

# ORDINARY COUNCIL



# MINUTES

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

**TUESDAY 13 JULY 2010 at 6:30pm**

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

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

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## 1 APOLOGIES

Nil.

## 2 COMMUNITY CONSULTATION

### 2.1 REFER ITEM 6.6 CONSTRUCTION OF AN INTENSIVE LIVESTOCK KEEPING ESTABLISHMENT (600 HEAD CATTLE FEEDLOT) ON LOT\ 5 DP 431094, "KINKUNA", 405 SHERWOOD ROAD, RUSHES CREEK - FILE NO DA 0062/2009

Mr Greg Wilkinson, applicant and owner of the proposed development for an intensive livestock keeping establishment, advised the Council that he had not made any donation or gift to any councillor or Council employee. Mr Wilkinson advised that both he and a consultant had investigated the likely impacts of the development including environmental, natural, social and economic and believed that they had responded to all the issues raised and requested Council approve the development.

### 2.2 REFER ITEM 6.3 CHANGE OF USE (TO RESTAURANT) - 117 BRIDGE STREET, WEST TAMWORTH - FILE NO DA 0120/2010

Mr Steve Hill, Mitchell Hanlon Consulting representing the applicant advised the Council that he had not made any donation or gift to any councillor or Council employee. Mr Hill stated that the argument put forward by Council staff in relation to Tamworth Development Control Plan No 1, Traffic and Parking Guidelines was a sound argument based on the legislation. He further stated, however, this was a complicated issue as one size does not fit all and there were no guidelines when this building was originally constructed. He commented that most of the development within the Tamworth CBD and the business centre of Bridge Street has no available land for car off street parking. Mr Hill agreed with the proposed conditions annexed to Item 6.3 and requested Council approve the development application as per this recommendation with the exclusion of Condition 5(ii).

Ms Tiny Hall local resident advised the Council that she had not made any donation or gift to any councillor or Council employee. Ms Hall stated her reasons for objecting to the proposed development were, insufficient parking at the rear for owners, staff and patrons, unsatisfactory lighting and the mobility disabled access proposed.

### **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **MOTION**

**Moved Cr Warren Woodley/Cr Russell Webb**

#### **216/10 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 22 June 2010, 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**

Cr Warren Woodley declared a Pecuniary Interest in Item 6.5 Modification to Development Consent No. DA 0107/2010 for a Change of Use from Commercial Premises to an Educational Establishment on Lot 165 DP 1124940, 7/165-179 Peel Street, Tamworth - File No DA 0107/2010 for reason that he previously had a financial interest in the property and indicated that he would leave the Chambers during consideration of this Item.

Cr Phil Betts declared a Non Pecuniary Interest in Item 8.6 Somerton Bridge over the Peel River - File No SF2396 for reason that he is employed by the Roads and Traffic Authority and indicated that he would leave the Chambers during consideration of this item.

### **5 MAYORAL MINUTE**

Nil.

### **6 OPEN COUNCIL REPORTS**

#### **6.1 LOCAL GOVERNMENT REPRESENTATION ON THE MINERALS AND ENERGY WORKING GROUP - FILE NO SF 4874**

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

**AUTHOR: Alison McGaffin, Director, Environment, Planning and Economic Development**

#### **MOTION**

**Moved Cr Warren Woodley/Cr Juanita Wilson**

#### **217/10 RESOLVED**

That in relation to the Tripartite Minerals and Energy Working Group, Council:

- (i) appoint the Director, Environment, Planning and Economic Development (or her nominee) as Council's representative to the Working Group; and,
- (ii) appoint Cr Paul Durant as a second representative to the Working Group.

**6.2 MODIFICATION TO DEVELOPMENT CONSENT FOR REGIONAL LIVESTOCK MARKETING CENTRE - 7 PHOENIX STREET, WESTDALE - FILE No DA0413/2008 (MOD0095/2010)**

**DIRECTORATE:** ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT  
**AUTHOR:** Catherine Pyne, Team Leader Development Assessment

**MOTION**

**Moved Cr Russell Webb/Cr Ray Tait**

**218/10 RESOLVED**

That, in relation to application [MOD0095/2010] to modify Development Consent No.0413/2008 for the Regional Livestock Marketing Centre on Lot 17, DP 865930, 7 Phoenix Street, Westdale, Council approve the application and amend the conditions of consent as follows:

(i) Amend condition 10 to nominate locations of pavement type relevant to vehicle type within designated vehicle parking, loading and manoeuvring areas, as follows:

10 All internal roads, driveways, parking areas, loading bays and vehicular turning areas shall be constructed with a base course of adequate depth to suit design traffic. For the areas accessed by B-Double trucks (and other large vehicles) these areas shall be sealed with two coat bitumen seal. This will include the access drive (to the delivery area), and the associated loading, manoeuvring and parking areas for trucks. The separate car park (for 150 cars) and the access driveway shall be sealed with a 2-coat bitumen seal. Additionally, the agent parking area and the associated access drive off the main access shall be sealed with a 2-coat bitumen seal.

