

TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6.30pm**.

ORDINARY COUNCIL AGENDA

22 AUGUST 2023

PAUL BENNETT
GENERAL MANAGER

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

- 1 APOLOGIES AND LEAVE OF ABSENCE**
- 2 COMMUNITY CONSULTATION**
- 3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 8 August 2023, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR MARK RODDA - TAMWORTH POWERSTATION MUSEUM

MOTION

That Council transfer 281 Peel Street, Tamworth (Lot 1 DP 779538) to the care, control and management of the Tamworth Power Station Museum to enable expansion of the museum in accordance with Council's Power Station Museum strategic plan.

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 22 August 2023.

SUPPORTING INFORMATION

Topic

Transfer 281 Peel Street, Tamworth (Lot 1 DP 779538) to the care, control and management of the Tamworth Power Station Museum to enable expansion of the museum in accordance with Council's Power Station Museum strategic plan.

Background

The Tamworth Power Station Museum is a museum of national significance. I am seeking Council support for the transfer of council-owned commercial premises at 218 Peel Street, Tamworth (Lot 1 DP 779538, Parish of Tamworth, County of Inglis) to the care, control and management of the Tamworth Power Station Museum volunteers to expand the museum collection footprint and display currently stored industrial artefacts donated by generous residents from around our region and elsewhere.

In December 2017 Council purchased the above property immediately adjacent the Tamworth Power Station Museum to enable the future transfer of the property to the Power Station Museum, enabling the expansion of the museum footprint and display of stored artefacts generously donated by residents here and elsewhere.

There has been a number of leases of the building, the shop front was recently leased to a real estate agent but is currently vacant and the rear old, corrugated iron shed is subject to two leases that expire in 2028 and 2033 respectively. These were negotiated with the current lessee without consultation to the Power Station Museum volunteers who believed they would have access to the shed for storage and ultimately the entire site. Currently donated artefacts are largely stored off-site in containers on Council owned land and at a storage centre with rent costing in the vicinity of \$800 per month.

Many of the talented and proud local volunteers of the Tamworth Power Station Museum hanker for more space and the opportunity to expand the collection to enable the public to see the full breadth of the museum's collection. The museum's strategic plan identified expansion and a time-line to ensure the collection is preserved and on display, to delight residents and visitors alike.

218 Peel Street Tamworth was purchased to enable expansion of the Tamworth Power Station Museum with the original intention to lease the shop front to pay for the use of the remainder of the site. Volunteers believed this would continue over a number of years.

I am appealing to my fellow councillors to support my notice of motion seeking to transfer the vacant section of the building to enable the expansion of the Tamworth Power Station Museum and safe storage and display of donated artefacts. This is the best way of demonstrating to our precious volunteers that they are appreciated and will enhance this important regional asset as a museum of national significance.

Cr Mark Rodda

15 August 2023

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 DA2022-0494 - EXPANSION OF AN EXISTING HORSE TRAINING FACILITY, CONTINUED USE OF EXISTING BUILDINGS AND STRUCTURES, OPERATION OF ADDITIONAL EVENTS AND AN ASSOCIATED TEMPORARY CAMPING GROUND

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Alice Elsley, Senior Development Assessment Planner

2 ANNEXURES ATTACHED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

GENERAL MANAGER'S ADVISORY NOTE TO:

Councillors

Applicants

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

Record (Division) of Voting

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

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

Relevant Planning Application

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

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

Relevant Public Submission

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

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

Disclosure of Reportable Political Donations and Gifts

Planning Applications

NIL

Public Submissions

NIL

RECOMMENDATION

That in relation to Development Application No. DA2022-0494 for the Expansion of an Existing Horse Training Facility, Continued Use of Existing Buildings and Structures,

Operation of Additional Events and an Associated Temporary Camping Ground on Lot 43 in DP 245449, 95-161 Spains Lane, KINGSWOOD NSW 2340, Development Consent be granted subject to the following conditions:

General Conditions of Consent

- 1) **Development shall take place in accordance with the attached endorsed plans:**
 - a) **Architectural Plans Prepared by Barnson Pty Ltd, Project Number 37883 and Drawings Numbered:**
 - i. **A01 and A103, Revision H, Dated 09 March 2023;**
 - ii. **A03 (as amended in red) and A04, Revision K, Dated 09 August 2023;**
 - iii. **A06, A101-A102 and A105-A107, Revision F, Dated 11 August 2022.**
 - b) **Civil Design Drawings Prepared by Barnson Pty Ltd, Project Numbered 37883, Drawings Numbered C07 (Revision 2 and Dated 06 September 2022) and C08 (Revision 1, Dated 16 August 2022);**
 - c) **Proposed Driveway Designs Prepared by High Definition West Pty Ltd, Project Numbered HDW16-Drawings Numbered DA01 to DA-03, Revision 2, Dated 12 May 2023;**
 - d) **Noise Impact Assessment Report Prepared by Muller Acoustic Consulting, Dated 08 September 2022; and**
 - e) **Traffic Impact Assessment Report Prepared by Barnson Pty Ltd, Project Numbered 37883-TIA01_5, Dated 10 March 2023.**
- 2) **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.**
- 3) **All building work must be carried out in accordance with the provisions of the National Construction Code (NCC) and the disability (Access to Premises - Buildings) Standards 2010.**
- 4) **The Applicant shall consult with, as required:**
 - a) **Essential Energy;**
 - b) **Natural gas company; and**
 - c) **a telecommunications carrier;**

regarding their 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).
- 5) **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 Direction No. 11 Preservation of Survey Infrastructure published by Spatial Services NSW. In this regard, the Principal Contractor is responsible for the protection of the mark.**
- 6) **To confirm and clarify the terms of Council's approval, this consent provides for the operation of a camping ground solely in connection with the five campdrafting events per year, namely KPH Exclusive Major, the KPH campdraft**

and outside hire events. A maximum of 95 campervans are permitted to stay on the site at any one time.

- 7) In accordance with Section 4.17(5) of the Environmental Planning and Assessment Act 1979, the development consent granted via DA0090/2013 must be partly surrendered to the extent that the approved uses and activities / events are superseded by this consent. Written notice of the surrender of the consent must be provided to Council prior to the commencement of the first event. The notice shall contain the required information under Section 67 of the Environmental Planning and Assessment Regulation 2021.*
- 8) To confirm and clarify the terms of Council's approval and as provided for by Section 4.17(d) of the Environmental Planning and Assessment Act 1979, the use of the site for the activities and events specified in Annexure A of this consent is limited to a period of five (5) years from the date of written confirmation by Council that it is satisfied with the outcomes of the trial period specified in Condition No. 9.*
- 9) Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, the events and activities approved by this consent shall operate for a trial period of 12 months from the date of the commencement of the first event. The hours of operation and capacity limits shall comply with the details contained in ANNEXURE A of this consent.*

Written notice shall be provided to Council at least seven days prior to the commencement of the first event.

Noise monitoring must be undertaken during the campdrafting and outside hire events. Additionally, a Noise Validation Assessment Report must be completed at the conclusion of the 12 months of operation and a report submitted to Council. Recommendations for any possible noise mitigation measures must be provided in this report and implemented as soon as practicable following their identification. The Noise Validation Assessment Report must include evidence demonstrating compliance with Condition No. 40, and a copy of any complaints and resolution process as per Condition No. 38.

The scope of this validation assessment, including the noise monitoring program, is to be confirmed with Council prior to the assessment being undertaken.

- 10) All reasonable measures shall be taken to ensure that the use of land permitted by this consent does not impact the amenity of the neighbourhood by reason of noise, unruly behaviour, traffic movement, excessive lighting or the like. In this regard, such measures shall include but are not limited to the following:*
 - a) security arrangements;*
 - b) noise control;*
 - c) traffic and access;*
 - d) lighting;*
 - e) odour and dust emissions; and*
 - f) waste disposal.*

Prior to the Commencement of Works

- 11) *The approved development which is the subject of this development consent must not be commenced until:*
- a) *a Construction Certificate for the building work has been issued by the consent authority, Council (if Council is not the consent authority) or an accredited Certifier;*
 - b) *the person having the benefit of the development consent has:*
 - i. *appointed a Principal Certifier for the building work; and*
 - ii. *notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case;*
 - c) *the Principal Certifier has, no later than two days before the building work commences:*
 - i. *notified the consent authority and Council (if Council is not the consent authority) of his or her appointment; and*
 - ii. *notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and*
 - d) *the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:*
 - i. *appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved;*
 - ii. *notified the Principal Certifier of any such appointment;*
 - iii. *unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and*
 - iv. *given at least two day's notice to Council of the persons intention to commence the erection of the building.*
- 12) *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;*
 - 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 the Council.*
- The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.*
- 13) *The applicant 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 Certifier for the work; and*

- 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.

- 14) Any required approvals for the development approved by this consent under Section 68, Parts A to F, of the Local Government Act 1993, shall be obtained from Council prior to the commencement of works. This includes (but is not limited to): carrying out water/sewerage/stormwater works; camping ground; installation or operation of an on-site sewage management system; management of waste; operation of a mobile food van; or installation of a moveable dwelling.
- 15) An approval must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with Section 138 of the Roads Act 1993. Detailed construction plans shall be provided to Council for approval.

Advisory Note: The ongoing maintenance and/or repair of the vehicle crossing is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.

- 16) A detailed stormwater management plan shall be submitted to Council for approval in accordance with the requirements of Council's current version of Engineering Design Minimum Standards for Subdivisions and Developments. Additionally, the plan must include stormwater detention for the range of 1:1 to 1:100-year ARI events to reduce the developed flows to predeveloped flows, being rural land with maximum 2% impervious hardstand and roof area.
- 17) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book"). Such controls shall be maintained on the site for the duration of works.

Prior to Issue of a Construction Certificate

- 18) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 (formerly Section 94A) Development Contributions Plan 2013, \$4,276.47 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development.

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:

$$\begin{aligned} \$CPY &= \$CDC \times \frac{CPIPY}{CPIDC} \end{aligned}$$

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.

The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate.

It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The Tamworth Regional Council Section 7.12 (formerly Section 94A) Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

- 19) Prior to the issue of a Construction Certificate, a detailed landscape plan shall be submitted to Council for endorsement. The landscape plan must include details of the height, botanical names, height and spacing, and watering schedule and replacement of dead trees and / or shrubs.

During Construction or Work

General

- 20) 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 other residential premises, otherwise 7.00am to 5.00pm;
 - No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.
- 21) The Applicant 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.
- 22) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials or construction fencing without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.
- 23) Any damage caused to Council infrastructure as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 24) 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.

