



TAMWORTH REGIONAL COUNCIL

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

ORDINARY COUNCIL AGENDA

14 FEBRUARY 2023

PAUL BENNETT
GENERAL MANAGER

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 13 December 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

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 MODIFICATION APPLICATION (MOD2022-0055) TO DEVELOPMENT APPLICATION (DA2016/0043) - INCLUSION OF AN ADDITIONAL LOT (LOT 62 DP 755344) FOR USE OF AN EXISTING BORE BY THE EXISTING POULTRY FARM

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Mitchell Gillogly, Team Leader – Development Assessment
Reference: Item 7.2 to Ordinary Council Meeting 27 October 2015 - Minutes No 306/15
Item 7.4 to Ordinary Council Meeting 15 December 2015 - Minutes No 364/15

1 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

That in relation to Modification Application (MOD2022-0055) being an application to modify Development Application (DA2016/0043) for the Inclusion of an Additional Lot (Lot 62 DP 755344) for Use of an Existing Bore by the Existing Poultry Farm at Lot 63 DP 755344 and Lot 1 DP 512961, 173-221 Lees Road, DURİ and, 389 Woodlands Road, Duri, approval be granted subject to the following conditions:

Prior to Work Commencing

- 1) *The approved development, which is the subject of this development consent, must not be commenced until:*
 - a) *a construction certificate has been issued by Council for subdivision work, or Council or an accredited Certifier for building work;*
 - b) *the person having the benefit of the development consent has:*
 - i) *appointed a Principal Certifying Authority for the work;*
 - ii) *notified the Principal Certifying Authority that the person will carry out the work;*
 - c) *the Principal Certifying Authority has, no later than two days before the building work commences:*
 - i) *notified Council of his or her appointment;*
 - ii) *notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work;*
 - d) *the person having the benefit of the development consent, if not carrying out the work as an owner-builder has:*
 - i) *appointed a principal contractor for the building work;*
 - ii) *notified the Principal Certifying Authority of any such appointment;*
 - iii) *unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work;*
 - iv) *give at least two days' notice to Council of the person's intention to commence the erection of the building;*
- 2) *toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.*

Each toilet provided:

- a) **must be a standard flushing toilet; and**
- b) **must be connected to a public sewer; or**
- c) **if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council;**

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

- 3) **the applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:**
 - a) **the name, address and telephone number of the Principal 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;**
 - c) **a statement that unauthorised entry to the work site is prohibited;**

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

- 4) **the contractors engaged on work on Council roads or other assets must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.**
 - 5) **erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater - Soils and Construction (Landcom 2004). The ESCP is to be submitted to Council for approval and implemented prior to the commencement of any construction works;**
 - 6) **a Road/Asset Opening Permit must be obtained from Council, if required, prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993, and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with;**
 - 7) **traffic Control Plans (TCP) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-1996 and the RMS current version of the "Traffic Control at Worksites" manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve;**
 - 8) **prior to commencement of construction works the applicant, in conjunction with a nominated Council officer, shall conduct an inspection and document the condition of the Council roads between the site and Werris Creek Road. Prior to issue of any Occupation Certificate any damage to Council roads or other assets caused by construction traffic shall be repaired at the full cost of the developer;**
 - 9) **pursuant to section 68 of the Local Government Act 1993, the following**
-

approvals must be obtained:

- a) **Installation of Onsite Sewer Management system (OSSM).**

Prior to Issue of a Construction Certificate

- 10) a) **In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 94A Development Contributions Plan 2013, \$ 45,968.11 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:**

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

where:

- $\$C_{PY}$ Is the amount of the contribution at the date of Payment.**
- $\$C_{DC}$ Is the amount of the contribution as set out in this development consent.**
- CPI_{PY} Is the latest release of the Consumer Price Index (Sydney – All Groups) for the financial year at the date of Payment as published by the ABS.**
- CPI_{DC} 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:**
- i) **prior to the issue of the first Construction Certificate where the development is for building work.**

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.

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

- 11) **Where any changes with respect to regulatory signage on Woodlands Road or Pikes Lane is proposed, a plan shall be submitted to Council indicating the revised signage.**

Advisory Note:

any regulatory signage shown on any plan is required to be reviewed by the Local Traffic Committee prior to approval of the plan(s).

- 12) **where retaining walls are to be constructed as part of this development, certification of the design of the retaining wall(s) on affected lots by a suitably qualified Civil/Structural Engineer holding Chartered Professional Engineering**

status shall be submitted to Council prior to the release of the Construction Certificate.

The engineering drawings shall be submitted to Council for approval prior to the issue of a Construction Certificate.

General

- 13) *The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of Council;*
- 14) *all proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979;*
- 15) *all building work must be carried out in accordance with the provisions of the National Construction Code;*
- 16) *pursuant to Section 97A(2) of the Environmental Planning and Assessment Regulation 2000, all the commitments listed in the relevant BASIX Certificate for the development shall be fulfilled at the milestones listed;*
- 17) *the Tamworth Regional Council Local Government Area has water conservation measures in place due to ongoing drought conditions. These water conservation measures may impact the establishment of landscaping in this development;*
- 17a) *the operator must prepare and implement an Operational Environmental Management Plan (OEMP) which:*
 - (i) *details the on-going management of the proposed operations, including the roles and responsibilities of all key personnel involved in the operation of the development;*
 - (ii) *identifies the relevant statutory requirements applicable to the operation of the development;*
 - (iii) *sets standards and performance measures for each of the relevant environmental matters associated with the operation of the development;*
 - (iv) *describes the proposed corrective actions that will be implemented to mitigate potentially negative impacts of the development;*
 - (v) *describes what measures and procedures will be implemented to:*
 - *register and respond to nuisance complaints;*
 - *ensure the operational health and safety of workers; and*
 - *respond to potential emergencies.*
 - (vi) *requires and provides records of day-to-day operations, including: incoming and outgoing stock numbers; stock deaths and associated disposal;*
 - (vii) *keeps records of the annual amount of groundwater extracted from water supply works (bores) which service the development. The extraction limit of 60ML/year must for part of the OEMP;*
 - (viii) *includes a contingency plan for the operational water supply for the facility*

during extreme weather events such as heat waves or drought. This must include detail in relation to the size and frequency of water trucks; and

- (ix) includes an operational driver code of conduct which complies with condition 46a of this consent.*

During Construction

General

- 18) *Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:*
- *Monday to Friday – 7:00am to 5:00pm;*
 - *Saturday – 8:00am to 1:00pm if audible on other residential premises, otherwise 7:00am to 5:00pm;*
 - *No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises;*
- 19) *the developer shall be responsible to instruct and control the contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above;*
- 20) *the footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development and Approvals Division;*
- 21) *a site rubbish enclosure shall be provided on the site for the period of the proposed construction works;*
- 22) *erosion and sediment control measures in accordance with the ESCP are to be maintained by the developer at all times;*
- 23) *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 Transport and Assets Division is required;*
- 24) *any damage caused to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of Council so as to ensure the integrity of Council's infrastructure; and*
- 25) *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.*

Traffic, Transport and Access

- 26) *The following items including signage and guide post installation as identified in Section 8, Appendix 5 of the Environmental Impact Statement prepared by PSA Consulting Pty Ltd, shall be completed prior to commencement of operation of any poultry sheds:*

- a) *install warning signs in each direction of the sharp 90 degree curve on Woodlands Road/Pikes Lane;*
- b) *install closely spaced guideposts and/or chevron alignment markers around the curve;*
- c) *install guide posts and depth markers at each floodway and guide posts at each culvert crossing (minimum of four guideposts at each location as per AS1742.2);*

Further to the above the additional following items will be required prior to the operation of the new sheds:

- d) *the Woodlands Road carriageway shall be widened and bitumen sealed to a width of six metres for the extent of the (existing) narrow bitumen sealed section of road adjacent to Werris Creek Road. Additionally, the bell of the Woodlands Road/Werris Creek Road intersection shall be widened (and bitumen sealed) to facilitate the swept path for a semi-trailer turning from Werris Creek Road;*
- 27) *the existing pipe culvert under the access point to Farm 3 shall be extended on each end and new sloping headwalls installed upstream and downstream. The culvert shall be constructed so that the invert of the culvert is at the same level as the invert of the table drain. The culvert shall be of sufficient width to allow the swept path movement of a semi-trailer from the adjacent public road (without pulling off the road onto the far shoulder to allow the turning movement).*

Advisory Note:

The installation of the vehicle crossing is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance, and/or repair of the vehicle crossing, is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.

- 28) *The vehicle crossover, internal driveways and parking areas are to be constructed with a base course of adequate depth to accommodate semi-trailers;*
- 28a) *the total volume of groundwater extraction from all water supply works which service the poultry breeder farm must not exceed 60ML/year.*

In an emergency event or extreme climatic conditions where the total extraction volume needs to be exceeded, the contingency plan in the OEMP must be enacted and approval of the exceeded extraction limit must first be obtained from the Director of Liveable Communities at Tamworth Regional Council.

Stormwater Drainage

- 29) *Any disturbed areas shall be promptly rehabilitated and revegetated to stabilise with grass species consistent with surrounding landscape;*
- 30) *All developed flows from sheds and hardstand areas shall be captured and controlled onsite for 1 in 1 to 1 in 100 ARI events. Where possible, discharge is to be directed to natural flow paths;*
- 31) *Stormwater runoff around the sheds shall be collected within grass swales running lengthwise along each of the building pads:*
- a) *drain inlets are to be provided at intervals to collect stormwater within a*

- stormwater pipe and direct the water to the 2 x 220,000L rainwater tanks;*
- b) *the pipes shall be designed for a 1 in 5 ARI event;*
- 32) *additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:*
- a) *all plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;*
- b) *temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;*
- c) *all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented;*
- d) *any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted; and*
- e) *all overflow from rainwater tanks shall be directed to natural flow paths.*

Allotment Filling

- 33) *Any allotment filling that may be required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.*

Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as “controlled fill”.

Inspections

- 34) *It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulation 2000. The owner may appoint either Council or an accredited certifier to be the PCA;*
- 35) *inspections are required to be carried out by Council for works as specified below:*
- a) *placement of formwork and reinforcement prior to the pouring of concrete for the extension of the causeways on Woodlands Road.*

Please note that Council requires a minimum of 48 hours’ notice for inspections.

Prior to Issue of an Occupation Certificate

- 36) *For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council;*
- 37) *all works associated with the upgrading of signage, guide posts and widening of the Woodlands Road/Werris Creek Road intersection, shall be completed prior to*

the issue of any Occupation Certificate as required by condition 26;

- 38) the landscaped areas of the development for screening purposes are to be provided prior to the issue of an Occupation Certificate for any sheds and then maintained at all times;*
- 39) easements for utilities and services, including stormwater and sewer, in favour of the lots benefiting and/or Council shall be provided where services are located on private properties and/or overland flows traverse private property;*
- 40) the occupation or use of the whole or any part of a new building must not commence unless an Occupation Certificate has been issued in relation to the building or part;*
- 41) that a minimum of 60 cubic metres (60,000L) of stored rainwater shall be provided for domestic purposes, unless the site is serviced by a Council water main. The draw off point for the water use for domestic purposes shall be located to allow a minimum of 4500 litres of stored water for use in fire fighting, to remain in the tank/s at all times.*

Water storage tanks shall have fitted an outlet capable of being coupled to Fire Brigade fire fighting equipment. Fittings shall include the provision of a 65mm “Stortz” fitting with blanking cap (Stortz fittings may be obtained from a fire protection equipment supplier). The Stortz fitting draw off point shall be located at the base of the storage tanks (or connecting line). Reasonable vehicular access for fire tankers shall be available to the water supply.

That the use of bore water shall be restricted to the following purposes unless otherwise approved by Council:

- a) flushing of toilets;*
- b) watering of gardens;*
- c) stock purposes;*

Guttering and downpipes shall be provided to convey roof water to the required rainwater tanks;

- 42) in relation to the landscaping nominated on the approved plan, a cash bond or bank guarantee to the value of \$1500.00 per additional shed must be paid to Tamworth Regional Council prior to the issue of an Occupation Certificate. The cash bond or bank guarantee is to cover the establishment and maintenance of the required tree buffers;*
- 43) sediment and erosion control measures for the site shall be established if the landscaping is unable to be completed in accordance with the approved plan. The sediment and erosion control measures must be installed prior to the issue of an Occupation Certificate and shall remain in place until such time as water conservation measures allow the landscaping to be completed.*

Sediment erosion controls can include hay bales, sand bags and sediment fences and should be appropriate to be able to manage runoff created onsite.

All erosion and sediment controls should be checked at least once each week and after each rainfall event to ensure they are working properly.

Maintenance should include:

- a) *removing sediment trapped in sediment fences, catch drains or other areas;*
- b) *repairing any erosion of drainage channels; and*
- c) *repairing damage to sediment fences.*

Continued Operations

- 44) *The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan;*
- 45) *the on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose;*
- 46) *trucks shall be brought to rest and parking brakes applied, in a location that nearby buildings, such as the breeder sheds, provide shielding between the truck and nearby receivers; and*
- 46a) *all staff and transport contractors must only enter and exit the subject farm via Lees Road – Pikes Lane - Woodlands Road – Werris Creek Road only.*

APPLICATION DETAILS:

Application No.	MOD2022-0055 (DA2016/0043)
Application For:	Inclusion of an Additional Lot (Lot 62 DP 755344) for Use of an Existing Bore by the Existing Poultry Farm
Date Received:	9 December 2021
Applicant:	Baiada Poultry (Tamworth) Pty Limited
Owner:	Sandhurst Trustees Limited
Land/Address:	Lot 63 DP 755344 and Lot 1 DP 512961, 173-221 Lees Road, DUR1 and Lot 62 DP 755344, 389 Woodlands Road, DUR1
Zoning:	RU1 Primary Production - <i>Tamworth Regional Local Environmental Plan 2010</i>

DEVELOPMENT ASSESSMENT SUMMARY

The key issue relevant to this application is the use of a new bore on the adjoining Lot 62 DP 755344 to service the existing poultry breeder farm located on Lot 63 DP 755344 and Lot 1 DP 512961 and the concerns raised by nearby residents regarding the impact on groundwater supply.

