements of the complaint resolution procedure. Unless otherwise required by conditions of this consent, a separate application shall be submitted to Council prior to the

erection of any signage unless the proposed signage is 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.

- 9) All internal access roads to serve the development shall be implemented and maintained so as to ensure that they are in, and are maintained in a serviceable condition for the largest service vehicle to utilise the development. The proposed approach is to be addressed in the Construction and Operational Environmental Management Plan.

Reason: To ensure that vehicles accessing the site can obtain that access as necessary.

Advising: It is noted that the proponent intends to place additional gravel on internal access roads including up to the proposed feed lot pens. The gravel should ensure that the weight of the largest service vehicle accessing the site can be supported, given the prevailing soil conditions, and that the area of gravel provides for the swept areas of the service vehicles. Also refer to other conditions of this consent relating to erosion control include drainage of internal access roads.

PRIOR TO WORKS COMMENCING

- 10) A Construction Certificate shall be obtained for the proposed shed.

Reason: Statutory obligation under the Environmental Planning and Assessment Act, 1979.

- 11) Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- a) appoint a Principal Certifier and notify the Council of the appointment (if Council is not appointed); and,
- b) notify Council of their intention to commence building work (at least two (2) days' notice is required).

Reason: Statutory obligation under the Environmental Planning and Assessment Act, 1979.

- 12) Toilet facilities are to be provided or maintained, at or in the vicinity of the work site on which the erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed on construction at the site. Each toilet provided:

- a) must be a standard flushing toilet connected to a public sewer; or
- b) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Reason: To provide appropriate sanitary facilities for site workers during construction and operation.

Advising: The existing toilet facilities at the existing buildings on the site are considered appropriate to satisfy the needs of construction, as well as provide for the ongoing needs of the development.

- 13) The person having the benefit of this consent must ensure that a sign containing

the following information is erected in a prominent position and maintained on the site at all times during the construction period:

- a) the name, address and telephone number of the Principal Certifying Authority for the work;
- b) the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) a statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

Reason: Statutory obligation under the Environmental Planning and Assessment Act, 1979.

- 14) Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the latest available issue of the "Blue Book" Managing Urban Stormwater – Soils and Construction Vol. 1 and Vol 2c (Landcom 2004, 2008).

Reason: To ensure that erosion is well-managed during any construction works and during the operation of the development.

Advising: The erosion control measures should be included in the Construction and Operational Environmental Management Plan applying to the development.

- 15) Prior to the commencement of any works and the commencement of operations, a Traffic Management Plan (TMP) shall be prepared and submitted to Council for approval. The TMP shall detail how traffic movements will be managed during the construction and operational phases of the development.

At minimum, it shall provide that:

- a) All vehicular movement to and from the site shall be in a forward direction
- b) Drivers are to be inducted into the TMP and the need to minimise amenity and safety impacts at all times, including but not limited to:

- i) Travelling speeds not to exceed the prevailing conditions, including for the road type and the weather conditions

Advising: Council would support operational speeds on sealed local roads not exceeding 80 km/hr and on unsealed local roads not exceeding 60 km/hr with lower speeds encouraged during periods of poor conditions.

- ii) Movements coinciding with school bus operations are to be minimised.
- iii) Amenity impacts should be reduced by limiting vehicle movements to daylight hours, where possible and practicable.
- iv) Avoidance of the use of compression braking where safe and practicable.
- v) Chain of responsibility being implemented.

- c) A Traffic Control Plan is developed, and endorsed by Council, prior to any works being undertaken on the public road network.

Reason: To ensure that the traffic impacts of construction within the site and on the public road network, and operation of the site, including any movements external to the site are addressed in a way that protects amenity and addresses safety risks.

- 16) Prior to the use of any B-Double articulated vehicles (Austroads specification), any upgrades to the external road network required to improve, specifically, the Pendene Lane/Duri-Dungowan Road and the entry to the development, shall be approved and certified by Council, and any construction works shall be undertaken in accordance with the Council approval.

The intersections are to meet the following criteria:

- a) No service vehicle larger than a B-Double (26m Austroads specification) is permitted.
- b) Swept areas for the largest permissible service vehicle are to be no closer than 400mm to existing or proposed culvert headwalls or the edge of the existing or proposed constructed pavement.
- c) The road must be categorised by Council as a B-Double route.

