



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 **Lands Building, Nemingha Room, 25 - 27 Fitzroy Street, Tamworth**, commencing at **6:30pm**.

ORDINARY COUNCIL AGENDA

12 JULY 2022

**PAUL BENNETT
GENERAL MANAGER**

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 28 June 2022, 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**
- 5 **MAYORAL MINUTE**
- 6 **NOTICE OF MOTION**
- 6.1 **NOTICE OF MOTION – CR JUDY COATES - COUNTRY MAYORS ASSOCIATION (CMA) RURAL HEALTH**

MOTION

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

Notice is given that Cr Judy Coates attended the Country Mayors Association – Rural Health Forum on 26 May 2022, and now provides the following update.

SUPPORTING INFORMATION

I was privileged to be able to attend the Country Mayors Association (CMA) Rural Health Forum in Sydney on 26 May 2022. The forum was a response to the release of the report on “Health outcomes and access to health and hospital services in rural, regional and remote NSW”. Following is a report on the presentations made on the day.

There were several speakers on the day, the first being the Mayor of Gunnedah, and Deputy Chair of CMA, Jamie Chaffey. The key points that were raised by Mayor Chaffey were:

- That Country Mayors were demanding change for equality in health services.
- That delivery of health services should have a bipartisan approach i.e. remove politics.
- There is a critical shortage of health workers across the board in rural areas
- There is a lack of palliative care in rural areas

- There is a lack of accountability and transparency for the equitable delivery of health services
- There needs to be realistic, measurable and quantifiable outcomes
- There are significant barriers to GPs moving to rural areas, including: the financial viability of working in rural vs metropolitan areas, and country GPs have been undervalued for decades
- Measuring the human cost of less-than-ideal rural health services is difficult and fixing the current problems is going to be a difficult task.

The second and key speaker for the day was Bronnie Taylor, Minister for Regional and Mental Health and Women. Minister Taylor discussed the following:

- Before commencing she stated that we still need to recognise the good work being done by clinicians
- Clinicians are sad that so much has been lost over the years
- Local governments haven't been included in health care to date.
- Different communities have different needs and local government are more aware of both the capacity and the needs.
- There needs to be a focus on building the workforce.
- Mental health is best done in the community; we need community-based services that support acute care. We need to consider mental health support for young people and – “wrap them in a community blanket”.
- Aged care needs to be addressed and fixed by the federal government
- Although virtual health has been very beneficial during COVID it must be remembered that it is an adjunct and not a replacement. In addition, it also provides educational benefits to the health worker who sits in on the consultation. Virtual health also improves communication between the health worker and the specialist.
- There needs to be an equality of pay regardless of staff or agency-based workers.
- Also mentioned that rural areas have lost so many great GPs, as the rural generalist is not valued as much as they should be.
- WHAT NEEDS TO BE DONE?
 - The NSW government to provide a response in less than 6 months.
 - Address the recommendations made.
 - Develop a ministerial advisory taskforce.
 - Address specific areas such as mental health, aged care and First Nations health.
 - Push fluvax in the community.
 - Have honest conversations with the community about what can be provided safely.

- Minister Taylor also spoke on looking at models of care and interventions, especially in the Hunter New England Local Health District (HNELHD).

Third speaker was Ryan Park, Shadow Minister for Health, whose key points were:

- The regional and rural inequity and inequality around health will be considered in the new federal government.
- The recommendations made in the health report “haven’t missed the mark”.
- He stated that there needs to be an identification of the challenges and barriers and definite, clear and transparent reporting of how the change is occurring.
- The taskforce should report back every parliamentary session i.e. 2x/year. And it should be a standing item at National Cabinet level every few months.
- He acknowledged that state governments are good at service delivery and federal governments are good at funding.
- A number of points were made regarding culture:
 - There is a minimal line of sight into the LHDs
 - There is a need to support those that put their hand up when something is/went wrong.
 - Role of boards and their makeup needs to be considered particularly their level of engagement in the community.
- The change required will not be easy and won’t occur overnight; it will take ongoing commitment and dedication.
- Consideration will need to be given to gaining and retaining GPs in rural and regional areas; what are the specific needs of the community.
- The parliamentary enquiry gives status through dates and recommendations. A turning point for rural health; provides building blocks and instructions. The report may be the compass.

The fourth speaker was the CEO of Rural Doctors Network (RDN), Richard Colbran. RDN acts as the Australian Government’s designated Rural Workforce Agency for health in NSW.

- Not compulsory and the network is about what is best for the community, not the doctor.
 - Multiple service pillars: community planning, health access programs, workforce and practice support, future workforce, training and education, policy.
 - Deliberate team-based care; and every member in the team is important.
 - Implementation enablers include assessment of health workforce, workforce planning, town-based health access plans.
 - Collaborative workplans; models that suit town, community-based development (what is based) and then apply health service on top.
 - There needs to be a crisis plan around rural health service that looks at access, quality and sustainability.
-

- Do LGAs need to consider a “buy-in” and contribute by embedding in system and culture?
- There is a very competitive marketplace for GPs at the moment with over 500 vacancies. What can our community do to attract GPs?? A “Region of Choice” for GPs.
- GPs need to thrive when they come to rural areas. One of the barriers to attracting GPs to smaller communities is that they have no life.
- One of the big questions is how can money be spent better and more productively to achieve outcomes?
- What can we do together?
 - Joint rural and rural health advocacy. Policy around long-term health strategies in the LGA community plans.
 - LGA and/or town-based health system and workforce plans.
 - Rural workforce campaign.
- Immersion programs – go rural; bush bursaries.

Speaker number 5, and final speaker, for the day was Adjunct Professor and National Rural Health Commissioner, Ruth Stewart.

- Strong primary care health network (GPs) is important for healthy communities.
- As a result of the Medicare freeze in 2007, non GP specialist got a higher rebate which lead to an increased number training.
- The economic drivers of health care (financial incentives) in rural areas are being eroded.
 - Ineffective retention grants.
 - Financial incentives are not high enough or long enough.
- Several things that could assist in future proofing rural workforces
 - More internships outside of cities.
 - Does the LHD have interns?
 - Make placements longer to allow time to “put down root”.
 - Have close connection between PHC and hospitals.
 - Small rural hospitals with strong connections to larger hospitals.

Where to from here? The take-away message in brief”

- Remember the joint power “in the room”.
- Advocacy / strategy collectively as a group.
- Don’t forget the federal government role in health. Many areas of state are federally funded.
- Say thank you to your local health staff/workers/professionals.
- State of play (where are we at?) / embedding in the community (for the future).

- Workforce is crucial. Buildings don't provide health care, workers do.

My thoughts:

- Could we offer Tamworth as a health conference site?
- Can we re-ignite our “new resident” concierge service, provide information on how to find and engage the basics that are required and link new residents with their areas of interest e.g. sporting clubs, service clubs.
- How could we influence housing market to provide accommodation?
- Use of nurse practitioners in smaller communities, with good communication connection and referral pathways to larger hospitals.

What can council do to assist with this current crisis in health, that is within their scope and remit?

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

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

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

Reference: Item 7.1 to Ordinary Council 26 October 2021 – Minute 299/21.

6 ANNEXURES ATTACHED

2 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

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

GENERAL

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

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

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

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

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

- 2) ***The development must be carried out in accordance with the information submitted by the applicant, as amended by the conditions of this consent. For the avoidance of doubt:***

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

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

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

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

Advising: Throughout the life of the development, the person having the benefit of this consent will need to secure, renew, maintain and comply with all the relevant statutory approvals and other legislation applying to the development and ensure that all

contractors and subcontractors are aware of, and comply with, the conditions of this consent and other relevant approvals and legislation, including maintaining the necessary insurances, in particular for any works on public lands.

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

- 4) ***It is the responsibility of the person having the benefit of this consent to ensure that costs of any external works to the development site, incurred in the implementation of this consent, including on public lands, are met.***

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

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

- 5) ***With respect to drainage from the site:***

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

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

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

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

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

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

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

- 8) ***A business identification sign, no more than 1.8m wide by 0.9 m high, at the entrance to the property, together with any signage required under statutory***
-

obligation (including WHS) is explicitly authorised by this consent, notwithstanding exempt and complying development. The location of any signage shall not interfere with vehicle sight lines.

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

Advising: This signage can include the notification requirements of the complaint resolution procedure. Unless otherwise required by conditions of this consent, a separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.

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

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

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

PRIOR TO WORKS COMMENCING

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

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

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

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

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

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

- a) **must be a standard flushing toilet connected to a public sewer; or**

- b) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council.*

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

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

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

- 13) The person having the benefit of this consent must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times during the construction period:**

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

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

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

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

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

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

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

At minimum, it shall provide that:

- a) All vehicular movement to and from the site shall be in a forward direction*
- b) Drivers are to be inducted into the TMP and the need to minimise amenity and safety impacts at all times, including but not limited to:*
- i) Travelling speeds not to exceed the prevailing conditions, including for the road type and the weather conditions*

Advising: Council would support operational speeds on sealed local roads not exceeding 80 km/hr and on unsealed local roads not

exceeding 60 km/hr with lower speeds encouraged during periods of poor conditions.

