

TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6:30pm**.

ORDINARY COUNCIL AGENDA

23 APRIL 2024

PAUL BENNETT
GENERAL MANAGER

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 9 April 2024, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 DA2024-0058 - PROPOSED CHILDCARE CENTRE, 72-74 CALALA LANE, CALALA

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Alice Elsley, Team Leader - Development Assessment

1 ANNEXURES ATTACHED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

GENERAL MANAGER'S ADVISORY NOTE TO:

Councillors

Applicants

Persons making public submissions (written or verbal) Members of the Public

Record (Division) of Voting

In accordance with Section 375A(3) of the Local Government Act 1993, a Division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

A DIVISION under Section 375A(3) of the Act is required on this Planning Application.

Relevant Planning Application

In accordance with Section 10.4(4) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Relevant Public Submission

In accordance with Section 10.4(5) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant public submission to Council in relation to a relevant planning application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Disclosure of Reportable Political Donations and Gifts

Planning Applications

NIL

Public Submissions

NIL

RECOMMENDATION

That Council, in relation to Development Application No. DA2024-0058 for the demolition of existing buildings and construction of a centre-based child care facility on Lots 27 and 28 in DP 33823, 72 – 74 Calala Lane CALALA, grant Development Consent subject to the following conditions:

General Conditions of Consent

- 1) **development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. In the event of any inconsistency between the plans and documents listed below and the consent conditions, the conditions of consent shall prevail.**

Project Ref No.	Sheet No.	Description	Rev No.	Revision Date	Prepared by: (consultant)
BC0459	00	Title	6	4/12/2023	Brown Commercial Building
BC0459	01	Site Plan	5	1/12/2023	Brown Commercial Building
BC0459	03	Floor Plan	2	8/08/2023	Brown Commercial Building
BC0459	04	Demolition Plan	2	8/08/2023	Brown Commercial Building
BC0459	05	Elevations	6	4/12/2023	Brown Commercial Building
BC0459	06	Roof Plan	2	8/08/2023	Brown Commercial Building
BC0459	07	Elevations – Retaining-Fence	6	4/12/2023	Brown Commercial Building
Brow 020623	1 to 4 of 4	Childcare Centre	5	8/12/2023	Tolero Landscape Design
23068-D02	01-06	72-74 Calala Lane, Calala	3	06/03/2024	CJP Engineering

Project Ref.	Document Title.	Revision Date	Prepared by: (consultant)
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Proposed Child Care Facility	Statement of Environmental Effects	15/08/2023	Brown Commercial Building
Proposed Childcare Centre	Noise Assessment	August 2023	MAC Acoustic Consulting
Proposed Childcare Centre	Revised Traffic and Parking Assessment Report	26/03/2024	CJP Consulting Engineers
Proposed Childcare Centre	Detailed (Stage II) Environmental Site Investigation	20/12/2023	Sanko Environmental and Geotechnical Engineering

- 2) to confirm and clarify Council's terms of approval, this consent provides for the operation of a child care centre, as defined by the Tamworth Regional Local Environmental Plan 2010, with a maximum 120 children.
- 3) building work must be carried out in accordance with the requirements of the National Construction Code and, where relevant, the provisions of the Disability (Access to Premises - Buildings) Standards 2010.
- 4) it is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.
- 5) the Applicant shall consult with, as required:
 - a) Essential Energy
 - b) a Natural Gas Company
 - 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).
- 6) any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.
- 7) the fit-out of a food premises must comply with Standard 3.2.3 of the Food Safety Standards and the Food Act 2003. The Australian Standard AS4674- 2004: Design, construction and fit-out of food premises may be used as a guide to achieving compliance.

