



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the **Meeting of Tamworth Regional Council** held in the **Council Chambers**,
The Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth

10 OCTOBER 2023

GINA VEREKER
ACTING GENERAL MANAGER

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers,
The Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth
TUESDAY 10 OCTOBER 2023 at 6.30PM

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PRESENT: Cr Russell Webb (Mayor), Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, Cr Brooke Southwell, Cr Marc Sutherland, Cr Mark Rodda, Cr Helen Tickle.

IN ATTENDANCE: The Acting General Manager, Director Liveable Communities, Director Growth and Prosperity, Acting Director Regional Services, Director Water and Waste, and Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Stephen Mears, who is unable to attend the Meeting due to illness.

MOTION

Moved Cr Betts/Cr Coates

That the apology be accepted and Cr Stephen Mears be granted leave of absence from the Meeting.

249/23 RESOLVED

2 COMMUNITY CONSULTATION

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

Robert Vuk – Spoke in opposition to the recommendation

SUSPENSION OF STANDING ORDERS

MOTION

Moved Cr Tickle/Cr Betts

That Council suspend standing orders to extend the three minutes of Mr Vuk by an additional two minutes.

250/23 RESOLVED

RESUMPTION OF STANDING ORDERS

MOTION

Moved Cr Betts/Cr Coates

That Council resume normal business.

251/23 RESOLVED

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

Katherine Jackson – Spoke in opposition to the recommendation

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

Phillip Powell – Spoke in opposition to the recommendation

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Burke/Cr Sutherland

That the Minutes of the Ordinary Meeting held on Tuesday, 26 September 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

252/23 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

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

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Alice Elsley, Senior Development Assessment Planner

MOTION

Moved Cr Burke/Cr Sutherland

That Council, in relation to Development Application No. DA2022-0494 for the Expansion of an Existing Horse Training Facility, Continued Use of Existing Buildings and Structures, Operation of Additional Events and an Associated Temporary Camping Ground on Lot 43 in DP 245449, 95-161 Spains Lane, KINGSWOOD NSW 2340, grant Development Consent subject to the following conditions:

General Conditions of Consent

- 1) Development shall take place in accordance with the attached endorsed plans:
 - a) Architectural Plans Prepared by Barnson Pty Ltd, Project Number 37883 and Drawings Numbered:
 - i. A01 and A103, Revision H, Dated 09 March 2023;
 - ii. A03 (as amended in red), Revision K, Dated 09 August 2023;
 - iii. A04, Revision L, Dated 28 September 2023
 - iv. A06, A101-A102 and A105-A107, Revision F, Dated 11 August 2022.
 - b) Civil Design Drawings Prepared by Barnson Pty Ltd, Project Numbered 37883, Drawings Numbered C07 (Revision 2 and Dated 06 September 2022) and C08 (Revision 1, Dated 16 August 2022);
 - c) Proposed Driveway Designs Prepared by High Definition West Pty Ltd, Project Numbered HDW16-Drawings Numbered DA01 to DA-03, Revision 2, Dated 12 May 2023;
 - d) Noise Impact Assessment Report Prepared by Muller Acoustic Consulting, Dated 08 September 2022; and
 - e) Traffic Impact Assessment Report Prepared by Barnson Pty Ltd, Project Numbered 37883-TIA01_5, Dated 10 March 2023.
- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 3) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC) and the disability (Access to Premises - Buildings) Standards 2010.
- 4) The Applicant shall consult with, as required:
 - a) Essential Energy;

- b) Natural gas company; and
- c) a telecommunications carrier;

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).

- 5) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Direction No. 11 Preservation of Survey Infrastructure published by Spatial Services NSW. In this regard, the Principal Contractor is responsible for the protection of the mark.
- 6) To confirm and clarify the terms of Council's approval, this consent provides for the operation of a camping ground solely in connection with sporting, cultural and recreation events held on the land, as identified in ANNEXURE A of this consent.
- 7) In accordance with Section 4.17(5) of the Environmental Planning and Assessment Act 1979, the development consent granted via DA0090/2013 must be partly surrendered to the extent that the approved uses and activities / events are superseded by this consent (DA2022-0494). Written notice of the surrender of the consent must be provided to Council prior to the commencement of the first event. The notice shall contain the required information under Section 67 of the Environmental Planning and Assessment Regulation 2021.

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

- 8) To confirm and clarify the terms of Council's approval and as provided for by Section 4.17(d) of the Environmental Planning and Assessment Act 1979, the use of the site for five (5) campdrafting events per year, namely KPH Exclusive Major, the KPH campdraft and outside hire events is limited to an initial period of five (5) years from the date of this Development Consent.

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

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

- 10) Any required approvals for the development approved by this consent under

Section 68, Parts A to F, of the Local Government Act 1993, shall be obtained from Council prior to the commencement of building works or use of the land. This includes (but is not limited to): carrying out water/sewerage/stormwater works; camping ground; installation or operation of an on-site sewage management system; management of waste; operation of a mobile food van; or installation of a moveable dwelling.

- 11) An approval must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with Section 138 of the Roads Act 1993. Detailed construction plans shall be provided to Council for approval.

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

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

Actions to be undertaken	Timeframe to Complete
Landscaping shall be completed on the site in accordance with the detailed landscaping plan required by Condition No. 13.	Within three (3) months from the date of Development Consent
A detailed stormwater management plan shall be submitted to Council for approval in accordance with the requirements of Council's current version of Engineering Design Minimum Standards for Subdivisions and Developments. Additionally, the plan must include stormwater detention for the range of 1:1 to 1:100-year ARI events to reduce the developed flows to predeveloped flows, being rural land with maximum 2% impervious hardstand and roof area.	Within three (3) months from the date of Development Consent
A Positive Covenant pursuant to the Conveyancing Act 1919 shall be registered to nominate that the development requires detention in accordance with the approved storage volume, orifice sizes and discharge rates specified in the stormwater strategy and detailed design. The covenant shall include details of maintenance responsibilities and schedules.	Within six (6) months from the date of Development Consent
The existing site access from Spains Lane shall be upgraded to allow a 19m articulated vehicle to access the site without crossing the road and driveway centrelines.	Within six (6) months from the date of Development Consent
The driveway and crossover shall be widened to accommodate two lanes allowing two 19m articulated vehicles to pass.	Within six (6) months from the date of Development Consent
All publicly accessible parking areas and	Within six (6) months

driveway entry shall be constructed with a base course of adequate depth to accommodate the design vehicle loading and be bitumen sealed.	from the date of Development Consent
<p>Noise monitoring must be undertaken during the campdrafting and outside hire events and a Noise Validation Assessment Report submitted to Council.</p> <p>Recommendations for any possible noise mitigation measures must be provided in this report and implemented as soon as practicable following their identification. The Noise Validation Assessment Report must include evidence demonstrating compliance with Condition No. 34, and a copy of any complaints and resolution process in accordance with Condition No. 14.</p> <p>The scope of this validation assessment, including the noise monitoring program, is to be confirmed with Council prior to the assessment being undertaken.</p>	Before 12 months from date of development consent