The surface shall be maintained to facilitate vehicular access and parking and to minimise any associated noise and dust nuisance. Full details are to be detailed on the plans accompanying the Construction Certificate application.

(ii) Amend condition 21 to require lodgement of the Environmental Management Plan prior to issue of an Occupation Certificate and relocate the condition within the consent as condition 43A.

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

**DIVISION**

COUNCILLORS WHO VOTED <b>FOR</b> THE DECISION	COUNCILLORS WHO VOTED <b>AGAINST</b> THE DECISION
1. Cr James Treloar, Mayor 2. Cr Col Murray, Deputy Mayor 3. Cr Phil Betts 4. Cr Paul Durant 5. Cr Ray Tait 6. Cr Helen Tickle 7. Cr Russell Webb 8. Cr Juanita Wilson 9. Cr Warren Woodley	Nil.

### 6.3 CHANGE OF USE (TO RESTAURANT) - 117 BRIDGE STREET, WEST TAMWORTH - FILE NO DA 0120/2010

**DIRECTORATE:** Environment, Planning and Economic Development  
**AUTHOR:** Catherine Pyne, Team Leader Development Assessment

#### MOTION

Moved Cr Juanita Wilson/Cr Phil Betts

#### 219/10 RESOLVED

That, in relation to Development Application No. 0120/2010 for a Change of Use (to Restaurant) on Lot 1, DP 799553, 117 Bridge Street, West Tamworth, Council approve the application subject to the following conditions of consent:

#### Prior to Work Commencing

- 1) Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work: -
  - (i) obtain a construction certificate from either Council or an accredited certifier
  - (ii) appoint a Principal Certifying Authority (and advise Council of the appointment, if it is not the Council).
- 2) A sign is to be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out stating that unauthorised entry to the work site is prohibited and showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. The sign is to be removed when the work has been completed. This condition does not apply to building work carried on inside an existing building, or building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is carried out.
- 3) Toilet facilities are to be provided, prior to the commencement of work, 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.

Facilities are to be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet, and must be connected to a public sewer. If connection to a public sewer is not practicable, then the toilet is to be connected to an accredited sewage management facility approved by the council. If connection to a public sewer or an accredited sewage management facility is not practicable, then connection to some other sewage management facility approved by the council is required.

#### Prior to Issue of a Construction Certificate

- 4) Prior to issue of a construction certificate, plans and specification shall be submitted for Councils approval that demonstrate compliance with Standard 3.2.3 of the Food Safety Standards and the Food Act 2003. The Australian Standard AS4674-2004: Design, construction and fit-out of food premises may be used as a

guide to achieving compliance. In addition, any mechanical ventilation system to be installed must comply with the Australian Standard AS1668-2002: The use of ventilation and air conditioning in buildings (Parts 1 and 2).

- 5) Prior to issue of a construction certificate, details of the existing fire safety measures installed within the building are required to be submitted to establish whether any fire safety upgrading will be required for the change of use. Plans must be submitted detailing the location of fire safety measures such as portable fire extinguishers, emergency lighting or other that may already be in the building.
- 6) A Trade Waste Approval for disposal of liquid trade waste is required pursuant to Section 68 of the Local Government Act 1993. Application shall be made and approval from Council obtained, prior to the issue of a Construction Certificate.

#### General

- 7) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 8) 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.
- 9) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.
- 10) Construction 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. The builder shall be responsible to instruct and control his sub-contractors regarding the hours of work.

#### During Construction

- 11) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development Services Division.
- 12) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, a hoarding or fence must be erected between the work site and the public place.

- 13) A licensed plumber and/or drainer shall obtain a permit prior to the commencement of work of water supply and/or sanitary plumbing and drainage.
- 14) Inspections - As a consent authority under the Water Management Act 2000, plumbing and drainage inspections are required to be carried out by Council. Where Council is not the Principal Certifying Authority, an additional fee for each inspection will apply.

Prior to Occupation

- 15) To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building shall not be occupied or used until it is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection.
- 16) To ensure the building design facilitates suitable entry, movement and sanitary facilities for people with disabilities, disabled access and facilities are to be provided in accordance with Building Code of Australia and AS1428.1.
- 17) To ensure that the required fire safety measures are provided in accordance with the building's use and operate in accordance with appropriate standards, the owner must cause a copy of a Fire Safety Certificate to be given to the Council and the Commissioner of the NSW Fire brigade prior to occupation in relation to the Fire Safety Measures. A copy of the Fire Safety Certificate including the current Fire Safety Schedule is to be prominently displayed in the building. Thereafter, the owner must cause Council to be given such a certificate at least once in each period of twelve months after the first certificate.