- 25) A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.*
- 26) The Applicant shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.*

Traffic and Parking

- 27) All publicly accessible internal driveways, parking and loading areas shall be constructed with a base course of adequate depth to accommodate the design vehicle loading, being sealed with either asphaltic concrete, concrete or interlocking pavers.*
- 28) The existing site access from Spains Lane shall be upgraded to allow a 19m articulated vehicle to access the site without crossing the road and driveway centrelines.*
- 29) The driveway and crossover shall be widened to accommodate two lanes allowing two 19m articulated vehicles to pass.*
- 30) On-site parking accommodation for light vehicles shall be provided for a minimum of 20 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such parking must be set out generally in accordance with the details indicated on the submitted plans, except as otherwise stated by the conditions of this consent.*

Outdoor Lighting

- 31) All external lighting must comply with AS4282 – Control of Obtrusive Effects of Outdoor Lighting and be mounted, screened and directed in a way that does not create a nuisance or light spill onto building on adjoining properties.*

Inspections

- 32) It is required that a Principal Certifier (PC) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The owner may appoint either Council or an accredited certifier to be the PC.*

Prior to Issue of an Occupation Certificate

- 33) The occupation or use of the whole or any part of a new building must not commence unless an Occupation Certificate has been issued in relation to the building or part.*
- 34) The occupation or use of the whole or any part of a new building shall not commence unless a Section 68 Certificate of completion has been issued by Council. The certificate of completion shall not be issued until such time as all relevant conditions of the Section 68 approval have been complied with and all applicable documents received by Council.*

- 35) *Prior to the issue of an Occupation Certificate, landscaping shall be completed on the site in accordance with the detailed landscaping plan required by Condition No. 19.*
- 36) *A Positive Covenant pursuant to the Conveyancing Act 1919 shall be registered to nominate that the development requires detention in accordance with the approved storage volume, orifice sizes and discharge rates specified in the stormwater strategy and detailed design. The covenant shall include details of maintenance responsibilities and schedules.*
- 37) *To ensure that the required Fire Safety Measures are provided in accordance with the building's use and operating in accordance with the appropriate standards, the owner of the building must cause a copy of a Final or Interim fire safety certificate to be given to the person issuing the occupation certificate in accordance with Clause 84 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the fire safety schedule. The certificate must only be in the form specified by Clause 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building. Email address for lodgement of Fire Safety Certificate is - firesafety@fire.nsw.gov.au*
- 38) *Prior to the release of any Occupation Certificate and / or commencement of the activities and events approved by this consent, an Operational Management Plan must be submitted to Council's Manager Development for approval. The Operational Management Plan must include any recommended mitigation measures contained in the endorsed Statement of Environmental Effects, Noise Impact Assessment Report, Traffic Impact Assessment Report and letter prepared by Barnson (dated 12 September 2022, Ref. 37883-PL01_A). Additionally, the Operational Management Plan shall include (but not be limited to) the following issues:*
- a) noise;*
 - b) hours of operation;*
 - c) traffic and parking;*
 - d) odour and dust emissions;*
 - e) temporary camping;*
 - f) landscaping;*
 - g) lighting (vehicles and buildings);*
 - h) safety and security measures;*
 - i) details of complaints and resolution process; and*
 - j) waste management.*

Ongoing Use

- 39) *The approved hours of operation and capacity limits shall comply with the details provided in ANNEXURE A of this consent.*
- 40) *Noise emissions from the ongoing operation of the development shall not exceed the Project Noise Trigger Level (PNTL) for residential receivers as*
-

identified in the Noise Impact Assessment prepared by Muller Acoustic Consulting, 8 September 2022. The PNTLs are:

- *40 dB LAeq (15 min) – daytime*
- *39 dB LAeq (15min) – evening*
- *35 LAeq (15 min) – night time*

**Daytime - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.*

All recommendations and best practice guidelines identified within Section 4.4 of the Noise Impact Assessment prepared by Muller Acoustic Consulting and dated 8 September 2022 must be implemented and strictly adhered to at all times so as to mitigate noise impacts. The recommendations provided in Section 4.4 must be implemented as they were assumed to be used when completing the predicted noise modelling.

- 41) During ongoing use of the premises, the following requirements shall be met:*
 - a) all outdoor lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent;*
 - b) the landscaped areas on the site shall be maintained at all times;*
 - c) the operational management plan shall be adhered to at all times;*
 - d) the sealing to all vehicle access, parking, manoeuvring and loading areas is to be maintained at all times;*
 - e) all vehicular movement to and from the site shall be in a forward direction; and,*
 - f) the on-site stormwater systems and detention basin shall be maintained at all times so as to ensure their effective operation for their intended purpose.*
- 42) If any food is to be supplied to patrons, Tamworth Regional Council Environmental Health Officers must be notified and an inspection must be arranged prior to the preparation or sale of any food.*
- 43) All water provided to the development for potable purposes must come from a private water supply which has a Quality Assurance Program (QAP) as per the requirements of the Public Health Act 2010 and Public Health Regulation 2022. This QAP must be submitted to NSW Health and a copy must also be provided to Council.*
- 44) A speed limit must be displayed in a prominent location to limit vehicle speed to 15 km/h within the camping ground.*
- 45) Emergency exits shall remain clear of obstructions at all times. A site plan and emergency evacuation procedure shall be displayed in a prominent position on the site.*
- 46) A caravan/campervan must be no closer than six metres to any other van. Caravans should be sited on arrival in such a way that it is possible to access the drawbar of the caravan to facilitate ease of removal. Vans should not be sited so that the moving of other vans is necessary to facilitate removal.*

- 47) *No tents are permitted within the temporary campground.*
- 48) *Firefighting equipment shall be available in the camping ground and its location clearly identified to patrons for use in the case of an emergency.*
- 49) *Any electrical power must be provided in accordance with AS 3001-1990 Electrical installations – Moveable premises (including caravans) and their site installations.*
- 50) *A designated person shall be onsite at all times guests are occupying the campground. This person should be contactable by emergency services and patrons.*
- 51) *The camping ground should be adequately lit to enable the patrons to see and move around the camping ground at night. The facilities and main access routes should be adequately lit at night.*
- 52) *Waste receptacles are required to be provided in adequate numbers and locations to collect rubbish.*
- 53) *Wastewater from caravans shall not be disposed on site into the collection well system. All wastewater must be disposed in an approved off-site Ezy dump point.*
- 54) *Campers shall be directed to set-up in the designated public use areas on the site and at least 50m from the boundary fence with Spains Lane to minimise odour, lighting and noise impacts to adjoining residential properties.*
- 55) *If there are any taps on the site that are not suitable for drinking purposes these taps must be signed as such (“not fit for drinking” “non-potable not for consumption” or words to that affect).*

Advice Note(s)

Note 1: *Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 requires the owner of a building to which an essential fire safety measure is applicable to maintain each essential fire safety measure as identified by virtue of a fire safety schedule, to a standard no less than that specified in the schedule inclusive of the entire building.*

Note 2: *Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule for the entire building. The statement must only be in the form specified by Clause 92 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade. Email address for lodgement of Annual Fire Safety Statement - afss@fire.nsw.gov.au and a copy must also be sent to Council development@tamworth.nsw.gov.au*

Note 3: *At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.*

ANNEXURE A – Operating Hours and Capacity Limits for Events

Table 1. Events and Hours of Operation

Event	Frequency (per year)	Duration	Hours
Private Clinics	10	1 day (Saturday or Sunday)	8am – 5pm
KPH Campdraft Events, including entertainment	1 2 (Elite Level) Total: 3	2.5 days (Friday, Saturday and/ or Sunday)	Campdraft: 7am – 10pm Entertainment: 12pm – 10pm* Note*: Music and amplified speakers shall cease by 10pm as per NIA modelling and assumptions)
Outside Hire Events (e.g. Tamworth Campdraft Club)	2	2.5 days (Friday, Saturday and / or Sunday)	7am – 7pm
Annual horse sale	1	1 day (Saturday)	10am – 3pm
Tamworth Team Penning	10	1 day (Saturday or Sunday)	8am – 5pm
Guest Horse Training Events	3	Weekdays	Nil specified.
Special Events e.g. dog trials and equestrian events	3	2 days (Saturday and / or Sunday)	7am – 7pm
Private use and small hires e.g. internal personal functions, dinners, birthdays.	8	1-2 hours during the week or on weekends Max. 10 people	7am – 10pm

Table 2. Capacity Limits for Events.

Event	Riders	Horses	Spectators	Cattle	Light Vehicles	Heavy Vehicles
Private Clinics	40	40	30	0	40	10
KPH ‘Elite’ Campdraft, including entertainment	130	170	370	1200	120	79
KPH Campdraft, including entertainment	200	200	300	1200	140	70
Outside Hire Events (e.g. Tamworth Campdraft Club)	200	350	300	1200	140	70
Tamworth Team Penning	40	40	30	60	60	10
Special Events e.g. dog trials and equestrian events	30	30	40	90	35	6

APPLICATION DETAILS:

Application No.	DA2022-0494 (PAN-221159)
Application For:	Expansion of an Existing Horse Training Facility, Continued Use of Existing Buildings and Structures, Operation of Additional Events and an Associated Temporary Camping Ground
Date Received:	06 May 2022
Applicant:	Mr R Grant
Owner:	Mr RJE Grant
Land/Address:	Lot 43 in DP 245449
Zoning:	RU4 Primary Production Small Lots - <i>Tamworth Regional Local Environmental Plan 2010</i>

DEVELOPMENT ASSESSMENT SUMMARY

The proposed development involves the expansion of an existing horse training facility, the continued use of existing buildings and structures, operation of additional events and an associated temporary camping ground. The proposal is a permissible use in the RU4 Primary Production Small Lots zone in accordance with the Tamworth Regional Local Environmental Plan 2010 (TRLEP) and meets the zone objectives. The proposed development will be compliant with the relevant NSW planning legislation; State Environmental Planning Policies, the TRLEP and the Tamworth Regional Development Control Plan 2010 (DCP).

DA2022-0494 has been referred to Council for determination as five submissions were received during the public consultation period. An additional five submissions and a petition containing 17 signatures were also received in reply to the Applicant's response to the submissions and amended documentation, **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. The issues raised in the submissions have been addressed in this assessment report.

DEVELOPMENT APPLICATION HISTORY:

On 21 January 2013, Council granted development consent via DA0090/2013 for the construction of three on-site accommodation units, installation of signage, use of a shed for amenities and the use of land for a horse training facility. This development consent also encompasses horse training and campdrafting clinics, an annual horse sale, outside hire events and on-site car parking.

DESCRIPTION OF PROPOSAL:

DA2022-0494 seeks development consent for the expansion of the existing approved horse training facility, the continued use of existing buildings and structures (previously unapproved), operation of additional events and an associated temporary camping ground. The development site is described as Lot 43 in DP 245449, 95-161 Spains Lane, Kingswood NSW 2340. The Proponent for the Development Application is Koobah Performance Horses (KPH).

The proposed development seeks consent for new works, and the continued use (previously unapproved) of various existing buildings and structures on the subject land. These buildings are shown on the architectural plans accompanying the Development Application (DA). The submitted plans are **ATTACHED**, refer **ANNEXURE 1**.

Table 1 and **Table 2** below summarises the key details of the previously approved and proposed expanded operations.

Table 1. Proposed Frequency, Duration and Operating Hours for Expanded Events.

Event	Frequency (per year)	Duration	Hours
Private Clinics <u>Previously Approved:</u> <i>8 training clinics per year from 8am to 4pm on Friday, Saturday and</i>	10	1 day (Saturday or Sunday)	8am – 5pm

Sunday with 6-12 clients.			
KPH Campdraft Events, including entertainment <u>Previously Approved:</u> 7 campdrafting clinics per year from 8am to 4:30pm on Saturday and Sunday with 30 riders and their horses, and 30 head of cattle.	1 2 (Elite Level) Total: 3	2.5 days (Friday, Saturday and/ or Sunday)	<u>Campdraft:</u> 7am – 10pm <u>Entertainment:</u> 12pm – 10pm* Note*: Music and amplified speakers shall cease by 10pm as per NIA modelling and assumptions)
Outside Hire Events (e.g. Tamworth Campdraft Club)	2	2.5 days (Friday, Saturday and / or Sunday)	7am – 7pm
Annual horse sale <u>Previously Approved:</u> Held from 10am – 3pm on Saturday with approximately 100 people in attendance.	1	1 day (Saturday)	10am – 3pm
Tamworth Team Penning <u>Previously Approved:</u> 10 events per year from 9am to 4pm on Saturday and Sunday with 45 riders and their horses.	10	1 day (Saturday or Sunday)	8am – 5pm
Guest Horse Training Events <u>Previously Approved:</u> Hire of campdraft arena and covered arena for people to train prior to completing major equine events held at ALEC and surrounding areas.	3	Weekdays	Nil specified.
Special Events e.g. dog trials and equestrian events	3	2 days (Saturday and / or Sunday)	7am – 7pm

Private use and small hires e.g. internal personal functions, dinners, birthdays.	8	1-2 hours during the week or on weekends Max. 10 people	7am – 10pm
TOTAL	40* Note*: 37 of which are held on weekends		

Table 2. Proposed Numbers per Events.

