

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, Nemingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6.30pm**.

ORDINARY COUNCIL AGENDA

10 OCTOBER 2023

**GINA VEREKER
ACTING GENERAL MANAGER**

Order of Business

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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, 26 September 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

Nil

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 Council, 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, grant Development Consent 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), Revision K, Dated 09 August 2023;**
 - iii. **A04, Revision L, Dated 28 September 2023**
 - iv. **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**
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the operation of a camping ground solely in connection with sporting, cultural and recreation events held on the land, as identified in ANNEXURE A of this consent.

- 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 (DA2022-0494). 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.*

Advisory Note: The events/activities that need to be surrendered from the previous consent (DA0090/2013) are: private clinics, annual horse sale, Tamworth team penning and campdrafting clinics.

- 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 five (5) campdrafting events per year, namely KPH Exclusive Major, the KPH campdraft and outside hire events is limited to an initial period of five (5) years from the date of this Development Consent.*

After three (3) years from the date of this Development Consent, the operator may apply for the ongoing permanent use of the site for the campdrafting events if Council's Director Liveable Communities has been satisfied that compliance with the conditions of consent has been achieved and written confirmation has been provided by Council.

- 9) *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;*
 - f) waste disposal; and*
 - g) landscaping.*
- 10) *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 building works or use of the land. 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.*
- 11) *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.*

- 12) *The actions identified in the following table must be completed within the designated timeframes:*

<i>Actions to be undertaken</i>	<i>Timeframe to Complete</i>
<i>Landscaping shall be completed on the site in accordance with the detailed landscaping plan required by Condition No. 13.</i>	<i>Within three (3) months from the date of Development Consent</i>
<i>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.</i>	<i>Within three (3) months from the date of Development Consent</i>
<i>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.</i>	<i>Within six (6) months from the date of Development Consent</i>
<i>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.</i>	<i>Within six (6) months from the date of Development Consent</i>
<i>The driveway and crossover shall be widened to accommodate two lanes allowing two 19m articulated vehicles to pass.</i>	<i>Within six (6) months from the date of Development Consent</i>
<i>All publicly accessible parking areas and driveway entry shall be constructed with a base course of adequate depth to</i>	<i>Within six (6) months from the date of Development Consent</i>

<p>accommodate the design vehicle loading and be bitumen sealed.</p>	
<p>Noise monitoring must be undertaken during the campdrafting and outside hire events and a Noise Validation Assessment Report submitted to Council.</p> <p>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. 34, and a copy of any complaints and resolution process in accordance with Condition No. 14.</p> <p>The scope of this validation assessment, including the noise monitoring program, is to be confirmed with Council prior to the assessment being undertaken.</p>	<p>Before 12 months from date of development consent</p>

Prior to the Use of Land

- 13) **Prior to the use of the land, a detailed landscape plan shall be submitted to Council’s Director, Liveable Communities for approval. 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.**
- 14) **Prior to the commencement of the activities and events approved by this consent, an Operational Management Plan must be submitted to Council’s Director, Liveable Communities for approval. The Operational Management Plan must include any recommended mitigation measures contained in the Statement of Environmental Effects, Revision D dated 13 March 2023, and the endorsed 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) **events register (both private and public);**
 - b) **noise;**
 - c) **hours of operation;**
 - d) **traffic and parking;**
 - e) **odour and dust emissions;**
 - f) **temporary camping;**
 - g) **landscaping;**
 - h) **lighting (vehicles and buildings);**
 - i) **safety and security measures;**

- j) details of complaints and resolution process;*
- k) waste management; and*
- l) schedule of works to be undertaken.*

Advisory Note: The Operational Management Plan must be continually updated during operation of the facility and be available upon request by Council at any time during operation of the land.

Prior to the Commencement of Building Works

- 15) 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 days' notice to Council of the persons intention to commence the erection of the building.**
- 16) 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.

- 17) *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.

- 18) *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.*
- 19) *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:

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

Where:

\\$CPY is the amount of the contribution at the date of Payment;

\\$CDC is the amount of the contribution as set out in this development consent;

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

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

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.

During Construction or Building 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 its 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) *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

- 28) *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

- 29) *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

- 30) *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.*
- 31) *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.*
- 32) *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*

Ongoing Use

- 33) *The approved hours of operation and capacity limits shall comply with the details provided in ANNEXURE A of this consent.*
- 34) *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.

A noise validation assessment may be requested by Council at any time should a valid noise related complaint be received.

- 35) *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 publicly available parking areas and driveway entry shall 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.*
- 36) *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.*
- 37) *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.*
- 38) *A speed limit must be displayed in a prominent location to limit vehicle speed to 15 km/h within the camping ground.*
- 39) *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.*
- 40) *A caravan/campervan, self-contained horse trucks and horse floats must be no closer than six (6) 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.*
- 41) *No tents are permitted within the temporary campground.*
- 42) *Firefighting equipment shall be available in the camping ground and its location clearly identified to patrons for use in the case of an emergency.*
- 43) *Any electrical power must be provided in accordance with AS 3001-1990 Electrical installations – Moveable premises (including caravans) and their site*
-

installations.

