



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

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

26 OCTOBER 2021

**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 26 OCTOBER 2021 at 6:30PM

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PRESENT: Cr Col Murray (Mayor), Cr Phil Betts, Cr Charles Impey, Cr Glenn Inglis, Cr Jim Maxwell, Cr Mark Rodda, Cr Helen Tickle, Cr Russell Webb and Cr Juanita Wilson.

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

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

2.1 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

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

SUSPENSION OF STANDING ORDERS

MOTION

Moved Cr Wilson/Cr Betts

That Council suspend standing orders to extend the three minutes of Mr Collison by an additional 30 seconds.

294/21 RESOLVED

2.2 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

Wayne Collison addressed the Council to speak in opposition to the recommendation.

RESUMPTION OF STANDING ORDERS

MOTION

Moved Cr Betts/Cr Inglis

That Council resume normal business.

295/21 RESOLVED

SUSPENSION OF STANDING ORDERS

MOTION

Moved Cr Webb/Cr Tickle

That Council suspend standing orders to extend the three minutes of Mr O'Halloran by an additional 90 seconds.

296/21 RESOLVED

2.3 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

Patrick O'Halloran addressed the Council to speak in opposition to the recommendation.

RESUMPTION OF STANDING ORDERS

MOTION

Moved Cr Maxwell/Cr Wilson

That Council resume normal business.

297/21 RESOLVED

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Betts/Cr Webb

That the Minutes of the Ordinary Meeting held on Tuesday, 12 October 2021, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting, save and except for Cr Inglis being incorrectly noted as in attendance.

298/21 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Charles Impey declared a conflict of interest in Item 8.3 “Tamworth Regional Local Traffic Committee Meeting Minutes – 6 October 2021” of the Business Paper, for the reason that he is a teacher at the school where proposed changes are to be implemented. Cr Impey further stated that it was a less than significant non pecuniary interest but he would leave the Chamber and not participate in the debate.

Cr Mark Rodda declared a conflict of interest in Item 7.3 “Draft Amendment No. 15 to Tamworth Regional Development Control Plan 2010 - Site Specific Development Controls for Tamworth Global Gateway Park and Review of Tamworth Regional Development Control Plan 2010” of the Business Paper, for the reason that he is employed by the Department of Planning Industry and Environment. Cr Rodda further stated that it was a less than significant non pecuniary interest and that he would remain in the Chamber and participate in the debate.

Cr Glenn Inglis declared a conflict of interest in Item 9.2 – “Annual Operational Plan 2021/2022 Budget Variation Report – September”, for reason that he is a Director of StateCover Mutual Limited and as Tamworth Regional Council is a member of StateCover Mutual Limited and holds a partly paid share in such entity. Cr Inglis further stated that he has a less than significant, non-pecuniary interest in these matters and will remain in the Chamber and participate in the debate.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 DEVELOPMENT APPLICATION FOR CHANGE OF USE - FEEDLOT (999 HEAD) ON LOT 29, 33 AND 34, DP755329 AND LOT 282, DP 587888 'LLOMA' 252 PENDENE ROAD, LOOMBERAH NSW - FILE NO. DA2021-0254

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Sam Lobsey, Manager - Development

MOTION

Moved Cr Inglis/Cr Webb

That 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, Council:

- (i) defer the development application pending receipt of a report from an independent expert, such report to review the proposed development and

recommended conditions of consent with particular attention given to three matters:

- Odour impacts;
- Surface and groundwater contamination; and
- Degradation of soil;
- with the report to consider the potential impacts of the development and means to resolve these impacts; and

(ii) request the Development Application and independent expert's conclusions be reported to Council at an Ordinary meeting in February 2022.

MOTION DEFEATED

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Phil Betts	1. Cr Charles Impey
2. Cr Glenn Inglis	2. Cr Jim Maxwell
3. Cr Helen Tickle	3. Cr Col Murray
4. Cr Russell Webb	4. Cr Mark Rodda
	5. Cr Juanita Wilson

MOTION

Moved Cr Webb/Cr Tickle

Recommendation

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

- 1) The development must be carried out in accordance with the following stamped plans and documentation:
 - a) Site Boundaries and Vehicle Access Plan submitted with the Statement of Environmental Effects (V7), prepared by Continuum ERS, dated 11/05/2021;
 - b) Plan titled Location of Feed Shed Water tank and Tree Corr, prepared by prepared by Continuum ERS, Revision B dated 26/09/2021;
 - c) Planting Plan prepared by Nature's Vision Landscapes, dated 09/2021;
 - d) Controlled Drainage Area Engineering Drawings containing Site Plan and Effluent Storage details prepared by Kelley Covey Group Pty Ltd, Project No. T207674, Sheets 1 to 6 all dated 3/12/2020;
 - e) Controlled Drainage Area Calculation Plan prepared by Continuum ERS, dated 27/10/2020;
 - f) Feed Bunker Detail Plans prepared by Techspan Building Systems Pty Ltd, Sheets 1 to 4, Revision A all dated 06/05/2021; and
 - g) Silo Details, Model No. 2800, Pages 1 and 2 (notated in red)
- 2) To confirm and clarify the terms of this approval:
 - a) the maximum capacity of the feedlot is 999 head of cattle;

- b) the feedlot site is located on Lot 33 DP 755329;
- c) the two production bores from which water may be used to supply the feedlot are located on Lot 29 DP 755329 and Lot 33 DP 755329;
- d) the spreading of manure and effluent from the feedlot is permitted on Lot 29 DP 755329, Lot 33 DP 755329, Lot 34 DP 755329 and Lot 282 DP 587888; and
- e) the hours of operation are limited to daylight hours.