- ii) **Movements coinciding with school bus operations are to be minimised.**
 - iii) **Amenity impacts should be reduced by limiting vehicle movements to daylight hours, where possible and practicable.**
 - iv) **Avoidance of the use of compression braking where safe and practicable.**
 - v) **Chain of responsibility being implemented.**
- c) **A Traffic Control Plan is developed, and endorsed by Council, prior to any works being undertaken on the public road network.**

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

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

The intersections are to meet the following criteria:

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

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

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

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

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

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

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

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

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

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

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

17) **In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979, and the Tamworth Regional Council Section 7.12 (formerly known as S94A) Development Contributions Plan 2013,**

- a) **\$975.00 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development;**
- b) **if the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:**

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

CPIDC

Where:

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

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

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

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

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

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

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

<<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's

Administration Centre during normal business hours.

DURING CONSTRUCTION OF WORKS

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

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

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

- 19) **Construction work on the project shall be limited to the following hours:**

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

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

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

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

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

- b) **All building works are to be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code (NCC);**
- c) **Erosion and sediment control measures in accordance with the endorsed Erosion Sediment Control Plan (ESCP) are to be maintained at all times;**
- d) **Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction.**
- e) **The approved Traffic Management Plan (inclusive of any resultant Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times during the duration of the works.**

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

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

Reason: To ensure the protection of Aboriginal Heritage.

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

Definitions:

- i) “relic” means any deposit, artefact, object or material evidence that:
 - ii) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - iii) is of State or local heritage significance; and
 - iv) “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
- g) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the Developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.**

Reason: To protect the public realm.

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

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

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

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

- j) With respect to noise:**
 - i) the activities at the site must not create nuisance or intrusive noise as defined by the Protection of the Environment Operations Act 1997, when measured or assessed in a habitable room of a residential premises. The noise created at the site must also**

comply with the NSW Noise Policy for Industry 2017.

- ii) All plant and equipment must, where practicable, be shut down when not in active use and not left to idle unduly. Plant must be operated in a conservative manner;*
- iii) Consideration is to be given to the cumulative impact of plant and/or equipment operations; and*
- iv) All plant and machinery are to utilise broadband reversing alarms instead of hi frequency reversing alarms.*

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

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

21) Any materials removed from or imported to the site during construction is to be managed in accordance with the following requirements:

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

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

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

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

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

Inspections

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

appoint either Council or an accredited certifier to be the PCA.

PRIOR TO RELEASE OF OCCUPATION CERTIFICATE FOR THE SHED

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

Reason: Statutory Requirement.

PRIOR TO COMMENCEMENT OF OPERATIONS OF THE FEEDLOT

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

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

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

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

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

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

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

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

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

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

- a) identify relevant statutory requirements applicable to the construction and operation of the development;*
- b) outline measures to be taken during construction;*
- c) detail the proposed operations, including the roles and responsibilities of all key personnel (by position) involved in the operation of the development;*

- d) set standards and performance measures for each of the relevant environmental matters associated with the operation of the development;*
- e) describe the proposed corrective actions that will be implemented to mitigate any negative impacts of the development;*
- f) ensure the operational health and safety of workers;*
- g) address the chain of responsibility for heavy vehicles;*
- h) undertake a risk analysis and mitigation procedure to address risks including but not limited to:
 - i) natural conditions including extreme weather events;*
 - ii) biosecurity hazards;*
 - iii) major mortality events;**
- i) provide records of operations, including:
 - i) incoming and outgoing stock numbers;*
 - ii) monitoring of impacts;*
 - iii) any complaints together with resolution;**
- j) include a manure management plan including stock piling and spreading. This must detail how it is intended that manure application would respond to seasonal and temporary weather conditions, soil capacities and the like;*
- k) include an effluent management plan which addresses drainage, storage and irrigation in accordance with the NSW Environmental Protection Authority (EPA) Environmental Guidelines: Use of Effluent by Irrigation or other good practice documentation applicable at the time. This must detail how soil nutrient storage capacity and crop utilisation would be addressed to minimise off-site impacts.*

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

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

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

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

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

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

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

- m) Detail soil monitoring relevant to the feedlot operations including details of location and times;**

Advising: Baseline soils tests should be conducted prior to the commencement of feedlot operations to establish a soil nutrient, organic matter and chemical status.

- n) Ground water monitoring relevant to the feedlot operations including details of monitoring bore locations and monitoring timing. Baseline tests should be conducted prior to commencement of the feed lot operations;**

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

- o) Surface water monitoring relevant to the feedlot operations including details of location and times;**

- p) Specific provisions to address the use and operation of the existing cattle yards with specific attention being paid to:**

- i) Management of odour, and**
- ii) Management of runoff into the Sandy Creek waterways;**

- q) A dust management plan;**

- r) A biosecurity management plan;**

- s) A Q fever management plan;**

- t) An emergency operations plan;**

- u) An odour management plan that seeks to minimise odours to no more than two (2) odour units (OU) at any off-site sensitive receiver;**

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

- v) A soil erosion and sediment control plan;**

- w) A spilt and spoilt feed management plan including collection and**
-

disposal;

- x) *The management of chemicals, oils, fuels;*
- y) *A flies and vermin management plan;*
- z) *A dead stock management plan that, at minimum includes:*
 - i) *recording daily and mass mortality over the reporting period;*
 - ii) *a record of the location of dead animal pits (regular mortality and multiple mortality pits) shall be kept. The location of the pits shall be marked on a map and the information as a minimum shall include depth of pit, number of carcasses disposed in pit, date of pit creation and date the pit was finished being used, such information to be included in the COEMP report; and*
 - iii) *provisions that mortality pits shall be designed in a manner that they will not contaminate ground water.*
 - 3) *Advising: The current pit location should be reconsidered. In addition, pit disposal may not be the only effective method. Alternatives may be put forward in the COEMP if they are likely to achieve more effective results. If pits are to be used, they should be managed in a way to prevent odour, flies and pest animals being able to access the carcasses. Location and construction of the pit needs to be done in such a manner to avoid groundwater impacts.*
 - iv) *a provision that no burning of carcasses is permitted unless specifically directed by a government agency with the relevant powers, in relation to biosecurity issues and/or the presence of notifiable disease outbreaks;*
 - 4) *Reason: To ensure good practice in the disposal of dead animals.*

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

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

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

bb) *A noise management plan. At minimum:*

- i) *the operator shall ensure that all machinery and equipment is maintained and operated in a proper and efficient manner;*
- ii) *the operation of this activity must not produce noise levels greater than the more stringent of the following:*
- iii) *5dB(A) above background levels (when measured as an LAeq (15 min) at the most affected point on or within the property boundary of any residential receptor);OR: The amenity criteria which is 45dB(A) (daytime), 40dB(A) (evening) and 35dB(A) (night time);*

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

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

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

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

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

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

Water Supply

- 29) **Prior to the commencement of operations, the operator must provide evidence to Council confirming an appropriate Water Access License is held for use for the feedlot.**

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

Complaint Management

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

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

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

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

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

resolution of those complaints.

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

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

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

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

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

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

DURING OPERATIONS

NFAS Accreditation

- 31) The operator shall, not later than eighteen (18) months from the commencement of operations:**
- a) apply for accreditation of the facility under the National Feedlot Accreditation Scheme;**
 - b) provide written evidence to Council of the outcome of the application; and if the application is not supported:
 - i) steps proposed to be taken to achieve accreditation; and**
 - ii) interim management measures by way of an updated COEMP that would be put in place prior to re-submission of the application for accreditation.****

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

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

Operational and Environmental Management Report

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

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

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

Reason: To ensure that issues arising during the operation of the development are resolved.

Visual Impacts

- 34) The operator must:**
- a) Ensure that if the success rate of the initial plantings is less than 85% after twelve (12) months that supplementary plantings are to be undertaken as soon as climatic conditions are favourable, or in any event within six (6) months.**
 - b) Maintain the vegetative landscape screening at all times at an 85% success rate or better;**
 - c) Utilise earthy tones for buildings and silage/grain covers to the**

satisfaction of Council;

- d) Not mount any advertising signs or logos on site, except where separately approved.**

Reason: To protect the visual amenity of the neighbourhood.

Monitoring

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

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

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

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

Traffic Management

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

Alienation of Land

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

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

End of conditions

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

APPLICATION DETAILS:

Application No.	MOD2022-0087 (DA2021-0254)
Application For:	Section 8.2 Review - Change of Use - Feedlot (Intensive Livestock Agriculture)
Date Received:	11 April 2022
Applicant:	Goonoo Goonoo Pastoral Pty Ltd
Owner:	Goonoo Goonoo Pastoral Pty Ltd
Land/Address:	Lot 29 DP 755329 & Lot 33 DP 755329 & Lot 34 DP 755329, 'Lloma' 252 Pendene Road LOOMBERAH NSW 2340
Zoning:	RU1 Primary Production - Tamworth Regional Local Environmental Plan 2010

DEVELOPMENT ASSESSMENT SUMMARY

In accordance with Section 8.2 of Environmental Planning and Assessment Act 1979, an application has been lodged for a review of the determination made by Council at the Ordinary Council Meeting held on 26 October 2021, where Council resolved:

Pursuant to Section 4.18(1)(a) of the Act, notice is hereby given that Council in relation to Development Application No. DA2021-0254 for a Change of Use - Feedlot (Intensive Livestock Agriculture) at Lot 29 DP 755329 and Lot 33 DP 755329 and Lot 34 DP 755329 and Lot 282 DP 587888, "Lloma" 252 Pendene Road LOOMBERAH NSW 2340 refuse consent for the following reasons:

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

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

An independent consultant was engaged to undertake the assessment of the Section 8.2 Review application. The independent report focuses on the items noted as matters for refusal and concludes that the application should be determined by the granting of development consent.