- 44) *A designated person shall be onsite at all times guests are occupying the campground. This person should be contactable by emergency services and patrons.*
- 45) *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.*
- 46) *Waste receptacles are required to be provided in adequate numbers and locations to collect rubbish.*
- 47) *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.*
- 48) *Campers for the campdraft events 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.*
Campers at all other approved events (as per Annexure A), must be directed to set-up in close proximity to the existing approved donga accommodation (approved under DA0090/2013).
- 49) *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
<p>Private Clinics (e.g. training clinics, horse clinics, camp drafting clinics). Includes overnight stays / camping for up to 16 riders, 16 light vehicles and 4 heavy vehicles</p>	10	1 day (Friday, Saturday or Sunday)	8am – 5pm
<p>KPH Campdraft Events, including entertainment Includes camping / overnight stays A maximum of 95 self-contained horse trucks and horse floats are permitted to stay on the site overnight</p>	1 2 (Elite Level) Total: 3	2.5 days (Friday, Saturday and/ or Sunday)	<p>Campdraft: 7am – 10pm Entertainment: 12pm – 10pm* Note*: Music and amplified speakers shall cease by 10pm as per NIA modelling and assumptions)</p>
<p>Outside Hire Events (e.g., Tamworth Campdraft Club) Includes camping / overnight stays A maximum of 95 self-contained horse trucks and horse floats are permitted to stay on the site overnight</p>	2	2.5 days (Friday, Saturday and / or Sunday)	7am – 7pm
<p>Annual horse sale</p>	1	1 day (any day between Monday to Saturday)	10am – 3pm
<p>Tamworth Team Penning Includes small scale overnight stays / camping for up to 16 riders, 24</p>	10	1 day (Saturday or Sunday)	8am – 5pm

<i>light vehicles and 4 heavy vehicles</i>			
Guest Horse Training Events <i>(Hire of campdraft arena and covered arena for people to train prior to completing major equine events held at ALEC and surrounding areas).</i>	3	Weekdays	Nil specified.
Special Events e.g., dog trials and equestrian events <i>Includes small scale overnight stays for up to 16 riders, 14 light vehicles and 3 heavy vehicles</i>	3	2 days (Saturday and / or Sunday)	7am – 7pm

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
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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:	6 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>

BACKGROUND:

At the Ordinary Meeting held on 22 August 2023, Council resolved to defer the determination of DA2022-0494 to the Ordinary Meeting scheduled for 26 September 2023. This decision was made in order to allow additional consultation to occur with the applicant and those residents affected by the development who had lodged submissions. Due to the additional assessment required, and the applicant's request for changes to the development, Council staff were not in a position to finalise a report for the 26 September meeting.

To clarify the legislative position in regard to applicants reviewing draft conditions, there is no mandate in the *Environmental Planning and Assessment Act 1979* for applicants to review draft conditions before a determination is made. The Act appropriately anticipates that applicants may wish to raise particular conditions with the consent authority after the consent has been issued. The Act therefore contains provisions for a review of the determination, a modification to the consent or a right of appeal.

However, following Council's resolution, the applicant was provided with an extended opportunity to provide comments in relation to the recommended conditions of consent. The applicant's response sought clarification on a number of conditions and a meeting was held with the applicant and his consultant on 27 September 2023 to discuss the conditions, the changes requested by the applicant and to clarify the applicant's questions.

Subsequent to this consultation, changes have been made to the originally recommended conditions as follows:

- Clarification has been included regarding camping limits on the site;
- The public area plan has been modified to ensure the camping area will effectively

house the maximum 95 self-contained horse trucks and horse floats following Council's requirement to stipulate a 50m buffer from Spains Lane;

- Clarification has been included regarding which events need to be surrendered from the previous consent (DA0090/2013);
- The condition relating to the temporary use of land for a five-year period has been amended to specifically relate to the large campdraft events only. An addition to this condition now provides the applicant with the option of enabling the ongoing (permanent) operation of the campdraft events after a period of three years from the date of this consent subject to approval from the Director Liveable Communities. This approval is to be based on the Director being satisfied that compliance with the conditions of consent has been achieved and written confirmation of that compliance has been provided by Council. It should be noted that the three timeframe for establishing on-going/continuous compliance was suggested by the applicant;
- Upon re-evaluation of the condition relating to the 12-month trial period which was requested by Councillors, the wording of the condition was considered ambiguous and therefore problematic to measure compliance. This condition has therefore been removed from the consent. The Noise Validation Report is still required however and is incorporated within Condition 12. Additionally, Condition 34 now reads that a Noise Validation Assessment may be required at any time, should Council receive valid noise-related complaints regarding the development;
- Condition 12 has been added to provide both the applicant and the community with a clear timeline of required actions within the first 12 months of the approval;
- An amendment has been made to the extent of sealing required across the site. This is now more consistent with similar rural related operations;
- The conditions have been amended to allow the new stables building to be constructed at a later date, when required, and
- Private events have been deleted from Annexure A. After further discussion with the applicant, it is considered that private events do not need to be included in the consent as these types of events would not ordinarily be regulated. The Operational Management Plan condition has also been amended to include an event register so, if a complaint is received, there is a means to distinguish between what is a private and public event.

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 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
<p>Private Clinics (e.g training clinics, horses clinics, camp drafting clinics). Includes overnight stays / camping for up to 16 riders, 16 light vehicles and 4 heavy vehicles. <u>Previously Approved under DA0090/2013:</u> 8 training clinics per year from 8am to 4pm on Friday, Saturday and Sunday with 6-12 clients.</p>	10	1 day (Friday, Saturday or Sunday)	8am – 5pm
<p>KPH Campdraft Events, including entertainment Includes camping / overnight stays. A</p>	1 2 (Elite Level)	2.5 days (Friday, Saturday and/ or	<u>Campdraft:</u> 7am – 10pm <u>Entertainment:</u>

<p>maximum of 95 self-contained horse trucks and horse floats will stay on the site overnight.</p> <p><u>Previously Approved under DA0090/2013:</u></p> <p><i>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.</i></p>	Total: 3	Sunday)	<p>12pm – 10pm*</p> <p>Note*: Music and amplified speakers shall cease by 10pm as per NIA modelling and assumptions)</p>
<p>Outside Hire Events (e.g. Tamworth Campdraft Club)</p> <p>Includes camping / overnight stays. A maximum of 95 self-contained horse trucks and horse floats will stay on the site overnight.</p>	2	2.5 days (Friday, Saturday and / or Sunday)	7am – 7pm
<p>Annual horse sale</p> <p><u>Previously Approved under DA0090/2013:</u></p> <p><i>Held from 10am – 3pm on Saturday with approximately 100 people in attendance.</i></p>	1	1 day (any day between Monday to Saturday)	10am – 3pm
<p>Tamworth Team Penning</p> <p>Includes overnight stays / camping for up to 16 riders, 24 light vehicles and 4 heavy vehicles.</p> <p><u>Previously Approved under DA0090/2013:</u></p> <p><i>10 events per year from 9am to 4pm on Saturday and Sunday with 45 riders and their horses.</i></p>	10	1 day (Saturday or Sunday)	8am – 5pm
<p>Guest Horse Training Events</p> <p><u>Previously Approved</u></p>	3	Weekdays	Nil specified.