Prior to the Use of Land

- 13) Prior to the use of the land, a detailed landscape plan shall be submitted to Council's Director, Liveable Communities for approval. The landscape plan must include details of the height, botanical names, height and spacing, and watering schedule and replacement of dead trees and / or shrubs.
- 14) Prior to the commencement of the activities and events approved by this consent, an Operational Management Plan must be submitted to Council's Director, Liveable Communities for approval. The Operational Management Plan must include any recommended mitigation measures contained in the Statement of Environmental Effects, Revision D dated 13 March 2023, and the endorsed Noise Impact Assessment Report, Traffic Impact Assessment Report and letter prepared by Barnson (dated 12 September 2022, Ref. 37883-PL01_A). Additionally, the Operational Management Plan shall include (but not be limited to) the following issues:
 - a) events register (both private and public);
 - b) noise;
 - c) hours of operation;
 - d) traffic and parking;
 - e) odour and dust emissions;
 - f) temporary camping;
 - g) landscaping;
 - h) lighting (vehicles and buildings);
 - i) safety and security measures;
 - j) details of complaints and resolution process;
 - k) waste management; and

- l) schedule of works to be undertaken.

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

Prior to the Commencement of Building Works

- 15) The approved development which is the subject of this development consent must not be commenced until:
 - a) a Construction Certificate for the building work has been issued by the consent authority, Council (if Council is not the consent authority) or an accredited Certifier;
 - b) the person having the benefit of the development consent has:
 - i. appointed a Principal Certifier for the building work; and
 - ii. notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case;
 - c) the Principal Certifier has, no later than two days before the building work commences:
 - i. notified the consent authority and Council (if Council is not the consent authority) of his or her appointment; and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i. appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved;
 - ii. notified the Principal Certifier of any such appointment;
 - iii. unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - iv. given at least two days' notice to Council of the persons intention to commence the erection of the building.
- 16) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) must be a standard flushing toilet;
 - b) must be connected to a public sewer; or
 - c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.
- 17) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
 - a) the name, address and telephone number of the Principal Certifier for the

work; and

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

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

- 18) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book"). Such controls shall be maintained on the site for the duration of works.
- 19) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 (formerly Section 94A) Development Contributions Plan 2013, \$4,276.47 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development.

If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

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

Where:

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

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

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

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

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

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

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

During Construction or Building Work

General

- 20) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

- Monday to Friday - 7.00am to 5.00pm;
 - Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;
 - no work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.
- 21) The Applicant shall be responsible to instruct and control its contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
- 22) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials or construction fencing without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.
- 23) Any damage caused to Council infrastructure as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 24) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- 25) A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
- 26) The Applicant shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.

Traffic and Parking

- 27) On-site parking accommodation for light vehicles shall be provided for a minimum of 20 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such parking must be set out generally in accordance with the details indicated on the submitted plans, except as otherwise stated by the conditions of this consent.

Outdoor Lighting

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

Inspections

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

Prior to Issue of an Occupation Certificate

- 30) The occupation or use of the whole or any part of a new building must not commence unless an Occupation Certificate has been issued in relation to the

building or part.

- 31) The occupation or use of the whole or any part of a new building shall not commence unless a Section 68 Certificate of completion has been issued by Council. The certificate of completion shall not be issued until such time as all relevant conditions of the Section 68 approval have been complied with and all applicable documents received by Council.
- 32) To ensure that the required Fire Safety Measures are provided in accordance with the building's use and operating in accordance with the appropriate standards, the owner of the building must cause a copy of a Final or Interim fire safety certificate to be given to the person issuing the occupation certificate in accordance with Clause 84 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the fire safety schedule. The certificate must only be in the form specified by Clause 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building. Email address for lodgement of Fire Safety Certificate is - firesafety@fire.nsw.gov.au

Ongoing Use

- 33) The approved hours of operation and capacity limits shall comply with the details provided in ANNEXURE A of this consent.
- 34) Noise emissions from the ongoing operation of the development shall not exceed the Project Noise Trigger Level (PNTL) for residential receivers as identified in the Noise Impact Assessment prepared by Muller Acoustic Consulting, 8 September 2022. The PNTLs are:

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

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

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

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

- 35) During ongoing use of the premises, the following requirements shall be met:
 - a) all outdoor lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent;
 - b) the landscaped areas on the site shall be maintained at all times;
 - c) the operational management plan shall be adhered to at all times;
 - d) the sealing to all publicly available parking areas and driveway entry shall be maintained at all times;
 - e) all vehicular movement to and from the site shall be in a forward direction; and,

- f) the on-site stormwater systems and detention basin shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 36) If any food is to be supplied to patrons, Tamworth Regional Council Environmental Health Officers must be notified and an inspection must be arranged prior to the preparation or sale of any food.
- 37) All water provided to the development for potable purposes must come from a private water supply which has a Quality Assurance Program (QAP) as per the requirements of the Public Health Act 2010 and Public Health Regulation 2022. This QAP must be submitted to NSW Health and a copy must also be provided to Council.
- 38) A speed limit must be displayed in a prominent location to limit vehicle speed to 15 km/h within the camping ground.
- 39) Emergency exits shall remain clear of obstructions at all times. A site plan and emergency evacuation procedure shall be displayed in a prominent position on the site.
- 40) A caravan/campervan, self-contained horse trucks and horse floats must be no closer than six (6) metres to any other van. Caravans should be sited on arrival in such a way that it is possible to access the drawbar of the caravan to facilitate ease of removal. Vans should not be sited so that the moving of other vans is necessary to facilitate removal.
- 41) No tents are permitted within the temporary campground.
- 42) Firefighting equipment shall be available in the camping ground and its location clearly identified to patrons for use in the case of an emergency.
- 43) Any electrical power must be provided in accordance with AS 3001-1990 Electrical installations – Moveable premises (including caravans) and their site installations.
- 44) A designated person shall be onsite at all times guests are occupying the campground. This person should be contactable by emergency services and patrons.
- 45) The camping ground should be adequately lit to enable the patrons to see and move around the camping ground at night. The facilities and main access routes should be adequately lit at night.
- 46) Waste receptacles are required to be provided in adequate numbers and locations to collect rubbish.
- 47) Wastewater from caravans shall not be disposed on site into the collection well system. All wastewater must be disposed in an approved off-site Ezy dump point.
- 48) Campers for the campdraft events shall be directed to set-up in the designated public use areas on the site and at least 50m from the boundary fence with Spains Lane to minimise odour, lighting and noise impacts to adjoining residential properties.