Reason: To ensure that the road network can adequately cater for the proposed service vehicles.

Advising: The use of semi-trailers (single articulated vehicles) is permissible on the local road network without any further works, including to the entry of the site. Should the proponent wish to utilise B-Doubles during construction or operation, which is preferred by Council, then physical upgrade works to the public road network may be required.

Any such approval for the unsealed portion of Pendene Road to be used for B-Doubles is likely to include a requirement for the cessation of B-Double movements in the event of certain wet weather events.

Detailed construction plans for any works external to the site should be prepared and submitted to Council for approval. Council's document Engineering Design Minimum Standards for Subdivisions and Developments provides guidance as to the information required to be provided. Please ensure you refer to the latest edition on Council's website.

The centreline of the roads may be crossed as part of swept area calculations, noting this is already needed by semi-trailers.

Approval under Section 138 of the Roads Act would also be required.

A Construction Certificate is not required for road construction, although Council approval is required for any works on the public road network.

The works may be contracted to a Council approved road contractor, or Council may undertake the works at the proponent's expense.

Council would accept a bond for the works, should the works be contracted to Council.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- 17) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979, and the Tamworth Regional Council Section 7.12 (formerly known as S94A) Development Contributions Plan 2013,
- a) \$975.00 shall be paid to Council to cater for the increased demand for

community infrastructure resulting from the development;

- b) if the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$CPY} = \text{\$CDC} \times \text{CPIPY}$$

CPIDC

Where:

\\$CPY Is the amount of the contribution at the date of Payment
\\$CDC Is the amount of the contribution as set out in this development consent

CPIPY Is the latest release of the Consumer Price Index (Sydney - All Groups) (CPI) for the financial year at the date of Payment as published by the ABS

CPIDC Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent.

- c) the monetary contributions shall be paid to Council prior to the issue of a Construction Certificate;
- d) Notwithstanding any negative movement of CPI, the amount of the contribution shall be no less than the amount indicated in this condition for the current financial year.

Reason: To ensure that general impacts on the area are contributed to by the development.

Advising: It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes; and,

The Tamworth Regional Council Section 7.12 (94A) Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au.

<<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

DURING CONSTRUCTION OF WORKS

- 18) The proposed vegetation screen / landscaping along the northern, eastern and south west perimeter of the feedlot site, and as shown on the endorsed plans, shall be established as soon as practicable.

Reason: To ensure landscaping is commenced as early as possible.

Advising: Works should include measures to prevent damage to the vegetation from stock during the establishment period.

- 19) Construction work on the project shall be limited to the following hours:
- a) Monday to Friday - 7.00am to 5.00pm;
- b) Saturday - 8.00am to 1.00pm if audible (>2dBA increase in noise) at any residential premises external to the site, otherwise 7.00am to 5.00pm;
- c) No work to be carried out on Sunday or Public Holidays if it is audible

(>2dBA increase in noise) on residential premises.

Reason: To prevent unreasonable disturbance to the amenity of the area.

20) The issues below are to be addressed in the Construction and Operational Environmental Management Plan, which is to be complied with during the construction and operation of the development.

a) The proponents are responsible for instructing and controlling their contractors regarding the hours of work.

Advising: Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the construction operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

b) All building works are to be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code (NCC);

c) Erosion and sediment control measures in accordance with the endorsed Erosion Sediment Control Plan (ESCP) are to be maintained at all times;

d) Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction.

e) The approved Traffic Management Plan (inclusive of any resultant Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times during the duration of the works.

Advising: If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Development Engineering Division is required;

f) Identification of Aboriginal relics or objects during construction shall lead to the immediate cessation of work.

Reason: To ensure the protection of Aboriginal Heritage.

Advising: While construction work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered under the provisions of the NPWS Act, 1974. The person conducting the works must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Work may only recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning and Environment.

Definitions:

i) "relic" means any deposit, artefact, object or material evidence that:

ii) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

- iii) is of State or local heritage significance; and
- iv) “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

g) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the Developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.

Reason: To protect the public realm.

h) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the owner/operator and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure that any asbestos identified is dealt with in a safe and legal manner.

i) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.