<u>under DA0090/2013:</u> <i>Hire of campdraft arena and covered arena for people to train prior to completing major equine events held at ALEC and surrounding areas.</i>			
Special Events e.g. dog trials and equestrian events Includes overnight stays / camping for up to 16 riders, 14 light vehicles and 3 heavy vehicles.	3	2 days (Saturday and / or Sunday)	7am – 7pm
TOTAL	32		

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

A recommended condition of consent requires the partial surrender of the consent granted via DA0090/2013 in accordance with Section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979*. This specially relates to the private (training) clinics, Tamworth Team Penning and Campdrafting clinics and Annual horse sale as these activities will be expanded as a part of DA2022-0494. Therefore, the condition has been imposed to avoid any inconsistency between the two consents.

Camping and overnight stays are subject to the recommended conditions 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.

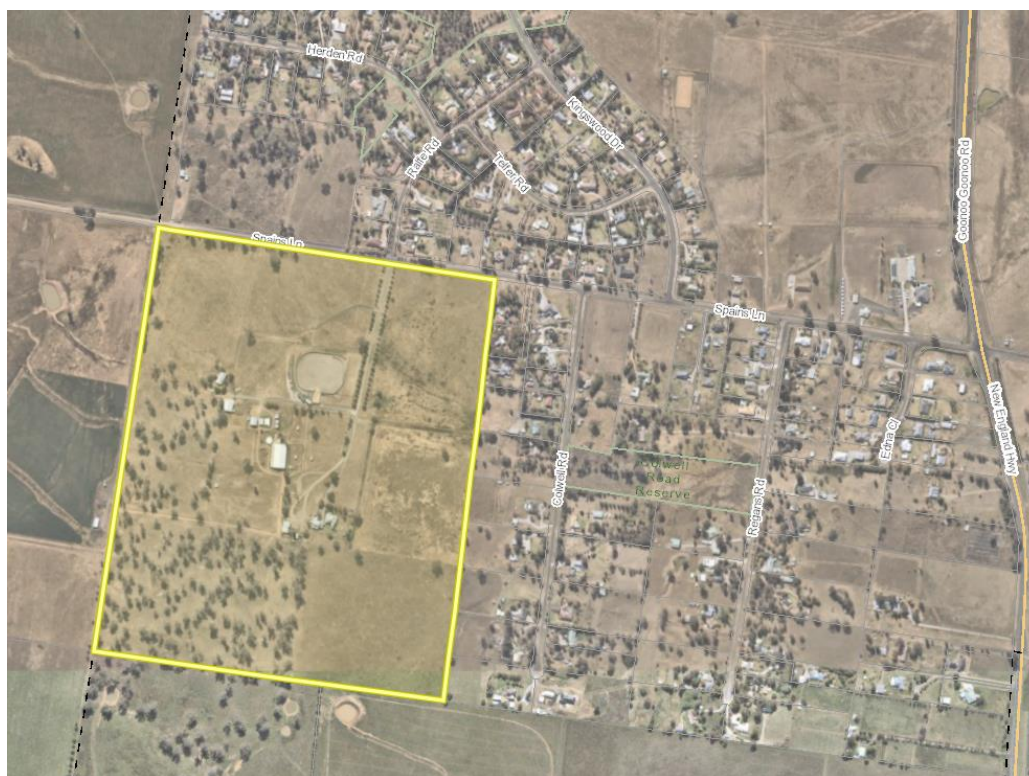


Figure 1. Aerial map of the subject land, Lot 43 in DP 245449, 95-161 Spains Lane, KINGSWOOD NSW 2340.

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 recreational, sporting and cultural 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 compliance with the</p>

	<p>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>
<p>Clause 5.10 – Heritage</p>	<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>
<p>Clause 5.21 – Flooding</p>	<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	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

	<p>formalised 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 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 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 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**.

The current location of the access driveway adjacent to the Ralfe Road/Spains Lane intersection was approved under the previous Development Consent (DA0090/2013). The Applicant will be required to submit a new Section 138 Permit under the Roads Act to upgrade the entrance to supported the larger 19m articulated vehicles. This is stipulated in the recommended conditions of consent.

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 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</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</p>

<p>and odour generated by the development. A submitter also notes that the cumulative odour impact from both the proposed development and chicken farm to the south has not been considered, or the potential for katabatic drainage.</p>	<p>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>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).</p> <p>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>



1.2 Trees along driveway



Figure 3. Existing landscaping on the site.