Event	Riders	Horses	Spectators	Cattle	Light Vehicles	Heavy Vehicles
Private Clinics	40	40	30	0	40	10
KPH 'Elite' Campdraft, including entertainment	130	170	370	1200	120	79
KPH Campdraft, including entertainment	200	200	300	1200	140	70
Outside Hire Events (e.g. Tamworth Campdraft Club)	200	350	300	1200	140	70
Tamworth Team Penning	40	40	30	60	60	10
Special Events e.g. dog trials and equestrian events	30	30	40	90	35	6

The Statement of Environmental Effects (SEE) accompanying the DA advises that there will only be one temporary camping ground on the site for use by people attending the five larger events. The events include the proposed KPH Exclusive Major Event (two events per year), the KPH campdraft (one event per year) and outside hire events (two per year). Campers will reside in their own accommodation, such as campervans and horse trailers. A maximum of 95 campervans will stay on the site at any one time.

Campers will be required to set-up within the public use area shown on the submitted plans and setback at least 50m from the boundary with Spains Lane to minimise nuisance impacts on adjoining properties. This forms a recommended condition of consent.

REFERRALS

The DA was referred internally to Council's Development Engineering and Environmental Health Divisions which did not raise any objections subject to conditional approval.

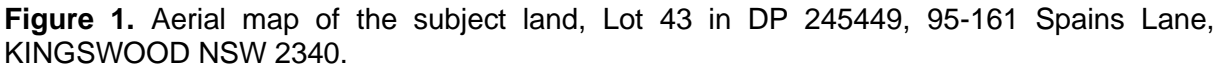
The DA was also referred externally to the NSW Police for comment. The NSW Police raised no objections to the proposed development, providing that Council places conditions in the consent to address noise and traffic management. Conditions have been included in the recommended terms of consent in this regard.

SUBJECT SITE AND LOCALITY MAP:

The subject land is located on the southern-western side of Kingswood and is approximately 60 Hectares in size. The site is located on the southern side of Spains Lane, and contains scattered trees and grassland vegetation. The subject land is currently improved with:

- a manager's residence,
- rural worker's dwelling,
- various sheds;
- horse training facility,
- covered arena,
- ablution facilities; and
- three visitor accommodation units.

An aerial map of the site is shown in **Figure 1** below.



ASSESSMENT REPORT:

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

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

Biodiversity Conservation (BC) Act 2016 and Biodiversity Conservation Regulation 2017

The BC Act 2016 and corresponding *Regulation 2017* contain the requirements for biodiversity assessment and approvals under the EPA Act 1979. It is noted that the development site contains scattered trees and grasslands but has, to some extent, been disturbed due to historical agricultural practices on the site, such as grazing and slashing.

The proposed development does not trigger the area of clearing threshold, being one Hectare and is unlikely to affect threatened species or ecological communities or their habitats. The development will mostly occur within the disturbed areas of the site and will involve the removal of three existing trees. As such, the proposed development does not trigger entry into the Biodiversity Offset Scheme.

State Environmental Planning Policy (Resilience and Hazards) 2021:

This Policy requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities. The property is not known to have been previously used for a purpose that may have resulted in contamination, nor is it listed on the NSW Environment Protection Authority's online register of Records under Section 58 of the *Contaminated Land Management Act* 1997. A site inspection did not reveal any visual signs of contamination. It is therefore considered that the site is unlikely to be contaminated and is suitable for the proposed use.

State Environmental Planning Policy (Biodiversity and Conservation) 2021:

Chapter Four – Koala Habitat Protection 2021 of this Policy applies to the site pursuant to Clause 4.4. Under Clause 4.9, Council as the consent authority must give consideration to whether the development is likely to have any impact on koalas or koala habitat.

The submitted SEE advises that three trees will need to be removed in order to accommodate the proposed new stables building. The trees are juvenile Eucalyptus trees and are not considered to form part of any significant or endangered vegetation.

State Environmental Planning Policy (Transport and Infrastructure) 2021:

The proposed development does not comprise traffic generating development for the purposes of Schedule 3 of this Policy.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021:

It is considered that the proposed camping ground fits within the parameters of Clause 73(3) of the Regulation 2021. The proposed camping will be provided solely in connection with the five campdrafting events on the site and will not exceed a period of six weeks. A condition has been included in the recommended conditions of consent to ensure compliance in this regard.


Tamworth Regional Local Environmental Plan 2010:

An assessment against the relevant provisions under the *Tamworth Regional Local Environmental Plan 2010* (LEP) is presented in **Table 3** below:

Table 3. Assessment against LEP provisions.

Clause	Comment
2.1 Land use zones	The site is zoned RU4 Primary Production Small Lots with a minimum lot size of 9.9 Hectares.
2.3 Zone objectives	The consent authority must have regard to the relevant zone objectives in determining a DA (see Land Use Table provisions, below).
Land use table	<p>In the LEP's Land Use Table, the objectives for the RU4 zone are:</p> <ul style="list-style-type: none"> • <i>To enable sustainable primary industry and other compatible land uses.</i> • <i>To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.</i> • <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> <p>It is considered that the proposed development is not inconsistent with the applicable zone objectives, particularly in relation to land use conflict with the adjoining R5 Large Lot Residential zone. The potential impacts of the proposed development have been identified and addressed as a part of the assessment of the DA, including but not limited to: odour, dust, noise, waste and traffic impacts. Such impacts are not expected to be unreasonable subject to the implementation of the identified mitigation measures and</p>

	<p>compliance with the recommended conditions of consent.</p> <p>The SEE identifies the proposed development as an ‘animal boarding or training establishment’ and an associated ‘recreation facility (outdoor)’ and ‘camping ground’. These land uses are permissible with consent in the RU4 zone and are defined under the LEP as follows:</p> <p>animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.</p> <p>recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).</p> <p>camping ground means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—</p> <p>(a) a caravan park, or</p> <p>(b) farm stay accommodation.</p>
Clause 5.10 – Heritage	<p>There are no known items of heritage significance located on, or in proximity to, the subject lands. The SEE includes a basic search of the Aboriginal Heritage Information Management System (AHIMS) database which shows no recorded Aboriginal sites or places on the subject land.</p>
Clause 5.21 – Flooding	<p>The north-west corner of the site is identified as being partially liable to inundation by flooding (see Figure 2). The flood hazard and depth are mapped as being low. Given that the proposed development, activities and access will be located outside of the flood inundation area, it is considered that the proposed development will not adversely affect flood behaviour, the environment or the efficient evacuation of people in the event of a flood.</p>

	 <p style="text-align: center;">Figure 2. Flood prone area map.</p>
<p>Clause 7.1 – Earthworks</p>	<p>It is considered that any earthworks associated with the proposed development will be ancillary to that approved via DA2022-0494. No adverse impacts on existing drainage patterns, soil stability or cultural heritage items are anticipated subject to compliance with the conditions of development consent.</p>

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

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

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

Tamworth Regional Development Control Plan 2010:

An assessment against the relevant provisions under the General Development Specifications – Other Types of Development Controls in the *Tamworth Regional Council Development Control Plan 2010* (DCP) is presented in **Table 4** below:

Table 4. Assessment against DCP provisions.

Provision	Comment
Parking	<p>Neither the DCP nor the RTA Guide for Traffic Generating Developments prescribe a specific parking rate for the proposed development. Nonetheless, the Applicant proposes to provide a formalised gravelled carpark containing 20 spaces on the north-western side of the campdraft arena. This carpark will accommodate all private vehicles on a day-to-day basis and during smaller events, and approximately 25% of private vehicles during the larger events. Floats and heavy vehicles will park further to the north-west of the light vehicle carpark in an informal arrangement.</p> <p>Overflow parking for the larger events will be provided to the south and west of the formalised gravel carparking area. The overflow parking areas are not proposed to be sealed. However, any potential nuisance impacts, such as dust, will need to be managed as a part of the Operational Management Plan.</p>
Outdoor Lighting	The SEE advises that outdoor lighting on the site complies with AS 4282. A condition has been included in the terms of consent to ensure compliance in this regard.
Waste Management	General waste from the development will be stored temporarily on the site before being taken to Council's closest waste depot. The operations carried out on the site include waste storage and collection procedures to ensure that waste is suitably managed. The proponent, KPH hires a 3-metre skip bin that is located 50m from the amenities block, which is collected and removed every three weeks as scheduled, or if it fills before the three weeks in accordance with the arrangement with Skip Eze. Horse manure is collected in the manure bay then placed in horse paddocks by the bucket on the tractor and spread out by the paddock dresser on a fortnightly basis. Horse paddocks are kept manure free and slashed.

Development Contributions

A condition of consent requires the applicable Section 7.12 Development Contributions to be paid prior to the issue of a Construction Certificate.

Water Management Act 2000 – Water and Sewer Headwork's Charges:

Not applicable.

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

Not applicable.

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

Not applicable.

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

Context and Setting

The subject land is located on the south-western side of Kingswood and adjoins large residential allotments to the north, north-east and east. The residential allotments are mostly two (2) Hectares in size, and are improved with existing dwellings and associated ancillary development and established vegetation. The subject land is surrounded by agricultural land to the south, south-west and west.

The technical reports accompanying the DA have determined that the proposed development is unlikely to result in adverse traffic and noise impacts subject to mitigation measures. Such measures have been incorporated into the recommended conditions of consent, including the requirement to prepare and implement an Operational Management Plan, a 12 month trial period for full operations and a noise validation assessment. Other potential impacts have also been considered as a part of the assessment of the subject DA and are not expected to be unreasonable. It is therefore considered that the proposed development is unlikely to result in land use conflict provided the conditions are adhered to by the Proponent.

Access, Transport and Traffic

A Traffic Impact Assessment (TIA) prepared by Barnson (dated 10 March 2023) has been submitted with the subject DA. It is important to note that the TIA has been amended since the time of lodgement of the DA as the Applicant has relocated the proposed heavy vehicle access from the adjoining allotment, being Lot 95 in DP 1247451. The heavy vehicle access is now located on Lot 43 and the TIA has been amended accordingly. The TIA makes the following conclusions:

- *traffic generated by the site during large events is heavily staggered, and will produce a maximum of 12 movements per hour, consisting of ten light vehicles and two heavy vehicles;*
- *peak traffic generation by the site occurs on weekends and does not coincide with existing peak traffic times;*
- *it is recommended that the proponent develops a Traffic Management Plan to be communicated to patrons and delivery drivers during special events;*
- *the proposed gravel carpark provides 20 spaces, accommodating all private vehicles for everyday operations and small events. Large events will utilise the existing informal parking arrangement for overflow and heavy vehicle parking;*
- *Spains Lane currently operates at an acceptable level of service and will continue to do so with the proposed traffic generation. No upgrade works are required to Spains Lane; and*
- *with the implementation of the recommendations provided, the development is unlikely to have any significant impacts on the traffic operations of the existing road network.*

The existing access, including part of the internal driveway, will be upgraded to allow two 19m articulated vehicles (semi-trailers) to pass. A 'Give Way' sign and concrete spoon drain are also proposed on the driveway exit to ensure users are aware that Ralfe Road has right of way, being a public road. These details are shown in the submitted plans in **ANNEXURE 1**.

Views and Visual Impact

The Applicant has planted trees on the site in order to improve the visual impact of the development. The trees have been planted along the front fence line on Spains Lane, the

existing driveway, and around the campdraft arena and amenities blocks. New landscaping is also proposed to be planted on the north-eastern side of the campdraft arena, as shown on the architectural plans.

A condition has been imposed in the consent requiring outdoor lighting to comply with *AS4282 – Control of Obtrusive Effects of Outdoor Lighting*. The Applicant also seeks to create a new heavy vehicle access to the site further to the west along Spains Lane in order to prevent light spill onto adjoining residential properties.

Noise

A Noise Impact Assessment (NIA) report prepared by Muller Acoustic Consulting Pty Ltd (MAC) has been submitted with the application **ATTACHED**, refer **ANNEXURE 2**. The NIA has quantified noise emissions for the project arising from horse performance events (campdrafting and penning), live music and a public address system, on-site accommodation, and on-site vehicle movements. Events are usually held on weekends during the day period from approximately 7:30am to 10pm.

The NIA report concludes that emissions from the development will satisfy the Project Noise Trigger Levels (PTNLs) at all receivers and sleep disturbance is not anticipated. This is based on the modelling assumptions and recommendations under Section 4.4 of the NIA report.