Reason: To protect the integrity of the state's cadastral system.

j) With respect to noise:

i) the activities at the site must not create nuisance or intrusive noise as defined by the Protection of the Environment Operations Act 1997, when measured or assessed in a habitable room of a residential premises. The noise created at the site must also comply with the NSW Noise Policy for Industry 2017.

ii) All plant and equipment must, where practicable, be shut down when not in active use and not left to idle unduly. Plant must be operated in a conservative manner;

iii) Consideration is to be given to the cumulative impact of plant and/or equipment operations; and

iv) All plant and machinery are to utilise broadband reversing alarms instead of hi frequency reversing alarms.

Reason: To minimise noise impacts of the development on local amenity.

Overall Reason: To ensure that the COEMP provides a comprehensive and effective framework for the ongoing management of the development, as well as its construction.

- 21) Any materials removed from or imported to the site during construction is to be managed in accordance with the following requirements:
- a) Any excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise in accordance with the law, and the classification and the volume of material removed must be reported to the Principal Certifier; and
 - b) Any fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure that contaminated waste is dealt with effectively and that no environmental problems are imported to the site through contaminated materials.

- 22) Any damage caused to Council infrastructure during the subject development construction works shall be rectified by the proponents to the satisfaction of Council.

Reason: To ensure the integrity of Council's infrastructure is maintained to an acceptable standard.

Advising: As part of approval of any works on the public road network, Council may require a bond, by way of an irrevocable bank guarantee, pending the finalisation of construction, and the operation of a 12 (twelve) month maintenance period.

Inspections

- 23) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections for the shed as prescribed under the Environmental Planning and Assessment Regulation 2000. The owner may appoint either Council or an accredited certifier to be the PCA.

PRIOR TO RELEASE OF OCCUPATION CERTIFICATE FOR THE SHED

- 24) All works on the shed as required by these conditions of consent shall be completed.

Reason: Statutory Requirement.

PRIOR TO COMMENCEMENT OF OPERATIONS OF THE FEEDLOT

- 25) Tamworth Regional Council must be satisfied that vegetation screen / landscaping along the northern, eastern and south west perimeter of the feedlot site has been planted in accordance with the approved plans and any relevant conditions of this consent.

Reason: To ensure that landscaping has a good prospect of successful establishment.

Advising: Provided that climatic conditions are adequate, the vegetation should be established as soon as practicable. A suggested approach is deep ripping, followed by planting into the rip lines after (say) 3 months, and utilising mulch and windbreaks (cartons or similar) as well as initial watering and fertilizer. Particular attention needs to be paid to landscaping to the immediately adjoining property to ensure that effective screening is provided to views into the development from that property.

- 26) Evidence shall be provided from a qualified, practising Structural Engineer that the structures previously built which are now part of the proposed feedlot are fit for purpose. The relevant structures are:

- a) heavy duty post and cable stock fencing; and
- b) shade sail structure.

Reason: To ensure that the structures already constructed on the land are safe for their intended purpose.

- 27) All relevant conditions of this consent shall be complied with prior to operations.

Reason: As not all works require a construction certificate, this condition ensures that the development is functionally complete prior to operations commencing.

Advising: Any works on the external road network need not be completed prior to construction or an Occupation Certificate.

- 28) The operator of the facility must prepare and submit a Construction and Operational Environmental Management Plan (COEMP) to be approved by Council prior to commencement of the feedlot operation. As part of the COEMP preparation the operator shall provide to the Council a proposed engagement process with the local community. The COEMP must, at minimum:

- a) identify relevant statutory requirements applicable to the construction and operation of the development;
- b) outline measures to be taken during construction;
- c) detail the proposed operations, including the roles and responsibilities of all key personnel (by position) involved in the operation of the development;
- d) set standards and performance measures for each of the relevant environmental matters associated with the operation of the development;
- e) describe the proposed corrective actions that will be implemented to mitigate any negative impacts of the development;
- f) ensure the operational health and safety of workers;
- g) address the chain of responsibility for heavy vehicles;
- h) undertake a risk analysis and mitigation procedure to address risks including but not limited to:
 - i) natural conditions including extreme weather events;
 - ii) biosecurity hazards;
 - iii) major mortality events;
- i) provide records of operations, including:
 - i) incoming and outgoing stock numbers;
 - ii) monitoring of impacts;
 - iii) any complaints together with resolution;
- j) include a manure management plan including stock piling and spreading. This must detail how it is intended that manure application would respond to seasonal and temporary weather conditions, soil

capacities and the like;

Advising; it is very strongly encouraged that the operator consider composting as the primary treatment of manure prior to land application.