NB: Whilst the delivery of stock will largely be undertaken during daylight hours, it is acknowledged that on occasions these movements may occur outside daylight hours due to the location of stock supplies and timetabling of the external transport companies.

- 3) the feedlot design and management shall be designed, constructed and operated in accordance with relevant components of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition published by Meat and Livestock Australia, National Beef Cattle Feedlot Environmental Code of Practice (2nd Edition), Beef cattle feedlots: Design and Construction Standards (August 2016);
- 4) the development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council;
- 5) the owner/operator shall take all measures to prevent or minimise harm to the environment during the construction, operation, and where relevant, decommissioning of the development;
- 6) throughout the life of the development, the owner/operator must secure, renew, maintain and comply with all the relevant statutory approvals applying to the development. The owner/operator shall ensure that all contractors and sub-contractors are aware of, and comply with, the conditions of this consent and other relevant approvals;
- 7) it is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval;

Watercourse Management

- 8) the owner/operator shall ensure that all practical measures are taken to prevent, control, abate or mitigate water pollution and protect human health and the environment from harm in accordance with the Protection of the Environment Operations Act 1997;
- 9) all works shall be constructed outside of 40 metres from any watercourse;
- 10) all concentrated roof water and surface stormwater discharging from the development site, buildings and works must be conveyed to an approved point of discharge to the satisfaction of Council, via appropriate open drainage channels and structures;
- 11) the approved points of discharge for the development site are defined as:

- a) the swale drain on the western side of Pendene Road that directs flows to associated culverts / causeways across Pendene Road; and
 - b) overland flow to Sandy Creek to the west of the development.
- 12) on-site detention shall be provided such that peak flow rates from the site are at or below pre-development levels for all storms up to and including the critical 1%AEP (1 in 100-year ARI) event;
- 13) the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:
- a) all plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
 - b) temporary down pipes shall be connected as soon as any roof has been covered so as to not cause a nuisance;
 - c) all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development; and
 - d) any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.
- 14) to protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282;
- 15) the owner/operator shall consult with, as required:
- a) Essential Energy;
 - b) Natural Gas Company; and
 - c) a Telecommunications carrier;
- regarding requirements 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);

Signage

- 16) 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;

Traffic and Parking

- 17) all internal driveways and parking areas to be constructed with a base course of adequate depth to accommodate the design vehicle loading.

PRIOR TO WORKS COMMENCING

General

- 18) a Construction Certificate is required for the development in accordance with Section 6.7(1) of the Environmental Planning and Assessment Act 1979;
- 19) 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 2 days' notice is required).
- 20) toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) must be a standard flushing toilet; and
 - b) must be connected to a public sewer; or
 - c) 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.
- 21) the owner/operator must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
 - 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.
- 22) the contractors engaged to undertake work on Council land or infrastructure must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work;

Erosion and Sediment Control

- 23) 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 "Blue Book" Managing Urban Stormwater –Soils and Construction (Landcom 2004). THE ESCP is to be submitted to Council prior to the commencement of any

construction works;

Traffic Management

- 24) prior to the commencement of any works, a Traffic Management Plan (TMP) shall be prepared and submitted to Council for approval. The (TMP) shall detail how movements in and out of the site during the construction and operational phases of the development will be adequately managed so as not to adversely impact the safe operation of the road network;
- 25) where the TMP for the construction phase is of a level of complexity that Traffic Guidance Schemes (TGS's) are required, the TGS's shall be prepared by a person with applicable certification in accordance with AS1742.3-2009 and the current version of the "Traffic Control at Worksites" manual;
- 26) where upgrades to existing access points associated with the construction phase of the development are warranted, approval from Council pursuant to Section 138 of the Roads Act 1993 from Council will be required. Detailed construction plans shall be prepared and submitted to Council for approval;

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

Landscaping Bond

- 27) a cash bond or bank guarantee to the value of the landscaping works (vegetative screening) must be paid to Tamworth Regional Council and be valid for a period of 5 years, prior to issue of a Construction Certificate.

Development Contributions

- 28)
 - a) 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, \$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:

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

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) 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;

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 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;

General

- 29) Engineering design plans, reports and calculations prepared in accordance with Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments are required for stormwater drainage and upgrade to roads during construction. Completed 'Information to be shown on drawings' and 'Checklists' contained within Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments for each asset category shall be submitted prior to issue of a Construction Certificate as confirmation that all works are designed in accordance with recognised and accepted guidelines.

Advisory Note: Any line marking and/or regulatory signage shown on any plan is required to be reviewed and approved by the Local Traffic Committee prior to approval of the plan(s).

- 30) Certification shall be provided in accordance with Annexure A of Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments prior to issue of a Construction Certificate;
- 31) any retaining walls greater than 600mm above finished ground level or other approved methods necessary to prevent movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by a qualified, practising Structural Engineer. Details are to be included with any Construction Certificate application;

DURING CONSTRUCTION OF WORKS

- 32) during works, the vegetation screen / landscaping along the northern, eastern and south west perimeter of the feedlot site shall be progressively established, as shown on the endorsed plans;

NB: Works will include construction of a protective fence around the perimeter of the vegetative screening from general farming activities.