Campers at all other approved events (as per Annexure A), must be directed to set-up in close proximity to the existing approved donga accommodation (approved under DA0090/2013).
- 49) If there are any taps on the site that are not suitable for drinking purposes these taps must be signed as such (“not fit for drinking” “non-potable not for consumption” or words to that affect).

Advice Note(s)

- Note 1: Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 requires the owner of a building to which an essential fire safety measure is applicable to maintain each essential fire safety measure as identified by virtue of a fire safety schedule, to a standard no less than that specified in the schedule inclusive of the entire building.
- Note 2: Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule for the entire building. The statement must only be in the form specified by Clause 92 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade. Email address for lodgement of Annual Fire Safety Statement - afss@fire.nsw.gov.au and a copy must also be sent to Council development@tamworth.nsw.gov.au
- Note 3: At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.

ANNEXURE A – Operating Hours and Capacity Limits for Events

Table 1. Events and Hours of Operation

Event	Frequency (per year)	Duration	Hours
Private Clinics (e.g. training clinics, horse clinics, camp drafting clinics). Includes overnight stays / camping for up to 16 riders, 16 light vehicles and 4 heavy vehicles	10	1 day (Friday, Saturday or Sunday)	8am – 5pm
KPH Campdraft Events, including entertainment Includes camping / overnight stays A maximum of 95 self-contained horse trucks and horse floats are permitted to stay on the site overnight	1 2 (Elite Level) Total: 3	2.5 days (Friday, Saturday and/ or Sunday)	Campdraft: 7am – 10pm Entertainment: 12pm – 10pm* Note*: Music and amplified speakers shall cease by 10pm as per NIA modelling and assumptions)
Outside Hire Events (e.g., Tamworth Campdraft Club)	2	2.5 days (Friday, Saturday and / or Sunday)	7am – 7pm

Includes camping / overnight stays A maximum of 95 self-contained horse trucks and horse floats are permitted to stay on the site overnight			
Annual horse sale	1	1 day (any day between Monday to Saturday)	10am – 3pm
Tamworth Team Penning Includes small scale overnight stays / camping for up to 16 riders, 24 light vehicles and 4 heavy vehicles	10	1 day (Saturday or Sunday)	8am – 5pm
Guest Horse Training Events (Hire of campdraft arena and covered arena for people to train prior to completing major equine events held at ALEC and surrounding areas).	3	Weekdays	Nil specified.
Special Events e.g., dog trials and equestrian events Includes small scale overnight stays for up to 16 riders, 14 light vehicles and 3 heavy vehicles	3	2 days (Saturday and / or Sunday)	7am – 7pm

Table 2. Capacity Limits for Events.

Event	Riders	Horses	Spectators	Cattle	Light Vehicles	Heavy Vehicles
Private Clinics	40	40	30	0	40	10
KPH 'Elite' Campdraft, including entertainment	130	170	370	1200	120	79

KPH Campdraft, including entertainment	200	200	300	1200	140	70
Outside Hire Events (e.g., Tamworth Campdraft Club)	200	350	300	1200	140	70
Tamworth Team Penning	40	40	30	60	60	10
Special Events e.g., dog trials and equestrian events	30	30	40	90	35	6

AMENDMENT

Moved Cr Burke/Cr Betts

That Council, in relation to Development Application No. DA2022-0494 for the Expansion of an Existing Horse Training Facility, Continued Use of Existing Buildings and Structures, Operation of Additional Events and an Associated Temporary Camping Ground on Lot 43 in DP 245449, 95-161 Spains Lane, KINGSWOOD NSW 2340, grant Development Consent subject to the following conditions:

General Conditions of Consent

- 1) Development shall take place in accordance with the attached endorsed plans:
 - a) Architectural Plans Prepared by Barnson Pty Ltd, Project Number 37883 and Drawings Numbered:
 - i. A01 and A103, Revision H, Dated 09 March 2023;
 - ii. A03 (as amended in red), Revision K, Dated 09 August 2023;
 - iii. A04, Revision L, Dated 28 September 2023
 - iv. A06, A101-A102 and A105-A107, Revision F, Dated 11 August 2022.
 - b) Civil Design Drawings Prepared by Barnson Pty Ltd, Project Numbered 37883, Drawings Numbered C07 (Revision 2 and Dated 06 September 2022) and C08 (Revision 1, Dated 16 August 2022);
 - c) Proposed Driveway Designs Prepared by High Definition West Pty Ltd, Project Numbered HDW16-Drawings Numbered DA01 to DA-03, Revision 2, Dated 12 May 2023;
 - d) Noise Impact Assessment Report Prepared by Muller Acoustic Consulting, Dated 08 September 2022; and
 - e) Traffic Impact Assessment Report Prepared by Barnson Pty Ltd, Project Numbered 37883-TIA01_5, Dated 10 March 2023.

- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 3) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC) and the disability (Access to Premises - Buildings) Standards 2010.
- 4) The Applicant shall consult with, as required:
 - a) Essential Energy;
 - b) Natural gas company; and
 - c) a telecommunications carrier;regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).
- 5) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Direction No. 11 Preservation of Survey Infrastructure published by Spatial Services NSW. In this regard, the Principal Contractor is responsible for the protection of the mark.
- 6) To confirm and clarify the terms of Council's approval, this consent provides for the operation of a camping ground solely in connection with sporting, cultural and recreation events held on the land, as identified in ANNEXURE A of this consent.
- 7) In accordance with Section 4.17(5) of the Environmental Planning and Assessment Act 1979, the development consent granted via DA0090/2013 must be partly surrendered to the extent that the approved uses and activities / events are superseded by this consent (DA2022-0494). Written notice of the surrender of the consent must be provided to Council prior to the commencement of the first event. The notice shall contain the required information under Section 67 of the Environmental Planning and Assessment Regulation 2021.

Advisory Note: The events/activities that need to be surrendered from the previous consent (DA0090/2013) are: private clinics, annual horse sale, Tamworth team penning and campdrafting clinics.
- 8) All reasonable measures shall be taken to ensure that the use of land permitted by this consent does not impact the amenity of the neighbourhood by reason of noise, unruly behaviour, traffic movement, excessive lighting or the like. In this regard, such measures shall include but are not limited to the following:
 - a) security arrangements;
 - b) noise control;
 - c) traffic and access;
 - d) lighting;
 - e) odour and dust emissions;
 - f) waste disposal; and
 - g) landscaping.
- 9) Any required approvals for the development approved by this consent under

Section 68, Parts A to F, of the Local Government Act 1993, shall be obtained from Council prior to the commencement of building works or use of the land. This includes (but is not limited to): carrying out water/sewerage/stormwater works; camping ground; installation or operation of an on-site sewage management system; management of waste; operation of a mobile food van; or installation of a moveable dwelling.