A new bore on Lot 62 DP 755344 was approved by the regulatory authority, Water NSW, and the registered Water Supply Work (90WA836954) is attached to the Water Access License 20692. Following the assessment of the subject modification against the NSW Environmental Planning and Assessment Act 1979, Council is satisfied that additional measures will be in place to address potential impacts on nearby landholders. Furthermore, Council is not in a position to reject the application because Water NSW is

the appointed regulatory authority and it considers the potential water usage acceptable.

In Council's assessment of the modification, it has considered the potential impacts and proposes to introduce additional conditions including the requirement for an Operational Environmental Management Plan (OEMP) to be prepared and implemented; a groundwater extraction limit of 60ML/year for the poultry operation; and confirmation of the required vehicle traffic routes.

The following conditions are proposed to be added to the existing development consent:

- 17a) *The operator must prepare and implement an Operational Environmental Management Plan (OEMP) which:*
- (i) details the on-going management of the proposed operations, including the roles and responsibilities of all key personnel involved in the operation of the development;*
 - (ii) identifies the relevant statutory requirements applicable to the operation of the development;*
 - (iii) sets standards and performance measures for each of the relevant environmental matters associated with the operation of the development;*
 - (iv) describes the proposed corrective actions that will be implemented to mitigate potentially negative impacts of the development*
 - (v) describes what measures and procedures will be implemented to*
 - register and respond to nuisance complaints;*
 - ensure the operational health and safety of workers; and*
 - respond to potential emergencies.*
 - (vi) requires and provides records of day-to-day operations, including: incoming and outgoing stock numbers; stock deaths and associated disposal;*
 - (vii) keeps records of the annual amount of groundwater extracted from water supply works (bores) which service the development. The extraction limit of 60ML/year must for part of the OEMP;*
 - (viii) includes a contingency plan for the operational water supply for the facility during extreme weather events such as heat waves or drought. This must include detail in relation to the size and frequency of water trucks; and*
 - (ix) includes an operational driver code of conduct which complies with condition 46a of this consent.*
- 28a) *The total volume of groundwater extraction from all water supply works which service the poultry breeder farm must not exceed 60ML/year.*
- In an emergency event or extreme climatic conditions where the total extraction volume needs to be exceeded, the contingency plan in the OEMP must be enacted and approval of the exceeded extraction limit must first be obtained from the Director of Liveable Communities at Tamworth Regional Council.*
- 46a) *All staff and transport contractors must only enter and exit the subject farm via Lees Road – Pikes Lane - Woodlands Road – Werris Creek Road.*

DESCRIPTION OF PROPOSAL:

The subject application is seeking to modify the original development consent (DA2016/0043) to include the adjoining Lot 62 DP 755344 as part of the consent. The reason for the additional lot is to enable access to a groundwater bore, located on Lot 62 DP 755344, to service the poultry breeder farm located on Lot 63 DP 755344 and Lot 1 DP 512961. This bore was approved by Water NSW, the regulatory authority for the extraction of groundwater in NSW. This modification seeks to legitimise its use as part of the breeder farm given Lot 62 DP 755344 did not form part of the original consent.

The modification does not seek any changes to the built form or layout of the farm, operations, bird numbers (173,900), staff numbers or traffic movements.

This modification also seeks to include Lot 1 DP 512961 as part of the consent. Lot 1 comprises Farms 1 and 2 and was included in the owner's consent for the original development application, however due to an administrative error it did not form part of the approved consent.

SUBJECT SITE AND LOCALITY MAP:

The subject sites are known as Lot 63 DP 755344 and Lot 1 DP 512961, 173-221 Lees Road, Duri and Lot 62 DP 755344, 389 Woodlands Road, Duri. The existing Boronia Park Poultry Farm comprises three breeder farms spread across Lot 63 DP 755344 and Lot 1 DP 512961. The adjoining Lot 62 DP 755344 is currently vacant agricultural land. The surrounding area consists of predominately agricultural pursuits with rural dwellings scattered throughout the surrounding rural area.

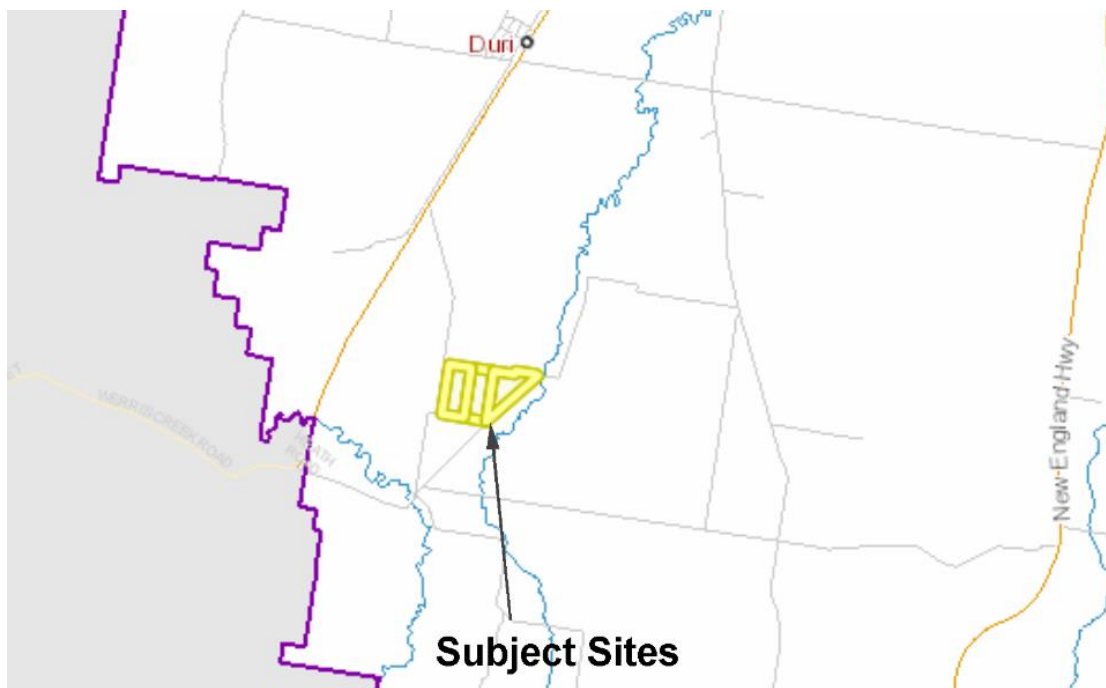
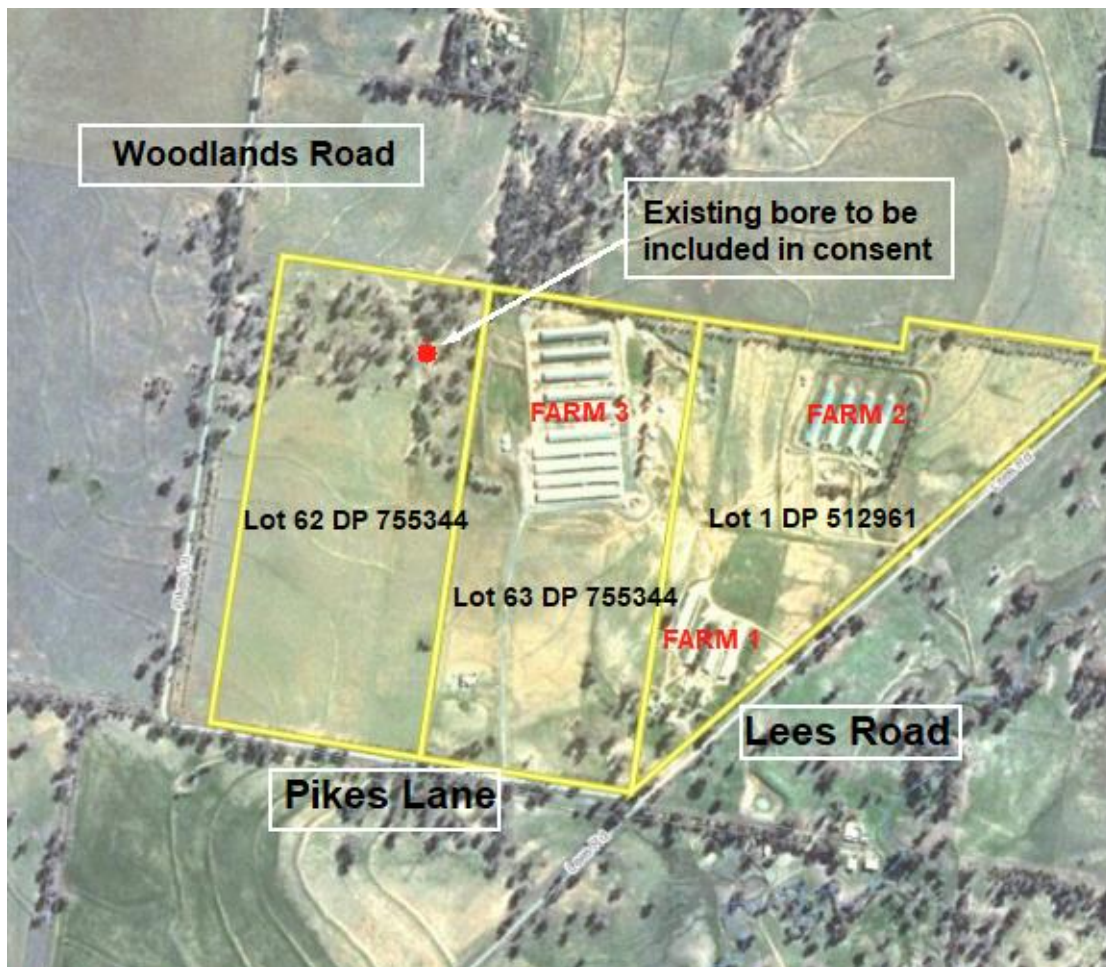


Figure 1 – Locality Map



Figure

2 – Site Plan

BACKGROUND

Council previously considered DA2016/0043 for four tunnel ventilated sheds, rural workers dwelling and two rainwater tanks at its Ordinary Meeting held on 27 October 2015 and 15 December 2015.

At the Ordinary Meeting of Council held on 27 October 2015, Council resolved to defer the determination of the development application in order to identify the location of the bores, quantity of yield available, and any possible impact on neighbouring bores based on concerns raised by surrounding neighbours.

Additional investigations were undertaken, including submission of the groundwater study undertaken by the Department of Primary Industries - Water, with the development application approved at the Ordinary Meeting of Council held on 15 December 2015.

Council received a complaint in 2020 regarding the use of a bore by the poultry farm on the adjoining Lot 62 DP 755344 and the frequency of water trucks/heavy vehicle movements which were allegedly damaging the local roads.

In response to the complaint received, Council sought advice from the operator of the poultry farm who advised that slow recharge rates required topping up of the water supply via water trucks. To resolve this situation, investigations carried out by the operator identified a suitable bore location on the adjoining property. This bore was approved on 3 June 2020 by

the regulatory authority, Water NSW and registered (Water Supply Work: 90WA836954) and is attached to Water Access License 20692. Document is **ATTACHED**, refer **ANNEXURE 1**.

Council sought legal advice on the legitimacy of the use of this bore in relation to the existing poultry farm to determine if a Section 4.55 (EPA Act 1979) Modification Application would be required. The legal advice obtained in February 2021 confirmed that the use of the bore to supply the poultry farm required development consent, on the basis that the allotment on which the bore was located did not form part of the original consent. The operator was advised a modification would be required to include the adjoining lot and to cease use of the bore pending determination of the modification. A section 4.55(1A) modification was lodged by the applicant on 9 December 2021.

Water Use and Approved Bores

Water demand for the expanded farm approved as part of DA2016/0043 was estimated to be in the order of 54ML per annum. The estimated demand is covered by the existing entitlements as follows;

Water Access Licence	Linked Work Approval	Shares
WAL20616	90W818776	19ML
WAL20688	90W818776	42ML
WAL20692	90W818776	82ML

The operator has a combined yield to extract up to the total linked share volume of 143ML/year. However, access to shares or conditioned extraction limits do not guarantee the volume is physically available from the Peel Fractured Rock Groundwater Sources. A groundwater assessment undertaken by Water NSW indicates that this source of groundwater is generally less than 1L/sec meaning most bores are not physically capable of extracting more than 20ML/year (in some cases the bore yield is significantly less).

During the most recent drought, water availability within the region, including groundwater supply was substantially impacted. The applicant advised that during 2020/2021, in order to respond to drought conditions, the sheds were destocked and water usage at the farm reduced to 20.7ML per year, which was provided from the following sources:

- Boronia Farm bores (78%)
- rainwater tanks (17%); and
- water cartage (5%).

While the bore water supply was well within the licensed volumes, slow recharge rates required supply to be topped up via water trucks, accounting for 5% of the farm's total water usage during 2020/2021.

In response to this situation, the operator sank multiple test bores in order to find groundwater with a quicker recharge rate. These investigations identified a suitable bore located on the adjoining property (Lot 62 DP 755344). This bore was approved by Water NSW on 3 June 2020 (Water Supply Work: 90WA836954) and is attached to Water Access License 20692. The conditional approval includes a water extraction limit of 20ML/year.

The applicant is now seeking to modify the existing development consent to include the adjoining property (Lot 62 DP 755344) and licensed bore to be used as supplementary water source for the breeder farm.