- 33) work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

Monday to Friday - 7.00am to 5.00pm;

Saturday - 8.00am to 1.00pm if audible on residential premises, otherwise

7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays if it is audible on residential premises;

- 34) the developer shall be responsible to instruct and control their contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above;
- 35) all building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code (NCC);
- 36) erosion and sediment control measures in accordance with the Erosion Sediment Control Plan (ESCP) are to be maintained by the developer at all times;
- 37) 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. The owner/operator is to ensure controls are maintained for the duration of the works and is to inspect the control for this purpose at frequent intervals. Any deficiencies are to be immediately made good;
- 38) the approved Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times;
- 39) 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;
- 40) any damage caused to Council infrastructure during the subject development works shall be rectified by the owner or the builder to the satisfaction of Council to ensure the integrity of Council's infrastructure is maintained to an acceptable standard;
- 41) while construction work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The owner and / or operator 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. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- "relic" means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and

- “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; and
- 42) 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;
- 43) 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;
- 44) 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;

Noise

- 45) 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;
- 46) All plant and equipment must be shut down when not in use and not left to idle. Plant must be operated in a conservative manner;
- 47) simultaneous use of noisy plant and or equipment must not occur where reasonable and practicable;
- 48) all plant and machinery are to utilise broadband reversing alarms instead of hi frequency reversing alarms;

Allotment Filling

- 49) while construction work is being carried out, the Principal Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- a) all 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 and the classification and the volume of material removed must be reported to the Principal Certifier; and
 - b) all 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; and

Inspections

- 50) it is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections 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 THE RELEASE OF AN OCCUPATION CERTIFICATE

- 51) before the issue of an Occupation Certificate, 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;
- 52) evidence shall be provided from a qualified, practising Structural Engineer that structures previously built and associated with the feedlot were constructed in accordance with the provisions of the National Construction Code (NCC). The relevant structures are:
- a) heavy duty post and cable stock fencing; and
 - b) shade sail structure;
- 53) for developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council;
- 54) the intersection of Pendene Road with Duri-Dungowan Road shall be upgraded to accommodate the design vehicles in such a way that swept paths are sufficiently clear of pavement edges and associated stormwater drainage infrastructure, to the satisfaction of Council;

Advisory Note: Pendene Road and Portions of Duri-Dungowan Road are not currently designated B-Double routes. Operation of B-Double vehicles into and out of the site will necessitate an application to Council for inclusion of these roads in the approved B-Double network. Any such approval for the unsealed portion of Pendene Road is likely to include a requirement for the cessation of B-Double movements in the event of wet weather.

- 55) an Inspection Test Plan (ITP) for the construction of roads and drainage infrastructure required for the development shall be submitted to Council's Development Engineering Division for approval to ensure the quality of construction meets the design criteria prior to issue an Occupation Certificate;
- 56) all works as required by these conditions of consent shall be completed;
- 57) Work-as-executed plans shall be prepared showing all completed works in accordance with the Council's Engineering Design Minimum Standards for Subdivisions and Developments and submitted to Council for approval;
- 58) all test results, material certificates, non-conformance reports and signed off hold / witness points as required by the Inspection and Test Plan (ITP) shall be submitted to Council to verify the quality of the completed product;

PRIOR TO COMMENCEMENT OF FEEDLOT OPERATIONS

- 59) the subject feedlot must obtain accreditation through the National Feedlot Accreditation Scheme (NFAS);

NB: NFAS is an independently audited quality assurance scheme initiated by Australian Lot Feeders Association (ALFA) and managed by the Feedlot Industry Accreditation Committee (FIAC).

- 60) all proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to operation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979;
- 61) the owner/operator must prepare and submit an Operational and Environmental Management Plan (OEMP) to be approved by Council prior to commencement of the feedlot operation. The OEMP must:
- a) identify relevant statutory requirements applicable to the operation of the development;
 - b) detail the proposed operations, including the roles and responsibilities of all key personnel involved in the operation of the development;
 - c) set standards and performance measures for each of the relevant environmental matters associated with the operation of the development;
 - d) describe the proposed corrective actions that will be implemented to mitigate potentially negative impacts of the development;
 - e) describe what measures and procedures will be implemented to address relevant environmental matters;
 - f) ensure the operational health and safety of workers;
 - g) respond to potential emergencies; and
 - h) provide records of day-to-day operations, including: incoming and outgoing stock numbers etc.;
- 62) the OEMP must address the details listed in the Amended Statement of Environmental Effects Version 7, prepared by Continuum ERA Pty Ltd dated 11 May 2021, Section 7.3 Operational Management Plan, as well as the following and any other matters addressed in these conditions:
- a) manure management plan including stock piling and spreading. This must detail alternate locations for spreading should soil nutrient storage capacity and crop utilisation be exceeded;
 - b) effluent management plan including drainage, storage and irrigation in accordance with the NSW Environmental Protection Authority (EPA) Environmental Guidelines: Use of Effluent by Irrigation. This must detail alternate locations for spreading should soil nutrient storage capacity and crop utilisation be exceeded;