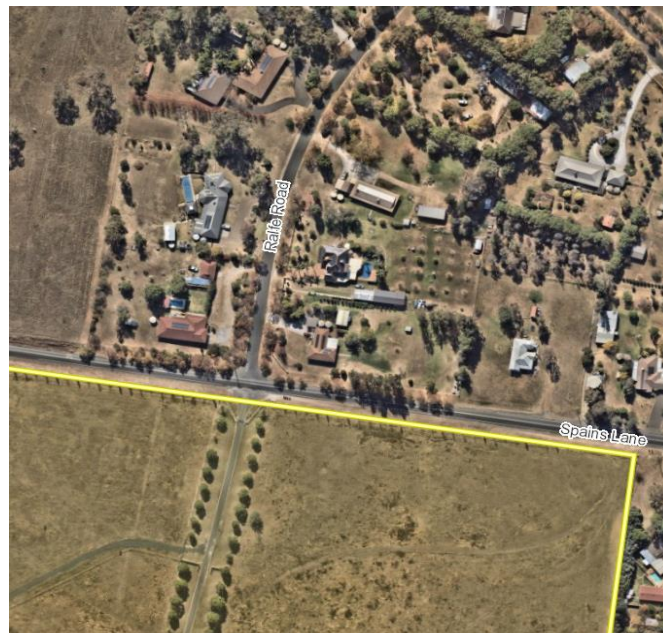


Figure 4. Existing landscaping near property access.

	<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 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>A Noise Impact Assessment (NIA) report prepared by Muller Acoustic Consulting Pty Ltd (MAC) has been submitted with 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</p>

	<p>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 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>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 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 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>This is a valid comment. To address this, the Applicant has 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.</p> <p>Campers for the campdraft events shall also be directed to set-up in the designated public use areas on the site which is at least 50m from the boundary fence with Spains Lane to minimise odour, lighting and noise impacts to adjoining residential properties.</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.

Councillors should also be aware that a letterbox drop in the Kingwood area occurred between 22 August 2023 and 11 September 2023. The letterbox drop contained a copy of Council’s letter to the submitters with an update on the DA and a flyer titled ‘Stop Kingswood Horse Facility’. Council did not endorse this letterbox drop.

(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 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - MEETING 11 SEPTEMBER 2023

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer

1 ANNEXURES ATTACHED
1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee - Meeting 11 September 2023”, Council approve the signage and line marking plan associated with the new Verdelho Drive and Lambrusco Way roundabout in North Tamworth.

SUMMARY

The purpose of this report is to advise Council of the one recommendation made by the Tamworth Regional Local Traffic Committee (the Committee) during the out of session meeting held on 11 September 2023.

COMMENTARY

The minutes of the out of session Committee meeting held on 11 September 2023, are **ENCLOSED**, refer **ENCLOSURE 1**.

77/2023 – Windmill Hill Stage 7 - Linemarking and Signage Plan, Verdelho Drive Roundabout, North Tamworth

The Windmill Hill Estate Stage 7 works are close to completion within North Tamworth.

In accordance with the **ATTACHED**, refer **ANNEXURE 1**, a new roundabout is proposed at the intersection of Verdelho Drive and Lambrusco Way in North Tamworth. The applicant is seeking approval for the proposed line marking and signage associated with the intersection. The site plan is shown below in Figure 1.

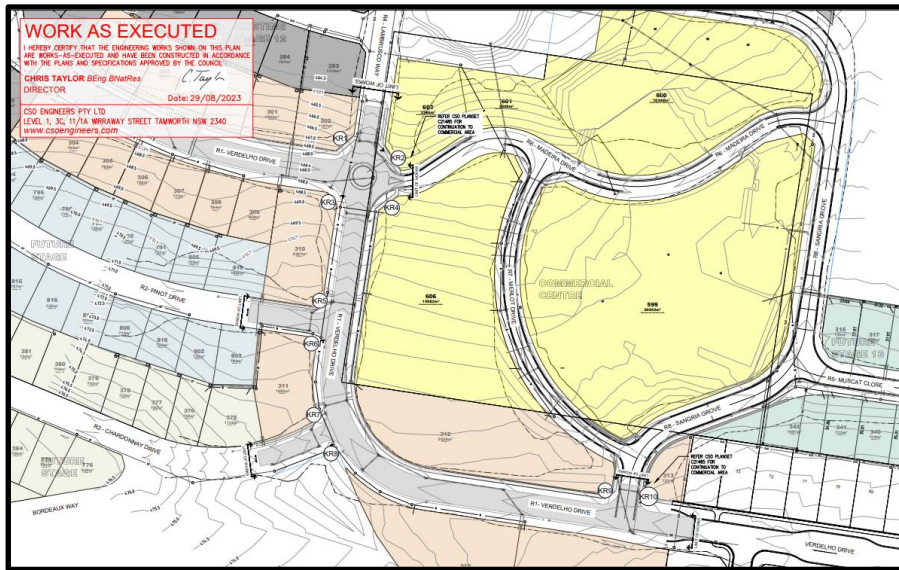


Figure 1: Windmill Hill Estate (Stage 7) - site plan

Transport for NSW (TfNSW) requested the developer consider installing a gap within the median, shown below in Figure 2, to facilitate pedestrians/bikes/prams crossing at this location.