The NIA report has been reviewed by Council's Environmental Health Division which raised no objection subject to the recommended conditions of consent. Such conditions require the following:

- noise emissions shall not exceed the PNTL at the identified residential receivers;
- all recommendations and best practice guidelines identified in Section 4.4 of the NIA shall be implemented to mitigate noise impacts; and
- a noise validation assessment shall be completed within six months of the development consent to confirm PNTLs. This report must be provided to Council for review.

The Applicant has clarified that cattle for the campdrafting events will be loaded and unloaded, and kept overnight towards the rear / southern side of the site and behind the existing manager's residence. There will be a maximum of 240 head of cattle held overnight for the campdrafting events.

Water

The Applicant advises that there are numerous bores and rainwater tanks throughout the site. During events, visitors and guests will only be offered bottled water. Signage (i.e. do not drink) will also be installed where taps / basins are positioned in accordance with the NSW Health Private Water Supply Guidelines.

Sewer

As the subject land is not located within Council's sewer reticulation area, effluent is managed via an on-site sewage management system. A Sewer Collection Well Desktop study completed by Marline Newcastle Pty Ltd, has been submitted with the DA and recommends the installation of a collection well system for the proposed development, being 3 x 10,000L concrete collection tanks (total storage 30,000L).

It should be noted that any future modifications made to the development consent that include an increase in patron capacity and events held at the site will require a comprehensive land capability assessment and effluent management report to be included.

Any increase in patron capacity and events associated with the development will trigger the requirements for on-site wastewater disposal and cessation of the pump out system.

The pump out system will be subject to an approval from Council under Section 68 of the *Local Government Act 1993*, which forms a recommended condition of consent.

Air and Microclimate

Dust mitigation measures are described in Section 5.10.6 of the SEE. Such mitigation measures include but are not limited to the use of:

- automatic sprinklers in the existing indoor arena;
- a water truck and a product called 'Dust Down' or similar for the campdrafting events; and
- prior notification to neighbouring properties and complaint register.

In the response to the odour concerns raised in the submissions, the Applicant advises that most winds blow from the southeast direction and minimal winds blow from the southwest where the objector, and other residential properties, could be impacted.

Campers will be directed to set-up in the designated areas on the site and away from the boundary fence to minimise odour and noise impacts to adjoining residential properties. All horse manure will be collected and either taken by each horse owner or placed in the manure bay on the site, which is located behind the stables.

Odour and dust mitigation measures are required to be incorporated into an Operational Management Plan as a recommended condition of consent.

Safety, Security and Crime Prevention

The proposed development is not expected to adversely impact the safety and security of the site. The Applicant has advised that the safety of the site will be achieved through both internal and boundary fencing, passive surveillance measures and direct access from the street, promoting movement across the site. Liquor will not be sold at the site. The DA was also referred to the NSW Police for comment which raised no objections or concerns to the proposed development, providing that Council places conditions in the consent to address noise and traffic management. Conditions have been included in the recommended terms of consent in this regard.

Social and Economic Impact

It is anticipated that the proposed development will not result in adverse social and economic impacts. The proposal will create some jobs during construction and operations.

The devaluation of the surrounding properties has been raised as a concern in the submissions objecting to the proposal. However, the devaluation of properties is not a relevant planning consideration unless the economic impacts of the development extend to the surrounding locality. It is considered that adequate mitigation measures will be implemented as part of the development such that no unreasonable impacts are likely to adjoining properties/the locality.

Cumulative Impacts

The development is considered to be generally consistent with the planning controls for the RU4 zone such that the development will not result in an adverse cumulative impact.

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

The development site is considered to be suitable for the proposed development. There are no known environmental constraints or land use restrictions that would make the development prohibitive. As established throughout this report, the likely environmental impacts from the development are not expected to be unreasonable subject to the identified mitigation measures.

Section 88B Instrument Impacts

Nil known.


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

The application was notified to adjoining owners pursuant to the TRC Community Participation Plan 2019 and five submissions objecting to the proposal were received by Council. The issues raised in the submissions are considered in **Table 5** below:

Table 5. Assessment Against Issues Raised in the Submissions.

Issue	Response
<p>Traffic and Access</p> <p>Submitters raise concern that the proposed development will increase traffic in the area and that the existing road is not suitable to accommodate increased traffic. Further, the submission states that the current access is unsuitable for articulated vehicles (i.e., not enough room for trucks to turn) which creates a traffic hazard.</p>	<p>Council's Development Engineering Division has reviewed the subject DA, supporting Traffic Impact Assessment report, and the concerns raised in the submissions. The Division has advised that traffic generation from the proposed development does not exceed the capacity of Spains Lane. That is, there is little delay at the road intersections and the level of service is suitable for the road network.</p> <p>The access to site is proposed to be upgraded to allow two 19m articulated vehicles (semi-trailers) to pass. A 'Give Way' sign and concrete spoon drain are also proposed on the driveway exit to ensure users are aware that Ralfe Road has right of way, being a public road.</p> <p>In regard to the concerns raised that the driveways of nearby residences have limited visibility/sight distance near crests, this is considered to be a pre-existing condition at these property accesses near the crest at 88-92 Spains Lane. These were driveway locations are compliant with the minimum requirement <i>AS2890.1 Parking Facilities – Part 1 – Off-street car parking</i>.</p> <p>The traffic counters raised in the submissions were for an unrelated project.</p>
<p>Air and Microclimate (dust and odour)</p> <p>Concerns were raised about the amount of dust and odour generated by the development. A submitter also notes that the cumulative odour impact</p>	<p>The Applicant has identified a number of proposed measures to mitigate potential odour and dust impacts, as detailed in an earlier section of this report. The Applicant also notes that most winds in the area are from a south-easterly direction whereas the poultry farm is located approximately 1.35km to the south-west of the development site on Meadows Lane. Traffic during large events will be staggered and will not coincide with existing peak traffic times.</p>

<p>from both the proposed development and chicken farm to the south has not been considered, or the potential for katabatic drainage.</p>	<p>It is considered that the proposed development will make a minimal contribution to cumulative odour impacts. The proposed activities will be for short-duration (i.e., 1 to 2.5 days). At the largest event, there will be a maximum of 1,200 cattle and 170 horses on the site for this same period of time. Odour impacts from animals are more noticeable from stationary / point sources (i.e., when animals are confined in the same area over a long period of time).</p>
<p>Visual Impact</p> <p>Concerns were raised about the adverse visual impacts arising from the proposed development (i.e., insufficient screening / landscaping for noise, dust and light mitigation) and outdoor lighting.</p>	<p>The Applicant has provided evidence of the landscaping that has been previously undertaken on the site (refer to Figure 3). New landscaping is also proposed to be planted on the north-eastern side of the campdraft arena and along part of the boundary with Spains Lane, as shown on the submitted plans. Further, there are existing stands of trees on the northern side of Spains Lane near the intersection with Ralfe Road (refer to Figure 4). It is therefore considered that the existing and proposed landscaping will break up views to and from the site, and, in turn, the visual impacts from the development are not expected to be unreasonable.</p> <div data-bbox="608 958 1257 1429" data-label="Image"> </div> <p>1.2 Trees along driveway</p> <div data-bbox="608 1478 1337 1886" data-label="Image"> </div> <p>Figure 3. Existing landscaping on the site.</p>

	 <p>Figure 4. Existing landscaping near property access.</p> <p>A condition has also been included in the recommended terms of consent requiring outdoor lighting to comply with Australian Standard (AS) 4282: <i>Control of Obtrusive Effects of Outdoor Lighting</i>. Campers shall also be directed to set-up away from the boundary fence with Spains Lane to minimise impacts (i.e., noise, odour and lighting) to adjoining residential properties, which forms a recommended condition of consent.</p>
<p>Stormwater</p> <p>Concerns were raised regarding stormwater runoff and erosion, and noted that stormwater has been channelled across Spains Lane and onto their properties. Submitter also notes that the DA has not included a contour plan or modelling of peak flows from the site.</p>	<p>In regards to the submitter's concern that stormwater from Spains Lane is being directed through the rear of properties on Ralfe Road, this relates a depression which is the natural drainage path for this catchment which includes a sag in Spains Lane. The proposed development does not significantly increase runoff in this catchment as the access road for the development is the only increase in hardstand area.</p> <p>The Applicant has submitted preliminary civil design drawings to address stormwater management for the site, particularly overland flows. This has been reviewed by Council's Development Engineering Division which has raised no concerns subject to the recommended conditions of consent requiring a detailed stormwater plan to be provided to Council for approval prior to the issue of a Construction Certificate.</p>
<p>Noise</p> <p>Submitter seeks</p>	<p>A Noise Impact Assessment (NIA) report prepared by Muller Acoustic Consulting Pty Ltd (MAC) has been submitted with</p>

<p>clarification about what restrictions will be in place for noise, particularly for functions and events. Further, the submitters state that the development will result in unreasonable noise impacts from the trucks, horse floats and caravans travelling past their home, PA system and loud music. A submitter also notes that the noise report has not considered impacts from the fence line, underestimates the number of sensitive receivers and has not addressed impacts at night.</p>	<p>the DA. Based on modelling assumptions in Section 4.4 and recommendations in Section 6, the NIA found that emissions from the development will satisfy with Project Noise Trigger Levels (PNTL) at all receivers and sleep disturbance is not anticipated.</p> <p>Conditions have been incorporated into the development consent requiring the following:</p> <ul style="list-style-type: none"> • noise emissions shall not exceed the PNTLs at the identified residential receivers; • all recommendations and best practice guidelines identified in Section 4.4 of the NIA shall be implemented to mitigate noise impacts; and • Completion of a noise validation assessment within six months of the development consent to confirm PNTL. This report must be provided to Council for review. <p>As activities on the site will cease by 10pm, the NIA has not considered impacts during night time, which is the period from 10pm to 7am.</p> <p>The NSW EPA's <i>Noise Policy for Industry (2017)</i> (NPI) requires a noise assessment to be taken from the 'reasonably most-affected location(s)' and advises that noise levels for residences are to be assessed at the reasonably most-affected point on or within the residential property boundary. The number and location of receivers identified in the NIA are therefore considered to be reasonable as the identified receivers are the closest to the noise source. If the PTNLs for the proposed development can comply at the identified receivers, they will also be able to comply at the receivers located further away.</p> <p>Cattle for the campdrafting events will be loaded and unloaded, and kept overnight towards the rear / southern side of the site and behind the existing manager's residence. There will be a maximum of 240 head of cattle held overnight for the campdrafting events.</p>
<p>Devaluation of Land</p> <p>Submitter raises concern that the proposed development will devalue their property.</p>	<p>Impacts on the value of surrounding properties are not a planning-based consideration in the assessment of a DA unless such impacts extend into the surrounding locality. It is considered that adequate mitigation measures will be implemented as part of the development such that no unreasonable impacts are likely to adjoining properties/the locality. The proposal also constitutes permissible development (with consent) in the RU4 Primary Production Small Lots zone.</p>
<p>Land use conflict and inconsistency with the</p>	<p>The proposed development is not considered to be inconsistent with the applicable zone objectives, particularly in relation to land use conflict with the adjoining R5 Large Lot</p>