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

**DIVISION**

COUNCILLORS WHO VOTED <b>FOR</b> THE DECISION	COUNCILLORS WHO VOTED <b>AGAINST</b> THE DECISION
1. Cr Col Murray, Deputy Mayor 2. Cr Phil Betts 3. Cr Paul Durant 4. Cr Ray Tait 5. Cr Helen Tickle 6. Cr Russell Webb 7. Cr Juanita Wilson	1. Cr James Treloar, Mayor 2. Cr Warren Woodley

**ADDITIONAL ITEM – CAR PARKING STRATEGY TAMWORTH DEVELOPMENT CONTROL PLAN – FILE NO SF2671**

Cr Ray Tait requested the General Manager provide a report on review of the car parking strategy for Tamworth. He specifically requested that the strategy include a recommendation for variation to current parking provisions for development of existing buildings. The Director Environmental & Planning and Economic Development advised that a Development Control Plan on Traffic and Parking would be reported to Council at a future meeting.

Cr Tait also requested that the General Manager investigate the parking and access issues raised in Community Consultation in relation to the unnamed, unsealed access road behind the proposed development at 117 Bridge Street.

**6.4 MODIFICATION TO DEVELOPMENT CONSENT FOR DUAL OCCUPANCY AND TWO LOT SUBDIVISION, 19 VENTNOR DRIVE TAMWORTH - FILE No DA 0328/2010 (MOD 0094/2010)**

**DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT**  
**AUTHOR: David Lewis, Manager, Development and Approvals**

**MOTION**

**Moved Cr Russell Webb/Cr Col Murray**

**220/10 RESOLVED**

That in relation to the application to modify the Development Consent 0328/2009 for a dual occupancy and two-lot subdivision at Lot 222 DP 1140190, 19 Ventnor Drive, North Tamworth, Council approve the application subject to an additional condition of consent comprising:-

- 41A) Prior to the issue of an Occupation Certificate, a landscaping plan shall be submitted to the satisfaction of Council’s Director, Environment, Planning and Economic Development, demonstrating planting to screen the tank from view from the private driveway and Ventnor Drive. The selected plants shall be evergreen, have a mature height no less than 3.0 metres and be of sufficient number to produce a dense screen within a short period of time. Screen planting shall extend along the eastern boundary at a width of 1 metre and a length of 12 metres commencing at the north-eastern corner of the allotment. A section of the existing concrete slab shall be removed to enable this planting to occur.

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

**DIVISION**

COUNCILLORS WHO VOTED <b>FOR</b> THE DECISION	COUNCILLORS WHO VOTED <b>AGAINST</b> THE DECISION
1. Cr James Treloar, Mayor 2. Cr Col Murray, Deputy Mayor 3. Cr Phil Betts 4. Cr Paul Durant 5. Cr Ray Tait 6. Cr Helen Tickle 7. Cr Russell Webb 8. Cr Juanita Wilson 9. Cr Warren Woodley	Nil.

**6.5 MODIFICATION TO DEVELOPMENT CONSENT No. DA 0107/2010 FOR A CHANGE OF USE FROM COMMERCIAL PREMISES TO AN EDUCATIONAL ESTABLISHMENT ON LOT 165 DP 1124940, 7/165-179 PEEL STREET, TAMWORTH - FILE No DA 0107/2010**

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

**AUTHOR: David Koppers, Senior Development Assessment Planner**

Cr Warren Woodley declared a Pecuniary Interest in this matter for reason that he previously had a financial interest in the property and left the Chambers at 7:38pm.

**MOTION**

**Moved Cr Helen Tickle/Cr Col Murray**

**221/10 RESOLVED**

That in relation to the application to modify Development Application No. 0107/2010 to allow occupation of the premises at Lot 165 DP 1124940, 165-179 Peel Street, Tamworth, prior to completion of the Peel and Bligh Street roadworks and cycleway construction:

- (i) the application be approved and that Condition 19 be amended to require all works to be completed no later than three months from the date of issue of the Occupation Certificate;
- (ii) That additional conditions of consent be imposed as follows:

19A Prior to issue of an Occupation Certificate, Council shall be provided with written evidence that the proponent has entered into a contractual agreement with a suitably qualified contractor to complete all components of the outstanding works required by conditions 14, 15, 16, 17, 18, 19, 47, 48, 49, 50, 51, 55, 58 and 64 of the consent, demonstrating that the work will commence no later than six weeks from the date of the issue of the Occupation Certificate.

19B Prior to the issue of an Occupation Certificate, temporary traffic control measures and regulatory signage be installed to reflect the approved permanent traffic arrangements at the Peel and Bligh Street intersection, specifically:

- left turn only provision from the southern section of Bligh Street westbound into Peel Street;
- right hand turn from Peel Street into the southern section of Bligh Street;
- left hand turn from Peel Street into the southern section of Bligh Street.