COMMENTARY

SUBJECT SITE AND LOCALITY MAP

The proposed feedlot is located at the property known as 'Lloma' at 252 Pendene Road, Loomberah which is approximately fifteen kilometres south east of Calala, approximately ten (10) kilometres to the north west direction of Woolomin and approximately seven (7) kilometres in a southern direction from the Tullamore Heights rural/residential estate. The New England Highway is approximately fourteen kilometres directly to the west of the subject site which is accessed via Duri-Dungowan Road and Pendene Road. See Figures 1 and 2 below.

The property consists of four (4) Lots with frontages to Pendene Road, Monteray Road and Duri-Dungowan Road. The site access to the feedlot is proposed via Pendene Road. The subject lots and sizes are as follows:

- Lot 33 DP 755329 - 205.93 Ha
- Lot 29 DP 755329 - 202.57 Ha
- Lot 34 DP 755329 - 201.56 Ha
- Lot 282 DP 587888 - 177.34 Ha

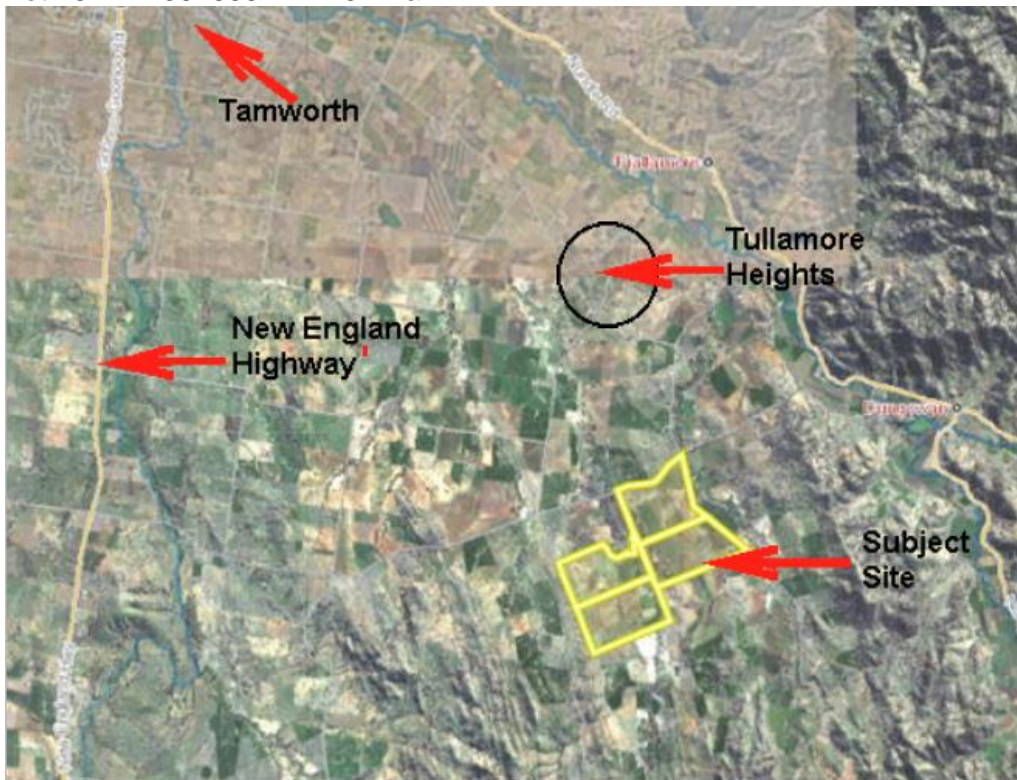


Figure 1– Locality Map

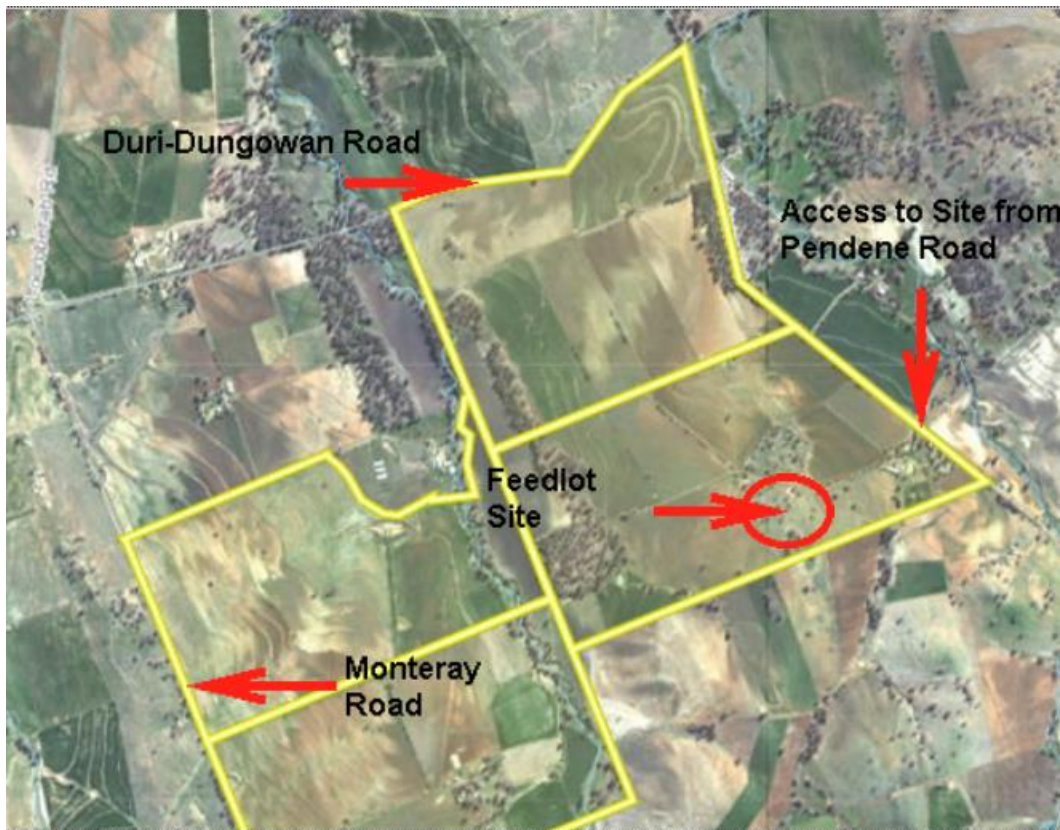


Figure 2– Subject Site

SECTION 8.2 REVIEW APPLICATION

A review of the determination has been lodged pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979, seeking consent for Change of Use - Feedlot (Intensive Livestock Agriculture) at Lot 29 DP 755329 and Lot 33 DP 755329 and Lot 34 DP 755329 and Lot 282 DP 587888, "Lloma" 252 Pendene Road Loomberah NSW 2340. The Section 8.2 Review of Determination was lodged following Council's refusal of the development at the Ordinary Council Meeting held on 26 October 2021 for the following reasons:

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

- f) *the adequacy of the information in the Statement of Environmental Effects;*
- g) *the potential for odours to adversely impact on the amenity of residences or other land users within the vicinity of the site;*
- h) *the potential for the pollution of surface water and ground water;*
- i) *the potential for the degradation of soil; and*
- j) *the suitability of the site in the circumstances.*

An independent consultant was engaged to undertake the Section 8.2 review. The independent report focuses on the assessment process that was carried out and the items noted as matters for refusal and concludes that the application should be determined by the granting of development consent. All relevant planning matters not discussed in the

independent report and recommendations are discussed in detail in the previous report prepared for Council's consideration on the 26 October 2021.

The Council report and staff recommendation from the Ordinary Council Meeting on 26 October 2021 is **ATTACHED** in **ANNEXURE 1**

The Independent review report prepared by Wakefield Planning is **ATTACHED** in **ANNEXURE 2**.

The following documentation has been submitted as part of the Development Application and Section 8.2 Review for consideration:

- The Plan Set **ATTACHED** in **ANNEXURE 3**;
- The Statement of Environmental Effects **ATTACHED** in **ANNEXURE 4**;
- An Air Quality Impact Assessment **ATTACHED** in **ANNEXURE 5**;
- A Soils Assessment **ATTACHED** in **ANNEXURE 6**;

PUBLIC EXHIBITION

Development Application

The Development Application was advertised and notified to adjoining and nearby landowners. The proposed development was placed on public exhibition between 23 December 2020 to 28 January 2021 and 18 June 2021 to 9 July 2021. There were 67 submissions received during both periods from 48 submitters.