- k) include an effluent management plan which addresses drainage, storage and irrigation in accordance with the NSW Environmental Protection Authority (EPA) Environmental Guidelines: Use of Effluent by Irrigation or other good practice documentation applicable at the time. This must detail how soil nutrient storage capacity and crop utilisation would be addressed to minimise off-site impacts.

In particular the effluent holding lagoons shall, at a minimum:

- i) both be maintained at all times at a capacity that allows for the intake of a 2% 24-hour probability storm event without overflow;
- ii) insofar as is practicable, have the lowest effluent level possible, consistent with soil and vegetation uptake capacities on the property;
- iii) be constructed and clay lined in accordance with the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition; and
- iv) be inspected at least quarterly and maintained in accordance with the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition.

Advising: Inspection reports are to be included in the Operational Environmental Management Report.

- l) Effluent application techniques and processes, ensuring that application is not to occur within:

- i) 50 metres from a water course;
- ii) 100 metres from a bore site;
- iii) 100 metres from any property boundary not being to a public road and/or occupiable premises on an adjoining property; and
- iv) 25 metres from a public road.

Reason: To reduce the risks of impacts from effluent application.

Advising: waste manure should be applied to the site in a sustainable manner to ensure all application areas do not exceed the capacity of the area to effectively utilise the materials ('effectively utilise' includes the use of the effluent and solids for pasture or crop production, as well as the ability of the soil to absorb nutrients, salts, hydraulic loads and organic material). Watercourse includes any watercourse marked on the NSW Government plans known as Water Management (General Regulation) 2018 Hydroline Spatial Data 1.0.

- m) Detail soil monitoring relevant to the feedlot operations including details of location and times. Baseline soils tests shall be conducted prior to the commencement of feedlot operations to establish a soil nutrient, organic matter and chemical status.
- n) Ground water monitoring relevant to the feedlot operations including

details of monitoring bore locations and monitoring timing. Baseline tests shall be conducted prior to commencement of the feed lot operations;

Advising: It is anticipated that a minimum of two (2) monitoring bores would be required, covering both the Sandy Creek and Reedy Creek catchments

- o) Surface water monitoring relevant to the feedlot operations including details of location and times;
- p) Specific provisions to address the use and operation of the existing cattle yards with specific attention being paid to:
 - i) Management of odour, and
 - ii) Management of runoff into the Sandy Creek waterways;
- q) A dust management plan;
- r) A biosecurity management plan;
- s) A Q fever management plan;
- t) An emergency operations plan;
- u) An odour management plan that seeks to minimise odours to no more than two (2) odour units (OU) at any off-site sensitive receiver;

Advising: According to the modelling undertaken, achieving 2 OU at any sensitive receiver outside the site would be achieved for all but one receiver, noting this receiver is modelled as being fractionally over 2 OU. It is also noted that in the rural context 7 OU is considered acceptable by authorities. Nevertheless, it is appropriate that the development strive for a 2 OU level, which is consistent with urban sensitive receivers.

- v) A soil erosion and sediment control plan;
- w) A spilt and spoilt feed management plan including collection and disposal;
- x) The management of chemicals, oils, fuels;
- y) A flies and vermin management plan;
- z) A dead stock management plan that, at minimum includes:
 - i) recording daily and mass mortality over the reporting period;
 - ii) a record of the location of dead animal pits (regular mortality and multiple mortality pits) shall be kept. The location of the pits shall be marked on a map and the information as a minimum shall include depth of pit, number of carcasses disposed in pit, date of pit creation and date the pit was finished being used, such information to be included in the COEMP report; and
 - iii) provisions that mortality pits shall be designed in a manner that they will not contaminate ground water.

Advising: The current pit location should be reconsidered. In addition, pit disposal may not be the only effective method. Alternatives may be put forward in the COEMP if they are likely to achieve more effective results. If pits are to be used, they should be managed in a way to prevent odour, flies and pest animals being able to access the carcasses. Location and

construction of the pit needs to be done in such a manner to avoid groundwater impacts.

- iv) a provision that no burning of carcasses is permitted unless specifically directed by a government agency with the relevant powers, in relation to biosecurity issues and/or the presence of notifiable disease outbreaks;

Reason: To ensure good practice in the disposal of dead animals.