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

**DIVISION**

COUNCILLORS WHO VOTED <b>FOR</b> THE DECISION	COUNCILLORS WHO VOTED <b>AGAINST</b> THE DECISION
1. Cr James Treloar, Mayor 2. Cr Col Murray, Deputy Mayor 3. Cr Phil Betts 4. Cr Paul Durant 5. Cr Ray Tait 6. Cr Helen Tickle 7. Cr Russell Webb 8. Cr Juanita Wilson	Nil.

At 7:39pm Cr Warren Woodley returned to the meeting.

**6.6 CONSTRUCTION OF AN INTENSIVE LIVESTOCK KEEPING ESTABLISHMENT (600 HEAD CATTLE FEEDLOT) ON LOT 5 DP 431094, "KINKUNA", 405 SHERWOOD ROAD, RUSHES CREEK - FILE No DA 0062/2009**

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

**AUTHOR: Emma Briggs, Senior Development Assessment Planner**

**MOTION**

**Moved Cr Col Murray/Cr Russell Webb**

**222/10 RESOLVED**

- (i) That DA 0062/2009 for an intensive livestock keeping establishment (600 head cattle feedlot) on Lot 5 in DP 431094, being "Kinkuna", 405 Sherwood Road, Rushes Creek, be approved subject to the following conditions:

**DEFERRED COMMENCEMENT MATTERS**

- A copy of the licence issued by the NSW Office of Water to demonstrate that satisfactory arrangements have been made to secure a water supply to service the development shall be submitted to Council.
- A minimum 48 hour pump test on a test bore shall be undertaken and the test results analysed and a report submitted to Council by an appropriately qualified hydro-geologist to confirm the long term extraction limit of the bore. Such report shall include calculations of water use requirements for the feedlot to demonstrate the ability of the water supply to service the development.

In accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation, a period of six months from the date of this Notice is allowed for the satisfaction of the above "deferred commencement matters".

**PRIOR TO FEEDLOT OPERATIONS COMMENCING**

- 1) The feedlot pad shall be designed and constructed to achieve an optimum compaction rate for the proposed development to prevent infiltration to groundwater prior to the commencement of operations.
- 2) Diversion banks and catch drains shall be designed and constructed in accordance with the "Design Specifications – Feedlot Drainage Systems and Areas for Effluent and Manure Utilisation" in the "National Guidelines for Beef Cattle Feedlots in Australia". Detailed engineering plans must be submitted to Council for approval and the works completed prior to commencement of operations.
- 3) The effluent holding pond shall be redesigned to be capable of retaining a 1 in 20 year, 42 hour storm event. Detailed engineering plans must be submitted to Council for approval and the effluent holding pond constructed prior to the commencement of operations. The effluent pond construction must comply with

Guidelines as set out in “Design Specifications – Feedlot Drainage Systems and Areas for Effluent and Manure Utilisation” in the “National Guidelines for Beef Cattle Feedlots in Australia”.

- 4) The Applicant must prepare and implement an Operation Environmental Management Plan for all future operations of the development. The plan shall be prepared in consultation with Council and must:-
- (i) describe the proposed operations;
  - (ii) identify all the relevant statutory requirements that apply to the operation of the development;
  - (iii) set standards and performance measures for each of the relevant environmental matters associated with the operation of the development;
  - (iv) describe what actions and measures will be implemented to mitigate the potential impacts of the development, and to ensure that the development meets these standards and performance measures;
  - (v) describe what measures and procedures will be implemented to:
    - (a) register and respond to complaints,
    - (b) ensure the operational health and safety of workers,
    - (c) respond to potential emergencies.
  - (vi) describe the role, responsibility, authority, and accountability of all the key personnel involved in the operation of the development;
  - (vii) incorporate the Environmental Monitoring Program. This shall include details of surface and ground water monitoring in relation to all aspects of the feedlot operation involving feedlot pens and the effluent holding pond and shall be endorsed by the NSW Office of Water. The Environmental Monitoring Program must clearly outline the actions that will be required of the operator should any surface or groundwater contamination be detected, including the parameters that would require the feedlot operation to immediately cease; and
  - (viii) include the following plans:
    - (a) Water Supply Management;
    - (b) Effluent and Manure Utilisation Plan and Manure Spreading Program;
    - (c) Surface Water Management.

The Operation Environmental Management Plan must be approved by the Council prior to the commencement of the operation of the development.

- 5) A buffer zone of at least 10 metres wide along the eastern and southern boundaries of the feedlot shall be fenced from grazing stock to ensure ground cover grasses are protected. The buffer zone area shall be planted with a variety of tree species prior to commencement of operations to provide an uptake of any nutrients which may runoff the pen area. Such tree species shall be suitable to the locality and shall be maintained throughout the operation of the feedlot.
- 6) Prior to the commencement of the operation of the development, the Applicant shall arrange for a sign be erected on the property clearly displaying the operator's contact telephone number and a postal address where written complaints can be lodged.