The submissions from the original Development Application are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

Section 8.2 Review Application

The Section 8.2 Review Application was placed on Public Exhibition for a period of 14 days from 11 May 2022 to 25 May 2022. There were 77 submissions received from 72 submitters.

The submissions from the Section 8.2 Review Application are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 2**.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

If Council determines the application by the granting of development consent, the applicant may decide not to proceed with the appeal lodged with the Land and Environment Court.

(d) Community Consultation

The Section 8.2 Review Application was placed on Public Exhibition for a period of 14 days from 11 May 2022 to 25 May 2022, in accordance with the TRDCP 2010. There were 77 submissions received from 72 submitters in response to the public exhibition period.

(e) Reason for Consideration by Council

The applicant lodged a Section 8.2 review of the determination in accordance with Environmental Planning and Assessment Act 1979, and the review must be undertaken at the same level of function.

CONCLUSION

The independent review report provides a review of the determination in accordance with Section 8.2 of the Environmental Planning and Assessment Act 1979, and includes an assessment of all relevant matters listed under Section 4.15 of the Environmental Planning and Assessment Act 1979, and issues raised in the public submissions.

In this instance, the Council staff recommendation is supported by the independent review report which recommends that the application be determined by the granting of consent with changes made to the original draft conditions of consent. These changes have been made because the reasons for which the application was initially determined by refusal have been satisfied by further explanation and/or the submission of additional information by the applicant.

This report demonstrates that the application should be determined by the granting of development consent, subject to the recommended conditions.

(f) Delivery Program Objective/Strategy

Focus Area 3 – Prosperity and innovation

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

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

1 ANNEXURES ATTACHED

RECOMMENDATION

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

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

SUMMARY

The purpose of this report is to nominate new road names for the approved Tamworth Global Gateway Park stages 1 and 2 subdivision, identified as Lot 83 Deposited Plan 1271568, Goddard Lane, Westdale. Council has approval from the Geographical Names Board to name these newly created roads ‘Bandaar’ Drive, ‘Burruulu’ Close, ‘Guda’ Street and ‘Dhinawan’ Street.

COMMENTARY

Tamworth Global Gateway Park (TGGP) Subdivision – Stages 1 and 2

Development Consent (DA2021-0430) for stages 1 and 2 of the TGGP was granted 19 November 2021. The chosen road name theme for the Tamworth Global Gateway Park (TGGP) is names in the Australian Aboriginal Kamilaroi language for fauna and flora local to the area. The proposed names for stages 1 and 2 are as follows:

- 'Bandaar' Drive (*grey kangaroo*);
- 'Burruulu' Close (*fly*);
- 'Guda' Street (*koala*); and
- 'Dhinawan' Street (*emu*).

The proposed road naming plan is **ATTACHED**, refer **ANNEXURE 1**.

Other names derived from the Australian Aboriginal Kamilaroi language for fauna and flora which have also been approved by the NSW Geographical Names Board and reserved for use in future stages are:

- 'Bigibila' (*echinda*);
- 'Biliirr' (*black cockatoo*);
- 'Burrugaabu' (*magpie*);
- 'Dhulii' (*sand goanna*);
- 'Gilaa' (*galah*);
- 'Maliyan' (*eagle*);
- 'Nhurraay' (*black snake*); and
- 'Yurrandaali' (*tree goanna*).

A pictorial symbol of the name will be included on each road name sign.

In accordance with the requirements of the NSW Address Policy and User Manual, the road names:

- were selected and endorsed by a senior Elder and representatives from the local Kamilaroi community on the TGGP Aboriginal Road Naming Working Group;
- are in a recognised format of an Australian Aboriginal language local to the area of the roads, with the spelling of each name checked by Yaliwunga Gaay Guwaa-li, the Language Reference Group, Tamworth; and
- may at first appear to be complex but will, over time, become more familiar and accepted by the community as has the pronunciation of other road names such as 'Goonoo Goonoo' and 'Cockburn'.

Geographical Names Board Approval (RN2022-0005) was issued: Date 6 June 2022.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The proposed road names will be exhibited for public comment in accordance with the *Roads Act 1993* Section 162, *Roads Regulation 2018* Part 2 Division 1 Section 7.

Should no submissions be lodged in objection to the proposed road names, Council will proceed to publish the adopted names in the Government Gazette. In the instance that one or more objections are received in respect of the proposed road names, the matter will be reported to a subsequent Council meeting for Council's further consideration.

As part of the process of engagement and roll-out of the road name signs, it is intended to undertake a process of awareness to educate the community on pronunciation and the meaning of each road name.

(e) Delivery Program Objective/Strategy

Focus Area 7 – Celebrate our cultures and heritage

8 INFRASTRUCTURE AND SERVICES

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

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Operations and Construction

3 ANNEXURES ATTACHED

RECOMMENDATION

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

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

SUMMARY

The purpose of this report is to advise Council of five recommendations made by the Tamworth Regional Local Traffic Committee (the Committee) at the meeting held on 1 June 2022.

COMMENTARY

The minutes from the Committee meeting held on 1 June 2022 are **ATTACHED**, refer **ANNEXURE 1**.

17/2022 – Tamworth Antiques and Collectables Fair – closure Town Hall car park and Smith Place, Tamworth – 4 August 2022 to 7 August 2022

The Oxley High School P&C Association have booked the Tamworth Town Hall for the Tamworth Antiques and Collectables Fair (the Fair), proposed to run from Thursday 4 August 2022 to Sunday 7 August 2022.

The Fair will have an impact on the Fitzroy Street carpark, and Smith Place to the north east of the Town Hall, as shown in the Traffic Control Plan in Figure 1 below. A summary of these impacts is outlined below:

Red hatched area: the loading bay will be closed, with access only for event unloading in this area. This area will be impacted from Thursday 4 August 2022 all day and night, Friday 5 August 2022 until 2pm, Saturday 6 August 2022 all day and night, and Sunday 7 August 2022 all day and night.

Blue Hatched Area: small trucks/event vehicles will be allowed to unload here so pedestrian flow on the Fitzroy Street footpath is not impeded. The area will be impacted from Thursday 4 August 2022 all day and night, Friday 5 August 2022 until 2pm, Saturday 6 August 2022 all day and night, and Sunday 7 August 2022 all day and night.

Green Hatched area: 15 car parking spaces will be reserved for event vehicles only; no public parking will be available in these spaces. The area will be impacted from Thursday 4 August 2022 all day and night, Friday 5 August 2022 all day and night, and Saturday 6 August 2022 until 12pm

Note: this carpark fills up early, so it is advised to install the carpark closure signage either before 6am on Thursday 4 August 2022, or after close of business Wednesday 3 August 2022.



Figure 1: Closure Zones

COMMITTEE RECOMMENDATION: the Committee support the detours, parking restriction changes and closure of part of the carpark fronting Fitzroy Street Tamworth, from Thursday 4 August 2022 to Sunday 7 August 2022, for the Tamworth Antiques and Collectables Fair 2022 event.

18/2022 – Manilla Bowling Club Market Day – partial closure Kookaburra Lane, Manilla

Manilla Bowling Club are looking to partially close Kookaburra Lane, between Court Street and Strafford Street, in order to hold a market day.

The proposed closure date is Saturday 17 September 2022 between 7am and 2pm, with the market running from 9am to 1pm. Only one resident, 6 Hill Street, would be affected by the lane closure. There will still be access to the property from Hill Street.

The proposed closure lines can be seen below in Figure 2.



Figure 2: Manilla Bowling Club – Kookaburra Lane closure

COMMITTEE RECOMMENDATION: the Committee support the closure of Kookaburra Lane, Manilla between 7am and 2pm Saturday 17 September 2022, for the Manilla Bowling Club Market Day.

20/2022 – Tamworth Cycling Club Regular Winter Racing 2022 – Renewal Notice

Tamworth Regional Council (Council) has received a renewal request for the Tamworth Cycling Club (TCC) Winter Road Cycle Racing, which takes place every Saturday between 2 April 2022 to 16 October 2022. It was noted that a number of these events may have already been conducted before Council received the request.

The traffic impacts on each route will begin at 1pm and finish at 4:30pm, and the racing will be from 2pm till 4pm.