<p>zone objectives</p> <p>Concerns were raised that the development does not meet the objectives of the zone by creating land use conflict with the surrounding large lot residential land uses.</p>	<p>Residential zone. The potential impacts of the proposed development have been identified and addressed as a part of the assessment of the DA, including but not limited to: odour, dust, noise, waste and traffic impacts. Such impacts are not expected to be unreasonable subject to the implementation of the identified mitigation measures and compliance with the recommended conditions of consent.</p>
<p>Permissibility</p> <p>Concern was raised that the proposed development will constitute a recreation facility (major), which is prohibited within the RU4 zone.</p>	<p>The TLEP defines a recreation facility (major) as a building or place used for large-scale sporting events or recreation activities that are attended by a large number of people whether regularly or periodically. It is considered that the proposed development does not fall into this definition based on the proposed number of events and attendees. In comparison, the AELEC, which is considered to be an example of a major recreation facility, hosts more than 50 events, 7,000 competitors, 9,000 horses and 16,000 head of cattle each year.</p> <p>As addressed in an earlier section of this report, the proposed development is identified as being a recreation facility (outdoor) and is permissible with consent in the RU4 zone.</p>
<p>Suitability of the site</p> <p>Concerns were raised that the site is not suitable for development as it is located too close to a residential area and will result in unreasonable environmental impacts.</p>	<p>The development site is considered to be suitable for the proposed development. There are no known environmental constraints or land use restrictions that would make the development prohibitive. As established throughout this report, the likely environmental impacts from the development are not expected to be unreasonable subject to the identified mitigation measures.</p>
<p>Waste</p> <p>Concern was raised about potential waste impacts from the development.</p>	<p>The Applicant has identified a number of proposed mitigation measures for waste impacts, as outlined in an earlier section of this Report. Conditions have also been included in the consent requiring a site rubbish container for the duration of building works and an operational management plan which, among other issues, will address waste management during operations.</p>
<p>Access and facilities for people with a disability</p> <p>Concern was raised that the applicant does not address access and facilities for people with a disability.</p>	<p>An accessible bathroom, path of travel and car parking space will be provided adjacent to the camp drafting arena, as shown on the submitted plans. This will be subject to further assessment as a part of a future Construction Certificate application.</p>
<p>Retrospective structures</p>	<p>This is a valid comment. To address this, the Applicant has</p>

<p>and improvements</p> <p>Concerns were raised that there appears to have been a number of major upgrades and improvements added to the site over the years without Council approval.</p>	<p>sought continued used approval for a number of buildings and structures as a part of the subject DA. The Applicant has also submitted an application for a Building Information Certificate to Council to regularise the building works undertaken without a Construction Certificate.</p>
<p>Temporary Camping</p> <p>The submitter notes that there is no application for camping on the site.</p>	<p>The Applicant has sought development consent for a camping ground on the site as a part of the subject DA. The camping ground will only be used in connection with sporting, recreational and cultural activities on the site, namely the five campdrafting events each year.</p>

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

Consideration of the public interest relates to whether or not there is widespread community opposition to the proposal. The public interest has been considered as a part of the assessment of DA2022-0494. It is concluded that the approval of the proposed development will not contravene the public interest.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The proposed development was notified to adjoining landowners from 12 May 2022 until 3 June 2022. Five submissions were received from this notification period. The notified properties are shown in **Figure 5**.



Figure 5. Notification map.

An additional five submissions and a petition containing 17 signatures were received in reply to the Applicant's response to the submissions and amended documentation. A site meeting with most of the submitters and Council's Senior Development Assessment Planner was held on 31 October 2022.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment.

CONCLUSION:

This report provides an assessment of the development with regard to all relevant matters listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and issues raised in the public submissions. The proposed development is consistent with the applicable environmental planning instruments. The issues raised in the submissions have been addressed and the likely impacts of the proposal are considered to be acceptable subject to the imposition of appropriate conditions of development consent. It is therefore recommended that Council approve DA2022-0494 subject to the recommended conditions of development consent.

8 INFRASTRUCTURE AND SERVICES

8.1 POSSIBLE LEASE OF LAND AT 8 RESERVOIR ROAD MANILLA

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

RECOMMENDATION

That in relation to the report “Possible Lease of Land at 8 Reservoir Road Manilla”, 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.*

SUMMARY

To allow for the construction of the new Manilla Water Treatment Plant (WTP), Council purchased approximately 34 hectares of land at 8 reservoir Street Manilla. The new WTP site required approximately 3.4 hectares of land with the exterior of the facility being security fenced to prevent site access. The residual land, exterior of the WTP, is former farmland and has the potential to be leased. This report seeks direction from Council in relation to whether Council would like to consider leasing the property via an expression of interest process.

COMMENTARY

To allow for the construction of the new Manilla Water Treatment Plant (WTP), Council purchased approximately 34 hectares of land at 8 reservoir Street Manilla. The new WTP site required approximately 3.4 hectares of land with the exterior of the facility security fenced to prevent site access. The residual land, exterior of the WTP, is former farmland and has the potential to be leased. The location and available land area for potential lease is shown below in blue, with the secured WTP land shown in red.



Since the establishment of the new WTP, Council has performed minor maintenance of the residual land i.e. activities have been limited to slashing the boundary to provide a fire break between neighbouring properties.

It is considered that, long-term, the land may be suitable for a number of uses including ongoing leases, residential subdivision or alternate public use. To allow Council to make an informed decision on the long-term options work required to be completed includes;

- development of a strategic planning options report for the residual land to allow Council consideration of future land use; and
- finalisation of plans for the former WTP and associated infrastructure. Council staff are currently preparing an options report for the former WTP and associated sludge lagoons, locations shown below. This work is expected to be completed in the next six months and will allow Council to consider long-term options of the land in conjunction with the new WTP residual land.



Given the above projects to identify long-term options for both the residual land and former WTP, and given the ongoing costs Council incurs through the ownership and maintenance of the property, it's suggested Council lease the property until the long-term use of the land has been decided.

Given the size and location of the property, it is considered the property could be utilised for a small number of livestock grazing, horse agistment or similar.

The fencing infrastructure on the property is in good condition and would allow leasing without any expenditure.

If Council agreed that maintaining ownership of the property was appropriate and Council wished to lease the property in the short term, then a public Expression of Interest (EOI) process would be completed with the EOI documents including the following terms:

- any lease would be on a two-year basis, with the lease including a 12-month option – this would allow Council flexibility to use the property for some other purpose without having to terminate an existing lease;
- in the event the lessee sought to exercise the option, Council would be under no obligation to agree to the request;
- the lease would define the use of the land and maintenance requirements of the lessee; and
- the lease would allow Council, or its contractors, access to the site to undertake investigations of any kind, where reasonable notice has been given to the lessee of Council's intention to enter.

(a) Policy Implications

Nil

(b) Financial Implications

The EOI process would require potential lessees to advise Council the amount they would be prepared to pay Council to lease the property. This would be a consideration in the final decision of the successful applicant.

(c) Legal Implications

A formal agreement will be signed between Council and the successful applicant, should Council ultimately agree to lease the property.

(d) Community Consultation

An EOI for the potential lease of the property would be advertised.

(e) Delivery Program Objective/Strategy

A Region for the Future – F11 Sound asset management planning

8.2 UPDATE TO COUNCIL'S URBAN STORMWATER MANAGEMENT PLANS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Aidan Pugh, Senior Stormwater Engineer

Reference: Item 8.3 to Ordinary Council 26 September 2017 - Minute No 317/17

4 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Update to Council's Urban Stormwater Management Plans", Council:

- (i) resolve to place the draft Urban Stormwater Management Plans for Barraba, Manilla, Moonbi/Kootingal and Tamworth on public exhibition for a period of 28 days; and*
- (ii) note that at the conclusion of the exhibition period a further report will come to Council reporting on the outcomes of the public exhibition period.*

SUMMARY

The purpose of this report is to seek approval from Council for the draft Urban Stormwater Management Plans for Barraba, Manilla, Moonbi/Kootingal and Tamworth to be placed on public exhibition for a period of 28 days.

COMMENTARY

Draft Urban Stormwater Management Plans have been developed for the urban areas of:

- Barraba – see **ATTACHED**, refer **ANNEXURE 1**;
- Manilla – see **ATTACHED**, refer **ANNEXURE 2**;
- Moonbi/Kootingal – see **ATTACHED**, refer **ANNEXURE 3**; and
- Tamworth – see **ATTACHED**, refer **ANNEXURE 4**.

Urban Stormwater Management Plans are intended to identify areas where Tamworth Regional Council's (Council) stormwater management can be improved. This includes

improving the quality of water discharged to the environment and reducing risks associated with excess stormwater runoff.

The plans identify a variety of recommendations including structural and non-structural options.

The plans also recommend expanding the collection of a Stormwater Management Service Charge to the areas covered by the respective plans. The additional charge would be applied to each property within the area shown in Appendix A of each of the plans. The charges that can be applied are \$25.00 per residential property and \$25.00 per 350 square metres (or part thereof) for properties rated for business purposes.

The charge is currently only applied to the area identified in the Tamworth Urban Stormwater Management Plan (2000). Stormwater Management Service Charges are levied under section 496A of the *Local Government Act 1993*. The funds raised through a Stormwater Management Service Charge are required to be spent in addition to the cost of maintaining the stormwater network and only on the activities identified in the respective Urban Stormwater Management Plans.

(a) Policy Implications

Nil

(b) Financial Implications

The plans recommend expanding the collection of a Stormwater Management Services Charge to assist with funding improvements to the stormwater level of service. Any changes to the Stormwater Management Levy will be implemented following a separate exhibition period and consultation. Should Council adopt the new charges, it is expected that they will not be implemented until the 2024/2025 Financial Year.

(c) Legal Implications

Nil

(d) Community Consultation

During the preparation of the plans, a range of stakeholders were consulted including:

- Department of Planning, Industry and Environment;
- WaterNSW;
- John Holland/UGL; and
- NSW Environment Protection Agency

Further community consultation will be enabled by placing the draft Urban Stormwater Management Plans for Barraba, Manilla, Moonbi/Kootingal and Tamworth on public exhibition for 28 days.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

8.3 URBAN STREET TREE MANAGEMENT PLAN - ADVISORY GROUP - MINUTES - 3 JULY 2023

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Urban Street Tree Management Plan - Advisory Group - Minutes - 3 July 2023”, Council receive and note the minutes from the Urban Street Tree Management Plan – Advisory Group.

SUMMARY

The purpose of this report is to present the minutes from the 3 July 2023 meeting of the Urban Street Tree Management Plan – Advisory Group (the Advisory Group) and note the key outcomes of the meeting.

COMMENTARY

The Advisory Group was created to support Tamworth Regional Council (Council) with the greening and cooling of the region through the advancement of tree plantings across the Local Government area (LGA).

On 3 July 2023, the Advisory Group met for its bi-monthly meeting. The minutes from the meeting are **ATTACHED**, refer **ANNEXURE 1**. Key discussion items of the meeting included:

2023 Autumn Greening Strategy

Positive feedback has been received regarding the autumn tree plantings. Two plantings have been postponed to spring due to late arrival of plant stock.

2023 Winter Greening Strategy

We have been able to source 12 English Oak trees to fill the remaining vacant places within the secondary avenue of the King George V Avenue English Oaks.

2023 Spring Greening Strategy

The spring greening strategy has been updated with some additional plantings to be undertaken at the AELEC, George Street Dog Leash Free Park and New Winton Business Park.

CBD Tree Planting

The Advisory Group selected the Flowering Pear (Braford) as the species for Brisbane Street, between Kable Avenue and Marius Street.

General Business

Council will receive a donation from the Tamworth Regional Wellness Network for the planting of trees across the LGA.

Council is currently investigating the planting of trees in the Taminda area with an initial planting to occur in front of Council owned properties before expanding. Further investigations will occur in the South Tamworth area.

(a) Policy Implications

Nil

(b) Financial Implications

The proposed tree plantings are currently funded through Council's existing projects and operational budgets.

(c) Legal Implications

Nil

(d) Community Consultation

The Advisory Group is comprised of members of the community.

(e) Delivery Program Objective/Strategy

Focus Area 2 – Liveable built environment

8.4 UPDATE TO THE ENGINEERING DESIGN MINIMUM STANDARDS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Aidan Pugh, Senior Stormwater Engineer

Reference: Item 8.1 to Ordinary Council 12 March 2019 - Minute No 59/19

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Update to the Engineering Design Minimum Standards", Council:

- (i) adopt the Engineering Design Minimum Standards including the updates detailed in this report; and*
- (ii) request a full review of the "Engineering Design Minimum Standards" in two years' time.*

SUMMARY

The purpose of this report is to seek Council endorsement of the proposed changes to Tamworth Regional Council's (Council) Engineering Design Minimum Standards, Council's standard drawings and Construction Specification.

COMMENTARY

At the Ordinary Council meeting on 12 March 2019 a review of Council's Engineering Design Minimum Standards was requested.

The Regional Services, Water and Waste and Liveable Communities directorates contributed to a draft version 2 of the Engineering Design Minimum Standards, which was placed on public exhibition for 28 days from 6 April 2023. A Developer's Forum was also held on 20 April 2023 to discuss the proposed changes with the local development industry.