## GENERAL

- 7) The applicant shall carry out the development generally in accordance with the Statement of Environmental Effects (SEE) and the SEE additional Information prepared by Mitchell Hanlon Pty Ltd, except as amended by these conditions. In the event of any inconsistency with the SEE or SEE Additional Information, the conditions of consent as granted by Tamworth Regional Council will prevail.
- 8) The Applicant shall take all practicable measures to prevent or minimize harm to the environment during the operation, and where relevant, decommissioning of the development.
- 9) The maximum capacity of the feedlot is 600 head of cattle.

## SECTION 94 CONTRIBUTIONS

- 10) The applicant shall be required to contribute toward the routine maintenance provided by Council to those sections of the public road under the control of Tamworth Regional Council and used by haulage operations relating to the development, being Sherwood Road from the development entrance to the intersection with Rushes Creek Road (approx 4km).

This contribution is in accordance with the Manilla Shire Council S.94 Contributions Plan 1992 (Revised 2004) pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and is assessed as being \$1,345 per quarter based on production levels and vehicle movements identified in the development application. Any application to vary the amount payable for a quarter shall be accompanied by company records verifying the variation of the development's usual levels of production.

The rate of contribution specified by this condition shall be subject to annual adjustment in accordance with fluctuations in the Consumer Price Index (All Groups Sydney), or other negotiated appropriate index. These adjustments will be effective from 1st July each year.

## COMPLIANCE

- 11) Throughout the life of the development, the Applicant must secure, renew, maintain and comply with all the relevant statutory approvals applying to the development. The applicant shall ensure that all contractors and sub-contractors are aware of, and comply with, the conditions of this consent and other relevant approvals.

## ENVIRONMENTAL STANDARDS AND CONDITIONS

### Nutrient Management

- 12) A nutrient management system shall be designed and incorporated into the stormwater management system for the site. Nutrients from effluent disposal shall not be permitted to enter overland flows leading to waterways.

#### Dust

- 13) All operations and activities occurring at the feedlot to be carried out in manner that does not give rise to dust nuisance impacting upon sensitive receptors.

#### Odour

- 14) No condition of this approval permits a potentially offensive odour for the purposes of the Protection of the Environment Operations Act 1997. Management must prevent the potentially offensive odours impacting upon sensitive receptors.

#### Indigenous and Non-indigenous Heritage

- 15) Should any item of indigenous or non-indigenous heritage significance be uncovered during any activities associated with the development, all work is to cease immediately and the National Parks & Wildlife Service and/or the Heritage Office contacted.

#### Animal Welfare

- 16) The feedlot shall operate in accordance with the Australian Model Code of Practice for the Welfare of Animals: Cattle - Cattle Welfare Code (CSIRO) the National Guidelines for Beef Cattle Feedlots in Australia (CSIRO).

#### Chemical Storage

- 17) All chemical storage shall be bunded to meet Australian Standard AS2507.

#### Drainage/Pen Management

- 18) The pen surfaces need to be maintained to ensure the slope and related infrastructure convey run-off to an effluent management system. External run-off shall be diverted from the controlled drainage area. All related facilities, including water troughs, shall be regularly cleaned.

#### Spoilt Feed Management

- 19) Spilt and spoilt feed shall be regularly collected and included in a manure stockpile, composted or buried in an acceptable manner.

#### Feedlot Operations

- 20) Records shall be kept and maintained onsite for the day-to-day operations, including: incoming and outgoing stock numbers; pen cleaning activity; areas used for effluent and manure application and the rates of application; amount of manure removed; stock deaths and associated disposal.

#### Noise Management

- 21) The applicant shall ensure that all machinery and equipment are maintained and operated in a proper and efficient manner such that noise generated from their operation does not give rise to offensive noise complaints.
- 22) The applicant shall ensure that all activities associated with the operation of the feedlot are conducted in a manner that does not give rise to offensive noise complaints.

## Flies and Vermin Management

- 23) Feedlot activities shall be undertaken to minimise flies and vermin. Such activities may include the use of regular baits, trap and sprays; maintaining grass areas adjacent to feedlot; and application of insecticide repellents to cattle if required. Such activities shall be identified in the Operational Management Plan.