Note – the Effluent management plan must include details/contingencies in the event that any of the subject land is sold or otherwise not available for manure and effluent spreading;
 - c) soil monitoring relevant to the feedlot operations including details of location and time. Baseline soils tests should be conducted prior to the commencement of feedlot operations to establish a soil nutrient,

- organic matter and chemical status;
- d) ground water monitoring relevant to the feedlot operations including details of monitoring bore locations and monitoring timing. Baseline tests should be conducted prior to commencement of the feed lot operations;
- e) surface water monitoring relevant to the feedlot operations including details of location and time;
- f) the cessation of B-Double truck movement in the event of wet weather;
- g) dust management plan;
- h) biosecurity management plan;
- i) emergency operations plan;
- j) odour management plan;
- k) real time data of standard cattle units at the facility;
- l) soil erosion and sediment control plan;
- m) spilt and spoilt feed management plan including collection and disposal;
- n) management of chemicals, oils, fuels;
- o) flies and vermin management plan;
- p) dead stock management plan including daily and mass mortality;
- q) noise management plan relevant to feedlot operations;
- r) complaints management system; and
- s) any other relevant matters;

Water Supply

- 63) the owner/operator must provide evidence to Council confirming an appropriate Water Access Licence is entitled for use for the feedlot;

Heat Load Assessment

- 64) an excessive heat load (EHL) management plan shall be developed as part of the OEMP. 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;

Complaint Management

- 65) prior to the commencement of the operation of the development, the owner/operator shall arrange for a sign to be erected on 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;
- 66) 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 complaints (if known) and those responsible for investigating the complaint with climatic conditions associated with the complaints;

ONGOING REQUIREMENTS

Operational and Environmental Management Report

- 67) the owner/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:
- a) provide an overview of the operation of the development, including a record of the average and maximum number of cattle held during the reporting period;
 - b) include detailed reporting from the Operational Environmental Management Plan and identify any trends in the monitoring of relevant environmental parameters in the OEMP over the life of the development;
 - c) review the environmental performance of the development to determine whether it is complying with development consent;
 - d) identify all the occasions during the reporting period when there has been non-compliance; where non-compliance is occurring, describe corrective actions taken to ensure compliance, who was responsible for carrying out these actions, and when those actions were 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;

After reviewing the Operational Environmental Management Report (OEMR), Council may require the operators to address certain matters as identified in the Report. The operators shall comply with any reasonable requirements of the Council;

Visual Requirements

- 68) The owner/operator must:
- a) maintain the vegetative landscape screening at all times;
 - b) minimise the off-site visual impacts of the development, including the potential visual impact from the grain bunker cover which must be replaced with an earthy toned colour to the satisfaction of Council; and
 - c) not mount any advertising signs or logos on site, except where this is required for safety or business identification purposes and subject to a separate approval;

Odour Complaints

- 69) if odour complaints are received and considered valid by Council, Council shall investigate and implement appropriate measures to reduce the incidence and severity of odours;
- 70) all feedlot pens and facilities must be routinely maintained to ensure all

wastewater runoff is diverted within the controlled drainage area and excessive manure is removed to eliminate potential for offensive odours;

- 71) any spilt and/or spoilt feed must be regularly collected and included within the manure stockpile, composted or buried in an acceptable manner;

Noise Management

- 72) the owner/operator shall ensure that all machinery and equipment is maintained and operated in a proper and efficient manner so that noise generated from their operation does not give rise to offensive noise complaints;

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

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.

Effluent and Manure Management

- 74) the effluent holding lagoons shall both be maintained at all times at a capacity that allows for the intake of a 1 in 20-year storm, 24-hour storm event and prevents potential overflow;

- 75) the effluent management system including drainage, storage and irrigation must be carried out in accordance with the NSW Environmental Protection Authority (EPA) Environmental Guidelines: Use of Effluent by Irrigation;

- 76) the storage, transportation and application of manure on the property must be conducted in accordance with the approved OEMP. Manure is to be stockpiled on site in the short term, for no more than one month;

- 77) the manure stock pile shall be located and maintained within the approved controlled drainage area and in the approved OEMP. The stockpile site shall have an impermeable floor and be maintained in long low mounds so as to minimise erosion by wind and water;

- 78) all effluent catch drains, effluent lagoons and manure stockpile pad must be constructed and clay lined as per the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition;

- 79) all effluent catch drains, effluent lagoons, manure stockpile pad and Controlled Drainage Area diversion banks must be inspected quarterly and maintained in accordance with the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition. Inspection reports are to be included in the Operational Environmental Management Report;

- 80) soil, surface water and ground water monitoring will be conducted and recorded in the OEMR in accordance with the OEMP. This must include baseline data;

- 81) effluent irrigation and manure spreading must be spread during favourable weather conditions when wind conditions are such that the wind direction is not blowing directly towards an adjacent residence. Weather conditions will be monitored by the owner/operator during the spreading operations. Spreading will cease if unfavourable conditions arise;
- 82) effluent irrigation and manure spreading is not to be undertaken during or before expected heavy rain periods;
- 83) where possible, a shrouded cover is to be attached to the back of the broadcast spreader to help reduce dust and odour;
- 84) effluent irrigation and manure spreading shall not occur within:
 - a) 50 metres from a water course and edge of remnant vegetation;
 - b) 100 metres from a bore site;
 - c) 100 metres from any property boundary and/or occupiable premises on an adjoining property; and
 - d) 25 metres from a public road;
- 85) waste effluent application (liquid and solid) must not occur in a manner that causes surface runoff and pollution of any watercourses;
- 86) waste manure must be reapplied 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 (for the purposes of this condition, '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);