Prior to the Commencement of Works

- 8) prior to the commencement of any building work, the following provisions under Section 6.7 of the Environmental Planning and Assessment Act 1979 are to be complied with:

- a) *a Construction Certificate is to be obtained from either Tamworth Regional Council or a Registered Certifier;*
 - b) *a Principal Certifier has been appointed by the person having the benefit of the development consent and Tamworth Regional Council is notified of the appointment;*
 - c) *Tamworth Regional Council has been given at least two (2) days' notice of the date intended for commencement of building works; and*
 - d) *the Principal Certifier is notified of the name and licence number of the principal contractor; or, the owner-builder intending to carry out the approved works.*
- 9) *pursuant to Section 68 of the Local Government Act 1993, the following works must be approved by Council in order to:*
- a) *carry out water supply work;*
 - b) *carry out sewer work;*
 - c) *carry out stormwater work, and*
 - d) *obtain a trade waste agreement (if required).*
- Engineering design plans, reports and calculations for internal water and sewer, and stormwater shall be prepared in accordance with Council's current version of the Engineering Design Minimum Standards, and submitted to Council for approval. All plans are to include details of the location of all existing utility services. All engineering drawings and the associated specifications are to be certified by a suitably qualified and experienced design practitioner.*
- 10) *a peg-out survey prepared by a Registered Surveyor is to be submitted to the Principal Certifier to confirm the development can be sited in accordance with approved plans.*
- 11) *before any site work commences, the certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).*
- 12) *a Traffic Management Plan (TMP) detailing how vehicle and pedestrian movements during the construction will be adequately managed shall be submitted to Council. Where the TMP is of a level of complexity that Traffic Guidance Schemes (TGSs) are required, the TGSs shall be prepared by a person with the applicable certification from Transport for New South Wales (TfNSW) in accordance with AS1742.3 (as amended) and the TfNSW current version of the "Traffic Control at Worksites" manual.*
- 13) *temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.*

- 14) *a sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:*
 - a) *showing the name, address and telephone number of the principal certifier for the work, and*
 - b) *showing 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) *stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed. Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.*
- 15) *the Developer must have an occupational hygienist or suitably qualified professional inspect the area marked for demolition and confirm the presence or absence of asbestos prior to demolition. Written notice must be provided to Council and all adjoining neighbours at least two working days prior to commencement of any demolition. The written notice must include the date of asbestos removal; name, address and contact phone number and SafeWork NSW licence number of the asbestos removal contractor. Work must not commence prior to the nominated date.*
- 16) *before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.*
- 17) *at least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include:*
 - a) *name*
 - b) *address,*
 - c) *contact telephone number,*
 - d) *licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and*
 - e) *the contact telephone number of council and*
 - f) *the contact telephone number of SafeWork NSW (4921 2900).*
- 18) *prior to the commencement of any works on Council's asset and / or land, including a public road, the applicant (contractor) is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.*

Prior to the Issue of a Construction Certificate

- 19) *before the issue of a Construction Certificate, a contribution of \$26,851.00 as*

calculated at the date of this consent shall be paid to Council under Section 7.12 of the Environmental Planning and Assessment Act 1979 in accordance with Tamworth Regional Council Section 7.12 (Indirect) Development Contributions Plan 2013. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Tamworth Regional Council Section 7.12 (Indirect) Development Contributions Plan 2013. A copy of the development contributions plan is available for inspection on Council's website: <https://www.tamworth.nsw.gov.au/develop/planning-controls/development-contribution-and-charges>

- 20) pursuant to Section 306 of the Water Management Act 2000, Council (as the Local Water Supply Authority) requires the following contributions to be paid prior to the release of a Construction Certificate:

Headworks

- Water = \$27,658.20
- Sewer = \$16,580.00

Advisory Note: The above amounts have been adopted under the 2023/24 Council Annual Operation Plan. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of subsequent Annual Operation Plans.

- 21) before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the Certifier.

The plan must include the following matters:

- a) the location and materials for protective fencing and hoardings on the perimeter of the site;
- b) provisions for public safety;
- c) pedestrian and vehicular site access points and construction activity zones;
- d) details of construction traffic management including:
- e) proposed truck movements to and from the site;
- f) estimated frequency of truck movements; and
- g) measures to ensure pedestrian safety near the site;
- h) details of bulk earthworks to be carried out;
- i) the location of site storage areas and sheds;
- j) the equipment used to carry out works;
- k) the location of a garbage container with a tight-fitting lid;
- l) dust, noise and vibration control measures;
- m) the location of temporary toilets;
- n) waste management plan (prepared in accordance with the Environment Protection Authority's Waste Classification Guidelines as in force)