## ENVIRONMENTAL MANAGEMENT REPORTING

### Bi-Annual Environmental Management Report

- 24) Twelve months after commencement of operations, and bi-annually thereafter for the duration of the development on the anniversary of the date of consent, the Applicant shall submit a Bi-annual Environmental Management Report to the Council. This report shall:-
- a) provide an overview of the operation of the development for the previous two years, including a record of the average and maximum number of cattle held in the feedlot over the previous twenty four months;
  - b) identify all the statutory requirements the development is to comply with;
  - c) review the environmental performance of the development to determine whether it is complying with this consent and the statutory requirements;
  - d) identify all the occasions during the previous two years when there has been non-compliance; where non-compliance is occurring, describe what actions are (or will be taken) to ensure compliance, who will be responsible for carrying out these actions, and when these actions will be implemented;
  - e) include a summary of any complaints made about the development, and indicate what actions were taken (or are being taken) to address these complaints; and
  - f) include the detailed reporting from the Environmental Monitoring Program and identify any trends in the monitoring over the life of the development.

After reviewing the Bi-annual Environmental Management Report, Council may require the operators to address certain matters identified in the Report. The operators shall comply with any reasonable requirements of the Council.

## COMPLAINT PROCEDURE

- 25) The operators shall maintain a register of all complaints received regarding the impact of the feedlot facilities. This register must include: all responses and any measures taken to redress any perceived problems; time and date details; name and contact details of complaints (if known) and those responsible for investigating the complaint; climatic conditions associated with the complaint.
- 26) The operators shall report to the Council in the Bi-annual Environmental Management Report (see Condition 24), all complaints received, and actions taken to resolve or mitigate the issues raised in the complaints.

## WASTE MANAGEMENT

### Effluent Irrigation

- 27) The effluent pond shall be maintained at all times at a capacity to allow for the intake of a 1 in 20 year storm event to prevent overflow.
- 28) The reapplication of effluent/manure generated from the subject development on the "Kinkuna" property shall be undertaken in accordance with the following documents and any superseding documents thereafter:
  - a) The NSW Department of Environment and Conservation's Environmental Guidelines - Use of Effluent by Irrigation dated December 2004; and
  - b) Development of Sustainability Indicators for Effluent Reuse in the Intensive Livestock Industries: Piggeries and Cattle Feedlots dated May 2003 prepared by NSW DEC, Meat and Livestock Australia and Australian Pork.

### Manure Management

- 29) Manure stockpiles shall be maintained within a controlled drainage area to prevent external run-off. Management shall also prevent spontaneous combustion. Manure and effluent shall be applied to utilisation areas in a safe manner, at rates that maintain an acceptable nutrient balance and be incorporated as soon as practicable. Manure and effluent shall not reach neighbouring properties or enter any natural watercourse. Effluent ponds shall be regularly maintained to ensure they work efficiently.
- 30) Solids (manure) to be stored as far away from sensitive receptors as practicable so that they are not visible for neighbouring properties and there is no detection of odour from stockpiles on neighbouring properties.
- 31) Movement of solids shall be carried out wherever possible in weather conditions which minimise the emission of odours.
- 32) Application of solids to land shall be carried out in weather conditions which minimise odour and dust emissions and impact on receptors.
- 33) The spreading of manure on the property shall be conducted in such a way that dust and odour nuisance is managed. The required measures include creating a buffer from adjoining landholder's fence lines and not spreading manure on windy days where the direction of the wind is likely to carry dust and odour to adjoining landholders.

### Dead Stock Management

- 34) A record of the location of dead animal pits (regular mortality and multiple mortality pits) shall be kept and available to Council at all times. The location of the pits shall be marked on a map and information as a minimum shall include depth of pit, carcasses disposed in pit, date of pit creation and date the pit was finished being used.
- 35) Mortality pits shall be designed in a manner that will not contaminate ground water (soil shall be impermeable to water or create an impermeable pit with at least 1.5

metres to groundwater). When placed in the pit carcasses shall be covered in sufficient soil (at least 0.5 metres) to prevent odour, flies and pest animals (for example foxes and crows) being able to access the carcasses. Rendering plants or composting procedure may also be utilised.

- 36) Carcasses shall be disposed of in a manner which minimises odour and dust emissions. No burning of carcasses is permitted.
- ii) That Council issue a Notice of Intent to issue an Order under the Environmental Planning and Assessment Act 1979 to require the operation cease until the consent becomes operational by satisfaction of the deferred commencement matters and the requirements of Conditions numbered 1-6 have been met.

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

**DIVISION**

COUNCILLORS WHO VOTED <b>FOR</b> THE DECISION	COUNCILLORS WHO VOTED <b>AGAINST</b> THE DECISION
1. Cr James Treloar, Mayor 2. Cr Col Murray, Deputy Mayor 3. Cr Phil Betts 4. Cr Paul Durant 5. Cr Ray Tait 6. Cr Helen Tickle 7. Cr Russell Webb 8. Cr Juanita Wilson 9. Cr Warren Woodley	Nil.