Dead Stock Management

- 87) mortalities shall be managed as per the details contained with Section 6.17 Disposal of Dead Stock in the Amended Statement of Environmental Effects version 7, prepared by Continuum ERA Pty Ltd dated 11 May 2021;
- 88) a record of the location of dead animal pits (regular mortality and multiple mortality pits) shall be kept and made available to Council at all times. 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;
- 89) mortality pits shall be designed in a manner that they will not contaminate ground water (soil shall be impermeable to water or create an impermeable pit with at least 1.5 metres to groundwater). All pit carcasses shall be covered in sufficient soil to prevent odour, flies and pest animals being able to access the carcasses;
- 90) no burning of carcasses is permitted unless specifically directed by the NSW Department of Primary Industries in relation to biosecurity issues and/or the presence of notifiable disease outbreaks;

Traffic Management

- 91) a Traffic Management Plan shall be implemented and maintained for the site that monitors, controls and mitigates the traffic impacts on Council's Road

network extending from the development's operations;

- 92) all vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency;

On-Site Stormwater Systems

- 93) the on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose; and
 94) add sections of seal for 300 meters in front of the three houses affected on Pendene Road, Loomberah.

MOTION DEFEATED

COUNCILLORS WHO VOTED FOR THE DECISION

1. Cr Phil Betts
2. Cr Col Murray
3. Cr Helen Tickle
4. Cr Russell Webb

COUNCILLORS WHO VOTED AGAINST THE DECISION

1. Cr Charles Impey
2. Cr Glenn Inglis
3. Cr Jim Maxwell
4. Cr Mark Rodda
5. Cr Juanita Wilson

FORESHADOWED MOTION

Moved Cr Rodda/Cr Impey

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 refuse consent for the following reasons:

Based on information contained in the submission authored by Dr Banks, Council is of the opinion that the development application does not satisfactorily address:

- a) the adequacy of the information in the Statement of Environmental Effects;
- b) the potential for odours to adversely impact on the amenity of residences or other land users within the vicinity of the site;
- c) the potential for the pollution of surface water and ground water;
- d) the potential for the degradation of soil; and
- e) the suitability of the site in the circumstances.

COUNCILLORS WHO VOTED FOR THE DECISION

1. Cr Phil Betts
2. Cr Charles Impey
3. Cr Glenn Inglis
4. Cr Jim Maxwell
5. Cr Mark Rodda
6. Cr Juanita Wilson

COUNCILLORS WHO VOTED AGAINST THE DECISION

1. Cr Col Murray
2. Cr Helen Tickle
3. Cr Russell Webb

299/21 RESOLVED

7.2 PROPOSED ROAD NAMES FOR APPROVED MOORE CREEK SUBDIVISION (LOT 147 DP 567234 AND RENAMING OF A SECTION OF BOURNES LANE

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Kathleen See-Kee, Development and Approvals Support Officer

MOTION

Moved Cr Inglis/Cr Maxwell

That in relation to the report “Proposed Road Names for Approved Moore Creek Subdivision (Lot 147 DP 567234 and Renaming of a Section of Bournes Lane”, Council:

- (i) approve in principle the road names:
 - a) ‘Idyllic’ Street and ‘Homestead’ Circuit (North Tamworth); and
 - b) ‘Peppercorn’ Lane (being the section of Bournes Lane, Moore Creek to be renamed).
- (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.

300/21 RESOLVED

Cr Mark Rodda declared a conflict of interest in this Item of the Business Paper, for the reason that he is employed by the Department of Planning Industry and Environment. Cr Rodda further stated that it was a less than significant non pecuniary interest and that he would remain in the Chamber and participate in the debate.

7.3 DRAFT AMENDMENT NO. 15 TO TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN 2010 - SITE SPECIFIC DEVELOPMENT CONTROLS FOR TAMWORTH GLOBAL GATEWAY PARK AND REVIEW OF TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN 2010

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Mitchell Gillogly, Team Leader – Development Assessment
Sam Lobsey, Manager - Development

Reference: Item 7.2 to Ordinary Council 8 May 2018 - Minute No 147/18
Item 7.1 to Ordinary Council 30 October 2018 - Minute No 237/18
Item 7.1 to Ordinary Council 27 July 2021 - Minute No 205/21

MOTION

Moved Cr Rodda/Cr Inglis

That in relation to the report “Draft Amendment No. 15 to Tamworth Regional Development Control Plan 2010 - Site Specific Development Controls for Tamworth Global Gateway Park and Review of Tamworth Regional Development Control Plan 2010”, Council adopt the draft amendments as outlined in the TRDCP 2010 (Amendment No. 15) in Annexure 4 of this report.