Bore on Lot 62 DP 755344

Water NSW is the specialist State Government agency managing water extraction and approvals in NSW. This is not a role or responsibility of Council. The operator of the poultry farm lodged an application for a new water supply work (Application No. A018816) on Lot 62 DP 755344 with Water NSW on 18 August 2018. As part of the approval process the application was referred to the Department of Planning and Environment – Water (DPE) (formerly Department of Industries – Water) to undertake a groundwater assessment to determine potential impacts on adjoining bores, impacts on the aquifer itself and consistency with the water sharing agreement.

The groundwater assessment considerations for fractured rock groundwater sources are based on the following criteria:

- a cumulative drawdown of no more than 40% of the pre-development total available drawdown at a distance of 200 metres (radius) from any water supply works including pumping bores; and
- an additional drawdown of not more than 3m at any water supply works (excluding those on same property).

Two groundwater assessments were undertaken by DPE in January 2020 and May 2020. Council was advised by Water NSW that the second assessment was only required to be undertaken as the first assessment excluded bores located on Lot 51 DP 755344 and Lot 61 DP 755344, which are adjoining allotments owned by the owner of Lot 62 DP 755344. The assessment undertaken on May 2020 included these Lots and has been adopted in the water supply work approval (90WA836954) which includes an extraction limit of 20ML/year. It should be noted that the assessment undertaken in January 2020 recommended an extraction limit of 35ML/year.

The most recent and relevant groundwater assessment (May 2020) is **ATTACHED**, refer **ANNEXURE 2**.

The groundwater assessment (May 2020) modelled the following two scenarios in order to gauge the capacity of the water source under significant strain in consideration of the assessment criteria:

Scenario	Extraction	Result
1	Impact without application approval – Applicant’s existing shares totalling 1423ML, pumped over 365 days for 10 years. This includes GW903051 pumped at its existing extraction limit of 95ML. No extraction from the new bore.	Pass
2	New bore assessment – Application pumps existing shares of 143ML as per scenario 1 and also pumps from the new bore at an additional volume of 50ML.	Pass

Based on the proposal satisfying the abovementioned criteria set by the DPE, the groundwater assessment recommended approval subject to the following conditions:

1. an extraction limit of 20ML/year;

2. the bore is constructed so there is a minimum of 20m of cement/grouting (tremie or pressure cemented) of the bore casing from the ground surface; sealing off from ground level to 20 metres below ground level as a minimum; and
3. the extraction limit may be revised at any time by Water NSW and DPE in the event of un-anticipated impacts on local impacts such as significant changes in water levels, water quality or sediment compaction in the area and/or if there are any unacceptable impacts on neighbouring bores.

The water supply work approval (90WA836954) includes other conditions relating to water monitoring/recording of water take, reporting and other legislative requirements.

Whilst the second scenario passed with the new bore pumping at 50ML, the approval includes an extraction limit of 20ML. The groundwater assessment bases this on the fact that Peel Fractured Rock Groundwater Sources are not physically capable of extracting more than 20ML/year (in some cases the bore yield is significantly less). The extraction limit of 20ML is to avoid quarantining a higher volume to a bore that is physically not capable of extracting such volume. This is to prevent “ghost” entitlements which may impact on the ability of neighbouring properties to obtain additional water licences.

In general terms, the proposed water supply works approval has been modelled and assessed by DPE/Water NSW and found to meet their requirements as being acceptable, having regard to possible impacts on neighbouring bores.

Assessment of Impacts

Impact on Groundwater:

The key issue relating to the proposed development is the potential impact on groundwater. This has also been raised as a key concern in the submissions received during the public exhibition period.

Council has had numerous discussions with Water NSW regarding the methodology in the assessment of new bores and in particular regarding the approval of the bore on Lot 62 DP 755344. Water NSW is the specialist State Government agency managing water extraction and approvals in NSW. The suitability of the bore and the groundwater impact of its use on neighbouring bores was assessed by DPE as part of the application for a water supply work approval.

This modification does not seek to increase bore numbers, however it does propose to include an additional allotment and associated bore to service the existing breeder farm. The operator currently has existing shares totalling 143ML plus the proposed 20ML associated with the new bore resulting in a total of 163ML. This total licenced extraction amount is significantly greater than what is required for the breeder farm and greater than what can physically be yielded. As identified in the groundwater assessment, fracture rock bores generally have a significantly lower yield when compared to bores in alluvial aquifers and it is unlikely the combined bores have sufficient combined yield to extract up to the total share.

Nonetheless, it is considered reasonable as part of this modification to include a condition nominating a groundwater extraction limit, based on the nexus between the use of groundwater and the operation of the breeder farm. The submitted Statement of Environmental Effects nominates an anticipated usage of 54ML per year for the existing breeder farm. The applicant was advised this would form part of the conditions of consent. In response the applicant reiterated that the volume of water able to be extracted from the bores is governed by the Water Access Licences issued by Water NSW. However, if a condition was to be imposed, a maximum limit of 60ML per year would account for worst

weather case scenarios (e.g., a very hot summer where maximum cooling is required). Whilst the anticipated demand has increased it is still significantly less than the existing shares totalling 143ML which have been assessed by DPE. By including an extraction limit of 60ML as a condition of the modified consent, it provides certainty to the operator and adjoining owners regarding the extent of groundwater usage for the poultry operations.

The installation of a monitoring bore was raised with the operator to assist in monitoring water levels. The applicant advised that the current works and ground water usage complies with all license conditions and includes water telemetry for accurately monitoring usage in real time. Water NSW advised an extraction limit of 20ML does not trigger a requirement for the installation of a monitoring bore. Furthermore, monitoring bores in fractured rock may not provide accurate data given fracture connectivity can vary significantly both vertically and horizontally over an area in comparison to alluvial aquifers. The existing bores include water telemetry for monitoring usage in accordance with the conditions of the licence. Therefore, based on the existing metering and proposed extraction limit a monitoring bore is not considered reasonable to condition as part of this consent.

Water Truck/Vehicle Movements:

The Applicant advised water trucks (carrying a total of 35,000L) were used between October 2019 and March 2021 to ensure animal husbandry activities could continue to function. In total, 397 deliveries were made during this drought period, equating to an average of six (6) water deliveries (12 trips) per week. The Applicant outlines that the water cartage measures were critical to maintaining operations at the breeder farm. The farm itself is a critical component of the entire poultry production cluster in Tamworth as it supplies fertile eggs to the related hatchery. Water cartage to the site ceased in March 2021 and has not been required since.

This report recommends the inclusion of a new condition requiring an Operational Environmental Management Plan (OEMP) to be prepared and implemented. The OEMP must include a contingency plan (for the operational water supply) for the facility during emergency events or extreme climatic conditions and also requires the approval from the Director of Liveable Communities prior to the contingencies being implemented. The contingency plan must include heavy vehicle routes which restrict water trucks and all other heavy vehicles to enter and exit the farm via Lees Road – Pikes Lane - Woodlands Road – Werris Creek Road only.

A key issue raised during the exhibition period was the impact of the water trucks on the surrounding road network, in particular Lees Road. Restricting heavy vehicle access to Pikes Lane and Woodland Road only was investigated, however, this would result in biosecurity issues having all vehicles enter and exit via a single access point. Furthermore, Farms 1 and 2 which are located on Lot 1 DP 512961 were approved by Parry Shire Council under separate approvals (DA89/169 and DA97/4). Access to Farm 1 and 2 are via two separate driveways via Lees Road. Farm 3 (Lot 3 DP 755344) which is subject to this modification has a single access point from Pikes Lane.

It is considered reasonable to maintain the existing access points based on biosecurity reasons and Farm 1 and 2 being under separate consents. However, it is considered appropriate to require that all staff and transport contractors be restricted to entering and exiting the farm via Lees Road – Pikes Lane - Woodlands Road – Werris Creek Road only. This restriction forms part of the modified conditions of consent and the Operational Environmental Management Plan.

REFERRALS

No internal referrals were required.

Whilst there is no legislative trigger to refer the application to WaterNSW or any other external agency, discussions with WaterNSW have been extensive prior to and during the assessment period.

ASSESSMENT REPORT

The following matters listed under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, are relevant in considering this application:

S4.55(1)(a)(i) Provisions of any environmental planning instrument

Environmental Planning and Assessment Act 1979

Under the provisions of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, Council may modify development consent where:

- a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The modification seeks to incorporate the adjoining Lot 62 DP 755344 within the approval to allow access to a registered bore as an additional water source for the breeder farm. The modification does not seek any changes to the built form or layout of the farm, operations, bird numbers, staff numbers or traffic movements.

Council officers are satisfied that the proposed modification relating to the inclusion of Lot 62 DP 755344 and use of the bore to service the poultry farm may be considered in accordance with the provisions of section 4.55(1A), as it is substantially the same development as approved.

Furthermore, a section 4.55 modification can incorporate other land, that is, land that was not part of the original development consent (***Scrap Realty Pty Ltd v Botany Bay City Council [2008] NSWLEC333***).

Tamworth Regional Local Environmental Plan 2010:

The proposed development is infrastructure works associated with a “livestock intensive agriculture” land use and is permissible with development consent within the RU1 Primary Production zone.

It is considered the proposal is consistent with the objectives of the RU1 Zone as the proposed development is consistent with an existing rural livestock enterprise which will promote and enhance the established poultry meat cluster within the Tamworth region. Furthermore, the inclusion of Lot 62 DP 755344 and use of the bore to service the poultry farm will not have a determinantal impact on the natural resource base as demonstrated by the groundwater assessment.

5.18 Intensive livestock agriculture:

Clause 5.18 of the TRLEP 2010 aims to ensure appropriate environmental assessment is undertaken for developments relating to intensive livestock agriculture. Clause 5.18(3) requires the consent authority to take the following into consideration in determining whether or not to grant consent:

- a) *the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,*

Comment: The proposal is not designated development and therefore the applicant has prepared and submitted a Statement of Environmental Effects to accompany the Modification Application. During the assessment of this application further information was requested to address key planning considerations and concerns raised in the submissions. Following receipt of additional information supplied by the applicant and following discussions with WaterNSW regarding the subject water supply work approval, it is considered that the issues raised throughout the assessment have been addressed, and Council can be satisfied that adequate information has been provided for this modification application.

- b) *the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site;*

Comment: There are no potential odour impacts on nearby residences or land uses as a result of this proposed modification.

- c) *the potential for the pollution of surface water and ground water;*

Comment: The relevant State agency, WaterNSW, conducted a groundwater assessment which formed the view that approval of a new bore was recommended. Council relies on the WaterNSW assessment as the regulatory agency, that there are no impacts in this regard.

- d) *the potential for the degradation of soils;*

Comment: The relevant State agency, WaterNSW, conducted a groundwater assessment which formed the view that approval of a new bore was recommended. Council relies on the WaterNSW assessment (as the regulatory agency), that there are no impacts in this regard.

- e) *the measures proposed to mitigate any potential adverse impacts;*

Comment: Whilst Council did not approve the new bore on Lot 62, DP 755344. It has considered the potential impacts on neighbouring properties and proposes to include additional conditions which includes the requirement for an Operational Environmental Management Plan (OEMP) to be prepared and implemented; an extraction limit of 60ML/year for the poultry operation; and confirmation of the required vehicle traffic routes.

f) *the suitability of the site in the circumstances;*

Comment: The subject site is located on land zoned RU1 Primary Production in accordance with the Tamworth Regional Local Environmental Plan 2010. The submitted documents demonstrate the proposal is suitable and will not lead to an unreasonable impact on the surrounding locality.

g) *whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals;*

Comment: This modification application relates to the inclusion of an additional Lot for the purposes of legally accessing a bore on Lot 62 DP755344. The operator has stated that it will continue to operate in the approved manner with negligible change to existing form and function (of the poultry operations). The purpose of the bore is to ensure adequate water supply is available and safe animal husbandry practices can be maintained.

h) *the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary;*

Comment: The proposed development does not depart from any guidelines or legislative requirements.

On the basis of the above assessment, Council can be satisfied that Clause 5.18 has been appropriately addressed.

S4.55(1)(a)(ii) Provisions of any draft environmental planning instrument

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

S4.55(1)(a)(iii) Provisions of any Development Control Plan

Tamworth Regional Development Control Plan 2010:

The modification seeks to incorporate an adjoining Lot 62 DP 755344 within the approval to allow access to a registered bore as an additional water source for the poultry farm. Council's Development Control Plan does not contain any controls specific to this type of application. The likely impacts on groundwater and the like has been considered in detail throughout this report.

S4.55(1)(a)(iiia) Provisions of any Planning Agreement

Nil

S4.55(1)(a)(iv) Any matters prescribed by the Regulations

Relevant matters in the Environmental Planning and Assessment Regulation 2021 have been considered.

S4.55(1)(b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

The likely impacts associated with the modification have been considered as part of this assessment report. The modification does not seek any changes to the built form or layout of the farm, operations, bird numbers, staff numbers or traffic movements. The modification seeks to incorporate an adjoining Lot 62 DP 755344 within the approval to allow access to a registered bore as an additional water source for the poultry breeder farm. The likely impacts on groundwater and other impacts have been considered in detail throughout this report.

S4.55(1)(c) The Suitability of Site for the Development

The site is considered to be suitable in supporting the proposed development, given the modification does not seek any changes to the built form or layout of the farm, operations, bird numbers, staff numbers or traffic movements. The modification seeks to incorporate an adjoining Lot 62 DP 755344 within the approval to allow access to a registered bore as an additional water source for the poultry breeder farm. In consideration of the above and subject to conditions of consent, the site is deemed to be suitable for the proposed development.

S4.55(1)(d) Any Submissions Made in Accordance with the Act or Regulations

The application was placed on public exhibition 13 December 2021 to 21 January 2022 pursuant to Council’s Community Participation Plan 2019. Four submissions from three community members and one petition, were received during the exhibition period, submissions are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. Council staff also met with objectors on the 15 June 2022 to discuss their concerns.