- aa) A heat load management plan (EHL);

Reason: To ensure the effective management of animal welfare in hot conditions.

Advising: The EHL Management Plan shall be prepared in accordance with advice from the Meat and Livestock Australia – Tips and Tools - “Managing Excessive Heat Load in Feedlot Cattle” or other approved guidance documents.

- bb) A noise management plan. At minimum:

- i) the operator shall ensure that all machinery and equipment is maintained and operated in a proper and efficient manner;

- ii) the operation of this activity must not produce noise levels greater than the more stringent of the following:

- iii) 5dB(A) above background levels (when measured as an LAeq (15 min) at the most affected point on or within the property boundary of any residential receptor); OR: The amenity criteria which is 45dB(A) (daytime), 40dB(A) (evening) and 35dB(A) (night time);

*Daytime being the period from 7 am to 6 pm Monday to Saturday or 8 am to 6 pm on Sundays and public holidays;

*Evening being the period from 6 pm to 10 pm and *Night time being the remaining periods.

Reason: To minimise the likelihood that noise generated from the operation gives rise to offensive noise complaints.

- cc) Any other relevant matters (including those separately identified by conditions).

Overall Reason: To ensure that the development is constructed and operated in a safe and effective manner which preserves amenity and minimises environmental impacts.

Overall Advising: Reference should be made to the Report to Council on the application at its meeting of 12 July 2022, in particular the commentary on submissions, with the matters raised in that report being given consideration in the COEMP. It is strongly recommended that the proponents commence an outreach program as soon as practicable. Further advising that there is no objection to a separate CEMP and OEMP being submitted.

Water Supply

- 29) Prior to the commencement of operations, the operator must provide evidence

to Council confirming an appropriate Water Access License is held for use for the feedlot.

Reason: To ensure that adequate and legal water supplies are available for the development.

Complaint Management

30) A complaints management protocol is to be included within the COEMP. At minimum, it must include the following provisions:

- a) Prior to the commencement of construction of the development, the proponent shall arrange for a sign to be erected at the main entrance to the property clearly displaying the operator's contact telephone number, email address and postal address where complaints can be lodged. This sign must be erected so that it is visible and legible from Pendene Road.

Reason: To ensure that contact details are provided in a way that is readily visible.

Advising: This information can be incorporated within a business identification sign. It is suggested that a dedicated mobile phone be provided for the receipt of complaints.

- b) The operators shall maintain a register of all complaints received regarding the impact of the feedlot operation. This register must include: all responses and any measures taken to address any perceived problems; time and date details; name and contact details of complainants (if known), as well as the climatic conditions on the day of the complaint, those responsible for investigating the complaint; and the resolution of those complaints.

Reason: To ensure that an audit trail is available of complaints and their resolution.

- c) Complaints shall be responded to within 24 hours of receipt, provided that the complainant provides appropriate contact details.

Reason: To ensure that complainants receive a response in a timely fashion.

Advising: Depending on the nature of the complaint, the initial response may consist of acknowledgement only. A timeframe for responding to the complaint is to be provided, if substantive action is not able to be immediately undertaken to mitigate the issue, the subject of the complaint.

In the event of complaints being received by Council, these will be passed on to the operators for a response.

If the complaints made to Council or the operators are, in the opinion of the Council, vexatious, Council will consult with the operator regarding an agreed plan of management to handle that particular complainant or complainants. This may include Council staff or other persons acceptable to the parties mediating the complaint.

DURING OPERATIONS

NFAS Accreditation

31) The operator shall, not later than eighteen (18) months from the commencement

of operations:

- a) apply for accreditation of the facility under the National Feedlot Accreditation Scheme;
- b) provide written evidence to Council of the outcome of the application; and if the application is not supported:
 - i) steps proposed to be taken to achieve accreditation; and
 - ii) interim management measures by way of an updated COEMP that would be put in place prior to re-submission of the application for accreditation.

Reason: To utilise an independently audited quality assurance program to facilitate ongoing good practice with the operation.

Advising: It is recognised that the decision to accredit lies with others, and accordingly cannot be guaranteed. It is for this reason that the condition has been structured the way that it has. It is the intent of this consent that, irrespective of whether accreditation is successfully applied for or not, good practice would continue to drive the operation of the facility in the future.