301/21 RESOLVED

7.4 PLANNING PROPOSAL TO INCORPORATE DESIGN EXCELLENCE PROVISIONS FOR DEVELOPMENT WITHIN THE TAMWORTH CBD

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Gina Vereker, Director Planning and Compliance
Genevieve Harrison, Manager Integrated Planning

MOTION

Moved Cr Inglis/Cr Wilson

That in relation to the report “Planning Proposal to Incorporate Design Excellence Provisions for Development Within the Tamworth CBD”, Council:

- (i) forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting a Gateway Determination in accordance with Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979; and
- (ii) upon receipt of a Gateway Determination, publicly exhibit the planning proposal (if required) in accordance with the terms of the Gateway Determination.

302/21 RESOLVED

7.5 STREET TREES - URBAN SUBDIVISIONS

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Steve Brake, Manager Development Engineering

MOTION

Moved Cr Tickle/Cr Betts

That in relation to the report “Street Trees - Urban Subdivisions”, Council:

- (i) place the amended Development Control Plan clause, the amended Engineering Design Minimum Standards for Subdivisions and Developments, and the new entry in the Fees and Charges schedule included in the body of the report on public exhibition for 28 days;
- (ii) refer the same amendments and additions to the land development industry for comment and feedback; and
- (iii) require a future report outlining any feedback and submissions made during

this period.

303/21 RESOLVED

7.6 TAMWORTH CITY CENTRE WORKING GROUP MEETING MINUTES - 14 OCTOBER 2021

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Gina Vereker, Director Planning and Compliance

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report "Tamworth City Centre Working Group Meeting Minutes - 14 October 2021", Council:

- (i) adopt the revised Terms of Reference including the change of membership;
- (ii) commence the process of inviting Expressions of Interest to fill vacancies within the Working Group; and
- (iii) note that the new membership will be confirmed by the Council in early 2022;
- (iv) endorse the recommendation that the John Williamson statue be located on the south western corner of Fitzroy and Peel Streets, in the proximity of Paul Harvey Optometry;
- (v) as part of the Tamworth CBD Precinct Masterplan and LEP Review, extend the Peel Street beautification program, based on the following staging:
 - Stage 1 – from Murray Street to White Street (subject to a decision being made for a university campus to proceed in this locality);
 - Stage 2- Kable Avenue; and
 - Stage 3 – from Bourke Street to Darling Street and Fitzroy Street North;
- (vi) acknowledge that implementation of the full program will take a considerable number of years to achieve, taking into account the extent and cost. In recognition of this the full program be designed (in accordance with the future Masterplan) to enable Council to apply for grant funding as opportunities arise; and
- (vii) receive and note the Minutes of the meeting held Thursday, 14 October 2021.

304/21 RESOLVED

7.7 TRANSPORT FOR NSW PROPOSAL FOR THE RENOVATION AND RE-PURPOSING OF TAMWORTH STATION MASTERS RESIDENCE - ARTIST IN RESIDENCE

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Gina Vereker, Director Planning and Compliance

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report “Transport for NSW Proposal for the Renovation and Re-Purposing of Tamworth Station Masters Residence - Artist in Residence”, Council support Transport for NSW and other key stakeholders in the repurposing of the Tamworth Railway Station Master’s House as an Artist-in- Residency facility.

305/21 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH GLOBAL GATEWAY PARK - PHASE 2 DESIGN FUNDING

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 9.1 to Ordinary Council 8 September 2020 - Minute No 275/20

MOTION

Moved Cr Webb/Cr Maxwell

That in relation to the report “Tamworth Global Gateway Park - Phase 2 Design Funding”, Council approve the allocation of \$391,750 from the Westdale Land Reserve to fund the detailed design of Phase 2 development projects associated with the Tamworth Global Gateway Park.

306/21 RESOLVED

8.2 EXPRESSION OF INTEREST – LEASE OF LAND ADJACENT TO BOLTONS CREEK, NEW WINTON ROAD, WESTDALE

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

MOTION

Moved Cr Betts/Cr Inglis

That in relation to the report “Expression of Interest – Lease of land adjacent to Bolttons Creek, New Winton Road, Westdale”, Council:

- (i) agree to undertake an Expression of Interest process for the possible lease of the property including terms detailed in the body of the report; and
- (ii) request the Director Water and Waste submit a report to Council with the results of the Expression of Interest Process.

307/21 RESOLVED

Cr Charles Impey declared a conflict of interest this Item of the Business Paper, for the reason that he is a teacher at the school where proposed changes are to be implemented. Cr Impey further stated that it was a less than significant non pecuniary interest but he would leave the Chamber and not participate in the debate.

Cr Charles Impey left the meeting, the time being 08:08 PM

8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING MINUTES - 6 OCTOBER 2021

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Angela Webb, Operations Engineer, Road Infrastructure
Murray Russell, Manager Infrastructure and Works - Regional Services

MOTION

Moved Cr Betts/Cr Wilson

Cr Charles Impey left the Chambers at 8.08PM.