Issue Raised	No. of Submissions	Council Comments
<p>Water Usage Submissions raised concern regarding the impact on groundwater</p>	<p>4</p>	<p>DPE/Water NSW undertook a groundwater assessment prior to granting the water supply work (Application No. A018816) on Lot 62 DP 755344. The groundwater assessment considered the potential for impact upon bores within 200 metres of the subject site. Considering DPE/Water NSW have investigated the issues relating to the impacts of the new bore on neighbouring bores and aquifer, Council is satisfied the groundwater impact upon surrounding properties has been adequately considered by the DPE with the issuing of the additional water licence.</p> <p>In order to provide greater certainty a condition of consent will restrict the breeder farm to a maximum</p>

		extraction limit of 60ML per year.
<p>Water Trucks</p> <p>Submissions raised concern with water cartage and impact on road network</p>	2	<p>The applicant advised water trucks (35,000L) were used between October 2019 and March 2021 to ensure animal husbandry activities could continue to function. In total, 397 deliveries were made during the drought period, equating to an average of six (6) water deliveries (12 trips) per week. This is contested by the submissions which state six (6) B-Doubles a week supplied water to the poultry breeder farm. Whilst there is an increase, it should be acknowledged that heavy vehicle movements supplying water and fodder increased regionally across the whole agricultural sector during the drought and this should be taken into consideration.</p> <p>In order to manage the potential impacts on the local road network a condition of consent requires heavy vehicles to be restricted to enter and exit the farm via Lees Road – Pikes Lane - Woodlands Road – Werris Creek Road only. Furthermore, an Operational Environmental Management Plan must be prepared and approved by Council which must include a contingency plan for the operational water supply for the facility during extreme weather events such as heat waves or drought. This will detail the size and frequency of water trucks.</p>
<p>Groundwater Assessment</p> <p>Submission raised concerns with the incorrect groundwater assessment being lodged</p>	1	<p>Two groundwater assessments were undertaken by DPE in January 2020 and May 2020. The second assessment was only required to be undertaken to exclude bores located on adjoining properties owned by the owner of Lot 62 DP 755344. The assessment undertaken on May 2020 has been adopted in the water supply work approval (90WA836954) which includes an extraction limit of 20ML/year.</p> <p>The groundwater assessment undertaken in January 2020 was submitted with the modification. Council received a copy of the groundwater assessment undertaken in May 2020 from the objectors on 15 June 2022.</p> <p>It is noted the groundwater assessment report references Lot 63 DP 755344 rather than Lot 62 DP 755344 as the subject site. This is a misdescription within the groundwater assessment report, however the report clearly assesses the merits of the new bore in relation to Lot 62 DP 755344. Furthermore, the work supply approval for the bore references Lot 62 DP 755344.</p>

<p>Council Meeting</p> <p>Submissions seeks the application to be determined at a Council Meeting</p>	<p>1</p>	<p>The application has been tabled at an Ordinary Council Meeting.</p>
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S4.55(1)(e) The Public Interest

The wider public interest has been considered in the assessment of the proposal with particular regard to the impact on groundwater. Following a detailed merit assessment of the application and its potential environmental impacts, it is considered that the application is not contrary to the public interest.

CONCLUSION

This report provides an assessment of the development with regard to all relevant matters listed under Section 4.55 (1) of the Environmental Planning and Assessment Act 1979 and issues raised in the public submissions. The proposal is considered to be satisfactory, having regard to the relevant legislation and it is acknowledged by the approval of the new bore on Lot 62 DP 755344 by Water NSW, as the experts and regulatory authority, that there are no likely negative groundwater impacts. This report demonstrates that the application should be determined by the granting of development consent, subject to the recommended conditions which includes the requirement for an Operational Environmental Management Plan (OEMP) to be prepared and implemented; a groundwater extraction limit of 60ML/year for the poultry operation; and confirmation of the required vehicle traffic routes.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The application was placed on public exhibition from 13 December 2021 to 21 January 2022 pursuant to Council's Community Participation Plan 2019.

(e) Reason for Consideration by Council

The subject Modification has been referred to Council for consideration as Council previously considered DA2016/0043 for four tunnel ventilated sheds, rural workers dwelling and two rainwater tanks at its Ordinary Meetings held on 27 October 2015 and approved the Development Application on 15 December 2015.

(f) Delivery Program Objective/Strategy

Focus Area 3 – Prosperity and innovation.

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH GLOBAL GATEWAY PARK - JEWRY STREET EXTENSION PROJECT - PROPERTY ACQUISITION FOR THE PURPOSES OF ROAD WIDENING

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Tamworth Global Gateway Park - Jewry Street Extension Project - Property Acquisition for the Purposes of Road Widening”, Council:

- (i) approve the dedication of a portion of Council-owned land, being Lot 2 DP 1255956 (Tamworth Cemetery) and Council-owned land, being Lot 1 DP 633198 for the purposes of road widening for the Jewry Street Extension project associated with the Tamworth Global Gateway Park; and*
- (ii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council’s resolution.*

SUMMARY

This report seeks Council approval for the dedication of portions of Council-owned land for the purposes of road widening as part of the Jewry Street Extension project associated with the Tamworth Global Gateway Park.

COMMENTARY

Background

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

The Jewry Street Extension project involves the construction of an extension to the western end of Jewry Street to provide a heavy vehicle bypass of Taminda, providing a safe and efficient heavy vehicle route to the TGGP. This project will include a roundabout at the intersection of Jewry Street and Dampier Street which requires additional road reserve width to construct required drainage infrastructure around the roundabout. The project location is shown in Figure 1 below, the project works are shown in Figure 2, and the indicative extent of the road widening is **ENCLOSED**, refer **ENCLOSURE 1**.

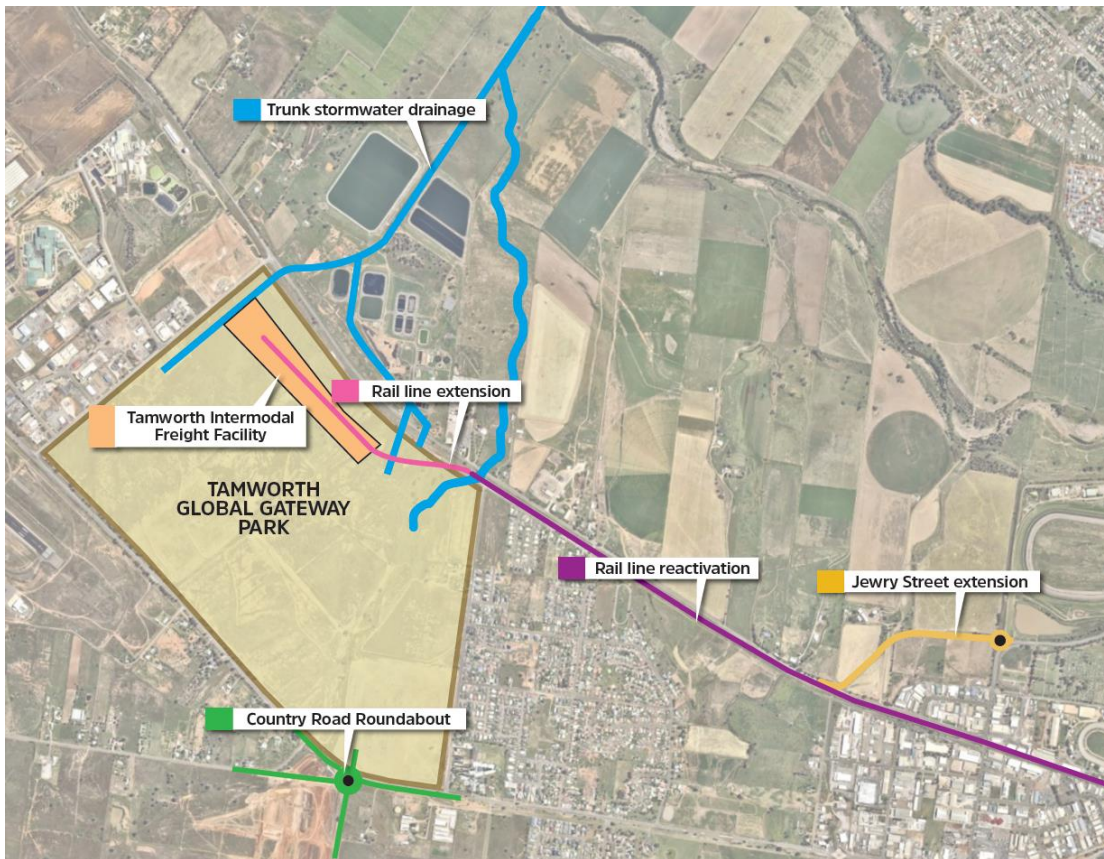


Figure 1: Jewry Street Extension project (bottom right) within the context of the TGGP



Figure 2: Jewry Street Extension project general arrangement

Road Widening

In order to construct the required infrastructure, widened public road reserves are required to be created through the dedication of portions of Council-owned land for public roads. These proposed dedications are approximately (to be confirmed by registered cadastral survey):

- Lot 2 DP 1255956 – Tamworth Cemetery – 1,230m²; and
- Lot 1 DP 633198 – drainage basin adjacent to Tamworth Jockey Club – 105m².

Approval has been obtained from the respective Council asset owners for Lot 2 DP 1255956 (Paul Kelly, Manager of Sports and Recreation) and Lot 1 DP633198 (Murray Russell,

Manager of Operations). In addition to these approvals, a notice was issued to Council's Property Disposal (Development) email group which consists of stakeholders from across the organisation. No objections were raised to the dedication of the noted land as road reserve. Water and Waste responded in relation to the proposed wet weather sewer rising main which extends through the project site. The project team has been coordinating with the relevant Water and Waste staff regarding this main where it interacts with the project site.

The Tamworth Jockey Club has been consulted in relation to the road widening associated with Lot 1 DP 633198, as the club leases a portion of land for an extended race track chute. The club did not raise any objections to the road widening and requested that additional screening be considered as part of the fence relocations. These are expected to include Colourbond panels (or similar) attached to the fence and additional screening plants.

The road widening works will include all required adjustments to boundary fences, landscaping and irrigation.

(a) Policy Implications

Nil

(b) Financial Implications

Survey costs and fees associated with the road dedication, plan preparation, fencing adjustments, and relocated irrigated landscaping will be funded from the current \$6.54 million allocation for the Jewry Street Extension project. No compensation will be paid for the 'acquisition'.

(c) Legal Implications

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

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

(d) Community Consultation

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

The Jewry Street Extension Project has been communicated to the general public via various media including TGGP updates, social and print media. Nearby businesses and residents have been updated directly on the project and expected impacts of construction and general road users are updated via Livetraffic, Council website and traffic management signage on site.

(e) Delivery Program Objective/Strategy

Focus Area 3 – Prosperity and innovation.

Focus Area 5 – Connect our region and its citizens.

8.2 URBAN STREET TREE MANAGEMENT PLAN - ADVISORY GROUP MINUTES - 5 DECEMBER 2022

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

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Urban Street Tree Management Plan - Advisory Group Minutes - 5 December 2022”, Council:

- (i) receive and note the minutes from the Urban Street Tree Management Plan – Advisory Group; and*
- (ii) approve the Greening Strategy for 2023.*

SUMMARY

The purpose of this report is to present the Minutes from the 5 December 2022 meeting of the Urban Street Tree Management Plan – Advisory Group (the Advisory Group), note the key outcomes of the meeting and approve the Greening Strategy for 2023.

COMMENTARY

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

On 5 December 2022, the Advisory Group met for its bi-monthly meeting. Minutes from the meeting are **ATTACHED**, refer **ANNEXURE 1**. Key discussion items of the meeting included:

2022 Spring Greening Strategy

The Spring Greening Strategy saw a total of 537 trees and shrubs planted in Kootingal, Nemingha, Manilla and Tamworth.

2023 Greening Strategy

The draft 2023 Greening Strategy was circulated and members were asked if any amendments should be made. The planting along Gunnedah Road, West Tamworth between Cole Road and Mayne Drive is to be changed from Yellow Box to River Red Gums due to the area being a flood plain. The amended Greening Strategy 2023 is **ATTACHED**, refer **ANNEXURE 2**.

General Business

The species selected for the centre median strip on Duri Road (between Mahony Avenue and Kent Street) is the Flowering Pear (Capital Pear).

The Advisory Group asked Council staff to investigate options for a fee for an independent arborists report relating to requests for the removal of street trees. Council staff will report back with their findings.

A suggestion of having a register of volunteers to assist with the planting and maintaining of new and existing trees was discussed.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The Urban Street Tree Management Plan – Advisory Group is comprised of members of the community.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A liveable built environment

8.3 DEPARTMENT OF PLANNING AND ENVIRONMENT – REGIONAL WATER LEAK REDUCTION PILOT PROGRAM

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

RECOMMENDATION

That in relation to the report “Department of Planning and Environment – Regional Water Leak Reduction Pilot Program”, Council:

- (i) agree to participate in the Pilot Program as detailed in the body of the report;*
- (ii) allocate funding from savings in the current 2022/2023 Water Annual Operation Plan to fund works identified in the proposed program to be completed in the current 2022/2023 financial year;*
- (iii) allocate funding from the Water Reserve in the 2023/2024 water budget for works identified in the proposed program to be delivered in 2023/2024 financial year;*
- (iv) request the Director Water and Waste to prepare further report/s in relation to the Regional Water Leak Reduction Pilot Program as projects are completed; and*
- (v) write to the NSW Minister for Water requesting the NSW Government amend Water Sharing Plan rules, as appropriate, to allow water savings to be reflected through improved water security for communities that can demonstrate reduced use.*

SUMMARY

The NSW Water Strategy developed by the Department of Planning and Environment (DPE) identifies the need for improved water efficiency and conservation. Increased investment in water system efficiency, water conservation and demand management can delay the timing and reduce the scale of investment in new supply infrastructure. One of the key priorities of DPE’s Water Efficiency Program is to reduce leakage and losses from water supply systems through the Regional Water Leak Reduction Program. Leakage reduction is recognised as a cost-effective way of improving water security. DPE have established the Regional Leakage Reduction Program that aims to reduce network leakage across regional NSW by finding water leaks in supply networks.