Only two submissions were received during the public exhibition period:

- one submission requested better clarity for footpath width. Council have responded to this by removing the option for 1.2m wide footpaths.
- the other submission asked for clarification on the intent of proposed changes. This submission also questioned the proposed drainage reserve widths. In response to this submission the drainage corridor widths were reduced for concrete lined channels and turfed channels with flatter batters.

The proposed changes to the Engineering Design Minimum Standards are summarised below.

The roads section has minor updates including:

- clarified road hierarchy definitions;
- minimum footpath width increased to 1.5m;
- service allocations updated to accommodate Essential Energy requirements; and
- safety barrier requirements updated to align with current standards.

The stormwater section had significant changes, mostly in response to the 2019 update to Australian Rainfall and Runoff (ARR2019). The changes to this section include:

- the methods for calculating stormwater flows have been updated to align with the current standards;
- additional requirements for considering the effect that climate change will have on drainage capacity;
- pipe materials were updated to ensure assets gifted to Council are fit for purpose;
- permissible velocities in turf channels were updated to reduce the risk of scour; and
- safe flow requirements were updated to align with the ARR2019 hazard categories.

The water section had a minor update including:

- additional material options for watermains and services; and
- option for cul-de-sac loops in polyethylene.

The sewer section had minor updates including:

- additional material options for gravity sewer;
- clarification on Council/private sewer boundary ownership;
- maintenance hole sizes updated for large mains; and
- additional material options for sewer lid covers.

A new section on earthworks and retaining walls was added. This section is intended to better control the construction of retaining walls at the time of subdivision, rather than having retaining walls constructed on each lot for each individual development.

Council staff have reviewed Council's Construction Specifications and Standard Drawings to reflect the changes proposed in the Engineering Design Minimum Standards.

The proposed version 2 of the Engineering Design Minimum Standards is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The document was put on public exhibition for 28 days during which a meeting was held with developers to discuss the 'Minimum Standards'. Submissions were received and taken into consideration prior to finalisation of the document for Council's endorsement.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment.

8.5 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - MEETING 2 AUGUST 2023

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer

11 ANNEXURES ATTACHED

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee - Meeting 2 August 2023”, Council:

- (i) approve the event and subsequent road closure of The Ringers Road, between Longyard Drive and Jack Smyth Drive, for the period of 1.00pm to 2:30pm daily for the dates of 29 August – 1 September 2023;*
- (ii) approve the installation of line marking and signage on Gorman Street, and the installation of No Stopping signs on Piper Street and Johnston Street in North Tamworth;*
- (iii) approve the installation of new kerb blisters with associated signage on the eastern side of Cole Road, West Tamworth;*
- (iv) approve the installation of new kerb blisters with associated signage on Gunnedah Road, Taminda;*
- (v) approve the installation of new kerb blisters and pedestrian fencing with associated signage and line marking on Robert Street, South Tamworth;*
- (vi) approve the relocation of No Stopping signs and the installation of new kerb blisters with associated signage on Jean Street, South Tamworth;*
- (vii) approve the installation of kerb blisters with associated line marking, signage and pavement markers on Piper Street, East Tamworth;*
- (viii) approve the relocation of existing No Stopping signs and the installation of a new pedestrian refuge with associated line marking, signage and pavement markers on Carthage Street and the installation of a new pedestrian refuge, kerb blisters and associated line marking, signage and pavement markers on White Street, East Tamworth;*
- (ix) approve the relocation of existing No Stopping signs, the installation of a new kerb ramp on Upper Street and the installation of a new pedestrian refuge with associated line marking, signage and pavement markers on White Street, East Tamworth; and*
- (x) approve the installation a new pedestrian refuge with associated No Stopping signs, line marking and pavement markers on Upper Street, East Tamworth.*

SUMMARY

The purpose of this report is to advise Council of the 10 recommendations made by the Tamworth Regional Local Traffic Committee (the Committee) at the meeting held 2 August 2023.

COMMENTARY

The minutes from the Committee meeting held on 2 August 2023, are **ENCLOSED**, refer **ENCLOSURE 1**.

64/2023 - Young Drivers Expo - Road Closure Request

Tamworth Regional Council (Council) has been notified that the annual Young Drivers Expo, which is held adjacent to the TRECC on the The Ringers Road, is scheduled for 29 August to 1 September 2023.

The event consists of the following details:

- Date: Tuesday 29 August – Friday 1 September 2023; and
- the event organisers are requesting the closure of The Ringers Road (from Longyard Drive to Jack Smyth Drive) between 1.00pm to 2.30pm each day of the event for a safe driving demonstration by the local police.

Details regarding the road closure can be found within the traffic guidance scheme **ATTACHED**, refer **ANNEXURE 1**.

COMMITTEE RECOMMENDATION: the Committee supports the event and subsequent road closure of The Ringers Road, between Longyard Drive and Jack Smyth Drive, for the period of 1.00pm to 2:30pm daily for the dates of 29 August – 1 September 2023.

65/2023 - Proposed Long Day Care Centre (childcare centre) on 7-9 Gorman Street, North Tamworth

Council has received a development application for a new childcare centre based at 7 – 9 Gorman Street in North Tamworth. The proposed site, which is shown below in Figure 1, will be licenced for 100 children and have 25 car parking spaces provided at a rate of one for every four children. It is anticipated to generate 25-30 vehicles per hour along Gorman Street during the morning peak.



Figure 1: Proposed new Childcare Centre based at 7 – 9 Gorman Street in North Tamworth

Additional controls have been proposed by Council, along Gorman Street, to improve traffic flows at the entrance to the development and at the adjacent intersections with Piper Street and Johnston Street. These controls include No Stopping signs, Giveaway Signs and line marking, and can be seen in the drawing **ATTACHED**, refer **ANNEXURE 2**.

In addition, Transport for NSW (TfNSW) requested the design be modified by:

- including No Stopping signs on Piper Street and Johnston Street to address the open-ended No Stopping zones; and
- relocating the proposed No Stopping signs on Gorman Street (at both the Piper Street and Johnston Street intersections) to ensure they align with the end of the proposed BB lines. The road width at 8m is not appropriate to allow for cars to be park adjacent to the BB lines.

COMMITTEE RECOMMENDATION: pending the corrections requested by TfNSW, the Committee supports the installation of line marking and signage on Gorman Street, North Tamworth.

66/2023 - School Zone Infrastructure - Peel High School, Cole Road, West Tamworth

Council is proposing to install new kerb blisters and associated signage on Cole Road in West Tamworth to provide safer pedestrian treatment at a popular crossing location.

As shown below in Figure 2 and within the design **ATTACHED**, refer **ANNEXURE 3**, the new blisters are proposed for the eastern side of Cole Road.



Figure 2: Proposed kerb blisters on Cole Road, West Tamworth

These works are funded by the Australian and State Government under the School Zone Infrastructure Program.

COMMITTEE RECOMMENDATION: the Committee supports the installation of the new kerb blisters with associated signage on the eastern side of Cole Road, West Tamworth, in accordance with the attached design.

67/2023 - School Zone Infrastructure - Peel High School, Gunnedah Road, West Tamworth

Council is proposing to install new kerb blisters and associated signage on Gunnedah Road in Taminda to provide safer pedestrian treatment at a popular crossing location.

As shown below in Figure 3 and within the design **ATTACHED**, refer **ANNEXURE 4**, the new infrastructure is proposed within the parking lane/shoulder.



Figure 3: Proposed kerb blisters on Gunnedah Road, Taminda

These works are funded by the Australian and State Government under the School Zone Infrastructure Program.

COMMITTEE RECOMMENDATION: the Committee supports the installation of new kerb blisters with associated signage on Gunnedah Road, Taminda, in accordance with the attached design.

68/2023 - School Zone Infrastructure - St Edwards Infants School, Robert Street, South Tamworth

Council is proposing to install new kerb blisters, pedestrian fencing, signage and line marking on Robert Street in South Tamworth to provide safer pedestrian treatment at a popular crossing location.

As shown below in Figure 4 and within the design **ATTACHED**, refer **ANNEXURE 5**, the new infrastructure is proposed at an existing crossing on Robert Street.



Figure 4: Proposed kerb blisters and pedestrian fencing at Robert Street, South Tamworth

These works are funded by the Australian and State Government under the School Zone Infrastructure Program.

COMMITTEE RECOMMENDATION: the Committee supports the installation of new kerb blisters and pedestrian fencing with associated signage and line marking on Robert Street, South Tamworth in accordance with the attached design.

69/2023 - School Zone Infrastructure - Tamworth High School, Jean Street, South Tamworth

Council is proposing to install new kerb blisters and associated signage on Jean Street in South Tamworth, to provide safer pedestrian treatment at a popular crossing location.

As shown below in Figure 5 and within the design **ATTACHED**, refer **ANNEXURE 6**, the new infrastructure is proposed at an existing pedestrian crossing on Jean Street. No Stopping signs associated with the pedestrian crossing (northern side) will need to be relocated, resulting in the loss of one parking space in front of the 1 Jenkin Street residence (which fronts Jean Street) and two parking spaces in front of Tamworth High School.



Figure 5: Proposed kerb blisters at Jean Street, South Tamworth

These works are funded by the Australian and State Government under the School Zone Infrastructure Program.

COMMITTEE RECOMMENDATION: the Committee supports the relocation of No Stopping signs and the installation of new kerb blisters with associated signage on Jean Street, South Tamworth in accordance with the attached design.

70/2023 - School Zone Infrastructure - Oxley High School, Piper Street, East Tamworth

Council is proposing to install new kerb blisters, line marking, signage and pavement markers on Piper Street in East Tamworth to provide safer pedestrian treatment at a popular crossing location.

As shown below in Figure 6 and within the design **ATTACHED**, refer **ANNEXURE 7**, the new infrastructure is proposed at an existing pedestrian crossing on Piper Street. The crossing currently sits within a bus stopping area, which is why one of the proposed blisters has been shortened, and the existing crossing will be relocated 0.5m towards the west.

A swept path analysis for the site has been completed and is also shown within the attached design.



Figure 6: Proposed kerb blisters at Piper Street, East Tamworth

These works are funded by the Australian and State Government under the School Zone Infrastructure Program.

COMMITTEE RECOMMENDATION: the Committee supports the installation of kerb blisters with associated line marking, signage and pavement markers on Piper Street, East Tamworth in accordance with the attached design.

72/2023 - School Zone Infrastructure - White and Carthage Street, East Tamworth

Council is proposing to install a new pedestrian refuge, line marking, signage and pavement markers on Carthage Street and a new pedestrian refuge, kerb blisters, line marking, signage and pavement markers on White Street in East Tamworth to provide safer pedestrian treatment at popular crossing locations.

As shown below in Figure 8 and within the design **ATTACHED**, refer **ANNEXURE 9**, the new infrastructure is proposed at existing crossing locations. No Stopping signs associated with the crossing will need to be relocated, resulting in the loss of one parking space in front of the 41 White Street residence (Carthage Street frontage), two parking spaces in front of 122 Carthage Street (White Street frontage) and three parking spaces in front of 124 Carthage Street (White Street frontage).



Figure 7: Proposed pedestrian refuges, kerb blisters and line marking at the intersection of White and Carthage Street, East Tamworth

These works are funded by the Australian and State Government under the School Zone Infrastructure Program.

COMMITTEE RECOMMENDATION: the Committee supports the relocation of existing No Stopping signs and the installation of a new pedestrian refuge with associated line marking, signage and pavement markers on Carthage Street and the installation of a new pedestrian refuge, kerb blisters and associated line marking, signage and pavement markers on White Street, East Tamworth, in accordance with the attached design.

73/2023 - School Zone Infrastructure - White and Upper Street, East Tamworth

Council is proposing to install a new pedestrian refuge, kerb blisters, line marking, signage and pavement markers on White Street and a new pram ramp on Upper Street in East Tamworth to provide safer pedestrian treatment at popular crossing locations.

As shown below in Figure 9 and within the design **ATTACHED**, refer **ANNEXURE 10**, the new infrastructure is proposed at existing crossing locations. No Stopping signs associated with the crossing will need to be relocated, resulting in the loss of two parking spaces in front of the 44 White Street residence and one parking space in front of 53-55 White Street.