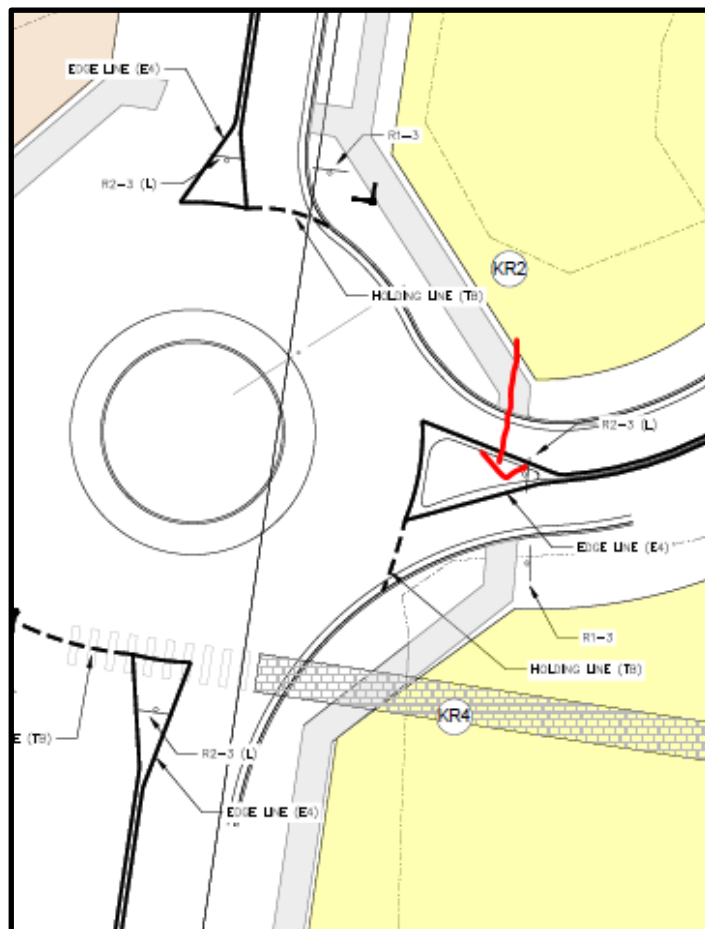


Figure 2: Windmill Hill Estate (Stage 7) – requested gap

COMMITTEE RECOMMENDATION: pending the requested change by TfNSW, the Committee supported installation of the signage and linemarking at the Verdelho Drive and Lambrusco Way roundabout in North Tamworth.

(a) Policy Implications

Nil

(b) Financial Implications

65/2023 – the works to be funded by the developer.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 5 – Connect our region and its citizens

8.2 DRAFT DROUGHT MANAGEMENT PLAN 2023

DIRECTORATE: WATER AND WASTE

AUTHOR: Ashleigh Smith, Sustainability Coordinator

Reference: Item 8.5 to Ordinary Council 27 April 2021 - Minute No 101/21

Item 8.2 to Ordinary Council 6 June 2023 - Minute No 127/23

2 ENCLOSURES ENCLOSED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Draft Drought Management Plan 2023”, Council:

(i) adopt the draft Drought Management Plan 2023; and

(ii) approve the update and replacement of water restriction signage across Tamworth Local Government Area once approved by Transport for NSW.

SUMMARY

The purpose of this report is to seek Council’s adoption of the Draft Drought Management Plan 2023 and approval of the installation of updated water restriction signage once approved by Transport for NSW (TfNSW).

COMMENTARY

At its meeting on 6 June 2023, Council considered a report on the Draft Drought Management Plan. Council subsequently resolved as follows.

That in relation to the report “Draft Drought Management Plan 2023”, Council:

- *proceed with Option 2 for the water restriction town entry signage;*
-

- *place the revised Drought Management Plan 2023 on public exhibition for a period of no less than 28 days, to allow for final written feedback and comments from residents; and*
- *following the 28-day public display of the draft revised Drought Management Plan 2023 request the Director of Water and Waste collate the responses received and prepare a further report to Council detailing the responses and any proposed changes.”*

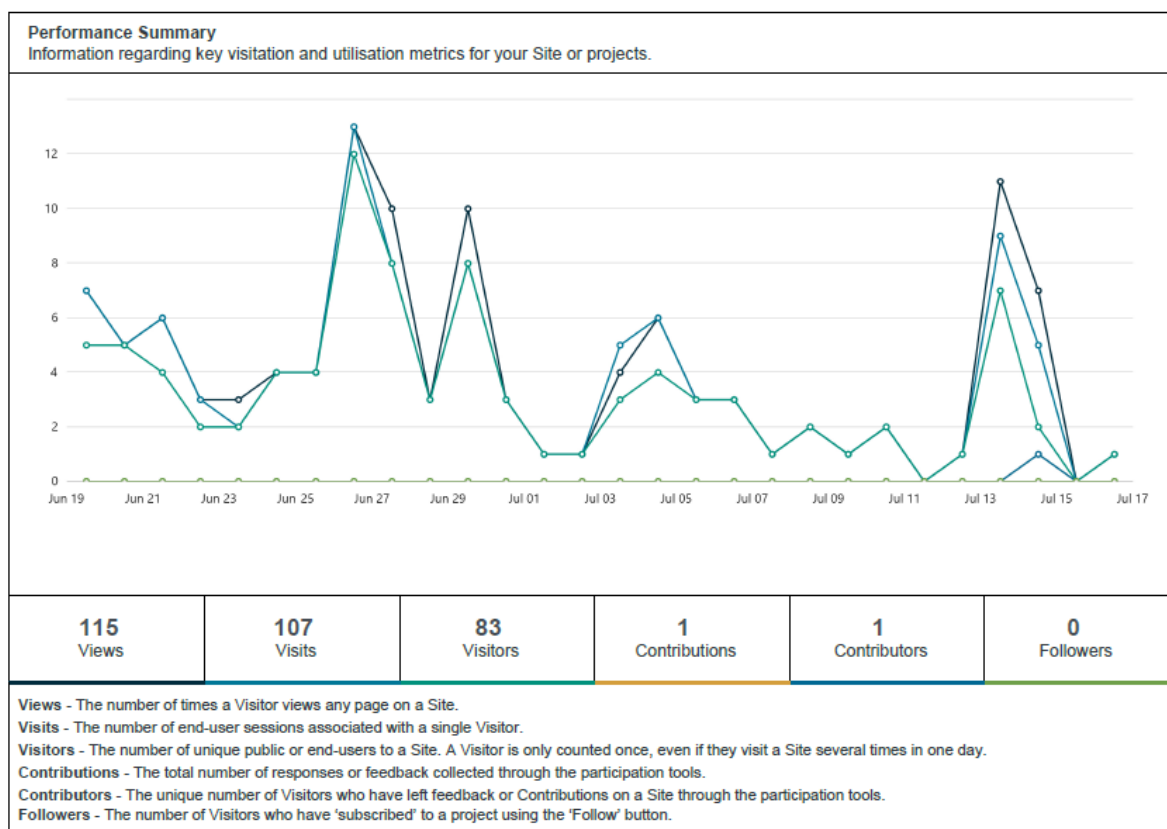
The public exhibition period ran for 28 days between 19 June and 16 July 2023. A summary of consultation methods adopted to maximise the number of submissions received during the exhibition period is presented in Table 1. These included newspaper, radio, social media as well as project information updated on Council’s Have Your Say digital engagement website.