DPE have requested Tamworth Regional Council participate in the pilot program through a co-funding approach. This report seeks Council’s endorsement or otherwise to participate in the program.

COMMENTARY

The NSW Water Strategy developed by the Department of Planning and Environment (DPE) identifies the need for improved water efficiency and conservation. Under Action 6.6 of the strategy, the NSW Government has committed to a state wide Water Efficiency Framework and Program.

Increased investment in water system efficiency, water conservation and demand management can delay the timing and reduce the scale of investment in new supply infrastructure. One of the key priorities of the Water Efficiency Program is to reduce leakage and losses from water supply systems through the NSW Regional Leakage Reduction Program. Leakage reduction is recognised as a cost-effective way of improving water security. DPE have established the NSW Regional Leakage Reduction Program that aims to

reduce network leakage across regional NSW by finding water leaks in supply networks and by improving water infrastructure.

The Regional Leakage Reduction Program has the following state wide objectives:

Objective	Measures
Reduce leakage	<ul style="list-style-type: none"> • Reduce average NRW across LWUs from 13% to 10% (water saving of 7.5 GL/year) • Reduce Top 30 priority LWUs NRW from 21% to 13% (water saving of 5 GL/year)
Sustain leakage reduction	<ul style="list-style-type: none"> • Improved industry collaboration, maturity, and awareness • Improved network measurement, detection, and reduction assets (bulk meters, sensors, pressure management) • Improved data quality

Council currently manages water network losses via its Water Demand Management Plan (DMP) (2016). A section of the DMP focuses on Water Loss Management which is often the largest component of water losses a water utility has. Water losses are primarily an operation and maintenance issue and Council currently manages these water losses by way of a Water Loss Management Program which is defined in the DMP as focusing on the following areas:

- metering of all properties and connections, including all public facilities, parks and gardens, standpipes and Council’s water and sewer facilities (e.g. pumping stations);
- a residential Water Meter Replacement Program – residential water meters are typically replaced once they have read over 4,500 kL or prior to this if they are shown to be faulty;
- preparation of an annual Water Loss Management Progress Report, which includes an assessment and breakdown of annual water loss for each water supply system based on the preceding 12 months of metering data;
- where the annual water loss audit has shown an increase in physical/real losses, inspections of key assets for the detection and repair of system leaks will occur, including inspection of water reservoirs, water pumping stations, major water system control valves and Council swimming pools; and
- pressure management has previously been considered but was dismissed as a viable option to effectively reduce water losses in the Tamworth water supply system. The potential benefits of pressure management in Tamworth should be revisited once pressure management programs have been implemented and proven elsewhere.

A review of Council’s DMP is currently in progress and draft updates and options for council’s consideration will be presented to Council later in 2023. As part of this review, new initiatives such as automatic water metering currently being rolled out throughout the Council area and opportunities identified through the DPE Regional Water Leak Reduction Program will be included in the updated DMP.

DPE Water loss management maturity survey

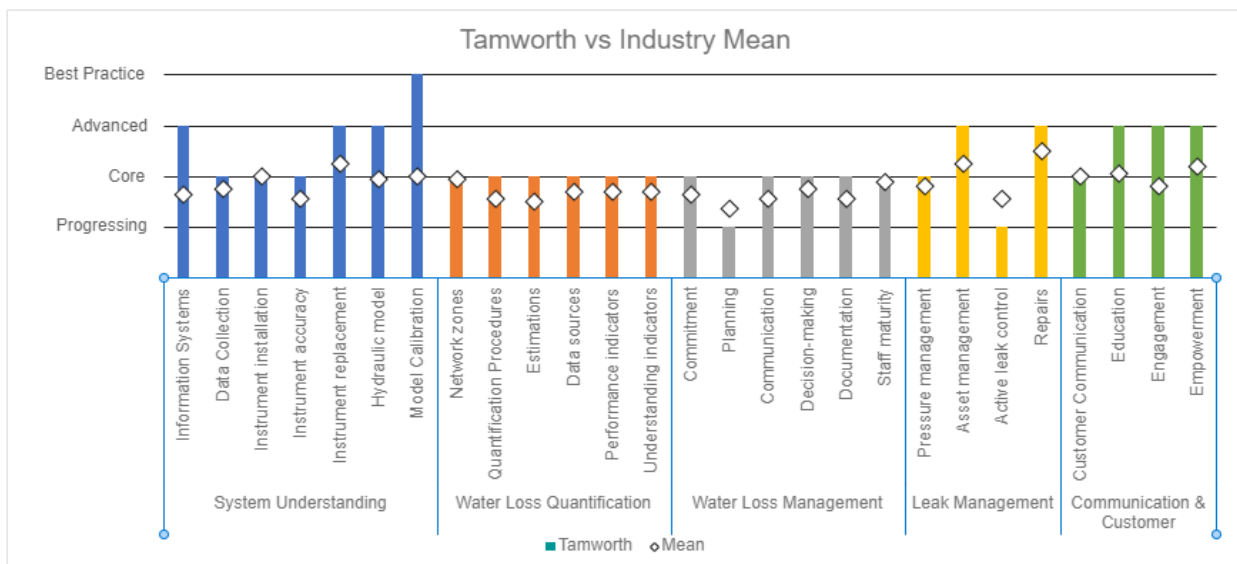
As part of the DPE Regional Water Leak Reduction Program, 25 Local Water Utilities (LWUs) that DPE determined as representative of the state were selected and invited to participate in the Regional Leakage Reduction Pilot Program. LWUs were then invited to complete a water loss management maturity survey. 16 LWUs chose to complete the survey and participate in the pilot program. Tamworth Regional Council participated in the survey

process and Council water staff completed the water loss management maturity survey in conjunction with the DPE project team.

The survey assessed LWUs current water loss management approach and informed the recommendation of the pilot projects to improve this approach. LWUs were aligned with pilot projects that will have the most impact on reducing water network leakage/losses. The survey also established benchmarks that will be used as a baseline to track improvements. The survey assessed LWUs in the areas of:

- system understanding;
- water loss quantification;
- water loss management strategy;
- leak management; and
- communication and engagement.

Council’s results for the water loss management maturity survey are presented below:



Following the finalisation of the water loss management maturity survey, pilot projects were discussed and scoped (including cost estimation) with Council water staff and the DPE project team. The pilot projects prepared and proposed for Tamworth Regional Council include the following:

2022/2023 Financial Year

Acoustic Leak Detection

Acoustic listening devices can be used to identify and determine exact locations of water leaks to allow repairs to be undertaken.

In mid-2022, a program that was fully funded by DPE allowed leak detection to be performed in the following Council water supplies:

- Attunga;
- Nundle;
- Bendemeer;

- Manilla; and
- Barraba.

The program identified minor leaks within some water systems. These leaks were subsequently repaired by Water Operations staff.

Leak Reduction and Awareness Training

DPE have engaged specialist consultants to provide training for water operational teams with the aim of improving industry knowledge on latest technologies available for water loss management. The Training is fully funded by DPE for Councils to attend and sessions for the Northwest/New England Regional will be held in Armidale in February 2023. Council will be sending water operators and engineers to be part of this training.

Pressure Data Logging

Identifying high pressures within water systems can allow for LWUs to investigate pressure reduction options to minimise leakages and water main breaks. As detailed above, pressure management in Tamworth is difficult due to the interconnection of water zones, however potential opportunities exist in other water supply systems. Council currently has pressure loggers that are installed on an ad hoc basis within the water network. These devices have data manually downloaded which leads to a lack of real time data which limits water engineers' ability to determine results. A project proposed by the DPE Regional Water Leak Reduction Program is to purchase pressure loggers that transmit real time data to allow better information interpretation. This approach would also reduce safety issues for staff that currently have to manually download data from each device. Pressure management also has a customer service benefit by allowing engineers to identify areas of low water pressure and troubleshoot the cause of these problems when they occur. The proposed project is estimated to cost \$98,850.

2023/2024 Financial Year

Advanced Pressure Management

Council has a number of pressure reducing valves installed within its water supplies. The purpose of these valves is to reduce water system pressure to reduce the risk of pipe failure. Currently these valves are manually maintained and inspected for performance. There is the opportunity to install online monitoring that will enable staff real time data on valve and system pressure performance. This type of instrumentation is currently being installed on the new Dungowan Pipeline project and it is proposed to implement similar monitoring within Council's reticulated water network to allow automated monitoring. The proposed project is estimated to cost \$11,875.

Leak Noise Loggers

Council routinely performs acoustic noise logging through a manual process i.e., staff or contractors are physically on site using listening equipment to identify leaks and determine leak locations. An opportunity exists with new technology to install noise loggers in water systems to identify leaks as they occur. This would allow a timelier response by water staff to repair any leaks that are not reported by customers. The project proposed aims to further investigate and install a number of these devices. The proposed project is estimated to cost \$81,000.

District Metering Areas (DMA) Meter Installation

DMA allows water consumption from large water meters installed on the outlet of water reservoirs to be compared to water consumed by customer meter connections. The

difference between the bulk water supplied and water consumed determines the system losses and allows further investigations to be completed should water losses be high. Council has a number of DMA meters installed and with the rollout of automatic water meters an opportunity exists to further expand this monitoring. Initial investigations have identified three potential water zones where large flow meters can be installed. The proposed installation of these meters is estimated to cost \$169,375.

District Metering Areas Analysis

Should the above DMA metering installation project proceed, collating data and building reports in a centralised system will be required to allow staff efficient and timely access to information to allow planning of any required works. A project has been scoped to allow this integration of data to occur. The proposed project is estimated to cost \$12,500.

Program Implementation and Cost Contributions.

The program is co-funded by the NSW Government in accordance with the Safe and Secure Water Program subsidy levels up to a maximum amount of \$150,000. For Tamworth Regional Council, given Council’s number of water connections, Council is eligible for up to 25 percent funding. For Council to participate in co-contributed projects with DPE, Council is required to enter in to a funding agreement for the program by end February 2023.

A summary of the projects outlined above and cost contribution for both Council and NSW Government is provided below:

2022/2023 Program

Project Name	Total Estimate	Council Contribution	DPE Contribution @ 25%
Leak Reduction and Awareness Training	Not applicable	Not applicable	Fully funded by DPE
Pressure Data Logging	\$98,850	\$74,138	\$24,712
Total	\$98,850	\$74,138	\$24,712

2023/2024 Program

Project Name	Total Estimate	Council Contribution	DPE Contribution @ 25%
Advanced Pressure Management	\$11,875	\$8,906	\$2,969
Leak Noise Loggers	\$81,000	\$60,750	\$20,250
District Metering Areas (DMA) Meter Installation	\$169,375	\$127,031	\$42,344
District Metering	\$12,500	\$9,375	\$3,125

Areas Analysis			
Total	\$274,750	\$206,062	\$68,688

Notwithstanding Council has completed a range of initiatives over the last 10-15 years in the area of water conservation, including periodic leak investigation, more can be done in this area and given the offer by the NSW Government to fund up to 25% of the costs, it is recommended Council proceed with the entire program. Alternatively, Council does have the option to participate in some or none of the listed projects.

It is also important to note that leak reduction will not improve water security unless the water saved, or part thereof, is held as an increased reserve, in a water storage for example, to improve the capacity of a centre to combat a future drought. In the case of Tamworth, and indeed any of Council's centres relying on dams for water supply, this is presently not the case. At the moment at Chaffey Dam (principal supply storage for Tamworth and Moonbi/Kootingal) any water saved by the water users in Tamworth and Moonbi/Kootingal, is made available for sale to other customers accessing water from the dam. Council has previously made representations to the NSW Government about changing Water Sharing Plans to allow water saving to directly improve water security but, to date, no changes have been made. Council's participation in the leak reduction pilot program is another opportunity to again highlight the need for changes to the water allocation process to actually see improved water security from reductions in water use, which may arise from initiatives including leak reduction.

(a) Policy Implications

Nil

(b) Financial Implications

Should Council proceed with the recommendation to be part of the program it is proposed that the existing water budget can fund the contribution required by Council for the current 2022/23 financial year. For projects scheduled for completion in 2023/24 it is proposed that these projects be included and presented to Council in the 2023/24 budget.

(c) Legal Implications

Council will be required to enter into a funding agreement with DPE and the NSW State Government for the delivery of the projects/program.

(d) Community Consultation

The revised Draft Demand Management Plan, when prepared, will be presented to Council and then the community for consultation and comment prior to final adoption.

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security.

8.4 WASTE SUSTAINABILITY PROGRAM AND PROJECT UPDATE

DIRECTORATE: WATER AND WASTE
AUTHOR: Angela Dodson, Sustainability Officer - Waste

RECOMMENDATION

That in relation to the report “Waste Sustainability Program and Project Update”, Council receive and note the report.

SUMMARY

The purpose of this report is to provide an update to Council on various Waste Sustainability programs, projects and activities, implemented or presently underway, including planned initiatives for the remaining 22/23 financial year.

COMMENTARY

With the easing of COVID 19 restrictions, community groups, schools and early learning educational centres welcomed back face to face visitors. When invited or requested, the Waste Sustainability Officer continues to provide educational opportunities, through visits within the community, completing audits, landfill tours, as well as acting as a guest speaker at community service group meetings.

Participants enjoy learning about the intricacies of waste management requirements and obligations Council is mandated to undertake and manage. This links strongly to Council’s focus on recycling opportunities evident through Council’s kerbside collection service, as well as at any of Council’s waste management facilities.

As a guest speaker, community interest in upcycling or reuse ideas is often a great discussion point within the peer circle and this can lead to the wider inspiration, collaboration or creation of reuse ideas and opportunities within that group.

Residents regularly seek clarification or information in relation to recycling which demonstrates the community’s appetite and desire to increase recycling rates and improve recycling accuracy.