**7 INFRASTRUCTURE AND SERVICES**

**7.1 BARRABA WATER UPDATE - FILE No SF1884**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Bruce Logan – Director Water Enterprises

**MOTION**

**Moved Cr Russell Webb/Cr Ray Tait**

**223/10 RESOLVED**

That in relation to the report Barraba Water Update Council:

- (i) receive and note the contents of the report;
- (ii) proceed with the investigation of additional groundwater at Barraba generally in and adjacent to Barraba common area;
- (iii) accept the NSW Government’s offer of funding up to \$92,369 to undertake additional groundwater investigations at Barraba;
- (iv) approve the fixing of the Seal of Council to the funding agreement documents relating to subsidy for the additional groundwater investigation;

- (v) accept the Australian and New South Wales Governments offer of up to \$150,000 for the preparation of a Feasibility Study into a pipeline between Split Rock Dam and Barraba;
- (vi) approve the fixing of the Seal of Council to the funding agreement documents relating to funding for the Feasibility Study;
- (vii) approve the funding of Council's share of the cost of the Feasibility Study, of up to \$150,000 from the Water Trading Fund Reserve;
- (viii) use the present Country Towns Water Supply and Sewerage Scheme Steering Committee as the Steering Committee for the Pipeline Feasibility Study;
- (ix) agree to utilise Hunter Water Australia to prepare the Feasibility Study; and
- (x) request the Director Water Enterprises to proceed with the Feasibility Study without delay.

## **7.2 IPART REVIEW OF BULK WATER PRICING FROM JULY 2010 - FILE No SF2229**

**DIRECTORATE: WATER ENTERPRISES**  
**AUTHOR: Michael Bryant - Water Executive Services Manager**

### **MOTION**

**Moved Cr Ray Tait/Cr Col Murray**

**224/10 RESOLVED**

That in relation to the report IPART Review of Bulk Water Pricing from July 2010, Council:

- (i) note the IPART Final Report and Pricing Determination for the State Water Corporation for the four year period commencing July 2010; and
- (ii) request the Director Water Enterprises submit reports to Council as further information becomes available on the Bulk Water Pricing Review of maximum charges that may be charged by State Water and the NSW Office of Water.

## **7.3 WATER SUSTAINABILITY - FILE No SF2733**

**DIRECTORATE: WATER ENTERPRISES**  
**AUTHOR: Ian Lobban – Water Sustainability Officer**

### **MOTION**

**Moved Cr Paul Durant/Cr Phil Betts**

**225/10 RESOLVED**

That Council note progress on the implementation of projects from Tamworth Regional Council's Water Sustainability Strategic Plan 2008-2011.

## **7.4 TAMWORTH REGIONAL COUNCIL DRAFT CULTURAL PLAN 2010 - 2015 - FILE NO SF 4145**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Bruce Mercer Manager Cultural and Community Services**

### **MOTION**

**Moved Cr Juanita Wilson/Cr Paul Durant**

### **226/10 RESOLVED**

- (i) That the report be received and noted.
- (ii) That the Council give approval for the Tamworth Regional Council Draft Cultural Plan 2010 – 2015 to be placed on public exhibition for 28 days.

## **7.5 RIVERSIDE SPORTS COMPLEX – SECURITY - FILE NO PF129**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Simon Haire Acting Horticulture and Recreation Manager**

### **MOTION**

**Moved Cr Ray Tait/Cr Paul Durant**

### **227/10 RESOLVED**

That in relation to the report, Riverside Sports Complex – Security, Council:

- (i) adopt Option 1 in the body of the report as the preferred method for securing the Riverside Sports Complex;
- (ii) place the proposal on public exhibition for a period of 28 days to seek public comment; and
- (iii) following completion of the public exhibition, submit the proposal to Council's Traffic Committee for consideration.

## **ADDITIONAL ITEM – EMERGENCY SERVICE AFTER HOURS ACCESS – FILE NO SF237**

Cr James Treloar requested the General Manager contact all emergency services and investigate the possibility of introducing a master key system to enable emergency service after hours access to identified Council facilities.

## 8 GOVERNANCE, STRATEGY AND FINANCE

### 8.1 NSW PARLIAMENT – JOINT STANDING COMMITTEE ON ELECTORAL MATTERS - FILE NO SF3310

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** S M Bartlett, Director Corporate and Governance

#### **MOTION**

**Moved Cr Warren Woodley/Cr Col Murray**

#### **228/10 RESOLVED**

- (i) That the 16 recommendations of the Inquiry into the 2008 Local Government Elections by the NSW Parliament Joint Standing Committee on Electoral Matters be received and noted;
- (ii) That the General Manager advise the Minister for Local Government that Council recommends the period for Pre-Poll Voting of one (1) week only is sufficient in lieu of the current two (2) week pre-poll voting period; and
- (iii) That Council await advice from the Minister for Local Government of implementation of the recommendations of the Inquiry.