Operational and Environmental Management Report

- 32) The operator shall submit an annual Operational Environmental Management Report (OEMR) to the Council twelve (12) months after the commencement of operations, and annually thereafter. The report shall, at minimum:
- a) provide an overview of the operation of the development, including a record of the maximum number of cattle held in the pens during the reporting period;
 - b) include detailed reporting from the COEMP and identify any trends in the monitoring of relevant environmental parameters in the COEMP over the ongoing life of the development;
 - c) review the environmental performance of the development to determine whether it is complying with development consent conditions and (then) current good practice;
 - d) identify any and all the occasions during the reporting period when there has been non-compliance and where non-compliance is occurring or has occurred, describe corrective actions taken or proposed to be taken to ensure compliance, who was/is responsible for carrying out these actions, and when those actions were/will be implemented; and
 - e) include a summary of any complaints made about the development, and indicate what actions were taken (or are being taken) to address these complaints.

Reason: To ensure that there is active awareness by the Council of the operations of the development and its compliance with this consent.

- 33) After reviewing the Operational Environmental Management Report (OEMR), Council may require the operators to address certain matters as identified in the Report and/or undertake modifications to the COEMP. The operators shall comply with any reasonable requirements of the Council, following which Council will endorse/re-endorse the COEMP.

Reason: To ensure that issues arising during the operation of the

development are resolved.

Visual Impacts

34) The operator must:

- a) Ensure that if the success rate of the initial plantings is less than 85% after twelve (12) months that supplementary plantings are to be undertaken as soon as climatic conditions are favourable, or in any event within six (6) months.
- b) Maintain the vegetative landscape screening at all times at an 85% success rate or better;
- c) Utilise earthy tones for buildings and silage/grain covers to the satisfaction of Council;
- d) Not mount any advertising signs or logos on site, except where separately approved.

Reason: To protect the visual amenity of the neighbourhood.

Monitoring

35) In addition to the other monitoring requirements of this consent, baseline monitoring shall be carried out, prior to operations commencing, of:

- a) Surface waters; and
- b) Soil conditions, including characteristics and current chemical makeup.

Reason: So that any variations due to the operations of the development can be identified against a baseline range.

Advising: It is noted that baseline conditions vary through time, depending on season and local conditions, including weather, stocking rates and the like. Baseline monitoring should be carried out over the longest practicable period, through a sampling regime (i.e., not continuous) sufficient to identify the typical range of baseline conditions during the monitoring period.

Traffic Management

36) The Traffic Management Plan to be included in the COEMP shall be implemented and maintained so that it monitors, controls and mitigates the traffic impacts on Council's Road network including the amenity and safety of the community as a result of the development's operations.

Alienation of Land

37) No land, the subject of this consent, shall be alienated from the balance of the holding, without either:

- a) A modification application being submitted to, and considered by Council, and Council finding that the proposal (with or without modification) can operate successfully on the residue land; or
- b) A restriction on title, in a form satisfactory to Council, that provides that the operation is able to continue across the land the subject of this consent, notwithstanding separate ownerships; and

38) in the event of well-founded compliance investigations by Council, any technical studies or advice necessary as part of those compliance activities are to be at

the cost of the operator.

End of conditions

- B. That Council request the Tamworth Regional Local Traffic Committee give consideration to the imposition of a lower speed limit on that portion of Pendene Road, between the proposal and the Dungowan-Duri Road; and
- C. That in conjunction with the comprehensive review of the Tamworth Regional Development Control Plan 2010, Council considers the inclusion of a chapter specifically addressing intensive agriculture development.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Helen Tickle
5. Cr Russell Webb, Mayor

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Stephen Mears
2. Cr Mark Rodda, Deputy Mayor
3. Cr Marc Sutherland

203/22 RESOLVED

7.2 PROPOSED ROAD NAMES FOR APPROVED TAMWORTH GLOBAL GATEWAY PARK STAGES 1 AND 2 SUBDIVISION (LOT 83 DEPOSITED PLAN 1271568)

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Kathleen See-Kee, Development and Approvals Support Officer

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report "Proposed Road Names for approved Tamworth Global Gateway Park Stages 1 and 2 Subdivision (Lot 83 Deposited Plan 1271568)", Council:

- (i) approve in principle the road names: 'Bandaar' Drive, 'Burruulu' Close, 'Guda' Street and 'Dhinawan' Street;
- (ii) advertise the proposed road names as required by the Roads Act 1993 Section 162, Roads Regulation 2018 Part 2 Division 1 Section 7 to enable interested parties the opportunity to make comment; and
- (iii) provided no submissions are made which object to the proposed road names, proceed to publish the adopted names in the Government Gazette.