The on-street moving cycle race will involve up to 50 riders competing under controlled conditions and in accordance with Australian & Cycling NSW rules and guidelines. The routes that the TCC will be racing on is shown in Figures 3 – 6 below:



Figure 3: Loomberah Loop 1



Figure 4: Loomberah Loop 2

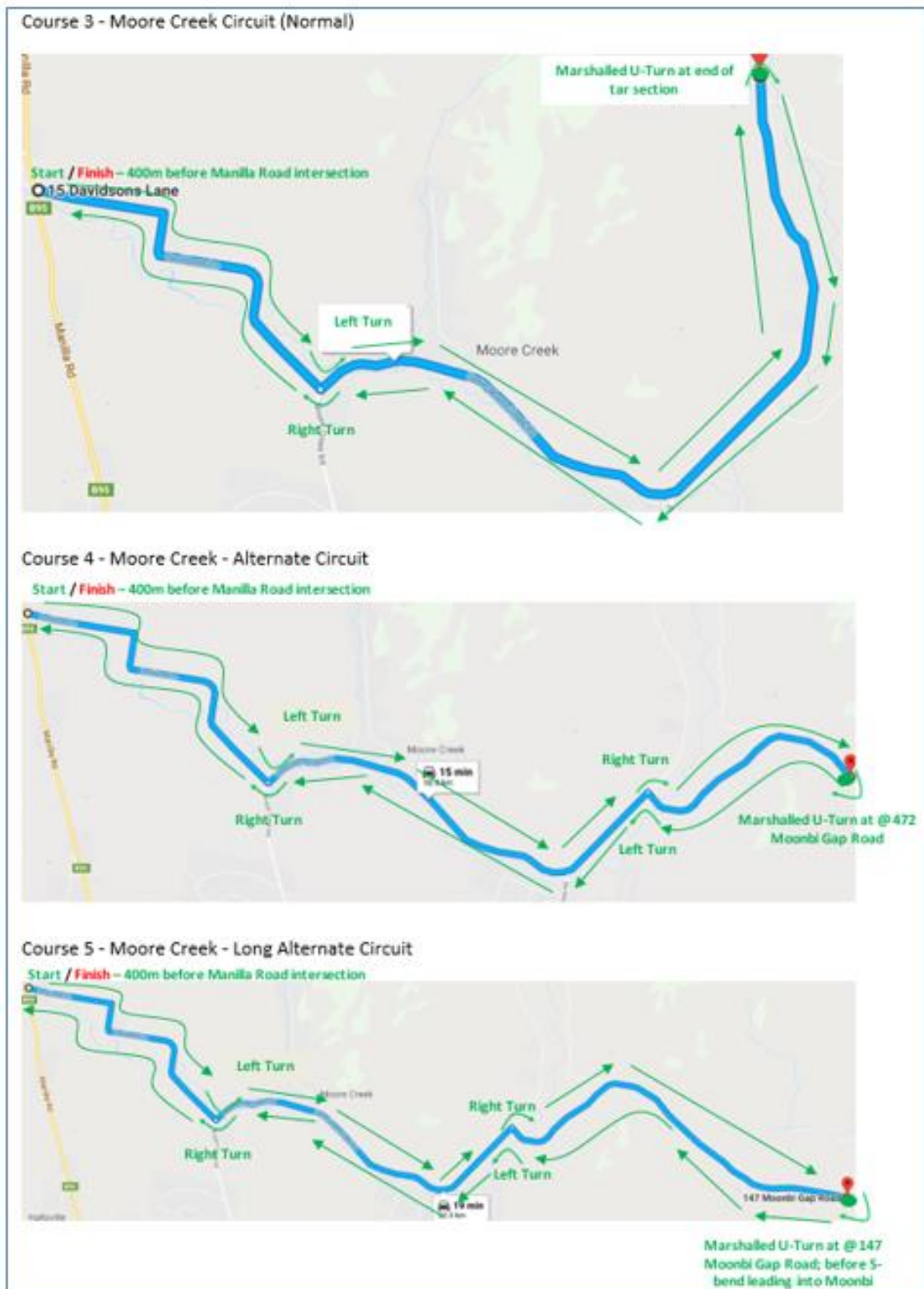


Figure 5: Moore Creek Loops

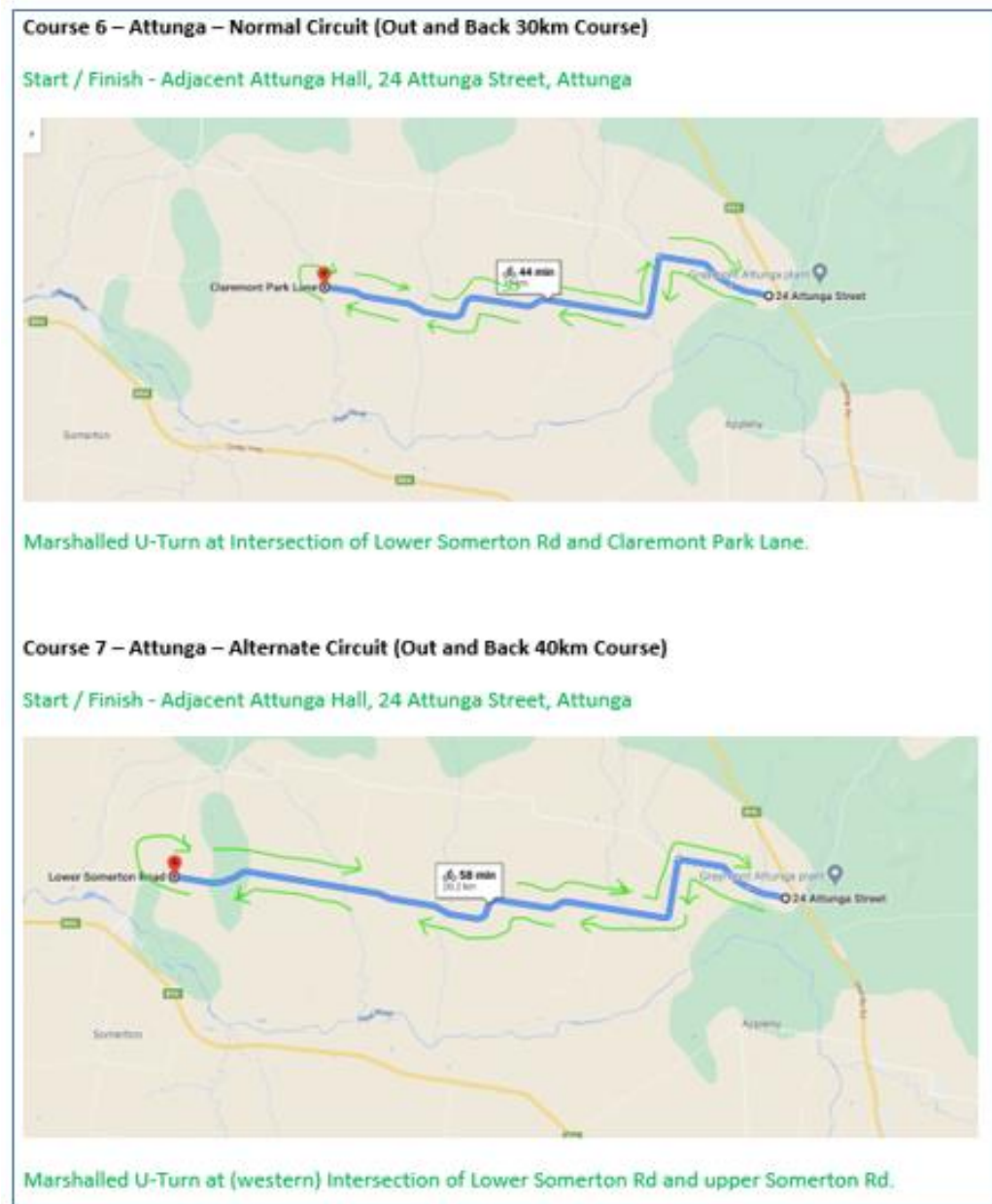


Figure 6: Attunga Loops - new

In previous years, the TCC did not use the route outlined above at Attunga, however, due to increased development over the last few years in the Moore Creek area, the Moore Creek circuit has become increasingly busy.

Whilst the current level of traffic is still viewed low enough for safe club racing conditions, the TCC is of the view that traffic levels and future developments in the area will eventually render this course unsafe for racing. As a result, the TCC is proposing to add the Attunga (Lower Somerton Road) circuit to the Winter Road Racing Program and phase out the Moore Creek circuit.

Further information about the event including the Traffic Management Plan (TMP) and insurances can be found **ATTACHED**, refer **ANNEXURE 2**.

COMMITTEE RECOMMENDATION: the Committee support the TCC Winter Road Racing Program on Council Roads in Loomberah, Moore Creek and Attunga, on alternate Saturdays, between 2 April 2022 to 16 October 2022, as per the routes provided in the Traffic Management Plan, dated 30 January 2022.

Note: it is acknowledged that a number of these events may have taken place before formal support is provided by Council. This has largely been the result of the late submission by the Tamworth Cycling Club. Despite this, endorsement of these events has still been included in this report in order to formalise Council's approval of their traffic impact.

Tamworth Cycling Club - Gunnedah to Tamworth Cycling Race

Council has recently been provided an event notification for the Gunnedah to Tamworth Cycle Race. This request was considered and endorsed by the Committee. However, the TCC have subsequently advised that the event had been cancelled due to an insufficient number of participants.

22/2022 – Tamworth NAIDOC March 2022

Council has been notified that a march is going to take place on 8 July 2022.