That in relation to the report "Tamworth Regional Local Traffic Committee Meeting Minutes - 6 October 2021", Council:

- (i) approve:
 - the installation of the pedestrian infrastructure around schools, as per the 100% design drawings; and
 - monitor parking compliance adjacent to 147 Brisbane Street and report back if non-compliance occurs;
- (ii) approve the installation of signs and linemarking as per the attached drawing documents for the Tamworth Global Gateway Park (TGGP) Stage 2 development;
- (iii) approve the road closures and changes to traffic management for the 2022 Tamworth Country Music Festival, as per the draft Traffic Management Plans and draft Traffic Control Plans;
- (iv) approve the proposed traffic management for the running of the Tamworth Triathlon Club events on various Saturdays and Sundays from 13 November 2021 to 19 March 2022;
- (v) approve the closure of Carter Street, Solander Drive at Riverside, Locks Lane and No.1 Oval access road Tamworth, on Sunday 7 August 2022, from 6.00am to 2.00pm, for the 47th Annual Tamworth Running Festival;
- (vi) approve:
 - the closure of Fitzroy Street, Tamworth between Peel Street and Kable Avenue, from 6.00am to 10.00pm on 3 December 2021; and
 - the closure of Kable Avenue, Tamworth at the Fitzroy Street intersection, from 7.00pm to 10.00pm, for the annual Lighting of the Christmas Tree event on 3 December 2021.
- (vii) approve a 12 month blanket road closure for the Fitzroy Street Mall, for the purpose of holding events, on Fridays, Saturdays and Sundays.

308/21 RESOLVED

Cr Charles Impey returned to the meeting, the time being 08:14 PM

8.4 DROUGHT ECONOMIC IMPACT STUDY

DIRECTORATE: WATER AND WASTE
AUTHOR: Louise Cadell, Sustainability Officer - Water
Reference: Item 8.2 to Ordinary Council 24 August 2021 - Minute No 238/21

MOTION

Moved Cr Webb/Cr Wilson

That in relation to the report “Drought Economic Impact Study”, Council:

- (i) agree to rename the study, “Economic Benefits of a More Reliable Water Supply for Tamworth”;
- (ii) proceed with the scope of works as outlined in the current Request for Quotation;
- (iii) agree to formally accept Option 1 of the Regional Australia Institutes submission; and
- (iv) agree to make funding available from the Water Reserve to complete the study.

309/21 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS SEPTEMBER 2021

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Acting Chief Financial Officer

MOTION

Moved Cr Inglis/Cr Maxwell

That in relation to the report “Council Investments September 2021”, Council receive and note the report.

310/21 RESOLVED

Cr Glenn Inglis declared a conflict of interest in this Item for reason that he is a Director of StateCover Mutual Limited and as Tamworth Regional Council is a member of StateCover Mutual Limited and holds a partly paid share in such entity. Cr Inglis further stated that he has a less than significant, non-pecuniary interest in these matters and will remain in the Chamber and participate in the debate.

9.2 ANNUAL OPERATIONAL PLAN 2021/2022 BUDGET VARIATION REPORT - SEPTEMBER 2021

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Acting Chief Financial Officer
Reference: Item 9.5 to Ordinary Council 29 June 2021 - Minute No 180/21

MOTION

Moved Cr Inglis/Cr Wilson

That in relation to the report “Annual Operational Plan 2021/2022 Budget Variation Report – September 2021”, Council note and approve:

- (i) revotes from the 2020/2021 year for inclusion in the current year’s budget as listed in Annexure 1; and
- (ii) the variations to the existing budget processed in September 2021, and included in Annexure 2.

311/21 RESOLVED

9.3 FITZROY STREET PILOT ACTIVATION PROJECT

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

MOTION

Moved Cr Webb/Cr Maxwell

That in relation to the report “Fitzroy Street Pilot Activation Project”, Council approve the staging of the events identified in the body of the report and their funding as noted in the enclosures from identified budget savings.

312/21 RESOLVED

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 8.25pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

The General Manager advised the Chairperson that no written public submissions or representations had been received as to whether or not part of the Meeting should be closed to the public. The Chairperson asked any members of the Council whether any part of the Council Meeting should not be considered in Closed Council.

MOTION

Moved Cr Inglis/Cr Maxwell

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.

313/21 RESOLVED

E036/2022 EXPRESSION OF INTEREST - PROPOSED USE OF THE RANCH 226 OXLEY LANE WESTDALE

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.1 to Ordinary Council 10 August 2021 - Minute No 232/21

2 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.

E037/2022 EXPRESSION OF INTEREST - PROPOSED USE OF 284 GIDLEY APPLEBY ROAD

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.2 to Ordinary Council 10 August 2021 - Minute No 233/21

2 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.

NOVATION OF DEED OF OPTION

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Reference: Item 7.2 to Ordinary Council 11 January 2018 - Minute No 5/18
Item 12.1 to Ordinary Council 27 August 2019 - Minute No 286/19

2 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c)&(d)i of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business. and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

TRELOAR PARK TENNIS REDEVELOPMENT - PROJECT STAKEHOLDER AGREEMENT AND TENDER T072/2022

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Manager Project Planning and Delivery

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial

advantage on a person with whom Council is conducting (or proposes to conduct) business.

TENDER T029/2022 - CONSTRUCTION OF BLYTH STREET AND MAHONY AVENUE SHARED PATHS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

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.