Litter prevention and waste avoidance education through schools on litter free lunches and litter in the wider community is undertaken in partnership with the NSW EPA. Council also has a role to play in the implementation of the Department of Planning, Industry and Environment NSW Plastics Action Plan in to the future. Council also helps facilitate the community’s desire to participate in the longest running anti-litter campaign, the National Clean up Australia day event for registered volunteers.

The waste management industry is one of the fastest changing sectors and industries. As the focus shifts from considering the by-products of consumption as a waste to one of opportunity and circularity, Council needs to respond and regularly seeks to find opportunities to increase our resource recovery opportunities and decrease the volumes of resources ending up in landfill where possible.

To support the above, the following provides a summary of some of the programs, projects and activities that have been undertaken or are planned to take place in the future: -

Face to Face Educational Opportunities

During this reporting period, COVID restrictions of varying levels were experienced. However, during the times when external visitors and face to face education or presentations

were allowed back in to educational settings, the Waste Sustainability Officer attended 6 school and early learning education sessions with 412 participants.

Three invitations to be a guest speaker at community meetings were received in November 2022. However, members of these community groups are considered a higher risk category in relation to COVID 19. As such the groups have elected at this stage to postpone and reschedule at a later date to be advised to Council.

The Waste Sustainability Officer participated and supported the Tamworth Regional Landcare facilitated free composting information session and tour of the composting operations undertaken at the Forest Road Waste Management (FRWM) facility. Farmers in the region were invited to the event to hear from a variety of guest speakers around soil chemistry, nutrient cycling and the benefits of compost in agriculture. This included an overview of the product made by Renew Organics at the FRWM facility and a bus tour to inspect the compost product. Attendees were walked through the process and infrastructure used to produce a very high-quality product, as well as introduced to opportunities in how to access and purchase the product for use on their own farms. This event was capped at 110 participants to accommodate transport on 2 buses and there were 103 people in attendance.

The Waste Sustainability Officer was approached to work with a local private residential facility that does not utilise Council waste management services, however has an internal desire to improve their waste management and recycling activities. Council has provided assistance in the form of advice, educational resources and hopefully in the future, an on the ground education session to be able to assist this organisation achieve their desired outcome towards better recycling and less waste to landfill.

Following discussions with Hunter New England Health's Sustainability Manager of Tamworth Base Hospital, TRC's Sustainability Coordinator presented TRC's new sustainability strategy to the hospital General Manager, Sustainability Manager, and Sustainability Committee, in order to identify potential sustainability opportunities available to the hospital. Following this the Waste Sustainability Officer, Waste Manager and Sustainability Coordinator worked with the hospital's Sustainability Manager to conduct a waste audit of the base hospital. This led to the identification of a number of recommendations to be implemented to increase recycling rates and reduce the volume of waste going from the hospital to Tamworth's landfill.

Additionally with the collapse of the REDcycle program nationally, the Waste Sustainability Officer and Waste Manager, met with local representatives from Coles and Woolworths stores to offer a possible local solution for soft plastics. However, while the local stores were welcoming of the opportunity, the national corporate offices declined the offer of ad hoc local assistance at this time.

The Sustainable North West - Amazing Enviro Race

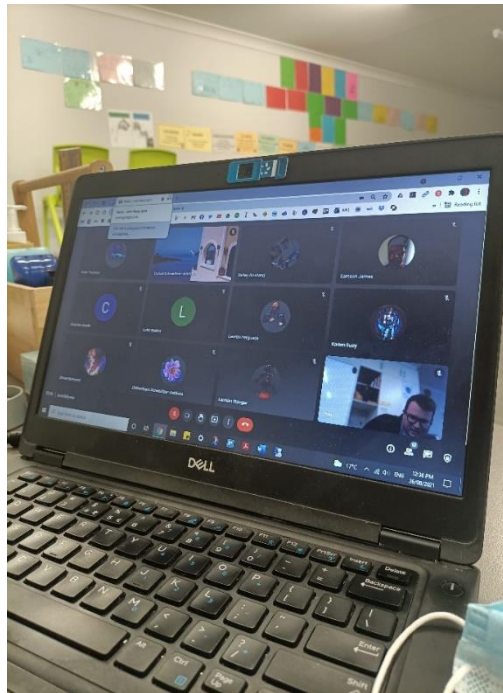
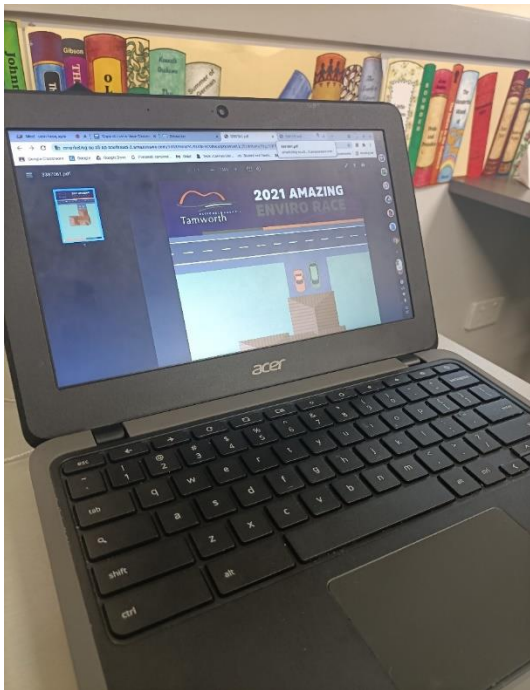
Sustainable North West has commenced planning for the Amazing Enviro Race for 2022/2023. The event will proceed provided that a suitable date and format, as per the agreed sponsorship proposal, can be met. Council is in the final year of the current sponsorship agreement for \$6,000 that supports the engagement and participation of our regional high schools in sustainability focused education.

Tamworth Regional Council was one of the major sponsors for the previous Amazing Enviro Race on Thursday, 26 August 2021. However, due to COVID-19 restrictions at the time, the event was conducted online with good participation of 72 students from eight different high schools across the Tamworth and Gunnedah region. It is hoped, with the change to COVID-

19 restrictions, event organisers will be able to recommence the face-to-face events this year.

Each team completed a series of challenge activities that focused on these themes:

- water conservation through water wise garden design;
- energy use - electricity costs and bill literacy;
- waste generation and legislation;
- Chaffey Dam and our local water catchment;
- water health and local aquatic creatures and habitat;
- recycling household items and the importance of correct sorting;
- community recycling centre locations;
- bird habitat and the solutions to save the critically endangered regent honey eater;
- native seedlings and how to propagate;
- the drivers of sustainable development;
- upcycling - turning waste into useful items; and
- bushfire resilience and the threats from climate change.



There were winners from all schools who were awarded vouchers from local regional businesses such as the Daily Cupcake Co, Escape Rooms Tamworth, Lots Moore Craft and Gaming, Tamworth Bike, Skate and Scoot and Why Leave Gunnedah.

The event received media coverage from both the Northern Daily Leader and NBN News, with event organisers receiving extremely positive teacher and student feedback about the event.

Clean up Australia Day

Registrations for this year's Annual Clean up Australia Day event are open for residents in our region to participate on Sunday, 5 March 2023. Council's Waste Sustainability Officer will be in contact with registered community sites to liaise about the assistance and options Council can provide in terms of the material their site has collected.

Last year's event was held on Sunday, 6 March 2022 and although it was a very wet day and some groups cancelled their clean-up activities, there were still some very dedicated members of the community who pushed through the wet weather and completed the clean up on the day. Some chose to complete their clean-up activities at a later date and their efforts are just as valued and welcomed.

Overall, a total of 340kg of litter items were collected. This volume was down on previous years due to wet weather on the day which resulted in some activities being cancelled, with some of these unable to be rescheduled.



Members of the local Korean and Vietnamese Community during their Clean up Australia Day activities

Bin Tagging Program – Residential Kerbside Bins

Council, in conjunction with its waste contractor Cleanaway, has implemented an ongoing Residential Bin Tagging Program within the community. Bin tagging is an educational engagement program aiming to reduce residents' contamination rates and ultimately reduce the volume of domestic recycling going to landfill by ensuring residents are diverting all recyclables possible. This involves a visual inspection of the bins presented for servicing prior to the truck arriving to empty the bin.

The program works in different phases moving to different areas within our community and not just focusing on any one particular area. Areas are chosen by the identified rejected bin locations due to contamination. At present we have been focusing on the yellow lid recycling bin.

Residents know if their bin has been part of the bin tagging program if they receive one of the following bin tags:



Blue tags are for residents who are brilliant at recycling and there is no contamination in their bins. They are given the opportunity to go in to a monthly draw for a Stay Regional, Shop Regional voucher.

Orange tags are for residents who didn't quite get it right but their contamination isn't enough to reject the whole bin contents. Their bin will be emptied but it is a warning and a learning opportunity and most don't make the same mistakes twice.

Red tags are for bins that are highly contaminated with items that are not accepted in the yellow lid bin and the bin will not be emptied until the bin has had the problem fixed by the resident.

This year there have been 8,841 bins inspected, 5,285 blue tags issued, 3,262 orange tags issued (bins still serviced) and 294 red tags issued and bins rejected until the issue has been fixed. Of the bins inspected as part of this program, that's 3.3% of bins that have had major contamination issues.

Cleanaway's Resource Recovery Officer (RRO) position, which undertakes the on the ground bin tagging program, became vacant in September 2022. The position has now been filled. The new RRO will commence mid-February 2023 and the bin tagging program will resume from March 2023. As part of the contract with Council, Cleanaway provides the RRO at no cost to Council and for a specified period of time per year. Given the position has been vacant, the hours that would have been allocated to this office have been accrued and it is intended that when the program resumes, the accrued hours will be utilised to undertake an intensive bin tagging program for a short period of time before reverting back to the regular allocated hours.

Waste Vouchers Permanent Implementation

The implementation of the new Waste Collection Services Contract did not include kerbside bulky household collection service as part of the new services contract. Consequently, Council resolved to implement, on a permanent basis, four free waste disposal vouchers per year to residential properties with a kerbside service. The vouchers are issued quarterly throughout the year.

Community feedback from the waste voucher trial undertaken prior to the permanent implementation of vouchers suggested voucher access should be extended to include the residential properties that do not receive a kerbside waste service, as they are either outside of the waste contractor serviceable area or there are no dwellings on the property. Council responded to this feedback by expanding the vouchers to all properties within the Council area.

Additionally, feedback was received from the community in relation to how Council issues hardcopy postcard size waste vouchers via Australia Post and that a digital system to access waste vouchers is preferred. However, residents who aren't able to or don't have access to a smart device or computer, would be able to still access a hard copy of their vouchers should they wish.

The digital voucher program utilises the existing weighbridge Mandalay system and has been implemented in a staged process, to connect residents to the properties they reside in. Moving forward, this will enable residents to access their quarterly issued vouchers on-line. This process was initially slow and as expected there was an initial influx of applications and some delays. However, multiple staff were processing the applications and have been keeping on top of applications and the issuing of vouchers for new applicants and advising applicants of how to access the on-line option for their vouchers.

Residents who still wish to receive their vouchers via the post can do so, by contacting Council.

Waste vouchers utilisation for the 2020/2021 financial year was 20% and for this current financial, year 3 quarterly vouchers have been issued to this point and the redemption rate is currently sitting at 14.5%; however, it is noted that the vouchers don't expire until 30 June 2023 and there is usually an influx in utilisation of vouchers as their expiry date approaches.

Waste Wagon

Council resolved on 8 November 2022 to undertake a one-year trial of a fee-based book in bulky household waste service, branded the Waste Wagon, to commence 1 February 2023. The service would occur a fee of \$25 per collection plus the use of one waste voucher to cover the disposal costs of the up to 2 cubic metres of material. There would be a 50% reduction of the \$25 fee (\$12.50) for pensioners.

Unfortunately, due to some issues with how electronic payments are made, there has been a delay to the commencement date of the Waste Wagon. Staff are working to address the issues and get the trial under way as soon as possible.

The one-year trial will commence from the day the Waste Wagon service launches.

Food Organics Garden Organics (FOGO) Trial

Council recently conducted a FOGO trial with 100 residents within the community.

The trial was very important as it will help shape the direction on the introduction of FOGO to the community following the construction of the proposed new Organics Recycling Facility (ORF). Results of the trial will be reported back to Council and the community, if and when Council makes a decision to proceed with construction of the ORF.

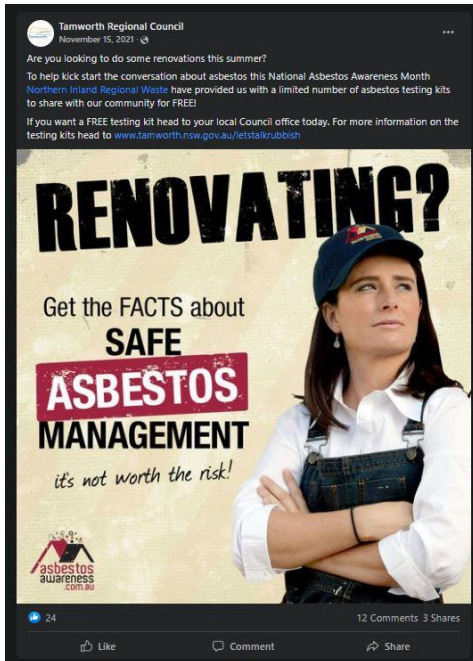
Regional Town Waste and Recycling Stations Roll Out

Council has a commitment to improve Public Place Recycling opportunities within the community. The Sustainability Unit, in conjunction with Regional Services Sport and Recreation division, has a future program within the Tamworth Regional Council boundary, to roll out consistent waste and recycling stations infrastructure throughout the regional towns that have a central business precinct or high traffic main street area.

Implementation will be a staged approach working within existing annual budget and will continue, until the infrastructure needs of the regional town's main business precinct have been met. Barraba will be the first location bins will be implemented, followed by Kootingal, then Nundle and then Manilla.