Table 1. Community Engagement Methods

Type of Engagement	Details of those contacted or engaged
Newspaper	Tamworth Northern Daily Leader, Manilla Express - Full page, Barraba Community News – 12 x 18
Radio	30 x 30 second adds ran on 92.9 and 2TM 30 x 30 second adds ran on 88.9FM
Social Media	Facebook post promoting consultation – Refer to Figure 1 to see further details regarding this. Saturday 24 June 2023, reach 39,200, 217 Post Engagements, seven (7) Reactions, six (6) Comments (paid) Sunday 2 July 2023, reach 990, eight (8) Post Engagements (unpaid) Thursday 13 July, reach 869, four (4) Post Engagements, one (1) Reaction (unpaid)
Have your say engagement website	Project information on Drought and Demand Management Plan received 83 visitors, with 107 visits and 115 views Document downloaded 42 times) *Definitions of each are included in the notes below Figure 1.

The chart below (Figure 1) shows peaks in visitation to the Have Your Say engagement pages when the consultation was promoted via social media on 24 June, 2 July and 13 July 2023.

Figure 1.



During the public exhibition period, Council received two submissions from community. Full details of the submissions received are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. Key points from these submissions, and the staff response to the issues raised are shown in Table 2.

Table 2. Submissions received

Summarised Submission Comments	Council Staff Response
<p>1. Level 4 Restrictions. Could a part of one public park be watered and kept green for the children?</p> <p>2. Upgrade Dungowan Dam and construct a new pipeline from the dam to meet the no regrets pipeline at the appropriate place.</p> <p>Liaise with the appropriate authorities to have the water sharing plan changed to allow 2 years allocation of Tamworth's water each year in Chaffey Dam.</p> <p>4. Soil hydration is important and the WILI initiative is great.</p>	<p>Parks with groundwater access can be watered during level 4 and level 5 restrictions where groundwater is available</p> <p>Council is currently developing a Water Security Plan which will identify the optimal solution/s for achieving improved water security.</p> <p>Additional comments are not considered relevant to the Drought Management Plan.</p>

<p>5. No weir. 6. Retain the City pool and Scully Pool and no evaporation pond in the middle of the park.</p>	
<p>Proposed for water restrictions to be amended so they are based on the size of the block, rather than having one level of water restrictions for all residents linked to potable water.</p>	<p>The intent of water restrictions is to conserve water so that sufficient water is available for basic human needs. One of the ways to conserve water is by restricting the use of water for watering gardens, lawns etc. This proposal would suggest that certain properties are allowed to use more water to keep their gardens alive based on the size of the garden, which does not appear equitable, would be impossible to administer and would see more water used on certain gardens just when Council is trying to conserve water use.</p> <p>This proposal is not supported</p>

Following the review of submissions, no changes to the plan are considered necessary.

Councillors' attention is drawn to one proposed change to the Drought Management Plan which is that when Tamworth enters level 4 or 5 water restrictions, backwash water from Council's Calala Water Treatment Plant will be sent back to the head of the Calala Plant for retreatment as potable water. By so doing this will reduce the volume of raw water required to meet demand on raw water at these times.

Should Council agree to this change there may be a potential impact on the Longyard Golf Course and Tamworth's Sporting Precinct including the AELEC, Tamworth Hockey Association, Sports Dome etc. This is because backwash water is normally provided to the AELEC recycled water plant for treatment and then made available for use as recycled water at the above-listed facilities. In the case of the Longyard Golf Course, the Golf Course previously had an agreement with Council for Council to supply backwash water to the golf course. Whilst the agreement has since lapsed the owner of the golf course has indicated that he would like to enter into a new agreement as soon as possible.

Should Council support the recommendation and adopt the Plan it is then intended to continue discussions with affected stakeholders that utilise the water produced by the AELEC Recycled Water Treatment Plant as follows:

- Potential options to assist the operators during level 4 and 5 restrictions which may include:
 - connecting to potable water and restricting use to non-garden or outdoor watering; and
 - investigating the possibility of supplying groundwater for use as an alternative to backwash.

In respect to the Longyard Golf Course, the owner of the golf course has been advised as follows:

- should an agreement be able to be reached, such agreement will include that no backwash water will be delivered to the golf course during level 4 or 5 restrictions in Tamworth;
- staff will continue to investigate the possibility of supplying groundwater for use as an alternative to backwash during times of drought; and
- supplying potable water to the Longyard Golf Course for irrigating greens etc. will not be possible at any time.

A copy of the updated Draft Drought Management Plan is **ENCLOSED**, refer **ENCLOSURE 1**.

Council has also been previously advised of a proposal, as part of the adoption of a new Drought Management Plan, to erect new signage at the entrances to all towns within the Tamworth Region that receive potable water via reticulation, in an effort to better communicate the level of restrictions applicable in that town and what can be done under that level of restrictions. These new signs will be based on pictographs. An example of the new signs is **ENCLOSED**, refer **ENCLOSURE 2**. Should Council adopt the updated Plan it is intended to seek approval from the road authorities, as appropriate to construct these signs at the entrances to each town and, once the location has been approved, the signs will be erected.