T152/2021 TAMWORTH EFFLUENT REUSE FARM - TENDER FOR TWO NEW PIVOT IRRIGATORS

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c)&(d)i of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

KOOTINGAL MULTI-PURPOSE CENTRE

DIRECTORATE: PLANNING AND COMPLIANCE

**AUTHOR: Kay Delahunt, Manager - Cultural and Community Services
Gina Vereker, Director Planning and Compliance**

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

12 CLOSED COUNCIL REPORTS

12.1 E036/2022 EXPRESSION OF INTEREST - PROPOSED USE OF THE RANCH 226 OXLEY LANE WESTDALE

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.1 to Ordinary Council 10 August 2021 - Minute No 232/21

MOTION

Moved Cr Webb/Cr Impey

That in relation to the report "E036/2022 Expression of Interest - Proposed Use of The Ranch 226 Oxley Lane Westdale", Council authorise the General Manager to enter into a Lease Agreement for The Ranch with Shamil Livestock under terms which include those detailed in the body of the report.

314/21 RESOLVED

12.2 E037/2022 EXPRESSION OF INTEREST - PROPOSED USE OF 284 GIDLEY APPLEBY ROAD

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.2 to Ordinary Council 10 August 2021 - Minute No 233/21

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Maxwell

That in relation to the report "E037/2022 Expression of Interest - Proposed Use of 284 Gidley Appleby Road", Council authorise the General Manager to enter into a Lease Agreement for 284 Gidley Appleby Lane with TJ and JF Barwick under terms which include those detailed in the body of the report.

315/21 RESOLVED

12.3 NOVATION OF DEED OF OPTION

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Reference: Item 7.2 to Ordinary Council 11 January 2018 - Minute No 5/18
Item 12.1 to Ordinary Council 27 August 2019 - Minute No 286/19

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Webb/Cr Wilson

That in relation to the report "Novation of Deed of Option", Council:

- (i) authorise the Mayor and General Manager to progress the matter as set out in the body of the report;
- (ii) authorise the affixing of the Seal of Council to any documentation identified in the report in order to give effect to the Resolution of Council.

316/21 RESOLVED

12.4 TRELOAR PARK TENNIS REDEVELOPMENT - PROJECT STAKEHOLDER AGREEMENT AND TENDER T072/2022

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Manager Project Planning and Delivery

MOTION

Moved Cr Betts/Cr Webb

That in relation to the report “Treloar Park Tennis Redevelopment - Project Stakeholder Agreement and Tender T072/2022”, Council:

- (i) authorise the General Manager to negotiate the terms of an agreement with Tennis NSW and West Tamworth League Club in relation to funding for the Treloar Park tennis redevelopment project;
- (ii) authorise the affixing of the Council Seal to any documentation required to give effect to the Council Resolution; and
- (iii) note that the General Manager will be awarding a contract under delegated authority, for the delivery of the new and upgraded Treloar Park tennis courts and associated infrastructure, in accordance with tender number T072/2022.

317/21 RESOLVED

12.5 TENDER T029/2022 - CONSTRUCTION OF Blich Street and Mahony Avenue Shared Paths

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer

MOTION

Moved Cr Maxwell/Cr Impey

That in relation to the report “Tender T029/2022 - Construction of Blich Street and Mahony Avenue Shared Paths”, Council accept the tender submitted by Folwick Construction Pty Ltd (ABN 21 159 641 541) for the lump sum amount of \$497,000.00 (excluding GST) for all items associated with the construction of shared paths on Blich Street and Mahony Avenue.

318/21 RESOLVED

12.6 T152/2021 TAMWORTH EFFLUENT REUSE FARM - TENDER FOR TWO NEW PIVOT IRRIGATORS

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

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report “T152/2021 Tamworth Effluent Reuse Farm - Tender for Two New Pivot Irrigators”, Council:

- (i) following finalisation of all relevant approvals, accept the Tender for construction of two new pivots and associated infrastructure from AGnVET Management Services Pty Limited, trading as AGnVET - Darling Irrigation;
- (ii) not proceed with the upgrade of the existing 13 pivots in the 2021/22 Financial Year but aim to undertake this work in the 2022/23 financial year subject to further technical investigations and budget allocation for 2022/23;
- (iii) formally notify unsuccessful tenderers of the outcome of the tender process; and
- (iv) approve the allocation of an additional \$644,295 from the Wastewater Reserve to fund the construction of two new pivots and associated infrastructure.

319/21 RESOLVED

12.7 KOOTINGAL MULTI-PURPOSE CENTRE

DIRECTORATE:

PLANNING AND COMPLIANCE

AUTHOR:

Kay Delahunt, Manager - Cultural and Community Services

Gina Vereker, Director Planning and Compliance

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Inglis

That in relation to the report “Kootingal Multi-Purpose Centre”, Council:

- (i) note the change to the scope of the project including additional costs and timeframe;
- (ii) approve the withdrawal of this project from the Local Roads and Community Infrastructure phase 2 (LRCI 2) funding program;
- (iii) agree that \$380,000 be returned to LRCI Phase 2 and allocated to another project(s), and
- (iv) include the Kootingal Multi-Purpose Centre project in Council’s funding submission to LCRI Phase 3.

320/21 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Inglis/Cr Wilson

That Council move into Open Council.

321/21 RESOLVED

At 8.37PM the meeting moved back into Open Council.

In accordance with the Tamworth Regional Council Code of Meeting Practice, Section 14.21, the Chairperson provided a summary of the resolutions passed in Closed Council.

Closure: There being no further business the Ordinary Meeting of Council concluded at 8.38PM.

Cr Col Murray, Chairperson

Tuesday, 9 November 2021

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Minutes