Free Residential Asbestos Test Kits

In partnership with Northern Inland Regional Waste (NIRW), Tamworth Regional Council has facilitated the collection of a limited number of free residential Asbestos Test Kits to assist residents with testing their properties for the presence of asbestos for their own piece of mind or because they are planning on doing some renovations.



The kits are only available to residents to collect and use. TRC staff have advised tradespersons who have called to access the kits, to direct the home owner to collect the kit as part of their recommendations prior to commencing works.

There is a step-by-step instruction sheet on how to collect samples and precautions that need to be taken. Once the samples are collected, they are boxed up and sent to the testing lab. Results are provided back to NIRW who pays for the testing and if there is a positive result, the home owner is notified and issued additional information from NIRW. The relevant Council receives a copy of the positive results also. There is the opportunity to test up to 3 samples with the kit provided.

To date there have been 40 kits issued and four positive results received. At this point there are a limited number of remaining kits, but Council has made representation to NIRW to see if this program can continue into next financial year.

Sonny the Sustainability Scout has a new friend called Curby!

The NSW Government has released two new strategies:

- Waste and Sustainable Materials Strategy 2041; and
- the NSW Plastics Action Plan.

Council has also recently agreed to enter into a contract with IQRenew for the processing of Council's kerbside recyclables IQ Renew also offers the Curby Soft Plastics Recycling Program. Council has now become the third Council in Australia to adopt the Curby Soft Plastics Recycling program that residents can conveniently participate in through their kerbside yellow lid bin.

This new program will help provide a solution for those residents who were collecting their soft scrunchie plastics and using the REDcycle supermarkets collection before this program closed.

The Curby program will help address a common contamination item of loose soft scrunchie plastic in the yellow lid bin, from being a problem to becoming a valuable resource that hopefully will no longer create problems. Residents should follow the simple rule of putting it in a shopping bag (*size) or another plastic bag* and not loose in the bin.

To date there are currently 1,562 participants registered for the program since its launch on 1 December 2022. Council has been advised that this is the fastest adoption rate for the program of all current eight Council areas around the country participating. Further work will be conducted to improve take up rates of the program.

Sustainability Engagement Activities at the 2023 Toyota Country Music Festival

The sustainability team hosted, a 3-hour pop up station each day over a 5-day period in front of Council's Ray Walsh House building in the forecourt during the Tamworth Country Music Festival.

The team made themselves available to engage with festival goers and promote where the free water bottle refill stations were located in the CBD, Bicentennial Park and Kennards Hire marquee, to reduce single use plastic beverage bottles.

People who engaged with staff were encouraged to complete the survey to test their general sustainability knowledge with four quick questions on optimal sustainability behaviour in relation to waste, water and energy. Participants could opt in to enter the draw for one of four double passes to Troy Cassar-Daley's concert on the 19 January 2023 at TRECC. Four visitors from out of town won tickets and were ecstatic to attend.

Completing the survey also provided participants the opportunity to spin the prize wheel for a chance to win various merchandise from Council's Sustainability Ambassador Troy Cassar-Daley, or a variety of other prizes that were functional and practical sustainability themed items.

There were 433 survey responses received and data collected has identified key messages the team can develop moving forward to educate future festival visitors ensure they are being as sustainable as possible. This is a really great response rate for a total of 15 hours of engagement.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The key to improving Waste Sustainability is community consultation. Extensive community consultation has occurred in relation to waste sustainability initiatives over the last six months with more is planned in the future.

(e) Delivery Program Objective/Strategy

As identified within the Environmental Sustainability Strategy and Action Plan 2022-2026, projects, programs and initiatives identified in this report align with Blue Print Focus Area 6 – Working with and Protecting our Environment.

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 RURAL AND REGIONAL SUMMIT - FEBRUARY 2023

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Rural and Regional Summit - February 2023”, Council authorise the Mayor, General Manager and Councillor Judy Coates to attend the Rural and Regional Summit to be held on 20 February 2023.

SUMMARY

Council received notification in mid-December 2022, of the Rural and Regional Summit. The Summit will be held in Sydney on 20 February 2023.

The purpose of this report is to authorise the attendance of the Mayor, General Manager and Councillor Judy Coates, who voiced her interest in attending the Summit.

COMMENTARY

The Rural and Regional Summit (the Summit) will be held for one day on Monday, 20 February 2023, at Sofitel Sydney Wentworth.

This one-day event has been advertised as being crucial for Mayors, Councillors, General Managers and Senior Council staff to attend to discuss the key issues affecting rural and regional communities.

The main purpose for the Summit follows receipt of major concerns raised by councils over the ever growing housing supply and affordability pressures, as the housing crisis continues to impact communities across the state.

Other key topics will include:

- NSW Reconstruction Authority update;
- Building Back Better – Roads and Infrastructure;
- Rural Health, Mental Health and Resilience; and
- Rural and Regional NSW – what do our communities really need?

The Draft Program for the Summit is **ATTACHED**, refer **ANNEXURE 1**. The final Program will be provided to Councillors once it is confirmed.

(a) Policy Implications

Nil

(b) Financial Implications

Approval arrangements for Councillor discretionary trips, attendance of Councillors at conferences, seminars, forums, workshops, professional development programs and/or other significant expenses and facilities under this policy and for insurance purposes must be authorised by way of a formal resolution of an Ordinary Meeting of the Council.

Costs associated with the attendance of Tamworth Regional Council staff at the Conference will be funded from their respective budgets.

(c) Legal Implications

Council's formal resolution for the attendance of any Delegate is required for insurance purposes whilst the Representatives are performing bona fide Council duties.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus area 9 - Open and Collaborative Leadership.

T5 - Build strategic partnerships and advocate to other levels of government to ensure our community needs are met and concerns heard.

9.2 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "2023 National General Assembly of Local Government", Council:

- (i) nominate Councillor representatives to attend this conference as appropriate; and*
- (ii) determine whether any motions will be submitted for inclusion in the conference business paper.*

SUMMARY

The purpose of this report is to advise Council of the 2023 National General Assembly of Local Government Conference to be held at the National Convention Centre, Canberra over 13-15 June 2023.

COMMENTARY

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year. The Assembly provides a unique opportunity for Local Government to engage directly with Federal

Government, to develop national policy and to influence the future direction of our councils and our communities.

The 2023 NGA will be held at the National Convention Centre in Canberra over 13-15 June 2023 with the theme being “Our Communities, Our Future”. While the Assembly is not until June, accommodation is reserved with registration and can book out early, therefore to secure rooms close to the National Convention Centre it is recommended that Councillors nominate to attend as soon as possible.

To assist Council to identify motions that address the theme of the 2023 NGA, the ALGA Secretariat has prepared a short discussion paper, a copy of which is **ATTACHED**, refer **ANNEXURE 1**. To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

- 1) be relevant to the work of local government nationally;
- 2) not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications;
- 3) be consistent with the themes of the NGA;
- 4) complement or build on the policy objectives of ALGA and your state or territory local government association;
- 5) be submitted by a council which is a financial member of their state or territory local government association;
- 6) propose a clear action and outcome i.e. call on the Australian Government to act on something;
- 7) not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government;
- 8) address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities;
- 9) not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another; and
- 10) be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions are due by 11:59pm on Friday, 24 March 2023, electronically in the prescribed format.

(a) Policy Implications

In accordance with Council’s Payment of Expenses and Provision of Facilities to Councillors Policy, authorisation of attendance of Councillors to the NGA must be by way of a resolution of Council.

(b) Financial Implications

The estimated cost per delegate will be in the vicinity of \$3,300, which includes registration fees of \$1,200, accommodation at \$350-\$400 per night, and air travel at

\$900. There is sufficient operational budget within the Councillor’s conferences and seminars budget to fund Councillor attendance at the NGA.

(c) Legal Implications

Council’s formal resolution for the attendance of any delegate is required for insurance purposes whilst the representatives are performing bona fide Council duties.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and Collaborative Leadership

9.3 AMENDMENTS TO THE ORDINARY COUNCIL MEETING SCHEDULE FOR TUESDAY 13 JUNE 2023 AND 14 NOVEMBER 2023

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

RECOMMENDATION

That in relation to the report “Amendments to the Ordinary Council Meeting Schedule for Tuesday 13 June 2023 and 14 November 2023”, Council:

- (i) reschedule the Ordinary Meeting scheduled for Tuesday, 13 June 2023 to Tuesday, 6 June 2023; and*
- (ii) cancel the Ordinary Meeting scheduled for Tuesday, 14 November 2023.*

SUMMARY

The purpose of this report is to advise Council that the 2023 National General Assembly and 2023 Local Government NSW Annual Conference dates have been confirmed, creating conflicts in the 2023 Ordinary Meeting schedule.

It is recommended Council amend the Ordinary Meeting schedule as outlined in the recommendation and the report below.

COMMENTARY

The 2023 National General Assembly will be held in Canberra from 13 to 15 June 2023. In December 2022, tentative dates of 18 to 23 June had been released for the National General Assembly allowing for the Ordinary Meeting to proceed on 13 June 2023.

Confirmed dates of 13 to 15 June for the National General Assembly were released in January 2023. Due to this conflict, it is recommended the Ordinary Council Meeting scheduled for Tuesday, 13 June 2023 should be rescheduled to Tuesday, 6 June 2023.

The 2023 Local Government NSW Annual Conference dates have been confirmed as 12 to 14 November 2023. An Ordinary Meeting is scheduled for Tuesday, 14 November and, due to travel times, it is not possible for Councillors to return in time for the Meeting.

Tuesday, 7 November will coincide with the Union Picnic Day for Council staff. For this reason, it is recommended the 14 November Meeting be cancelled.

(a) Policy Implications

Council has the discretion to change or cancel Ordinary Council Meetings provided adequate notice is given to Councillors and the public.

(b) Financial Implications

Nil

(c) Legal Implications

Section 365 of the *Local Government Act 1993*, requires Council to meet at least 10 times each year, each time in a different month.

Section 367 (1) of the *Local Government Act 1993*, requires the General Manager to send to each councillor, at least three days before each Meeting of Council, a notice specifying the time and place at which and the date on which the Meeting is to be held and the business proposed to be transacted at the Meeting.

(d) Community Consultation

The change of the Meeting dates will be publicly advertised and changed on Council's Website.

(e) Delivery Program Objective/Strategy

Focus area 9 – Open and collaborative leadership

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL COMMUNITY SAFETY WORKING GROUP - MEETING MINUTES - 24 NOVEMBER 2022

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Gina Vereker, Director Liveable Communities

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Community Safety Working Group - Meeting Minutes - 24 November 2022”, Council:

- (i) receive and note the minutes of the 24 November 2022 meeting; and*
- (ii) write to the Member for Tamworth, the Honourable Kevin Anderson, requesting support for the funding of an Education Court Liaison Officer (ECLO) and request a timeline for implementation.*

SUMMARY

The purpose of this report is to:

- present the minutes of the Tamworth Regional Community Safety Working Group (TRCSWG) meeting held on 24 November 2022; and
- recommend that Council write to the Member for Tamworth, the Honourable Kevin Anderson, requesting support for the funding of an Education Court Liaison Officer (ECLO) and request a timeline for implementation.

COMMENTARY

The following is a summary of the main items discussed at the TRCSWG meeting held on 24 November 2022, as reported in the minutes **ATTACHED**, refer **ANNEXURE 1**:

- The Working Group discussed the positive outcomes that could be achieved if the Education Court Liaison Officer (ECLO) program was to be introduced in the Tamworth Region. The Tamworth Multidisciplinary Approach Project seeks to establish alternative service pathways for children and young people entering and or exiting the justice system. It does so by removing barriers and improving access to information between government and non-government agencies that will support decisions, assessments, and interventions to reduce offending. The project has recently seen successful outcomes for young people in Tamworth, however there are challenges surrounding the long-term sustainability and coordination of the project.

The project is currently running with similar success in other regional areas, supported by a dedicated and funded Court Liaison Officer. The TRCSWG would like to explore options to fund a Court Liaison Officer to further support the Tamworth based project and outcomes. The TRCSWG resolved to recommend to Council that a letter be sent to the Member for Tamworth requesting support for the funding of this program in the Tamworth Region.
- Guest speaker, Martin Howes, Centre Manager of Centrepoint Tamworth addressed the Working Group in relation to recent increases in anti-social behaviour both in and around the Centrepoint complex.

- Council's Crime Prevention Officer, Gino Tiberi, provided an update on the outcomes of the recent Community Safety Survey which was open to the community during August and September 2022.

A total of 118 responses were received. The results showed that the perception of crime and safety in the community is very subjective and does not necessarily reflect the evidence in terms of crime rates. Generally, the responses revealed that people felt safe to live in the Tamworth Region. The results indicated that the community is very supportive of CCTV, as it gives a sense of security. People also feel a lot safer when there are events on due to the amount of people out and about.

- The outcomes of the survey will form part of the new Community Safety and Crime Prevention Plan. The Plan is currently in draft form and will be the subject of a future Councillor Workshop prior to being considered by the TRCSWG.

(a) Policy Implications

There are no policy implications. The draft Community Safety and Crime Prevention Plan will be presented to the Working Group following a Councillor Workshop and prior to being reported to Council for formal adoption during the second quarter of 2023.

(b) Financial Implications

There are no financial implications. The operation of the Working Group and cost of preparation and engagement processes in relation to the draft Community Safety and Crime Prevention Plan is funded by existing operational budgets.

(c) Legal Implications

Nil

(d) Community Consultation

The Community Safety Survey undertaken as part of preparation of the Community Safety and Crime Prevention Plan was open during August to September 2022. A total of 118 responses were received.

Despite significant efforts by Council to encourage community input to the survey, including use of a wide range of media, as well as the opportunity to attend a range of focus group meetings, overall, the result was disappointing due to the lack of response. Following the close of the survey, Council also reached out to a number of community groups but received no reply.