(a) Policy Implications

Projects and activities are implemented in accordance with stated outcomes of Council's *Environmental Sustainability Strategy and Action Plan 2022 – 2026* and the *Drought and Demand Management Plans 2023*.

(b) Financial Implications

Activities are funded from existing budget allocations.

(c) Legal Implications

Nil

(d) Community Consultation

Community feedback received during the 28-day public exhibition period from 19 June 2023 to 16 July 2023 has been reviewed and considered. In accordance with Table 2 it is not recommended to amend the plan.

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security

8.3 DRAFT DEMAND MANAGEMENT PLAN 2023

DIRECTORATE: WATER AND WASTE
AUTHOR: Ashleigh Smith, Sustainability Coordinator
Reference: Item 8.2 to Ordinary Council 17 December 2019 - Minute No 455/19
 Item 8.13 to Ordinary Council 11 February 2020 - Minute No 16/20
 Item 8.3 to Ordinary Council 6 June 2023 - Minute No 128/23
 1 ENCLOSURES ENCLOSED
 1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Draft Demand Management Plan 2023”, Council adopt the draft Demand Management Plan 2023.

SUMMARY

The purpose of this report is to seek Council’s adoption of the Draft Demand Management Plan 2023.

COMMENTARY

At its meeting held on 6 June 2023, Council considered a report in relation to a revised Demand Management Plan. Council subsequently resolved as follows:

That in relation to the report “Draft Demand Management Plan 2023”, Council:

- *place the revised Demand Management Plan 2023 on public exhibition for a period of no less than 28 days, to allow for final written feedback and comments from residents and businesses; and*
- *following a 28-day public display of the draft revised Demand Management Plan 2023, request the Director of Water and Waste collate the responses received and prepare a further report to Council detailing the responses and any proposed changes.”*

The public exhibition period ran for 28 days, between 19 June and 16 July 2023. A summary of consultation methods adopted to maximise the number of submissions received during the exhibition period is presented in Table 1. These included newspaper, radio, and social media as well as project information updated on Council’s Have Your Say digital engagement website.

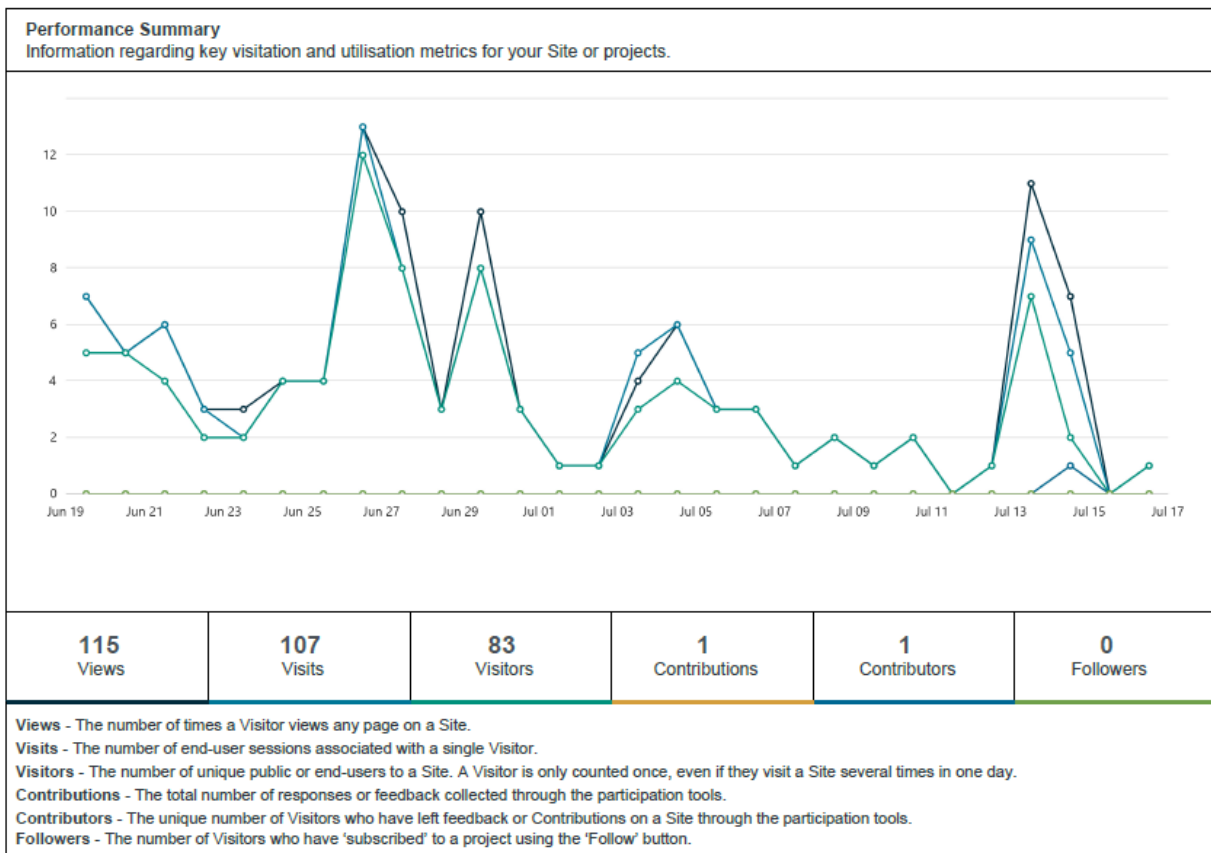
Table 1. Community Engagement Methods

Type of Engagement	Details of those contacted or engaged
Newspaper	Tamworth Northern Daily Leader, Manilla Express - Full page, Barraba Community News – 12 x 18
Radio	30 x 30 second adverts ran on 92.9 & 2TM 30 x 30 second adverts ran on 88.9FM

<p>Social Media</p>	<p>Facebook post promoting consultation – Refer to Figure 1 to see further details regarding this.</p> <p>Saturday 24 Jun 2023, reach 39,200, 217 Post Engagements, seven (7) Reactions, six (6) Comments (paid)</p> <p>Sunday 2 July 2023, reach 990, eight (8) Post Engagements (unpaid)</p> <p>Thursday 13 July, reach 869, four (4) Post Engagements, one (1) Reaction (unpaid)</p>
<p>Have your say engagement website</p>	<p>Project information on Drought and Demand Management Plans received 83 visitors, with 107 visits and 115 views</p> <p>Document downloaded 42 times)</p> <p>*Definitions of each are included in the notes below Figure 1.</p>

The chart below (Figure 1) shows peaks in visitation to the Have Your Say engagement pages when the consultation was promoted via social media on 24 June, 2 July and 13 July 2023.