- 10) An approval must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with Section 138 of the Roads Act 1993. Detailed construction plans shall be provided to Council for approval.

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

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

Actions to be undertaken	Timeframe to Complete
Landscaping shall be completed on the site in accordance with the detailed landscaping plan required by Condition No. 13.	Within three (3) months from the date of Development Consent
A detailed stormwater management plan shall be submitted to Council for approval in accordance with the requirements of Council's current version of Engineering Design Minimum Standards for Subdivisions and Developments. Additionally, the plan must include stormwater detention for the range of 1:1 to 1:100-year ARI events to reduce the developed flows to predeveloped flows, being rural land with maximum 2% impervious hardstand and roof area.	Within three (3) months from the date of Development Consent
A Positive Covenant pursuant to the Conveyancing Act 1919 shall be registered to nominate that the development requires detention in accordance with the approved storage volume, orifice sizes and discharge rates specified in the stormwater strategy and detailed design. The covenant shall include details of maintenance responsibilities and schedules.	Within six (6) months from the date of Development Consent
The existing site access from Spains Lane shall be upgraded to allow a 19m articulated vehicle to access the site without crossing the road and driveway centrelines.	Within six (6) months from the date of Development Consent
The driveway and crossover shall be widened to accommodate two lanes allowing two 19m articulated vehicles to pass.	Within six (6) months from the date of Development Consent
All publicly accessible parking areas and	Within six (6) months

driveway entry shall be constructed with a base course of adequate depth to accommodate the design vehicle loading and be bitumen sealed.	from the date of Development Consent
<p>Noise monitoring must be undertaken during the campdrafting and outside hire events and a Noise Validation Assessment Report submitted to Council.</p> <p>Recommendations for any possible noise mitigation measures must be provided in this report and implemented as soon as practicable following their identification. The Noise Validation Assessment Report must include evidence demonstrating compliance with Condition No. 34, and a copy of any complaints and resolution process in accordance with Condition No. 14.</p> <p>The scope of this validation assessment, including the noise monitoring program, is to be confirmed with Council prior to the assessment being undertaken.</p>	Before 12 months from date of development consent

Prior to the Use of Land

- 12) Prior to the use of the land, a detailed landscape plan shall be submitted to Council's Director, Liveable Communities for approval. The landscape plan must include details of the height, botanical names, height and spacing, and watering schedule and replacement of dead trees and / or shrubs.
- 13) Prior to the commencement of the activities and events approved by this consent, an Operational Management Plan must be submitted to Council's Director, Liveable Communities for approval. The Operational Management Plan must include any recommended mitigation measures contained in the Statement of Environmental Effects, Revision D dated 13 March 2023, and the endorsed Noise Impact Assessment Report, Traffic Impact Assessment Report and letter prepared by Barnson (dated 12 September 2022, Ref. 37883-PL01_A). Additionally, the Operational Management Plan shall include (but not be limited to) the following issues:
 - a) events register (both private and public);
 - b) noise;
 - c) hours of operation;
 - d) traffic and parking;
 - e) odour and dust emissions;
 - f) temporary camping;
 - g) landscaping;
 - h) lighting (vehicles and buildings);
 - i) safety and security measures;
 - j) details of complaints and resolution process;
 - k) waste management; and

- l) schedule of works to be undertaken.

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

Prior to the Commencement of Building Works

- 14) The approved development which is the subject of this development consent must not be commenced until:
 - a) a Construction Certificate for the building work has been issued by the consent authority, Council (if Council is not the consent authority) or an accredited Certifier;
 - b) the person having the benefit of the development consent has:
 - i. appointed a Principal Certifier for the building work; and
 - ii. notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case;
 - c) the Principal Certifier has, no later than two days before the building work commences:
 - i. notified the consent authority and Council (if Council is not the consent authority) of his or her appointment; and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i. appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved;
 - ii. notified the Principal Certifier of any such appointment;
 - iii. unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - iv. given at least two days' notice to Council of the persons intention to commence the erection of the building.
- 15) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) must be a standard flushing toilet;
 - b) must be connected to a public sewer; or
 - c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.
- 16) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
 - a) the name, address and telephone number of the Principal Certifier for the

work; and

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

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

- 17) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book"). Such controls shall be maintained on the site for the duration of works.
- 18) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 (formerly Section 94A) Development Contributions Plan 2013, \$4,276.47 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development.

If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

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

Where:

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

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

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

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

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

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

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

During Construction or Building Work

General

- 19) 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.
- 20) The Applicant shall be responsible to instruct and control its contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
- 21) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials or construction fencing without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.
- 22) Any damage caused to Council infrastructure as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 23) 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.
- 24) A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
- 25) The Applicant shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.

Traffic and Parking

- 26) On-site parking accommodation for light vehicles shall be provided for a minimum of 20 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such parking must be set out generally in accordance with the details indicated on the submitted plans, except as otherwise stated by the conditions of this consent.

Outdoor Lighting

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

Inspections

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

Prior to Issue of an Occupation Certificate

- 29) 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.

- 30) The occupation or use of the whole or any part of a new building shall not commence unless a Section 68 Certificate of completion has been issued by Council. The certificate of completion shall not be issued until such time as all relevant conditions of the Section 68 approval have been complied with and all applicable documents received by Council.
- 31) To ensure that the required Fire Safety Measures are provided in accordance with the building's use and operating in accordance with the appropriate standards, the owner of the building must cause a copy of a Final or Interim fire safety certificate to be given to the person issuing the occupation certificate in accordance with Clause 84 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the fire safety schedule. The certificate must only be in the form specified by Clause 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building. Email address for lodgement of Fire Safety Certificate is - firesafety@fire.nsw.gov.au

Ongoing Use

- 32) The approved hours of operation and capacity limits shall comply with the details provided in ANNEXURE A of this consent.
- 33) Noise emissions from the ongoing operation of the development shall not exceed the Project Noise Trigger Level (PNTL) for residential receivers as identified in the Noise Impact Assessment prepared by Muller Acoustic Consulting, 8 September 2022. The PNTLs are:

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

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

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

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

- 34) During ongoing use of the premises, the following requirements shall be met:
- a) all outdoor lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent;
 - b) the landscaped areas on the site shall be maintained at all times;
 - c) the operational management plan shall be adhered to at all times;
 - d) the sealing to all publicly available parking areas and driveway entry shall be maintained at all times;
 - e) all vehicular movement to and from the site shall be in a forward direction;

and,

- f) the on-site stormwater systems and detention basin shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 35) If any food is to be supplied to patrons, Tamworth Regional Council Environmental Health Officers must be notified and an inspection must be arranged prior to the preparation or sale of any food.
- 36) All water provided to the development for potable purposes must come from a private water supply which has a Quality Assurance Program (QAP) as per the requirements of the Public Health Act 2010 and Public Health Regulation 2022. This QAP must be submitted to NSW Health and a copy must also be provided to Council.
- 37) A speed limit must be displayed in a prominent location to limit vehicle speed to 15 km/h within the camping ground.
- 38) Emergency exits shall remain clear of obstructions at all times. A site plan and emergency evacuation procedure shall be displayed in a prominent position on the site.
- 39) A caravan/campervan, self-contained horse trucks and horse floats must be no closer than six (6) metres to any other van. Caravans should be sited on arrival in such a way that it is possible to access the drawbar of the caravan to facilitate ease of removal. Vans should not be sited so that the moving of other vans is necessary to facilitate removal.
- 40) No tents are permitted within the temporary campground.
- 41) Firefighting equipment shall be available in the camping ground and its location clearly identified to patrons for use in the case of an emergency.
- 42) Any electrical power must be provided in accordance with AS 3001-1990 Electrical installations – Moveable premises (including caravans) and their site installations.
- 43) A designated person shall be onsite at all times guests are occupying the campground. This person should be contactable by emergency services and patrons.
- 44) The camping ground should be adequately lit to enable the patrons to see and move around the camping ground at night. The facilities and main access routes should be adequately lit at night.
- 45) Waste receptacles are required to be provided in adequate numbers and locations to collect rubbish.
- 46) Wastewater from caravans shall not be disposed on site into the collection well system. All wastewater must be disposed in an approved off-site Ezy dump point.
- 47) Campers for the campdraft events shall be directed to set-up in the designated public use areas on the site and at least 50m from the boundary fence with Spains Lane to minimise odour, lighting and noise impacts to adjoining residential properties.

Campers at all other approved events (as per Annexure A), must be directed to set-up in close proximity to the existing approved donga accommodation (approved under DA0090/2013).
- 48) If there are any taps on the site that are not suitable for drinking purposes these

taps must be signed as such (“not fit for drinking” “non-potable not for consumption” or words to that affect).

Advice Note(s)

- Note 1: Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 requires the owner of a building to which an essential fire safety measure is applicable to maintain each essential fire safety measure as identified by virtue of a fire safety schedule, to a standard no less than that specified in the schedule inclusive of the entire building.
- Note 2: Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule for the entire building. The statement must only be in the form specified by Clause 92 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade. Email address for lodgement of Annual Fire Safety Statement - afss@fire.nsw.gov.au and a copy must also be sent to Council development@tamworth.nsw.gov.au
- Note 3: At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.

ANNEXURE A – Operating Hours and Capacity Limits for Events

Table 1. Events and Hours of Operation

Event	Frequency (per year)	Duration	Hours
Private Clinics (e.g. training clinics, horse clinics, camp drafting clinics). Includes overnight stays / camping for up to 16 riders, 16 light vehicles and 4 heavy vehicles	10	1 day (Friday, Saturday or Sunday)	8am – 5pm
KPH Campdraft Events, including entertainment Includes camping / overnight stays A maximum of 95 self-contained horse trucks and horse floats are permitted to stay on the site overnight	1 2 (Elite Level) Total: 3	2.5 days (Friday, Saturday and/ or Sunday)	Campdraft: 7am – 10pm Entertainment: 12pm – 10pm* Note*: Music and amplified speakers shall cease by 10pm as per NIA modelling and assumptions)
Outside Hire Events	2	2.5 days (Friday,	7am – 7pm

(e.g., Tamworth Campdraft Club) Includes camping / overnight stays A maximum of 95 self-contained horse trucks and horse floats are permitted to stay on the site overnight		Saturday and / or Sunday	
Annual horse sale	1	1 day (any day between Monday to Saturday)	10am – 3pm
Tamworth Team Penning Includes small scale overnight stays / camping for up to 16 riders, 24 light vehicles and 4 heavy vehicles	10	1 day (Saturday or Sunday)	8am – 5pm
Guest Horse Training Events (Hire of campdraft arena and covered arena for people to train prior to completing major equine events held at ALEC and surrounding areas).	3	Weekdays	Nil specified.
Special Events e.g., dog trials and equestrian events Includes small scale overnight stays for up to 16 riders, 14 light vehicles and 3 heavy vehicles	3	2 days (Saturday and / or Sunday)	7am – 7pm

Table 2. Capacity Limits for Events.

Event	Riders	Horses	Spectators	Cattle	Light Vehicles	Heavy Vehicles
Private Clinics	40	40	30	0	40	10
KPH 'Elite' Campdraft, including	130	170	370	1200	120	79

entertainment						
KPH Campdraft, including entertainment	200	200	300	1200	140	70
Outside Hire Events (e.g., Tamworth Campdraft Club)	200	350	300	1200	140	70
Tamworth Team Penning	40	40	30	60	60	10
Special Events e.g., dog trials and equestrian events	30	30	40	90	35	6

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Helen Tickle
4. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Judy Coates
2. Cr Mark Rodda
3. Cr Brooke Southwell
4. Cr Marc Sutherland

THE CHAIRPERSON DID NOT USE CASTING VOTE

AMENDMENT LOST

253/23 RESOLVED

THE ORIGINAL MOTION BECAME THE MOTION

CR TICKLE SOUGHT CLARIFICATION ON THE PROCEDURE FOR VOTING ON THE AMENDMENT

FOLLOWING CLARIFICATION THE CHAIRPERSON DETERMINED THAT THE AMENDMENT WOULD BE REPUT

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Helen Tickle
5. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Mark Rodda
2. Cr Brooke Southwell
3. Cr Marc Sutherland

254/23 RESOLVED

AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

That Council, in relation to Development Application No. DA2022-0494 for the Expansion of an Existing Horse Training Facility, Continued Use of Existing Buildings and Structures, Operation of Additional Events and an Associated Temporary Camping Ground on Lot 43 in DP 245449, 95-161 Spains Lane, KINGSWOOD NSW 2340, grant Development Consent subject to the following conditions:

General Conditions of Consent

- 1) Development shall take place in accordance with the attached endorsed plans:
 - a) Architectural Plans Prepared by Barnson Pty Ltd, Project Number 37883 and Drawings Numbered:
 - i. A01 and A103, Revision H, Dated 09 March 2023;
 - ii. A03 (as amended in red), Revision K, Dated 09 August 2023;
 - iii. A04, Revision L, Dated 28 September 2023
 - iv. A06, A101-A102 and A105-A107, Revision F, Dated 11 August 2022.
 - b) Civil Design Drawings Prepared by Barnson Pty Ltd, Project Numbered 37883, Drawings Numbered C07 (Revision 2 and Dated 06 September 2022) and C08 (Revision 1, Dated 16 August 2022);
 - c) Proposed Driveway Designs Prepared by High Definition West Pty Ltd, Project Numbered HDW16-Drawings Numbered DA01 to DA-03, Revision 2, Dated 12 May 2023;
 - d) Noise Impact Assessment Report Prepared by Muller Acoustic Consulting, Dated 08 September 2022; and
 - e) Traffic Impact Assessment Report Prepared by Barnson Pty Ltd, Project Numbered 37883-TIA01_5, Dated 10 March 2023.
- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 3) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC) and the disability (Access to Premises - Buildings) Standards 2010.
- 4) The Applicant shall consult with, as required:
 - a) Essential Energy;
 - b) Natural gas company; and
 - c) a telecommunications carrier;regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).
- 5) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Direction No.

11 Preservation of Survey Infrastructure published by Spatial Services NSW. In this regard, the Principal Contractor is responsible for the protection of the mark.

- 6) To confirm and clarify the terms of Council's approval, this consent provides for the operation of a camping ground solely in connection with sporting, cultural and recreation events held on the land, as identified in ANNEXURE A of this consent.
- 7) In accordance with Section 4.17(5) of the Environmental Planning and Assessment Act 1979, the development consent granted via DA0090/2013 must be partly surrendered to the extent that the approved uses and activities / events are superseded by this consent (DA2022-0494). Written notice of the surrender of the consent must be provided to Council prior to the commencement of the first event. The notice shall contain the required information under Section 67 of the Environmental Planning and Assessment Regulation 2021.

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

- 8) All reasonable measures shall be taken to ensure that the use of land permitted by this consent does not impact the amenity of the neighbourhood by reason of noise, unruly behaviour, traffic movement, excessive lighting or the like. In this regard, such measures shall include but are not limited to the following:
 - a) security arrangements;
 - b) noise control;
 - c) traffic and access;
 - d) lighting;
 - e) odour and dust emissions;
 - f) waste disposal; and
 - g) landscaping.
- 9) Any required approvals for the development approved by this consent under Section 68, Parts A to F, of the Local Government Act 1993, shall be obtained from Council prior to the commencement of building works or use of the land. This includes (but is not limited to): carrying out water/sewerage/stormwater works; camping ground; installation or operation of an on-site sewage management system; management of waste; operation of a mobile food van; or installation of a moveable dwelling.
- 10) An approval must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with Section 138 of the Roads Act 1993. Detailed construction plans shall be provided to Council for approval.

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

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

Actions to be undertaken	Timeframe to Complete
Landscaping shall be completed on the site in	Within three (3) months

accordance with the detailed landscaping plan required by Condition No. 13.	from the date of Development Consent
A detailed stormwater management plan shall be submitted to Council for approval in accordance with the requirements of Council's current version of Engineering Design Minimum Standards for Subdivisions and Developments. Additionally, the plan must include stormwater detention for the range of 1:1 to 1:100-year ARI events to reduce the developed flows to predeveloped flows, being rural land with maximum 2% impervious hardstand and roof area.	Within three (3) months from the date of Development Consent
A Positive Covenant pursuant to the Conveyancing Act 1919 shall be registered to nominate that the development requires detention in accordance with the approved storage volume, orifice sizes and discharge rates specified in the stormwater strategy and detailed design. The covenant shall include details of maintenance responsibilities and schedules.	Within six (6) months from the date of Development Consent
The existing site access from Spains Lane shall be upgraded to allow a 19m articulated vehicle to access the site without crossing the road and driveway centrelines.	Within six (6) months from the date of Development Consent
The driveway and crossover shall be widened to accommodate two lanes allowing two 19m articulated vehicles to pass.	Within six (6) months from the date of Development Consent
All publicly accessible parking areas and driveway entry shall be constructed with a base course of adequate depth to accommodate the design vehicle loading and be bitumen sealed.	Within six (6) months from the date of Development Consent
Noise monitoring must be undertaken during the campdrafting and outside hire events and a Noise Validation Assessment Report submitted to Council. Recommendations for any possible noise mitigation measures must be provided in this report and implemented as soon as practicable following their identification. The Noise Validation Assessment Report must include evidence demonstrating compliance with Condition No. 34, and a copy of any complaints and resolution process in accordance with Condition No. 14. The scope of this validation assessment, including the noise monitoring program, is to be	Before 12 months from date of development consent

confirmed with Council prior to the assessment being undertaken.	
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Prior to the Use of Land

- 12) Prior to the use of the land, a detailed landscape plan shall be submitted to Council's Director, Liveable Communities for approval. The landscape plan must include details of the height, botanical names, height and spacing, and watering schedule and replacement of dead trees and / or shrubs.
- 13) Prior to the commencement of the activities and events approved by this consent, an Operational Management Plan must be submitted to Council's Director, Liveable Communities for approval. The Operational Management Plan must include any recommended mitigation measures contained in the Statement of Environmental Effects, Revision D dated 13 March 2023, and the endorsed Noise Impact Assessment Report, Traffic Impact Assessment Report and letter prepared by Barnson (dated 12 September 2022, Ref. 37883-PL01_A). Additionally, the Operational Management Plan shall include (but not be limited to) the following issues:
 - a) events register (both private and public);
 - b) noise;
 - c) hours of operation;
 - d) traffic and parking;
 - e) odour and dust emissions;
 - f) temporary camping;
 - g) landscaping;
 - h) lighting (vehicles and buildings);
 - i) safety and security measures;
 - j) details of complaints and resolution process;
 - k) waste management; and
 - l) schedule of works to be undertaken.

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

Prior to the Commencement of Building Works

- 14) The approved development which is the subject of this development consent must not be commenced until:
 - a) a Construction Certificate for the building work has been issued by the consent authority, Council (if Council is not the consent authority) or an accredited Certifier;
 - b) the person having the benefit of the development consent has:
 - i. appointed a Principal Certifier for the building work; and
 - ii. notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case;
 - c) the Principal Certifier has, no later than two days before the building work commences:

- i. notified the consent authority and Council (if Council is not the consent authority) of his or her appointment; and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
- d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i. appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved;
 - ii. notified the Principal Certifier of any such appointment;
 - iii. unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - iv. given at least two days' notice to Council of the persons intention to commence the erection of the building.
- 15) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) must be a standard flushing toilet;
 - b) must be connected to a public sewer; or
 - c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council.