Council is yet to receive a formal event notification for the march; however, the following information has been confirmed by the Event organisers:

- march date: 8 July 2022;
- assembly Time: 9:30;
- assembly location: in Viaduct Park adjacent to O'Connell Street, North Tamworth;
- march start time: 10am – 11am;
- march will start at the corner of O'Connell Street and proceed along Peel Street to White Street, turn south west down White Street, cross Kable Avenue, where the march will disperse in the White Street carpark;
- total estimated number of participants: 500;
- the march would be restricted to the eastbound travel lane, and be confined to a single travel lane;
- golf carts would be incorporated in the march to transport the Elders that are unable to walk this distance;
- road impacts: the closures at the intersections of this route would be a rolling road closure, with a pilot vehicle at the head and tail of the procession; and
- anticipated Transport for NSW (TfNSW) impacted roads requiring a Road Occupancy Licence (ROL):
 - Peel Street between O'Connell Street and Darling Street; and
 - full closure of Bridge Street at intersection of Peel Street and Bridge Street – (potential detour via Darling Street and Kable Avenue?).

The final Traffic Guidance Scheme (TGS), and TMP for the event are being prepared by an external Agency for the Event, and shall be forwarded to the Committee when Council receives it, for comment.

The impacts of the march are anticipated to be very similar to the proposed march held in 2020. For the route and proposed traffic control for this event, see **ATTACHED**, refer **ANNEXURE 3** and figures 10-12 below.



Figure 10: start of march



Figure 11: middle of march

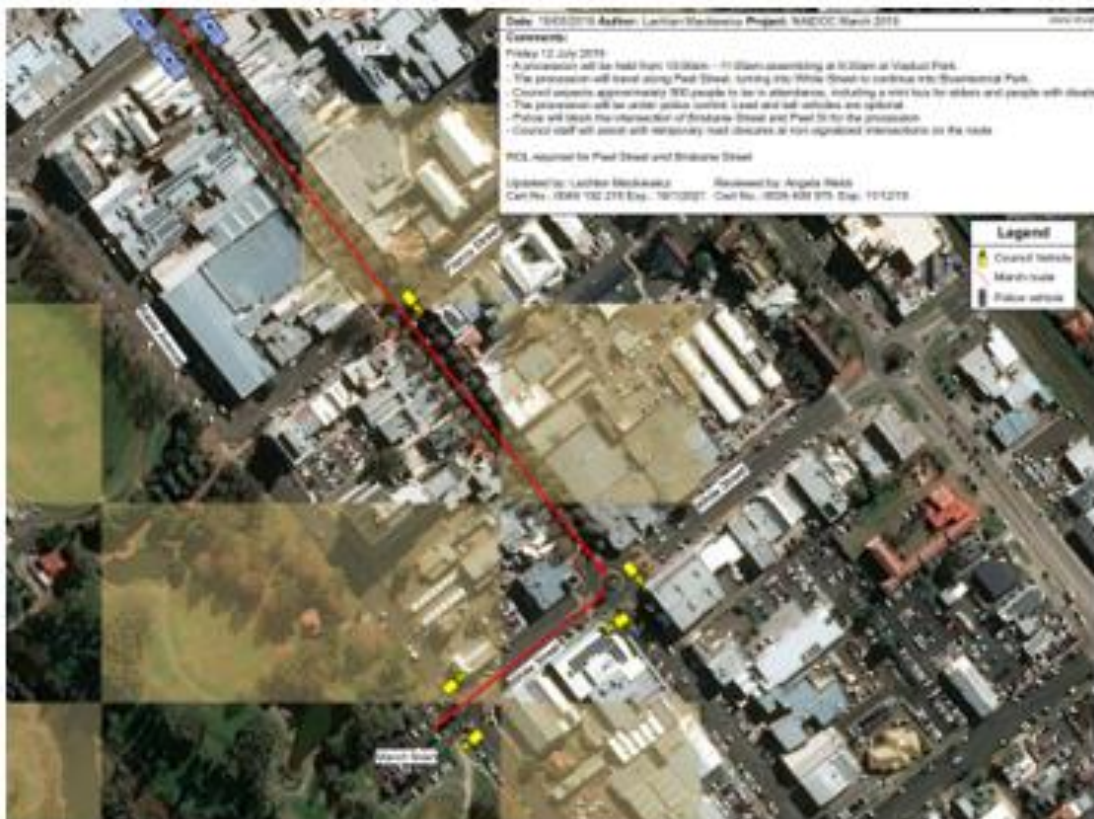


Figure 12: conclusion of march

COMMITTEE RECOMMENDATION: the Committee support the Tamworth NAIDOC Week march traffic impacts in-principle, on O'Connell Street, Peel Street, White Street, Bridge Street and all adjoining streets to the proposed march route, from 9:30am to 11am on July 8 2022, in lieu of the information provided in the formal Event Traffic Management Plan.

Note: it is acknowledged that this event will take place before formal support is provided by Council. Despite this, endorsement of the event has still been included in this report in order to formalise Council's approval of its traffic impact.

27/2022 – Chelmsford Street / Carthage Street, East Tamworth intersection – island Give Way

Police have enquired if linemarking can be installed to indicate a Give Way at the top of the right leg of the triangle as shown in the Figure 13 below.



Figure 13: Chelmsford Street Giveaway Signage and Linemarking Location

COMMITTEE RECOMMENDATION: the Committee support in-principle installing Give Way linemarking on the right leg of the intersecting arms of Chelmsford Street, off Carthage Street, East Tamworth.

(a) Policy Implications

Nil

(b) Financial Implications

17/2022, 18/2022, 20/2022, 22/2022 and 27/2022 shall all be funded from the existing Infrastructure and Works signage and line marking budget.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 5 – Connect our region and its citizens

8.2 PROPOSED NEW DUNGOWAN DAM AND PIPELINE - OWNERSHIP AND OPERATION

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

RECOMMENDATION

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

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

SUMMARY

Should the new Dungowan Dam project proceed, then one of the outstanding issues is ownership of the new Dam and the new pipeline. A working group has been looking at various alternatives and the impacts/issues of each and has now reached a preferred approach. The purpose of this report is to seek direction from Council in relation to this matter.

COMMENTARY

Ownership and operation of the new Dungowan Dam and pipeline was identified very early in the contemplation of the project as a key issue. Consideration included:

- Council owns and operates the existing Dungowan Dam and pipeline;
- what would be the financial impact of owning the new Dam and/or the pipeline, on Council and its water customers;
- what would be the financial impact on Council and water customers of another entity owning and operating the dam and/or the pipeline;
- what would be the impact on customers, licensing, costs, etc., who access water from the existing Dungowan Pipeline if another entity owned and operated the pipeline;
- will new connections be permitted to the new pipeline and will this decision be impacted by whoever owns and operates the pipeline;
- does the same entity have to own and operate the dam and the pipeline, and what are the implications of having different owners for each piece of infrastructure; and
- could ownership rest with one party and operation with another and if so, how would this work.

A working group was established in the last six months to look at various options, assess each option and come up with a preferred approach before making a recommendation to Council and the NSW Government, noting approval for the final arrangements rests with the NSW Government. The following parties were represented on the working group:

Entity	Reason for Representation
NSW Treasury	Financial, fiscal and accounting considerations and as representatives of the Shareholders of WaterNSW
Water Infrastructure NSW	Responsible for developing and delivering the project
WaterNSW	Possible owner/operator of the infrastructure
Tamworth Regional Council	Possible owner/operator of the infrastructure
EMM	Consultant engaged to advise on water regulation, legal and licensing issues
EY	Consultant – advising about accounting and other fiscal matters

Four ownership and operating options were originally identified as detailed below:

#	Option
1	WaterNSW own and operate the new dam and pipeline.
2	TRC own and operate the new dam and pipeline.
3	WaterNSW own and operate the new dam. TRC own and operate the new pipeline.
4	WaterNSW own and operate the new dam. WaterNSW own the pipeline, TRC operate the pipeline.

Each of these options were then assessed against the following assessment criteria:

#	Evaluation criteria	Description
1	Value for money	The extent to which each option assists in maximising the government's value for money, including minimising the financial impact to customers.
2	Risk management	The extent to which each option incentivises efficient risk allocation, minimising the whole-of-life cost to customers and community, minimising operational integration risk, and is consistent with the corporate culture.
3	Operational outcomes	The extent to which each option optimises operational outcomes across the water supply network, best meets the service needs of customers and is aligned with the organisational imperatives of the asset owner.
4	Commercial complexity	The extent to which each option requires complex contractual arrangements to be implemented, impacting the overall efficiency and timeliness of the resolution.
5	Financial capacity	The extent to which each option assists in providing earlier budget certainty to the government and supports the financial sustainability of the asset owner(s), including fiscal impacts for each of the organisations, noting their different entity structures (Government, Local Government and State-Owned Corporations – WaterNSW).
6	Legal and regulatory frameworks	The extent to which each option requires complex legal and regulatory changes to implement the option and to maintain compliance with legal and regulatory obligations.

And a rating scale for each option as developed as follows:

Rating	Description
√√√	The option is extremely effective in satisfying the requirements of the criterion.
√√	The option is effective in satisfying the requirements of the criterion.
√	The option just satisfies the requirements of the criterion.
x	The option is ineffective in satisfying the requirements of the criterion.
xx	The option is extremely ineffective in satisfying the requirements of the criterion.

During early discussions, the Working Group received advice from Council that it would be unable to secure insurance for the dam if it was in Council's ownership. As a result, this option – Option 2 was not considered further.