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

22) *a Fire Safety Schedule must be issued with the Construction Certificate in accordance with Clauses 78 and 79 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for Classes 1b, 2 through to Class 9 buildings and include the proposed fire safety measures pertaining to the entire building.*

23) *before the issue of a Construction Certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.*

The detailed plans must be in accordance with the following and submitted to the certifier:

- a) Australian Standard 1668: - The use of ventilation and air- conditioning in buildings; and*
- b) ensure all generated heated air, smoke, fumes, steam or grease vapours do not:*
 - i) cause a nuisance to persons within or nearby to the premises, or*
 - ii) cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.*

24) *an approval pursuant to Section 138 of the Roads Act 1993, must be obtained from Council for all works associated with this development that will be undertaken in the Calala Lane road reserve, including but not limited to, driveway, footpath, stormwater, intersection treatments and median. Engineering design plans and construction reports, prepared in accordance with Council's current version of the Engineering Design Minimum Standards as required for roads and stormwater drainage, shall be provided to Council for approval.*

Notwithstanding the requirements of the Engineering Design Minimum Standards, the following items shall be addressed as part of the submission, at a bare minimum: -

- a) stormwater infrastructure for the development;*
- b) a 2.5m wide footpath within the verge fronting the development site;*
- c) a Safety in Design report;*
- d) certification being provided in accordance with Annexure A of Council's current version of the Engineering Design Minimum Standards, and*

An Inspection Test Plan for the construction of Council infrastructure required for the development shall be submitted to Council for approval.

Advisory Note 1: The ongoing maintenance and/or repair of the vehicle crossing and associated infrastructure is the responsibility of the owner in accordance with Section 142 of the Roads Act 1993.

Advisory Note 2: Council requires works-as-executed (WAE) plans to be prepared and submitted in accordance with Council's Engineering Design Minimum Standards for footpaths, road pavement markings, CHR(S) treatment, raised median(s) and associated signage gifted as part of this development.

Advisory Note 3: Any line marking and/or regulatory signage shown on any plan is required to be reviewed and approved by the Local Traffic Committee prior to

approval of any plan(s).

- 25) *the developer must produce written evidence that an agreement can be put in place with Council's Water and Waste Directorate or a waste collection contractor for the collection of rubbish bins during operations from private property prior to issue of any Construction Certificate.*
- 26) *prior to the issue of a Construction Certificate, amended plans shall be provided for the fencing located along the southern boundary with 18 Boronia Drive. The fencing must be amended to allow for a Perspex section above a height of 1.8m to allow for access to natural light.*

This measure is only required in the location of the existing dwelling and must comply with the construction requirement provided in the Noise Assessment (prepared by Muller Acoustic Consulting, Ref MAC231887-01RP1, dated August 2023).

- 27) *retaining walls greater than 600mm above finished ground level or other approved methods necessary to prevent movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by a qualified, practising Structural Engineer. Details are to be included with any Construction Certificate application.*

Landscaping

- 28) *the Applicant must provide an updated vegetation species planting schedule for approval by Council prior to the issue of a Construction Certificate. The updated species schedule (consistent with the approved landscape plan) shall be for plant species that are either endemic or suitable to the local region.*

During Works

- 29) *site work must only be carried out between the following times –*

- Monday to Friday - 7.00am to 5.00pm;*
- Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;*
- No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.*

The Applicant shall be responsible to instruct and control any sub-contractors regarding the hours of work.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

- 30) *the developer is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.*
- 31) *erosion and sediment control measures in accordance with the ESCP are to be maintained by the developer at all times.*
- 32) *any spillage of materials outside the development site, must be removed as soon as practicable by the developer for reuse or disposal in a manner that does not cause pollution of the environment*
-

- 33) *the Developer 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.*
- 34) *a temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the work:*
- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic; or*
 - b) could cause damage to adjoining lands by falling objects; or*
 - c) involve the enclosure of a public place or part of a public place.*

Advisory Note: Clauses 2.109 and 2.110 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specify which scaffolding, hoardings and temporary construction site fences are exempt development and the applicable standards for that development.