Although this level of response could be considered as an adverse outcome, the low level of response is actually considered to be consistent with/ a reflection of what the majority of those who did respond had to say, i.e., Tamworth region residents generally feel safe on the streets and within their community. This is a positive outcome.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

10.2 TAMWORTH CITY CENTRE WORKING GROUP - MEETING MINUTES - 17 NOVEMBER 2022

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth City Centre Working Group - Meeting Minutes - 17 November 2022”, Council:

- (i) receive and note the Minutes of the meeting held on 17 November 2022;*
- (ii) acknowledge the efforts of Council’s Events staff to incentivise the local retail and business community to get involved in the spirit of the 2023 Tamworth Country Music Festival;*
- (iii) endorse the planting of Buxux (box) hedge in the following CBD locations to improve the beautification and greening of the CBD:*
 - four corners of the Peel Street and Bridge Street intersection;*
 - both sides of the pedestrian crossing located on Peel Street near the Slim Dusty and Joy McKean statues; and*
 - other areas where appropriate.*

SUMMARY

The purpose of this report is to present to Council the Minutes of the Tamworth City Centre Working Group meeting held on 17 November 2022, and to provide an overview of the meeting outcomes.

COMMENTARY

The Minutes of the Tamworth City Centre Working Group Meeting held 17 November 2022 are **ATTACHED**, refer **ANNEXURE 1**. The main items discussed at the meeting are detailed below:

- an overview of statistics relevant to the outcomes of the April 2022 Tamworth Country Music Festival was provided by guest Barry Harley, Council’s Manager - Events. It was pleasing to note that an average of 26,000 people walked through the CBD/Peel Street during the festival each day, and up to 34,000 on the second Saturday. This compares to an average of 7,900 persons on a ‘non-festival’ day.

It was also significant to note that 25% of attendees at the 2022 Festival were first time attendees while 50% had attended the festival on at least ten occasions. This is certainly a relevant consideration in the planning of future festivals in terms of the challenge of striking a balance between keeping the same programme enjoyed by repeat attendees and obtaining new artists and events in order to continue to attract new attendees.
- Barry Harley also provided an update on planning for the 2023 Festival and advised that anticipated numbers were expected to be equivalent to attendance at the 2019 Festival.
- The Working Group discussed the potential for Council to encourage the local retail and business community to be more involved in the spirit of the Tamworth Country

Music festival by decorating shopfronts. The Working Group recommendation was taken on board by Events staff; however, their experience has been that not many local retailers get behind the event, particularly not to the extent of decorating shopfronts. In previous years Council offered prepared collateral but few businesses are able to take up the offer because of national ownership.

- Council's Integrated Planning Team presented the outcomes of the Tamworth Urban Heat Island Report and updated the Working Group on the invitation for community members and landowners to lodge Expressions of Interest (EOI) relevant to the current review of the Tamworth Regional Local Environmental Plan (TRLEP).
- The Working Group discussed future stages of the Peel St Beautification project and the greening of the CBD and resolved to recommend to Council the planting of box hedges in a number of CBD locations.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The community consultation being undertaken as part of the Tamworth Regional Local Environmental Plan review was discussed with an explanation of the EOI process provided for the information of the Working Group.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A liveable built environment.

Focus Area 3 – Prosperity and innovation.

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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

PROVISION OF CLEANING SERVICES FOR COUNCIL FACILITIES - TENDER T053/2023

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager - Plant Fleet and Building Services

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

This tender is for carrying out cleaning services for Tamworth Regional Council (Council) facilities located across the Local Government area (LGA). This includes office areas, operational sites, public amenities, sporting facilities, libraries, art galleries, museums, halls, and community spaces.

Council's cleaning tender has been delayed to allow staff to be settled in new locations as a result of vacating Ray Walsh House. This has also allowed the tenderers to provide pricing on cleaning the new locations.

The tender was advertised on Tenderlink on 26 October 2022. Compulsory briefings were held on 8 November for Tamworth locations, 9 November for Manilla and Barraba locations and 10 November for Nundle locations.

BAIADA - WATER SUPPLY AGREEMENT AND ASSOCIATED FUNDING - NEW CHICKEN PROCESSING ABATTOIR - OAKLANDS, TAMWORTH

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director - Water and Waste

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

Baiada has development consent to build a new chicken processing abattoir at Oaklands Tamworth, next to its existing rendering facility. Baiada has indicated it would like to construct the new plant in two stages. Security of water supply during general daily operations and during drought is a major concern for Baiada. As a result, representatives of Baiada and Council staff have been discussing a Water Supply Agreement that could facilitate the construction of Stage 1 of the facility.

The purpose of this report is to seek direction from Council in relation to the proposed water supply agreement between Council and Baiada Pty Ltd (Baiada).

UPPER MOORE CREEK ROAD, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council's authorisation for the proposed acquisition of land for the purposes of road widening on Upper Moore Creek Road and to authorise Council's acceptance of the land to be dedicated as a road. This relates to the Moonbi to Hallsville route upgrade project.

Background

The Moonbi to Hallsville route consists of 24.6 kilometres of Tamworth Regional Council's (Council's) local road network, including Davidsons Lane, Upper Moore Creek Road, Moonbi Gap Road and Charles Street. These roads form the link between the New England Highway and MR63 Manilla Road (and further west onto the Oxley Highway via Appleby Lane). This link, shown in Figure 1 below, is a key freight and tourism connection for the New England region and NSW. The route upgrade project aims to improve the safety on this route for all road users with the Australian Government having committed \$2 million under the Heavy Vehicle Safety and Productivity Program (HVSPP), and Council matching this contribution.



Figure 1 – Locality plan for route

Sections along the route currently carry between 500 and 1,400 vehicles per day with approximately 87% passenger vehicles and 13% heavy vehicles. An independent road safety audit (RSA) was undertaken along the route, with a number of locations identified and prioritised for safety improvements. The number of locations able to be upgraded is limited by the available funding.

TENDER T043/2023 - EXTENSION OF IN-SITU BOX CULVERT STRUCTURES FOR THE DURI-DUNGOWAN ROAD UPGRADE - REDUCED SCOPE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 12.4 to Ordinary Council 11 October 2022 - Minute No 308/22

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

SUMMARY

The purpose of this report is to seek Tamworth Regional Council's (Council's) approval to accept the revised price for T043/2023 for the reduced scope relating to the extension of only one concrete box culvert drainage structure for the Duri-Dungowan Road upgrade project.

Background

Duri-Dungowan Road is approximately 30 kilometres of road running east-west between Duri and Dungowan approximately 15 kilometres south of Tamworth. A 6.1 kilometre section between the New England Highway and Gowrie Road is the only unsealed section along this length. This project relates to the upgrade and sealing of this section.

Sealing of Duri-Dungowan Road between Gowrie Road and the New England Highway will provide a fully sealed route from Nundle Road at Dungowan to Werris Creek Road at Duri. Due to the prevalence of heavy vehicles, this length of unsealed road deteriorates rapidly. Upgrading and sealing this section of road will improve the safety and productivity for all road users, including heavy vehicles, and reduce the frequency with which Council needs to maintain this section of road.

The project was successful in obtaining \$2.325 million in funding under Round 2 of the NSW Government's Fixing Local Roads program. This funding was supplemented with a \$775,000.00 contribution from Council.

The original tendered scope for T043/2023 was for the extension of three existing transverse box culvert drainage structures to allow for widening and upgrade of the road. This report relates to the revised scope of extending only one structure, which provides insufficient width to accommodate two lanes of traffic. The location of this crossing is indicatively shown in Figure 1 as Culvert 3, with the existing structure shown in Figure 2.

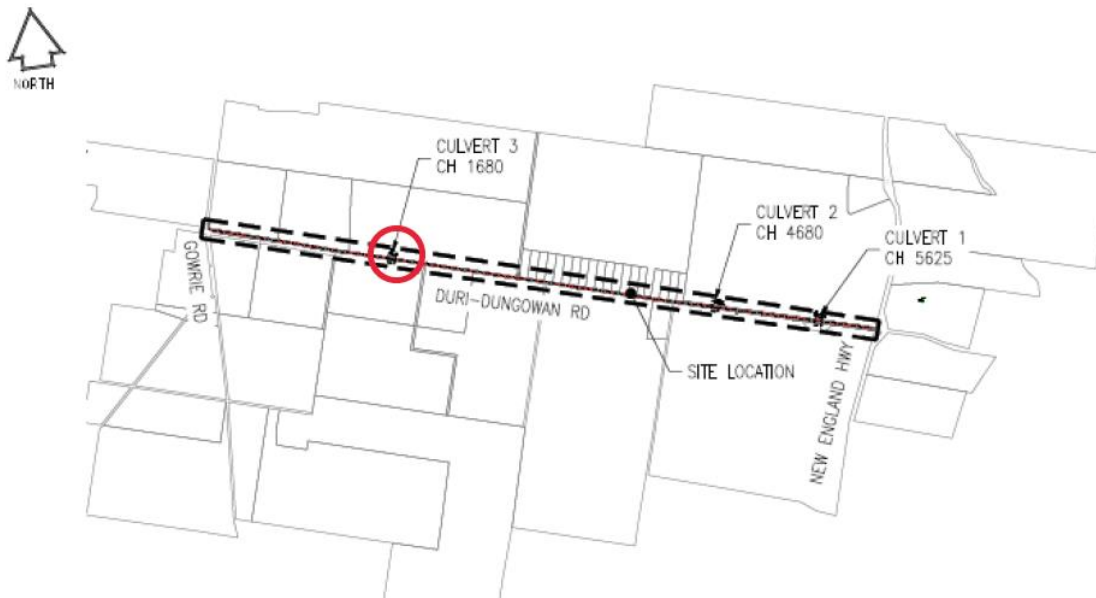


Figure 1 – Indicative location of Culvert 3.



Figure 2 – Culvert 3 existing arrangement.

**PROPOSED LICENSE TO TAMWORTH NETBALL ASSOCIATION INCORPORATED OF
PART LOT 102 IN DEPOSITED PLAN 1262475**

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Blake Mammarella, Sport and Recreation Development Officer
Paul Kelly, Manager - Sports and Recreation
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to advise Council of the matters relating to the Tamworth Netball Association Incorporated and a proposed new license for the area that the Tamworth Netball Association Incorporated utilises.

Tamworth Netball Association Incorporated (TNA) continues to provide the Tamworth community with the opportunity to participate and compete within the sport of netball. TNA have been a core user group of the Tamworth Sports Dome facility since its opening in 2011, and have held a license agreement with Tamworth Regional Council (Council) during this period. This previous agreement has recently reached its end of term and TNA have expressed interest in securing another license agreement with Council.

PROPOSED SALE OF COUNCIL LAND

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer
3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to inform Council of the outcome of the Expression of Interest for the proposed lease or part sale of the property referred to in the body of the report and to seek authorisation for the Mayor and General Manager to negotiate an acceptable outcome based on the information in this report.

LEASE OF COUNCIL OWNED LAND AT 6-44 BRITTEN ROAD, TAMWORTH

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations
Reference: Item 14.4 to Ordinary Council 13 March 2018 - Minute No 87/18
Item 12.3 to Ordinary Council 22 October 2019 - Minute No 387/19
Item 8.4 to Ordinary Council 13 December 2022 - Minute No 378/22

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

SUMMARY

The purpose of this report is to seek direction from Council regarding the ongoing lease of Council owned land located at 6-44 Britten Road, Tamworth.

PROPOSED EASEMENT ADJUSTMENT - REDBANK SEWER RISING MAIN - WILTRUST DEVELOPMENT

DIRECTORATE: WATER AND WASTE
AUTHOR: Ian Cross, Senior Project Engineer
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to gain Council approval for the adjustment of the existing 3m wide easement associated with the Redbank Sewer Rising Main to accommodate the realignment of the Sewer Rising Main in association with the approved development by Wiltrust.

GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Russell Webb, Mayor

2 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (a) of the local Government Act 1993 on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors..

SUMMARY

This Mayoral Minute provides additional commentary on the report prepared by the Performance Review Panel (PRP) as part of the annual assessment of the General Manager's performance. The PRP met with the General Manager and undertook this assessment on 7 November 2022.

TAMWORTH INTERMODAL - PROJECT UPDATE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Graeme McKenzie, Manager - Strategy, Assets and Design

Reference: Item 12.6 to Ordinary Council 12 October 2021 - Minute No 292/21

Item 12.7 to Ordinary Council 8 November 2022 - Minute No 346/22

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

SUMMARY

This report provides an update in relation to progress of the proposed development of the rail/road intermodal, known as the Tamworth Rail Intermodal (TRI), and located within the Tamworth Global Gateway Park (TGGP).

The report also presents information related to the status of contractual negotiations between parties involved in the development of the TRI.

This report seeks approval for the Mayor and General Manager to bring this ongoing matter to a conclusion.

T013/2023 DESIGN CONSTRUCTION AND COMMISSIONING OF THE TAMWORTH ORGANICS RECYCLING FACILITY

DIRECTORATE: WATER AND WASTE
AUTHOR: Naomi Schipanski, Manager - Projects, Strategy and Infrastructure

Reference: Item 12.5 to Ordinary Council 13 July 2021 - Minute No 202/21
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek direction from Council in relation to Tenders received for the design, construction and commissioning of the proposed Tamworth Organics Recycling Facility.

T059/2008 TAMWORTH EFFLUENT REUSE FARM OPERATIONS

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

Reference: Item 12.3 to Ordinary Council 23 February 2021 - Minute No 45/21
Item 12.4 to Ordinary Council 25 May 2021 - Minute No 155/21
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to advise Council that the previous Tamworth Effluent Reuse Farm Contractor, Harley Hay Pty Ltd, has sent correspondence to Council seeking financial compensation in relation to the finalisation of the former Project Agreement for the operation of the Tamworth Effluent Reuse Farm.