Key issues considered during initial deliberations included:

Financial considerations

- if the dam is owned by Council, then IPART won't be involved in setting the bulk raw water charges; but
- if WaterNSW owns the dam and/or the pipeline IPART will dictate the maximum charges for raw water that Council will pay to access water from the dam. IPART's price setting process involves setting a notional revenue requirement (NRR) which is estimated using a Regulatory Asset Base (RAB) and operational costs of the infrastructure and calculation of other cost allowances using a building block approach.

The building block method involves estimating, for each year of a relevant period:

- an operating expenditure allowance, which represents an estimate of forecast efficient operating, maintenance and administration costs;
- a capital allowance, which comprises:
 - a return on the assets WaterNSW uses to provide the water storage and transportation services, or its regulated assets or RAB;
 - a return of the assets WaterNSW uses to provide the water storage and transportation services (or regulatory depreciation). This allowance recognises that capital infrastructure wears out over time. It allows WaterNSW to recover the investment in the RAB over the economic life of those assets;
 - a tax allowance, which reflects the forecast tax liability for a comparable commercial business operating in a competitive market; and
 - a working capital allowance, which represents the holding cost of net current assets and allows WaterNSW to meet its cash flow requirements.

The sum of these allowances is equal to the NRR.

Under the current economic regulatory framework, Water NSW's revenue requirement is met through both customer charges (a user share), and through a "Government" share which represents the proportion of costs that relate to services that are provided for purposes beyond providing water to customers such as flood control or some environmental services.

If IPART are involved, then the NSW Government has three ways of dealing with the rate of return on the cost of the asset and ensuring it is not considered under the IPART approach:

1. the Government could create a regulation to expressly exclude the services provided by WaterNSW in respect of the Dungowan Dam and Pipeline from the IPART Determination;
2. it is also possible to establish prices for a specific asset within the IPART price regulation process by way of a Ministerial Determination. This is what happened with the Broken Hill pipeline. In November 2018 the NSW Government advised IPART of its decision to subsidise the costs of construction and the efficient operation and maintenance costs of the Broken Hill Pipeline for the next 4 years – from 2019-20 to 2022-23 to ensure prices for Essential Water's end use customers do not rise in real terms as a result of the pipeline construction;
3. under the National Water Initiative (NWI) and IPART's approach to economic regulation, new contributed assets (i.e., grants/gifts from governments and contributions) are excluded from the RAB or offset using other mechanisms so that a return on the contributed capital is not recovered from customers. Contributed assets are those assets that are funded by water users or funded on behalf of users by a third party e.g., governments). Assets should be recognised as a contribution where there is clear policy evidence that the funding was meant to be used to lower long-term prices:
 - projections undertaken by the Working Group indicate the impact on Council's water customers would be so great, customers would not have the capacity to pay the required charges if the new dam is owned by WaterNSW and not considered a contributed asset;
 - assessment criteria such as Value for Money and Financial Capacity were considered by the working group for options 1,3 and 4 on the basis the dam would be transferred as a contributed asset;
 - however, as required by the *State-Owned Corporations Act 1989* and the *Water NSW Act 2014*, WaterNSW needs to operate as a successful and commercial business and would therefore need to generate a commercial return from any asset transferred to it; and
 - if Water NSW does not generate this return from customers, then it is understood the State Government will have to fund.

Legal and Regulatory Issues

- the present arrangements for the supply of water from Dungowan Dam to existing customers via the existing Dungowan Dam do not comply with existing license and regulatory provisions; and
- new access considerations will have to be put in place regardless of pipeline ownership.

Risk Management

- the following risks were identified. All were considered to be within tolerance as a result of implementing suitable treatments:

Option	Risk
Option 1	There is a risk that community is not satisfied with WaterNSW owning the dam and pipeline.
Options 1, 3 and 4	There is a risk the ownership option sets a precedent for future government funding to replace local government assets at the end of operational life.
	There is a risk that the cost of water production increases rather than decreases.
	There is a risk of dissatisfaction from Government agencies on the asset ownership decision outcomes.
	There is a risk that customer connections to the pipeline would illegally take water if correct licencing is not implemented.
Options 3 and 4	There is a risk that TRC is unable to operate and maintain the pipeline.
Option 4	There is a risk of miscommunication between WaterNSW owning the pipeline and TRC operating it.

Commercial and operational complexity

The following issues were considered:

- WaterNSW has local and state-wide capability in owning, operating and maintaining dams;
- WaterNSW's ownership of the dam would provide the opportunity to consider operational optimisation of the Dungowan and Chaffey storages, refining internal commercial arrangements in the future;
- under WaterNSW ownership there would be a single 'customer' (TRC), debited at the pipeline offtake from the dam;
- TRC has the existing pipeline customer relationships – contractual, pricing and billing;
- TRC has existing pipeline operations and maintenance expertise for the local area;
- an interface agreement between WaterNSW and TRC would be required for interaction of pipeline and dam only, as opposed to service level agreement if TRC was only operating and maintaining the pipeline;
- if WaterNSW owned the pipeline, 100+ individual Stock and Domestic (S&D) licences would need to be created and each managed individually by WaterNSW – creating additional commercial burden for WaterNSW, whereas TRC already has the commercial relationships in place;
- other regulatory complexities around delivering non-town water to individual customers along the pipeline from a strictly town water supply dam;

- Council may need multiple licenses (for town water and other stock and domestic) and would be “accountable” under these;
- WaterNSW ownership would require an IPART determination as the cost of supply for TRC and pipeline users may be spread across all valley users;
- if the NSW Government intends to transfer the asset (or assets) to WaterNSW at nil consideration, as a contributed asset, TRC users would only see their water charges increase to cover operation and maintenance costs; and
- the customer bill impact analysis showed the impact on was broadly the same across all three options assuming the assets were transferred at nil consideration/as a contributed asset.

An evaluation matrix rating each option was prepared – see below:

Evaluation Criteria								
Option	Fatal Flaw*	Value for Money	Risk Management	Operational Outcomes	Commercial complexity	Financial capacity	Legal and Regulatory Frameworks	
#	Evidence base	<i>Customer Billing Impact comparison across different options</i>	<i>Risk Workshop conducted to refine existing risks</i>	<i>Supported by findings from (EMM)</i>	<i>Supported by findings from (EMM) and Risk Workshop outcomes</i>	<i>Supported by fiscal and accounting advice provided by EY</i>	<i>Supported by findings from (EMM)</i>	
1	WaterNSW own and operate the new dam and pipeline	✓	✓	x	x	x	x	
2	TRC own and operate the new dam and pipeline	x	x	x	x	x	x	
3	WaterNSW own and operate the new dam. TRC own and operate the new pipeline.	✓	✓✓	✓✓	✓✓	x	✓	
4	WaterNSW own and operate the new dam. WaterNSW own the pipeline, TRC operate the pipeline.	✓	✓	✓	x	x	x	

Option 3 was the working group’s preferred option – that is WaterNSW owns and operates the dam and Council owns and operates the Dungowan Pipeline. However, due to complexities and competing needs of the NSW Government and WaterNSW as a State-Owned Corporation, none of the options fully satisfied the financial capacity assessment.

Following further consideration, a new option was proposed – this being that the Water Administration Ministerial Corporation (WAMC) owns the new dam and enters into an

agreement with WaterNSW to provide operation and maintenance services, with Council to own and operate the pipeline.

WAMC is a statutory body representing the Crown established under the *Water Management Act 2000* (WMA), administered by the Water Group in the Department of Planning and Environment.

This new option was also assessed against the evaluation criteria as follows:

Criteria	Evaluation	Rating
Value for money	On the basis WaterNSW will charge a premium on their O&M services (i.e. will not only recover costs), the customer bill impact under this option will be slightly higher than if no commercial return was generated.	✓ <i>Provided the State covers the commercial return required by WaterNSW</i>
Risk management	<ul style="list-style-type: none"> • Similar risks apply to this option and the others already considered – all are within tolerance; • But additional complexity is added as: <ul style="list-style-type: none"> ○ Funding for future upgrades would need to be sought through the annual State Budget process which creates less certainty that the asset will be upgraded on a timely basis; and ○ there is added complexity as WaterNSW and WAMC would be jointly responsible for managing dam safety and meeting legislative requirements. 	✓
Operational outcomes	<ul style="list-style-type: none"> • Given WaterNSW will be handling the O&M of the Dam, this criterion aligns to that if WaterNSW owned the Dam • However, additional complexity is added as WAMC is a holding company with less than 5 FTE dedicated to its management, and such an arrangement would require dedicated contract management resources. • Further, as WAMC is an agency within a department, it is at risk of being moved between departments when there are any Machinery of Government changes (from Cabinet reshuffles or changes of Government) 	x
Commercial complexity	<ul style="list-style-type: none"> • The agreements required between WAMC and WaterNSW will add an extra 	✓

Criteria	Evaluation	Rating
	level of Commercial Complexity, but not to a degree that is not manageable.	
Financial capacity	<ul style="list-style-type: none"> On the basis the asset will have the same value on the balance sheet of DPE as it would on the balance sheet of WAMC, there should be no write-down at the time of transfer and therefore no adverse Budget impact; The annual repayment from the State will be reflective of the commercial return required of WaterNSW; This option is compliant with WaterNSW's commercial principles, on the basis they can generate a commercial return from the agreement; WaterNSW do not need to source any additional funds under this option; and There should be no additional impact to customers, provided the State covers the commercial return required of WaterNSW. 	✓
Legal and regulatory frameworks	<ul style="list-style-type: none"> The agreements required between WAMC and WaterNSW will add an extra level of Legal and Regulatory consideration, but not to a degree that is not manageable. 	✓

The additional operational complexity and higher risks means the Working Group still believes Option 3 is the most appropriate ownership model for the proposed new Dungowan Dam and Pipeline.