- 35) *the public way (outside of any construction works zone) must not be obstructed by any construction fencing, materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.*
- 36) *any damage caused to Council infrastructure during in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.*

Allotment Filling

- 37) *any allotment filling that may be required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments. Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS 3798 (as amended).*

Heritage

- 38) *while site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:*
- a) the work in the area of the discovery must cease immediately;*
 - b) the following must be notified:*
 - (i) for a relic – the Heritage Council; or*
 - (ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.*

Site work may recommence at a time confirmed in writing by:

- a) for a relic – the Heritage Council; or*

- b) *for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, Section 85*

Demolition

- 39) *to ensure the safety, all demolition work shall be carried out in accordance with Workcover Authority requirements and Australian Standard 2601 - The Demolition of Structures.*
- 40) *all waste material should be classified in accordance with the NSW EPA Waste Classification Guidelines and disposed of to an appropriate and licenced facility.*
- 41) *upon completion of the demolition of all the building structures and removal of pavements of all the building structures on the property, an additional contamination investigation shall be undertaken and provided to Council for further assessment.*

Where the additional investigation report confirms any chemicals of concern above Health Investigation Limit and Ecological Investigation Limit, a Remediation Action Plan (RAP) must be prepared to document the required works associated with the findings of further investigation for impacts beneath the buildings on the Site. The RAP must also specify the required validation testing.

The applicant must provide a validation report confirming that the property has been properly remediated from land contamination prior to undertaking any building works onsite.

Asbestos Removal

- 42) *while demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:*
 - a) *only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;*
 - b) *asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and*
 - c) *any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.*

Lighting

- 43) *to provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS 1158.3.1 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – performance and design requirements shall be provided to all off-street parking areas. The lighting installed must comply with AS 4282 Control of Obtrusive Effects of Outdoor Lighting.*

Stormwater

- 44) *all stormwater discharging from the proposed development site, buildings and works must be conveyed to the existing points of discharge by underground*

pipe drains complying with AS3500.3 (as amended) to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

- 45) *the approved point of discharge for the development is Council's on-grade kerb inlet pit located on Calala Lane adjacent to the development site.*

Advisory Note: *in fulfilling this condition all stormwater discharge must be detained prior to release.*

- 46) *all major flows shall be directed to the Calala Lane road reserve so as not to impact any adjoining properties.*

- 47) *the stormwater drainage system must be constructed to comply with the following requirements as a minimum: -*

- a) stormwater detention for the critical storm durations and frequencies in the range from the 1-year ARI up to and including the 1 in 100-year ARI events to maintain pre-developed flows;*
- b) stormwater detention shall be designed and constructed in accordance with Council's current version of the Engineering Design Minimum Standards;*
- c) all plumbing within the site must be designed and constructed in accordance with the relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage and Council's current version of the Engineering Design Minimum Standards;*
- d) temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;*
- e) all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented;*
- f) any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted, and*
- g) no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.*

Access and Egress

- 48) *the redundant layback and crossover to the site shall be removed and the kerb and gutter reinstated. The verge behind the kerb and gutter shall be rehabilitated with construction of a 2.5m wide concrete footpath and grass established.*

- 49) *the developer shall construct a channelised right-turn lane on Calala Lane at the site entrance.*

- 50) *egress from the site shall be restricted to a left-turn only.*

Traffic and Parking

- 51) *all internal driveways, parking areas, loading bays, vehicle turning areas and barriers are to be designed and constructed to comply with Australian Standard (AS/NZS) 2890.1 Parking Facilities – Off-street parking and AS 2890.6 Parking*
-

Facilities – Off-street parking for people with disabilities.