Figure 8: Proposed pedestrian refuge, kerb blisters and line marking on White Street, East Tamworth

These works are funded by the Australian and State Government under the School Zone Infrastructure Program.

COMMITTEE RECOMMENDATION: the Committee supports the relocation of existing No Stopping signs, the installation of a new kerb ramp on Upper Street and the installation of a new pedestrian refuge with associated line marking, signage and pavement markers on White Street, East Tamworth, in accordance with the attached design.

74/2023 - School Zone Infrastructure – Fitzroy Street and Upper Street, East Tamworth

Council is proposing to install a new pedestrian refuge and associated line marking, signage and pavement markers on Upper Street in East Tamworth to provide safer pedestrian treatment at a popular crossing location.

As shown below in Figure 10 and within the design **ATTACHED**, refer **ANNEXURE 11**, the new infrastructure is proposed at an existing crossing location. No Stopping signs will need to be installed on Upper Street, resulting in the loss of two parking spaces in front of ANZAC Park and one parking space in front of 88 Fitzroy Street residence (Upper Street frontage).



Figure 9: Proposed pedestrian refuge and line marking on Upper Street, East Tamworth

These works are funded by the Australian and State Government under the School Zone Infrastructure Program.

COMMITTEE RECOMMENDATION: the Committee supports the installation a new pedestrian refuge with associated No Stopping signs, line marking and pavement markers on Upper Street, East Tamworth in accordance with the attached design.

(a) Policy Implications

Nil

(b) Financial Implications

64/2023 - Shall be funded by the existing special event traffic management budget.

65/2023 – Shall be funded by the developer.

66/2023, 67/2023, 68/2023, 69/2023, 70/2023, 72/2023, 73/2023, 74/2023 – Shall be funded by the Australian and State Government under the School Zone Infrastructure Program.

(c) Legal Implications

Nil

(d) Community Consultation

66/2023, 67/2023, 68/2023, 69/2023, 70/2023, 72/2023, 73/2023, 74/2023 – Community consultation for these projects is currently being undertaken with property owners adjacent to the projects by Council's Project Delivery Division to ensure the projects can be delivered this year to meet the funding program.

(e) Delivery Program Objective/Strategy

Focus Area 5 – Connect our region and its citizens

8.6 TAMWORTH GLOBAL GATEWAY PARK - ROAD DEDICATION FOR GUDA STREET EXTENSION

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 12.4 to the Ordinary Council 11 February 2020 - Minute No 26/20
Item 8.3 to Ordinary Council 11 August 2020 - Minute No 227/20

RECOMMENDATION

That in relation to the report “Tamworth Global Gateway Park - Road Dedication for Guda Street Extension”, Council:

- (i) approve the dedication of a portion of Council-owned Lot 97 DP 1286236 for the purposes of road dedication associated with extending Guda Street; and*
- (ii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council's resolution.*

SUMMARY

This report seeks Council approval for the dedication of new roads within land owned by Council as part of the Tamworth Global Gateway Park. The road dedication is limited to the extension of Guda Street to maintain road reserve frontage to lots 112 and 113.

COMMENTARY

Background

The Tamworth Global Gateway Park (TGGP) is an area of land adjacent to the Tamworth Regional Airport and the Glen Artney Industrial Estate, being developed as industrial and commercial land by Council. The land is also the site of the Tamworth Intermodal Freight Facility.

Guda Street Extension

The internal roads associated with Stage 2 of the TGGP were approved by Council previously, refer to Item 8.3 to Ordinary Council 11 August 2020 – Minute No 227/20. The extent of road dedication and subsequent road construction for Guda Street is shown in Figure 1, with the road reserves shown in white.

Lot 112 and Lot 113 have frontages on Guda Street which extend beyond the limit of the road reserve and the constructed road. To ensure both lots have frontage to the road network, the Guda Street road reserve is proposed to be extended to the end of the lots as shown in blue within Figure 1. Tenants within Lot 112 and Lot 113 are then able to use this area as an exit only i.e. vehicles enter the lots from driveways on Bandaar Drive and then exit the lot through driveways on Guda Street. A temporary bitumen sealed access road can be implemented for the purpose of exiting the lots to access the road.

Future construction of Guda Street in this location and beyond is proposed as part of Stage 6 of the TGGP. Once this occurs, full width road and service construction will occur for this extended road reserve.

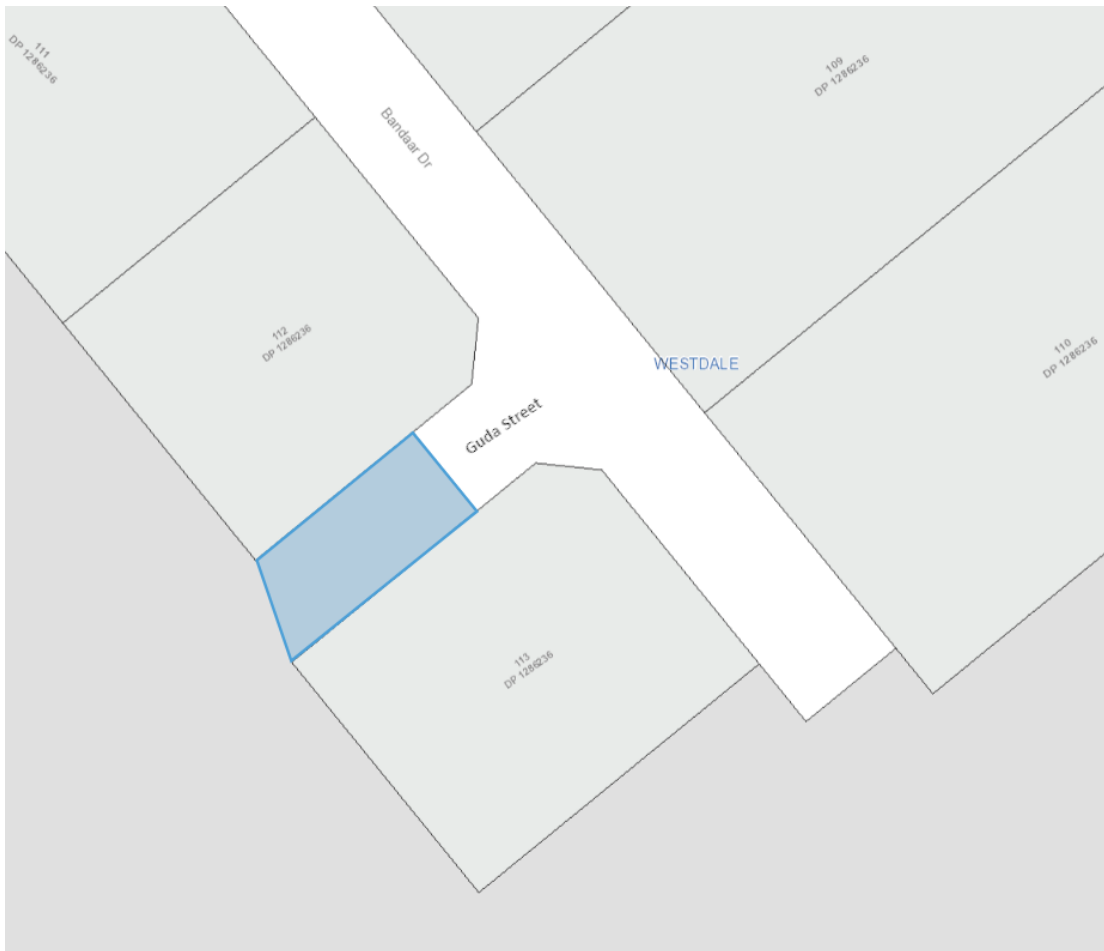


Figure 1 – Portion of Guda Street road reserve to be extended

Internal Road Dedication

In order to construct public access roads within the proposed TGGP development, new public road reserves are required to be created through the dedication of a portion of the Council-owned land for public roads. This proposed road reserve is located within Lot 97 DP 1286236, which is the current residual lot for the TGGP, with approximately 1,700 square metres proposed to be dedicated as road reserve.

The road reserve width for the road has been adopted as 28 metres, which has been approved by the TGGP Project Control Group and provides an appropriate width for 2 x 3.5 metre travel lanes, 2 x 5.5 metre parking lanes and 2 x 5 metre road verges suitable for service allocations, landscaping and footways. This is also consistent with the previously dedicated road reserve for the already gazetted and constructed section of Guda Street.

All public roads within the TGGP are required to be designed ultimately for an A-Triple check vehicle to manoeuvre without mounting the kerbs or crossing into oncoming lanes.

Further dedication of land for the purposes of a public road will be required for the TGGP development as additional infrastructure is designed and scheduled for construction to allow additional lots to be brought to market.

(a) Policy Implications

Nil

(b) Financial Implications

Survey costs and fees associated with the road dedication and plan preparation will be funded from the current allocation for the Phase 1 infrastructure works as per Item 12.4 to the Ordinary Council Meeting of 11 February 2020 – Minute No 26/20. Any costs, if incurred, associated with temporary access roads that may or may not be constructed by Council will be funded from the same source.

(c) Legal Implications

The plan of road dedication will require the affixing of the Seal of Council.

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

(d) Community Consultation

Blueprint 100 notes the TGGP (formerly the Glen Artney Enterprise Area) as a key growth area for employment. The document was on public exhibition from 2 March 2020 to 9 April 2020, in conjunction with print media, social media, and media releases, with community consultation sessions held in Tamworth, Manilla, Barraba, Nundle, and Kootingal.

(e) Delivery Program Objective/Strategy

Focus Area 3 – Prosperity and innovation.

Focus Area 5 – Connect our region and its citizens.

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Karen Litchfield, Internal Auditor

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Audit, Risk and Improvement Committee”, Council receive and note the Minutes of the meeting held 20 July 2023.

SUMMARY

The purpose of this report is to present to Council the Minutes of the Audit, Risk and Improvement Committee meeting held Thursday, 20 July 2023.

COMMENTARY

The quarterly meeting of the Audit, Risk and Improvement Committee was held on Thursday, 20 July 2023. The Minutes of the meeting are **ENCLOSED**, refer **ENCLOSURE 1**.

(a) Policy Implications

Nil

(b) Financial Implications

Costs associated with the Internal Audit function are included in the 2022/2023 Annual Operational Plan.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Group 9 - Open and collaborative leadership.

9.2 COUNCIL INVESTMENTS JULY 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments July 2023”, Council receive and note the report.

SUMMARY

In accordance with *Local Government (General) Regulation 2021*, Clause 212, the purpose of this report is to provide Council with a register of investments held as at July 31, 2023 and provide Responsible Accounting Officer certification that investments comply with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council's Investment Policy. The register and accompanying certification can be found **ATTACHED**, refer **ANNEXURE 1**.

COMMENTARY

Looking at Council's investment register it is interesting to note the increase in interest rates since this time last year. Our register back in August 2022 still had a considerable number of term deposits earning around 0.6%; things have certainly improved since then with new term deposits in July paying almost 5.5%. It is still anticipated that there will be more interest rate rises with the Reserve Bank saying inflation is still too high at 6% and the target range of 2-3% is not expected to be reached until late 2025.

This information might seem irrelevant to the day-to-day operations of Council but it has a significant impact on our ability to function due to the difficulty of predicting cost increases. Higher inflation counteracts significantly on any benefit from a higher investment return for the simple reason that it costs more to carry out day to day activities; a fact that isn't lost on Australian households who are consuming less to save money for essentials.

Also of consequence for Council is that the RBA in its monthly media release is tipping that the labour market will remain tight until later in 2024. Council again is not immune and has for some time now been very busy trying to attract employees; a task that is exacerbated by wage growth which is occurring due to the available labour being less than demand.

The register **ATTACHED**, refer **ANNEXURE 1** shows Council's cash and investment holdings as at 31 July 2023.

During the month, Council's portfolio performed above the industry average, returning 4.66% against the three-month Bank Bill Swap rate (3mBBSW) of 4.26%.