Figure 1.



During the public exhibition period, Council received two submissions from the community. Full details of each submission are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

Key points from these submissions and the staff response to those points are shown in Table 2 below.

Table 2. Submissions received

Summarised Submission Comments	Council Staff Response
<p>1. Level 4 Restrictions. Could a part of one public park be watered and kept green for the children?</p> <p>2. Upgrade Dungowan Dam and construct a new pipeline from the dam to meet the no regrets pipeline at the appropriate place.</p> <p>3. Liaise with the appropriate authorities to have the water sharing plan changed to allow two years' allocation of Tamworth's water each year in Chaffey Dam.</p> <p>4. Soil hydration is important and the WILI initiative is great.</p> <p>5. No weir.</p> <p>6. Retain the City pool and Scully Pool and no evaporation pond in the middle of the park.</p>	<p>Parks with groundwater access can be watered during level 4 and level 5 restrictions where groundwater is available</p> <p>Council is currently developing a Water Security Plan which includes an option to identify the optimal solution for improving water security into the future.</p> <p>The other points are not considered relevant to the Demand Management Plan.</p>
<p>Proposed for water restrictions to be amended so they are based on the size of the block, rather than having one level of water restrictions for all residents linked to potable water.</p>	<p>The intent of water restrictions is to conserve water so that sufficient water is available for basic human needs. One of the ways to conserve water is by restricting the use of water for watering gardens, lawns etc. This proposal would suggest that certain properties are allowed to use more water to keep their gardens alive based on the size of the garden, which does not appear equitable, would be impossible to administer and would see more water used on certain gardens at a time when Council is trying to conserve water use.</p> <p>This proposal is not supported</p>

Following the review of submissions no changes to the plan are considered necessary.

A copy of the updated Draft Demand Management Plan is **ENCLOSED**, refer **ENCLOSURE 1**.

(a) Policy Implications

Projects and activities will be implemented in accordance with stated outcomes from Council's *Environmental Sustainability Strategy and Action Plan 2022 – 2026* and the *Drought and Demand Management Plans 2023*.

(b) Financial Implications

Activities are funded from existing budget allocations.

(c) Legal Implications

Nil

(d) Community Consultation

Community feedback received during the 28-day public exhibition period from 19 June 2023 to 16 July 2023, has been reviewed and considered. In accordance with Table 2 it is not recommended to amend the plan.

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 DISCLOSURES OF INTEREST RETURN

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tracey Carr, Coordinator - Governance and Executive Services

Reference: DOCUMENTS TABLED

RECOMMENDATION

That in relation to the report “Disclosures of Interest Return”, Council:

- (i) note that Councillors and designated persons have completed and lodged Disclosure of Interest Returns prior to the first Council Meeting after 30 September 2023; and*
- (ii) advise the Office of Local Government accordingly.*

SUMMARY

The purpose of this report is to satisfy the requirements of the Model Code of Conduct and Section 440AAB of the *Local Government Act 1993*, and table Disclosure of Interest Returns from Councillors and designated persons completed and lodged.

COMMENTARY

Section 440AAB requires returns lodged with the General Manager under Section 440AAB must be tabled at a Meeting of the Council, being:

- (2) Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for*

lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.

Councillors and designated persons have complied with the Model Code of Conduct and Section 440AAB provision of the Act in relation to disclosure of interests.

The Register of Disclosure of Interest is available for perusal by any Councillor or member of the public.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Model Code of Conduct and Section 440AAB of the *Local Government Act 1993*.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

10 COMMUNITY SERVICES

Nil

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.

PROPOSED LEASE OF PART INTERNATIONAL FLIGHT TRAINING TAMWORTH FACILITY

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Nicholas Hawkins, Commercial Property Officer

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council's authorisation to negotiate and enter into a lease for a flight training school to occupy part of the International Flight Training Tamworth Facility at the Tamworth Regional Airport.

TENDER T158/2023 SUPPLY ONLY AND SUPPLY AND LAY ASPHALT

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Jay Morrow, Senior Operations Engineer (Technical)

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to recommend to Council acceptance of a tender for Supply Only and Supply and Lay of Asphalt within the Tamworth Regional Council (Council) area, during the period 11 October 2023 to 30 June 2025, advertised as open tender number T158-2023. Following this period, and at sole discretion of Council, an additional extension of one year may be applied.

12.3 EASEMENT ACQUISITION FOR SEWER MAIN - ARCADIA DEVELOPMENT

DIRECTORATE: WATER AND WASTE

AUTHOR: Ian Cross, Senior Project Engineer

Reference: Item 12.4 to Ordinary Council 9 August 2022 - Minute No 234/22

Item 12.5 to Ordinary Council 8 November 2022 - Minute No 343/22

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (d)i&(d)ii 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 and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

SUMMARY

The purpose of this report is to seek direction from Council in relation to the compensation payable for the acquisition of an easement over privately owned land located in Duri Road required for the installation of sewer infrastructure to allow the development of the adjacent Arcadia area to proceed.