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

- 16) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
 - a) the name, address and telephone number of the Principal Certifier for the work; and
 - b) the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c) a statement that unauthorised entry to the work site is prohibited.

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

- 17) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book"). Such controls shall be maintained on the site for the duration of works.
- 18) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 (formerly Section 94A) Development Contributions Plan 2013, \$4,276.47 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development.

If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the

provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\begin{array}{lcl} \$CPY & = & \$CDC \times CPIPY \\ & & CPIDC \end{array}$$

Where:

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

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

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

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

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

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

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

During Construction or Building Work

General

- 19) 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.
- 20) The Applicant shall be responsible to instruct and control its contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
- 21) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials or construction fencing without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.
- 22) Any damage caused to Council infrastructure as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.

- 23) 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.
- 24) A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
- 25) The Applicant shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.

Traffic and Parking

- 26) On-site parking accommodation for light vehicles shall be provided for a minimum of 20 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such parking must be set out generally in accordance with the details indicated on the submitted plans, except as otherwise stated by the conditions of this consent.

Outdoor Lighting

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

Inspections

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

Prior to Issue of an Occupation Certificate

- 29) 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.
- 30) The occupation or use of the whole or any part of a new building shall not commence unless a Section 68 Certificate of completion has been issued by Council. The certificate of completion shall not be issued until such time as all relevant conditions of the Section 68 approval have been complied with and all applicable documents received by Council.
- 31) To ensure that the required Fire Safety Measures are provided in accordance with the building's use and operating in accordance with the appropriate standards, the owner of the building must cause a copy of a Final or Interim fire safety certificate to be given to the person issuing the occupation certificate in accordance with Clause 84 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the fire safety schedule. The certificate must only be in the form specified by Clause 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building. Email address for lodgement of Fire Safety Certificate is - firesafety@fire.nsw.gov.au

Ongoing Use

- 32) The approved hours of operation and capacity limits shall comply with the details provided in ANNEXURE A of this consent.
- 33) Noise emissions from the ongoing operation of the development shall not exceed the Project Noise Trigger Level (PNTL) for residential receivers as identified in the Noise Impact Assessment prepared by Muller Acoustic Consulting, 8 September 2022. The PNTLs are:

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

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

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

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

- 34) During ongoing use of the premises, the following requirements shall be met:
- a) all outdoor lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent;
 - b) the landscaped areas on the site shall be maintained at all times;
 - c) the operational management plan shall be adhered to at all times;
 - d) the sealing to all publicly available parking areas and driveway entry shall be maintained at all times;
 - e) all vehicular movement to and from the site shall be in a forward direction; and,
 - f) the on-site stormwater systems and detention basin shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 35) If any food is to be supplied to patrons, Tamworth Regional Council Environmental Health Officers must be notified and an inspection must be arranged prior to the preparation or sale of any food.
- 36) All water provided to the development for potable purposes must come from a private water supply which has a Quality Assurance Program (QAP) as per the requirements of the Public Health Act 2010 and Public Health Regulation 2022. This QAP must be submitted to NSW Health and a copy must also be provided to Council.
- 37) A speed limit must be displayed in a prominent location to limit vehicle speed to 15 km/h within the camping ground.
- 38) Emergency exits shall remain clear of obstructions at all times. A site plan and emergency evacuation procedure shall be displayed in a prominent position on the site.
- 39) A caravan/campervan, self-contained horse trucks and horse floats must be no

closer than six (6) metres to any other van. Caravans should be sited on arrival in such a way that it is possible to access the drawbar of the caravan to facilitate ease of removal. Vans should not be sited so that the moving of other vans is necessary to facilitate removal.

- 40) No tents are permitted within the temporary campground.
- 41) Firefighting equipment shall be available in the camping ground and its location clearly identified to patrons for use in the case of an emergency.
- 42) Any electrical power must be provided in accordance with AS 3001-1990 Electrical installations – Moveable premises (including caravans) and their site installations.
- 43) A designated person shall be onsite at all times guests are occupying the campground. This person should be contactable by emergency services and patrons.
- 44) The camping ground should be adequately lit to enable the patrons to see and move around the camping ground at night. The facilities and main access routes should be adequately lit at night.
- 45) Waste receptacles are required to be provided in adequate numbers and locations to collect rubbish.
- 46) Wastewater from caravans shall not be disposed on site into the collection well system. All wastewater must be disposed in an approved off-site Ezy dump point.
- 47) Campers for the campdraft events shall be directed to set-up in the designated public use areas on the site and at least 50m from the boundary fence with Spains Lane to minimise odour, lighting and noise impacts to adjoining residential properties.

Campers at all other approved events (as per Annexure A), must be directed to set-up in close proximity to the existing approved donga accommodation (approved under DA0090/2013).
- 48) If there are any taps on the site that are not suitable for drinking purposes these taps must be signed as such (“not fit for drinking” “non-potable not for consumption” or words to that affect).

Advice Note(s)

- Note 1: Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 requires the owner of a building to which an essential fire safety measure is applicable to maintain each essential fire safety measure as identified by virtue of a fire safety schedule, to a standard no less than that specified in the schedule inclusive of the entire building.
- Note 2: Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule for the entire building. The statement must only be in the form specified by Clause 92 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade. Email address for lodgement of Annual Fire Safety Statement - afss@fire.nsw.gov.au and a copy must also be sent to Council.development@tamworth.nsw.gov.au
- Note 3: At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.

ANNEXURE A – Operating Hours and Capacity Limits for Events

Table 1. Events and Hours of Operation

Event	Frequency (per year)	Duration	Hours
<p>Private Clinics (e.g. training clinics, horse clinics, camp drafting clinics).</p> <p>Includes overnight stays / camping for up to 16 riders, 16 light vehicles and 4 heavy vehicles</p>	10	1 day (Friday, Saturday or Sunday)	8am – 5pm
<p>KPH Campdraft Events, including entertainment</p> <p>Includes camping / overnight stays</p> <p>A maximum of 95 self-contained horse trucks and horse floats are permitted to stay on the site overnight</p>	<p>1 2 (Elite Level) Total: 3</p>	2.5 days (Friday, Saturday and / or Sunday)	<p>Campdraft: 7am – 10pm</p> <p>Entertainment: 12pm – 10pm*</p> <p>Note*: Music and amplified speakers shall cease by 10pm as per NIA modelling and assumptions)</p>
<p>Outside Hire Events (e.g., Tamworth Campdraft Club)</p> <p>Includes camping / overnight stays</p> <p>A maximum of 95 self-contained horse trucks and horse floats are permitted to stay on the site overnight</p>	2	2.5 days (Friday, Saturday and / or Sunday)	7am – 7pm
Annual horse sale	1	1 day (any day between Monday to Saturday)	10am – 3pm
<p>Tamworth Team Penning</p> <p>Includes small scale overnight stays / camping for up to 16</p>	10	1 day (Saturday or Sunday)	8am – 5pm

riders, 24 light vehicles and 4 heavy vehicles			
Guest Horse Training Events (Hire of campdraft arena and covered arena for people to train prior to completing major equine events held at ALEC and surrounding areas).	3	Weekdays	Nil specified.
Special Events e.g., dog trials and equestrian events Includes small scale overnight stays for up to 16 riders, 14 light vehicles and 3 heavy vehicles	3	2 days (Saturday and / or Sunday)	7am – 7pm

Table 2. Capacity Limits for Events.