(a) Policy Implications

Nil

(b) Financial Implications

There will be financial implications for Council regardless of the ownership model ultimately decided by the NSW Government. These include:

- Council will have to write off the value of the existing Dungowan Dam and Pipeline, and the land owned by Council that will be inundated by the new dam in its present asset base – approximately \$42 Million;
- if Council ultimately becomes the owner of the new Dungowan pipeline, then an asset estimated to cost \$150 Million will be added to Council's financial asset base;
- the financial impacts of the increase in assets controlled by Council will have to be considered in terms of depreciation and replacement/renewal over the life of the asset;

- Council will have to consider the financial impact if any, of any increase in the operation and maintenance cost of operating the new pipeline (cost direct to Council) and a new dam (costs passed on by Water NSW), although any increases are not considered to be significant if the assets are transferred at nil consideration and/or as a contributed asset; and
- projections undertaken by the Working Group indicate if the new dam is owned by WaterNSW and not considered a contributed asset the impact on Council's water customers would be so great, customers would not have the capacity to pay the required charges.

The working group has recommended an option that would, amongst other things, minimise the financial impact on Council and its water customers.

It should also be noted that should the Dam not proceed then Council, as the owner of the existing Dam and pipeline, will have to address the safety concerns at the existing Dungowan Dam and construct a new pipeline from its own funds, with or without NSW government subsidy. The estimated cost of this work is between \$150 and \$200 Million. Issues such as increasing charges to fund the capital cost of this work as well as increases in charges to fund additional depreciation and replacement/renewal over the life of the asset as mentioned above will still also have to be considered.

(c) Legal Implications

If the dam does proceed then the licensing issues of existing and new customers will have to be addressed. This is complex and will take some time.

If the dam does not proceed then the license issues of existing customers will have to be addressed by Council. This will also be complex and take some time.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our water security

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SPONSORSHIP OF NATIONAL RUGBY LEAGUE PREMIERSHIP GAME

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Jacqueline O'Neill, Director Growth and Prosperity

1 ANNEXURES ATTACHED

RECOMMENDATION

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

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

SUMMARY

The purpose of this report is to seek Council's approval to financially support the National Rugby League (NRL) Round 23 game between Wests Tigers and Cronulla Sharks. The game will be hosted by the Wests Entertainment Group, at the Scully Park Regional Sporting Precinct (Scully Park), Tamworth.

COMMENTARY

Since 2018, with the exception of 2021 due to the impact of Covid, Tamworth has successfully hosted NRL Premiership competition games at Scully Park with each of these games being televised to a national audience.

The Wests Entertainment Group has been the pivotal connection to secure the games, contributing financially to make the events viable for the host club. On each occasion Council has provided sponsorship to help offset the cost of the fixture and to also obtain national exposure for Tamworth and the region.

Due to the significance of the game and the exposure it provides for the Tamworth brand, \$20,000 sponsorship is considered a worthwhile investment as advertising buy in to the metropolitan market for a standalone campaign would be cost prohibitive. Other regional councils across NSW are spending considerably more to host NRL fixtures. Council also has no risk associated with the staging of the event.

The NRL game is a welcome drawcard event. It is expected as per previous years that Wests Tigers and Cronulla Sharks fans will travel to Tamworth for the game, providing additional economic activity.

In return for its sponsorship, which includes provision of crowd control barriers at no cost, Council will receive a number of promotional benefits. These opportunities are to be utilised to promote Tamworth, through Destination Tamworth brand.

As an event partner, Council will receive:

- Sideline signage for tourism related marketing;
- Destination Tamworth and Tamworth Regional Council nominated logo to be included on event marketing, promotional and other collateral;
- 20 general admission tickets to be used as promotional giveaways; and
- provision of ticket data, including ticket purchase postcodes and data from a post event survey.

Council's sponsorship will be paid to the Wests Entertainment Group.

Economic Event Summary:

The summary below estimates the economic return for the event of over \$2.5 million.

Event name (optional) Sharks V. Tigers - NRL Rou	Event Type: Sports and Recreation Activities	Event Range: State																				
Event start date: 08/13/2022																						
Event duration (days) 1.5	Attendance per day 11000	Average daily spend (\$) 157																				
Event total spend (\$) \$2,590,500		submit																				
<p>The proposed Sharks V. Tigers - NRL Round 22 event is planned to start on August 13th, 2022 and to run for 1.5 days. It is an event of State significance and is estimated to attract 11000 visitors per day over the 1.5 days, with an average spend per person per day of \$157. This equals a total visitor spend of \$2,590,500 attributed to this event. Assuming the event will be held in Tamworth Regional Council, it is calculated to have the following potential impact:</p>																						
<p>Event Impact Summary export</p> <p>Tamworth Regional Council - Modelling the effect of \$2,590,500 from a Sports and Recreation Activities event with State significance</p> <table border="1"> <thead> <tr> <th></th> <th>Output (\$)</th> <th>Value-added (\$)</th> <th>Local Jobs (annual jobs)</th> </tr> </thead> <tbody> <tr> <td>Direct impact</td> <td>2,072,400</td> <td>924,947</td> <td>18.4</td> </tr> <tr> <td>Industrial impact</td> <td>1,089,943</td> <td>464,931</td> <td>4.2</td> </tr> <tr> <td>Consumption impact</td> <td>788,960</td> <td>332,774</td> <td>3.4</td> </tr> <tr> <td>Total impact on Tamworth Regional Council economy</td> <td>3,951,304</td> <td>1,722,652</td> <td>26</td> </tr> </tbody> </table> <p><small>Source: National Institute of Economic and Industry Research (NIEIR) ©2021. Compiled and presented in economy.kd by .kd (informed decisions).</small></p>				Output (\$)	Value-added (\$)	Local Jobs (annual jobs)	Direct impact	2,072,400	924,947	18.4	Industrial impact	1,089,943	464,931	4.2	Consumption impact	788,960	332,774	3.4	Total impact on Tamworth Regional Council economy	3,951,304	1,722,652	26
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(a) Policy Implications

Nil

(b) Financial Implications

Sponsorship of \$20,000 for the National Rugby League (NRL) game to be held on 13 August 2022 will be funded from revenue.

Ongoing revenue funding for this annual event to be created through the establishment of a budget line item within the Economic Division.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Community Plan Focus Area

Focus Area 3 – Prosperity and innovation

10 COMMUNITY SERVICES

10.1 LOAN OF ARTWORK FROM THE VISUAL ART COLLECTION

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

RECOMMENDATION

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

SUMMARY

The University of the Sunshine Coast (USC) Art Gallery has requested the loan of Peter Hudson’s portrait of Chad Morgan from the Tamworth Regional Gallery Collection.

In accordance with Council’s policy in relation to the loan of artworks from the Permanent Collection, a Council resolution is required for such a loan to take place.

COMMENTARY

The University of the Sunshine Coast (USC) Art Gallery is developing the largest career survey of Sunshine Coast based artist Peter Hudson scheduled for 19 August until 29 October 2022. The exhibition will bring together key works from Hudson’s oeuvre demonstrating the artist’s sustained commitment to exploring aspects of the natural world, astronomy, mythology and history.

Portraiture is an important but under acknowledged aspect of Hudson’s practice. As such, USC Art Gallery is seeking to include an unparalleled selection in this exhibition. USC Art Gallery have therefore written to formally request the loan of the portrait by Peter Hudson of singer song writer Chad Morgan. This portrait, completed in 2018, is part of the Tamworth Regional Gallery collection.

The loan period proposed is from 18 July to 28 November 2022. The USC Art Gallery will meet all costs associated with return freight and insurance of the works from ‘wall to wall’. This exhibition provides an excellent opportunity to promote the Tamworth Regional Gallery collection and Tamworth’s association with Country Music.

(a) Policy Implications

In accordance with the Tamworth Regional Gallery’s Collection Policy the loan of artworks from the Permanent Collection requires the approval of Council.

(b) Financial Implications

Nil, all costs relating to this artwork loan will be met by the lending institution, USC Art Gallery. This includes the costs relating to freight, insurance during freight and costs on exhibition and any exhibition installation costs.

Furthermore, USC Art Gallery is equipped with the necessary environmental controls and facilities to accommodate the loan requirements.

(c) Legal Implications

There are no additional legal implications relating to this artwork loan request.

(d) Community Consultation

The Tamworth Regional Gallery's Collection Policy has previously been developed in consultation with the community and has been the subject of public exhibition as required.

(e) Delivery Program Objective/Strategy

Focus Area 7 – Celebrate our cultures and heritage

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

Nil