204/22 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING - 1 JUNE 2022

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Operations and Construction

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report “Tamworth Regional Local Traffic Committee General Meeting - 1 June 2022”, Council:

- (i) approve the detours, parking restriction changes and closure of part of the carpark fronting Fitzroy Street, Tamworth from 4 August 2022 to 7 August 2022, for the Tamworth Antiques and Collectables Fair 2022 event;
- (ii) approve the closure of Kookaburra Lane, Manilla between 7am and 2pm 17 September 2022, for the Manilla Bowling Club Market Day;
- (iii) approve the Tamworth Cycling Club Winter Road Racing Program on Council roads in Loomberah, Moore Creek and Attunga, on alternate Saturdays, between 2 April 2022 to 16 October 2022, as per the routes provided in the Traffic Management Plan dated 30 January 2022;
- (iv) approve the Tamworth NAIDOC Week March traffic impacts on O’Connell Street, Peel Street, White Street, Bridge Street and all adjoining streets to the proposed march route, from 9:30am to 11am on 8 July 2022, in accordance with information provided in the formal Event Traffic Management Plan; and
- (v) approve the installation of Give Way Signage and linemarking on the right leg of the intersecting arms of Chelmsford Street, off Carthage Street, East Tamworth.

205/22 RESOLVED

8.2 PROPOSED NEW DUNGOWAN DAM AND PIPELINE - OWNERSHIP AND OPERATION

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

MOTION

Moved Cr Burke/Cr Tickle

That in relation to the report “Proposed New Dungowan Dam and Pipeline - Ownership and Operation”, should the project proceed, Council:

- (i) agree to endorse the following option for the ownership and operation of the proposed new Dungowan Dam and Pipeline:
 - a. at the completion of construction, ownership of the new Dungowan Dam will be transferred to WaterNSW to own, operate and maintain the new Dam;
 - b. at the completion of construction of the new Dungowan Pipeline from the new Dam to the junction of the Chaffey Dam pipeline and the old Dungowan Pipeline, ownership of the new Dungowan pipeline from the new Dungowan Dam to its connection to the Calala Water Treatment Plant will be transferred to Council and Council will own, operate and maintain the pipeline; and
 - c. provided ownership of the new Dungowan Pipeline is provided to Council at nil consideration and ownership of the new Dungowan Dam is transferred to Water NSW as a contributed asset in accordance with the National Water Initiative (NWI) and IPART’s approach to economic regulation, as detailed in the report;
- (ii) write to the NSW Minister for Lands and Water advising Council will not accept:
 - a. an ownership option for the proposed new Dungowan Dam which sees charges for access to bulk raw water paid by Council to access water from the new Dam, that includes recovery of a financial return on the value of the new Dungowan Dam; and
 - b. ownership of the new Dungowan Pipeline if ownership of the pipeline is proposed to be transferred to Council at something other than nil consideration.

206/22 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SPONSORSHIP OF NATIONAL RUGBY LEAGUE PREMIERSHIP GAME

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Jacqueline O'Neill, Director Growth and Prosperity

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report "Sponsorship of National Rugby League Premiership Game", Council approve;

- (i) sponsorship of \$20,000 for the National Rugby League game to be held on 13 August 2022 to be funded from revenue; and
- (ii) an ongoing budget of \$20,000 per annum for this event with funding to come from revenue.

207/22 RESOLVED

10 COMMUNITY SERVICES

10.1 LOAN OF ARTWORK FROM THE VISUAL ART COLLECTION

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums

MOTION

Moved Cr Coates/Cr Mears

That in relation to the report "Loan of Artwork from the Visual Art Collection", Council approves the loan of the identified artwork to the University of the Sunshine Coast (USC) Art Gallery.

208/22 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

Nil

Closure: There being no further business the Ordinary Meeting of Council concluded at 7.58pm.

Cr Russell Webb, Chairperson

Tuesday, 26 July 2022

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Minutes