(a) Policy Implications

All of Council's investments are held in accordance with the Tamworth Regional Council Investment Policy.

(b) Financial Implications

Increases in the cash rate are having a positive impact on the return on Council held investments.

(c) Legal Implications

All of Council's investments are held in accordance with the Tamworth Regional Council Investment Policy, which accords with the requirements of:

- *Local Government Act 1993* – Section 625;
- *Local Government Act 1993* – Order (of Minister) dated 16 November 2000; The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A (2), 14C (1) and 2;
- *Local Government (General) Regulation 2021* – Clauses 212; and
- *Local Government Code of Accounting Practice & Financial Reporting* – Update No 15 dated June 2007.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.3 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - JULY 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Sherrill Young, Manager - Financial Services

Reference: Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2023/2024 Budget Variation Report - July 2023”, Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

SUMMARY

This report seeks Council approval for budget variations identified during July 2023, for which there has been no previous specific report or approval.

COMMENTARY

Council adopted the original budget included in the Annual Operational Plan for 2023/2024 at the Ordinary Meeting of Council held 29 June 2023. Any changes to the budget must be approved by Council at a later Ordinary Meeting. The budget forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and updating of the budget is important for sound financial management.

Readers of this report are reminded that its contents should not be viewed in isolation. Quarterly Budget Review Statements provide additional revised information for budget forecasts and actual year-to-date results. The quarterly report for the July to September quarter will be presented to Council in November.

The budget adjustment to reflect the difference between the 4% budgeted wage increase and the actual 4.5% wage increase was put through in July this amounted to an overall increase for Council of \$268,109. The Federal Assistance Grant also paid an additional

\$384,227 with \$150,065 going to roads and the remaining \$234,162 going to General Revenue. The waste division will put \$26,000 towards improving internet functions at its regional waste sites to allow payments to be received using EFTPOS facilities. Finally, \$38,259 was received by way of a grant to help reduce the cost for this year of an Aboriginal Liaison Officer.

Variations identified May 2023

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General Fund Award Increase	198,349	0	198,349	0	0
Business Systems & Solutions	9,600	0	9,600	0	0
General Purpose Income	(384,227)	(384,227)	0	0	0
Cultural Services	(38,259)	0	(38,259)	0	0
Infrastructure	150,000	0	150,000	0	0
Waste	45,082	(1,000)	20,082	0	26,000
Sewer	22,927	0	22,927	0	0
Water	26,751	0	26,751	0	0
TOTAL	30,223	(385,227)	389,450	0	26,000

Black budget variation will **reduce** Council's forecast operating result and/or bank account

Green budget variation will **increase** Councils forecast operating result and/or bank account

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2023/2024 by fund of:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	(385,227)	339,772	0	26,000
Water	0	26,751	0	0
Sewer	0	22,927	0	0
Total	(385,227)	389,450	0	26,000

(c) Legal Implications

This report is in compliance with the following sections of the *Local Government (General) Regulation 2021*:

- 211 Authorisation of expenditure; and
- 202 Responsible Accounting Officer to maintain system for budgetary control.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

10 COMMUNITY SERVICES

10.1 PUBLIC ART FUND

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Bridget Guthrie, Director Art Gallery and Museums
Rami Abu-Shaqra, Chief Financial Officer

2 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Public Art Fund”, Council allocates a one off additional \$75,000 for outstanding public art projects and maintenance in the 2023/2024 financial year.

SUMMARY

- Tamworth Regional Council is in the process of finalising the update of its Public Art Engagement Strategy, Public Art Policy and procedures.
- Despite existing grants and community support, delivery on strategic projects and maintenance is becoming increasingly challenging in light of a Public Art Fund that has not been increased since 2015.
- There is a need for more funds to cover the increased cost of doing business (e.g. production and maintenance) and satisfy the increased demand for more public art projects for a growing region.
- Comparison of public art budgets in similar sized regional centres indicates that Tamworth Regional Council’s existing Public Art Fund is no longer adequate.
- An extra budget for this year 2023/2024 of \$75,000 will address the inflationary pressure to enable the purchase of new public art and the maintenance of existing artworks.
- Once finalised, the Public Art Engagement Strategy will provide guidance a permanent increase in future budgets.

COMMENTARY

Background

Art in public places has the capacity to add layers of meaning, content, commentary and beauty to streets, parkland and other public places for the enjoyment of community members and visitors. Outdoor artworks play a critical role in place making and cultural tourism. Public art helps to generate landmarks, and to articulate and tell the story of a place.

Examples of public art in our region includes: sculptures and statues monuments and memorials, street furniture (benches, rubbish bins), landscaping (paving, fencing, lighting), murals (painted, mixed media, mosaics, multimedia, projections, sound scapes).

Tamworth Regional Council has Public Art Engagement Strategy (the Strategy) **ENCLOSED**, refer **ENCLOSURE 1** and Public Art Policy (the Policy) **ENCLOSED**, refer **ENCLOSURE 2**. These are supported by a Public Art Fund.

The Strategy refers to the public art collection as an “*outdoor gallery*”. By using the thinking associated with this term, we gain a better understanding of how the collection is an asset of Council and requires ongoing resources for development and maintenance.

As part of the outdoor gallery, Council has identified a series of aims that support the existing collection and provide a way forward for the development of new public artworks.

The Strategy aims to create an outdoor gallery that can:

- connect public art to place – to our region and identity;
- express Tamworth's image as a centre for quality and innovation;
- create engagement with public art that leads to a sense of community ownership and pride;
- provide a focus for local narratives, history and storytelling;
- support opportunities for industry and commercial development; and
- integrate public art methodology and processes across Council.

The issue now

Council staff (staff) mapped 162 public art themes in 2022. Themes vary from war, country music, city of light, indigenous history, natural environment and many others. Staff perform annual maintenance to the public art with a budget of \$3,000 and executed worth \$24,720 (for 2023/2024) as follows:

1. Story box (in Tamworth Library & Gallery)
2. Community Garden Mural (Nundle Library)
3. Night skies (Astronomy Centre); and
4. Women Life Freedom Mural (Tamworth CBD)

Council is now at a stage now where staff are planning to:

- refine/finalise the Public Art Policy;
- undertake community consultation through Arts North West combined with Cultural Plan;
- update/refine the Public Art Strategy and Procedures;
- Carry on extra projects, namely;
 - 50 years of the National Textile collection;
 - Fitzroy street lighting;
 - Arts at Bicentennial Park; and
 - other projects at Kootingal library, Botanic gardens and others.

The above projects will be mainly funded through grants and/or existing available funds. The issue is that the Public Art budget has not been increased since 2015 (par the slight increase of \$720 in 2023/2024 to address CPI). Rapid increases of cost of doing business (i.e. manufacturing and production, freight and transport, external contractors and artist fees) in addition to the growth of the region is placing enormous pressure on Councils ability to add to and/or maintain our arts collection and deliver on our strategy.

Existing public art needs priority maintenance and regular cleaning. A specific example of identified maintenance is the need for repairs to the bronze Whaler Memorial, by artist Tanya Bartlett, in Bicentennial Park. This has led to a situation where the allocation of funding for public art that was made in April 2016 is no longer sufficient.

A recent comparative study into other similar local government areas has identified that Council's current level of funding for the Public Art Fund is outdated. This comparison has

clearly showed that an increase to the Public Art Fund was needed to stay in line with other regional centres.

The Proposed Solution

Public Art is no longer seen as a luxury but as a requirement of all developing regional centres and towns. In order to deliver new public art works and maintain existing public art the current Public Art Fund needs to be increased.

Given the mandate as per the strategy, the projects in the pipeline, the inflationary pressure, the expected grants and the comparable spend on arts by regional councils, it is requested that there be an increase to the Public Arts budget by \$75,000 for the year 2023/2024. Staff will assess the need to permanently increase the Public Art Fund for following years once policies/procedures have been finalised and requirements of future projects and maintenance are assessed.

(a) Policy Implications

This proposal aligns to the existing Tamworth Regional Council Public Art Policy see **ENCLOSURE 2**.

(b) Financial Implications

The General Fund is in a position to absorb the request to increase the budget for the Public Art by \$75,000 to become \$99,720 for 2023/2024.

Request for permanent increase of the Public Art Fund will be reviewed during the annual budgeting review process for the year 2024/2025 and beyond.

(c) Legal Implications

Nil

(d) Community Consultation

There have been community requests for both new and better maintained public art. As part of the survey results from two recent public art events (sample size 97 people).

- 100% of participants said yes to more public art
- 86% of respondents felt inspired by the event/public art
- 14% of people travelled especially for the event and/or stayed overnight

Furthermore, all public art projects are presented to the Tamworth Region Arts Advisory Committee (TRAAC) for endorsement. The TRAAC includes six community members who represent a broad range of art disciplines. The Committee provides strategic advice to the Council in relation to 'Arts' matters within the region and makes recommendations regarding priority areas for development

(e) Delivery Program Objective/Strategy

Focus Area 8 – A strong and vibrant identity

10.2 TAMWORTH REGION ARTS ADVISORY COMMITTEE MEETING MINUTES - 6 JULY 2023

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Bridget Guthrie, Director Art Gallery and Museums

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Region Arts Advisory Committee Meeting Minutes - 6 July 2023”, Council:

- (i) receive and note the minutes;*
- (ii) when executing the Tamworth Entrance Strategy, require that the Tier 2 totems be designed by local artists, where possible; and*
- (iii) approve the installation of the Women, Life, Freedom mural on the outer wall of the library/ gallery together with more lighting, and the storyboard in front of the entrance.*

SUMMARY

The purpose of this report is to present the minutes of the Tamworth Region Arts Advisory Committee (TRAAC) meeting held 6 July 2023, and to provide Council with an overview of the meeting outcomes.

COMMENTARY

An ordinary meeting of the Tamworth Region Arts Advisory Committee (TRAAC) was held on Thursday, 6 July 2023. The minutes of the meeting are **ATTACHED**, refer **ANNEXURE 1**.

At this meeting a presentation was received from Dr Carol McGregor, Curator of the 5th Tamworth Textile Triennial to update the Committee on the 5th Tamworth Textile Triennial exhibition, named *Residue + Response*, including an outline of her curatorial rationale. This year marks 50 years since the Tamworth Fibre Textile collection began in 1973.

Guest speaker Angela Croll spoke in relation to the upcoming Frost Over Barraba Arts Festival (returning after a three-year break), which will run from Thursday 31 August 2023 to Sunday, 3 September 2023. The Saturday festivities will take place on Queen Street, including market stalls from local makers, growers and musicians.

Council's Sports and Recreation Strategy Officer spoke to the recently adopted Tamworth Entrance Strategy. It was explained the three key elements of the Strategy are signs (broken down into four tiers), flora, and public art. A discussion took place around the totem art in the Tier 2 Locations. The TRAAC agreed that this would be a good opportunity for Council to engage local artists to provide artwork for the totems, in keeping with the themes proposed by the towns and villages.

Council's Director Gallery and Museums provided an update on the current public art projects, including the implementation of the “Women, Life, Freedom” mural. All potential achievable locations were again discussed and considered; however, it was reiterated that the location on the outer wall of the library/gallery is most suitable, noting the strong connection between the Women, Life, Freedom movement and education.

Council's Manager Entertainment Venues also provided an update on upcoming productions, projects and the on-going search for funding to support the development of the Tamworth Performing Arts Centre to generate a cultural precinct.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The TRAAC includes six community members who represent a broad range of art disciplines. The Committee provides strategic advice to the Council in relation to 'Arts' matters within the region and makes recommendations regarding priority areas for development.

(e) Delivery Program Objective/Strategy

Focus Area 8 – A strong and vibrant identity

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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

E171/2023 - EXPRESSION OF INTEREST - PROPOSED LEASE OF LAND FOR MALUA ESTATE

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 8.2 to Ordinary Council 26 October 2021 - Minute 307/21

1 ENCLOSURES ENCLOSED

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

SUMMARY

Council has received a number of Expressions of Interest for use of Council's property known as 'Malua Estate' located on New Winton Road, Westdale. The purpose of this report is to recommend to Council entering into a lease agreement, or similar, with one of proponents who lodged an Expression of Interest.