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

events						
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COUNCILLORS WHO VOTED **FOR**
THE DECISION

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Brooke Southwell
5. Cr Marc Sutherland
6. Cr Helen Tickle
7. Cr Russell Webb

1. Cr Mark Rodda

255/23 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - MEETING 11 SEPTEMBER 2023

DIRECTORATE:

REGIONAL SERVICES

AUTHOR:

Steven Marshall, Strategy, Assets and Design Engineer

MOTION

Moved Cr Betts/Cr Burke

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

256/23 RESOLVED

8.2 DRAFT DROUGHT MANAGEMENT PLAN 2023

DIRECTORATE:

WATER AND WASTE

AUTHOR:

Ashleigh Smith, Sustainability Coordinator

Reference:

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

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

MOTION

Moved Cr Betts/Cr Coates

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

- (i) adopt the draft Drought Management Plan 2023; and
- (ii) approve the update and replacement of water restriction signage across Tamworth Local Government Area once approved by Transport for NSW.

257/23 RESOLVED

Minutes

8.3 DRAFT DEMAND MANAGEMENT PLAN 2023

DIRECTORATE: WATER AND WASTE

AUTHOR: Ashleigh Smith, Sustainability Coordinator

Reference: Item 8.2 to Ordinary Council 17 December 2019 - Minute No 455/19
Item 8.13 to Ordinary Council 11 February 2020 - Minute No 16/20
Item 8.3 to Ordinary Council 6 June 2023 - Minute No 128/23

MOTION

Moved Cr Tickle/Cr Sutherland

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

258/23 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 DISCLOSURES OF INTEREST RETURN

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator - Governance and Executive Services

Reference: DOCUMENTS TABLED

MOTION

Moved Cr Betts/Cr Southwell

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

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

259/23 RESOLVED

10 COMMUNITY SERVICES

Nil

11 **REPORTS TO BE CONSIDERED IN CLOSED COUNCIL**

At 7.32pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

The Acting General Manager advised the Chairperson that no written public submissions or representations had been received as to whether or not part of the Meeting should be closed to the public. The Chairperson asked any members of the Council whether any part of the Council Meeting should not be considered in Closed Council.

MOTION

Moved Cr Coates/Cr Sutherland

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.

260/23 RESOLVED

PROPOSED LEASE OF PART INTERNATIONAL FLIGHT TRAINING TAMWORTH FACILITY

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Nicholas Hawkins, Commercial Property Officer

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

TENDER T158/2023 SUPPLY ONLY AND SUPPLY AND LAY ASPHALT

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Jay Morrow, Senior Operations Engineer (Technical)

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

EASEMENT ACQUISITION FOR SEWER MAIN - ARCADIA DEVELOPMENT

DIRECTORATE: WATER AND WASTE

AUTHOR: Ian Cross, Senior Project Engineer

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

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

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

Minutes

12 CLOSED COUNCIL REPORTS

12.1 PROPOSED LEASE OF PART INTERNATIONAL FLIGHT TRAINING TAMWORTH FACILITY

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report "Proposed Lease of Part International Flight Training Tamworth Facility", Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a lease agreement as set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the lease agreement, any lease variations as set out in the body of this report and any other associated documents.

261/23 RESOLVED

12.2 TENDER T158/2023 SUPPLY ONLY AND SUPPLY AND LAY ASPHALT

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Jay Morrow, Senior Operations Engineer (Technical)
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Rodda/Cr Southwell

That in relation to the report "Tender T158/2023 Supply Only and Supply and Lay Asphalt", Council:

- (i) accept the tender T158/2023 submitted by BMR Quarries Pty Ltd t/a Roadwork Industries Pty Ltd (ABN: 98 112 732 797), for the Supply Only and Supply and Lay of Asphalt; and
- (ii) approve the Seal of Council to be affixed to the contract documents for the Supply Only and Supply and Lay of Asphalt for BMR Quarries Pty Ltd.

262/23 RESOLVED

12.3 EASEMENT ACQUISITION FOR SEWER MAIN - ARCADIA DEVELOPMENT

DIRECTORATE: WATER AND WASTE
AUTHOR: Ian Cross, Senior Project Engineer
Reference: Item 12.4 to Ordinary Council 9 August 2022 - Minute No 234/22
Item 12.5 to Ordinary Council 8 November 2022 - Minute No 343/22

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Tickle/Cr Betts

That in relation to the report "Easement Acquisition for Sewer Main - Arcadia Development", Council:

- (i) agree to pay the owner of Lot 2 in DP 38808 the amount as detailed in the report for the acquisition of a sewer easement eight (8) metres wide along the eastern boundary of the property;
- (ii) provide funds from the Wastewater Reserve for the acquisition of the easement and other costs as required;
- (iii) authorise the affixing of the Seal of Council to the Deed of Agreement and any associated documentation required to give effect to Council's resolution;
- (iv) advise the property owner of Lot 2 DP38808 that in the event all the necessary paperwork to allow the creation of the subject easement is not completed in a timely fashion and responsibility for that delay can be attributed to the property owner and/or their legal representatives, Council authorise staff to proceed to compulsory acquisition, without further reference to Council; and
- (v) request the Director Water and Waste provide further reports as required if the compulsory acquisition process is instigated.

263/23 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Betts/Cr Burke

That Council move into Open Council.

264/23 RESOLVED

At 7.48pm the meeting moved back into Open Council.

In accordance with the Tamworth Regional Council Code of Meeting Practice, Section 14.21, the Chairperson provided a summary of the resolutions passed in Closed Council.

Closure: There being no further business the Ordinary Meeting of Council concluded at 7.49pm.

Cr Russell Webb, Chairperson

Tuesday, 24 October 2023

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