### 8.2 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES - FILE NO SF2965, SF2586, SF2664 & SF2637

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** Jodie Archer, Section 355 Coordinator

#### **MOTION**

**Moved Cr Warren Woodley/Cr Russell Webb**

#### **229/10 RESOLVED**

That Council receive and note the minutes of the following Community Development Committee meetings:

<u>Committee</u>	<u>Date</u>
Barraba Community Development Committee	3 May 2010
Manilla Community Development Committee	2 June 2010
Kootingal Community Development Committee	7 June 2010
Barraba Community Development Committee	7 June 2010
Nundle Community Development Committee	15 June 2010
Nundle Community Development Committee	21 June 2010

### 8.3 SECTION 355 COMMITTEES - MINUTES - FILE NO SF2256

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** Jodie Archer, Section 355 Coordinator

#### MOTION

**Moved Cr Warren Woodley/Cr Col Murray**

#### 230/10 RESOLVED

- (i) That the minutes of the following Section 355 Committees listed below be received and noted:

<u>Committee</u>	<u>Meeting Date</u>
Tamworth Sister City Committee	10 February 2010
Victoria Park Committee	16 March 2010
Tamworth Australia Day Committee	31 March 2010
Tamworth Regional Tidy Town Committee	19 April 2010
Kootingal Recreational Reserve Committee	19 April 2010
Barbara Showground Management Committee	21 April 2010
Tamworth Sister City Committee	12 May 2010
Barbara Showground Management Committee	13 May 2010
Dungowan Hall Committee	17 May 2010
Kootingal Recreational Reserve Committee	24 May 2010
Dungowan Hall Committee	28 June 2010;

- (ii) That Council amend the delegated function of the Gowrie Progress Association to include the "Management and operation of the Gowrie Hall including the collection of income from users, subject to all income collected being applied to maintenance and improvement of the Gowrie Hall";
- (iii) That Council adopt the recommendation of the Tamworth Sister City Committee at its meeting held 10 February 2010 to accept the resignation of Sarah Chaffey from the Tamworth Sister City Committee;
- (iv) That Council adopt the recommendation of the Kootingal Recreational Reserve Committee at its meeting held 19 April 2010 to accept the resignation of Ken Carpenter from the Kootingal Recreational Reserve Committee;
- (v) That Council adopt the recommendation of the Dungowan Hall Committee at its meeting held 17 May 2010 to accept Monique Cwarch as a member of the Dungowan Hall Committee;
- (vi) That Council adopt the recommendation of the Dungowan Hall Committee at its meeting held 17 May 2010 to accept Monique Cwarch as Treasurer of the Dungowan Hall Committee; and
- (vii) That Council adopt the recommendation of the Kootingal Recreational Reserve at its meeting held 24 May 2010 to accept Ken Carpenter as a member of the Kootingal Recreational Reserve Committee.

## 8.4 COUNCIL'S INVESTMENT POLICY - FILE No SF4432

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Mark Crompton, Manager Finance and Information Technology

### MOTION

Moved Cr Warren Woodley/Cr Col Murray

**231/10 RESOLVED**

That in relation to the report titled Council's Investment Policy Council receive and note the report and approve the amended Investment Policy.

## 8.5 BUSINESS ETHICS – TAMWORTH REGIONAL COUNCIL FILE No SF4782

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Administration and Governance Manager, Robert Charlesworth

### MOTION

Moved Cr Russell Webb/Cr Juanita Wilson

**232/10 RESOLVED**

That the Tamworth Regional Council Statement of Business Ethics be received and adopted.

## 8.6 SOMERTON BRIDGE OVER THE PEEL RIVER - FILE No SF2396

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** GLENN INGLIS, GENERAL MANAGER

Cr Phil Betts declared a Non Pecuniary Interest in this matter for reason that he is employed by the Roads and Traffic Authority and left the Chambers at 8:10pm.

### MOTION

Moved Cr Ray Tait/Cr Warren Woodley

**233/10 RESOLVED**

That in relation to replacing the collapsed bridge over the Peel River at Somerton, Council:

- (i) accept the RTA contribution of \$500,000 offered under the Natural Disaster provisions;
- (ii) accept the RTA contribution of \$500,000 offered as a one-off grant.
- (iii) re-allocate the loan funds for the new Manilla depot to the replacement of the Somerton Bridge and advise the Minister for Local Government;
- (iv) continue to pursue State Government for 100% funding;

- (v) seek a commitment from the NSW Opposition that if they become the Government in March 2011 they will reimburse Council the \$1,000,000 shortfall in funding pursuant to the legitimate application of the Natural Disaster Funding provisions;
- (vi) hold another community meeting at Somerton to update the local residents on Council's position;, and
- (vii) reapply for a new loan for the new Manilla depot when land for the site has been finalised.

At 8:11pm Cr Phil Betts returned to the meeting.

## **9 REPORTS FROM DELEGATES**

Nil.

## **10 QUESTIONS AND MATTERS OF URGENCY**

Nil.

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 8:13pm.

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

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