- 52) on-site parking accommodation shall be provided for a minimum of 32 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.***
- 53) all internal driveways, parking and loading areas to be constructed with a base course of adequate depth to accommodate the design vehicle loading, being sealed with either asphaltic concrete, concrete or interlocking pavers.***

Inspections

- 54) it is required that a Principal Certifying Authority (PCA be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.***

Hand Wash Basin

- 55) a separate hand wash basin will be required additional to any food preparation sink and required to be used only for the purpose of hand washing. Hand basins must be provided in accessible and convenient locations. The basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and long enough tap handle to facilitate hands free operation will be acceptable. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand basin.***

Fixtures and Fittings

- 56) all fixtures and fittings must be designed, constructed, located and installed to ensure the following:***
 - a) they will not cause any food contamination***
 - b) they are able to be easily and effectively cleaned***
 - c) they do not provide harbourage for pests where practicable.***
 - d) they must be located to ensure adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively cleaned.***
 - e) they may be supported on:***
 - (i) Legs: Legs for fittings and fixtures must be constructed of non-corrosive, smooth metal or moulded plastic, and have a clearance space between the floor and underside of the fitting of at least 150mm.***
 - (ii) Plinths: If fixtures are built into the walls and floors and cannot be moved for cleaning then plinths must be an integral component of the design. They must be constructed of materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be sealed to plinths to ensure there are no gaps, cracks or crevices.***

Flooring

- 57) the floor construction in a food premises must be finished to a smooth and non-slip surface. Recessed coving must be provided at all intersections of the floor***

with the walls within all food preparation areas. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.

Lighting

- 58) the premises must provide sufficient natural or artificial light for the activities conducted at the premises. Lighting in food preparation and display areas must be provided with covers, or have shatterproof bulbs to prevent food contamination in case of a breakage.*

Storage of Garbage and Recyclable Matter

- 59) the premises must have facilities for the storage of waste and recyclable matter which adequately contain the volume of waste generated, and enclose waste to prevent access by pests and animals. Waste receptacles must also be designed to ensure they are easily cleaned and sanitised.*

Storage Facilities

- 60) the premises must provide adequate storage facilities for chemicals, clothing and personal belongings. These storage areas must be separate from food contact surfaces to avoid contamination of food.*

Pest Control

- 61) the premises must be designed in such a way that all practicable measures have been taken to prevent the entry and harbourage of pests and vermin within the premises. This means ensuring there are no gaps, cracks or crevices for pests to access and harbour within, providing screens for doors and windows where practical, and weather strips to the bottom of doors*

Water

- 62) the premises must have connection to an adequate supply of hot and cold potable water in compliance to, where water is to be used for activities conducted at the food premises.*

Sewage and Wastewater Disposal

- 63) the premises must have a sewage and wastewater system which effectively disposes waste without the possibility of contaminating the premises water supply or food.*

Food Safety Supervisor

- 64) the food premises must nominate to the Council at least one Food Safety Supervisor (FSS) for the site. The FSS must hold a NSW Food Authority FSS certificate that is no more than five years old. Any changes in the future to the FSS for the site must also be notified to the Council.*
- 65) prior to operations commencing, an inspection must be completed by a Tamworth Regional Council Environmental Health Officer to ensure that the premise complies with the conditions of approval.*

Note: Council's Environmental Health Officers will inspect the food premises annually. All inspections are unannounced to assess compliance with health and food safety requirements. Council will charge an administration fee at the rate

set by Council's fees and charges for each financial year.

Prior to the issue of an Occupation Certificate

- 66) *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.*
- 67) *all proposed building, site works, property or road improvements indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to the issue of any occupation certificate for the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979. This does not include conditions:*
 - a) *easements for utilities and services, including stormwater, in favour of the Lot(s) benefiting and/or Council shall be provided where services are located on private properties and/or overland flows traverse private property, and*
 - b) *a Positive Covenant pursuant to Part 6, Division 4 of the Conveyancing Act 1919 to nominate that the development requires detention in accordance with the approved storage volume and discharge rates specified in the stormwater strategy and detailed design. The covenant shall also include details of maintenance responsibilities and schedules. This information shall be submitted to Council for approval.*
- 68) *documentary evidence of lodgement of the plan of subdivision with NSW Land Registry Services for the consolidation of Lot 27 in DP 33823 and Lot 28 in DP 33823 must be provided to the Principal Certifier prior to issue of any Occupation Certificate, including:*
 - a) *easements for utilities and services, including stormwater, in favour of the Lot(s) benefiting and/or Council shall be provided where services are located on private properties and/or overland flows traverse private property, and*
 - b) *a Positive Covenant pursuant to Part 6, Division 4 of the Conveyancing Act 1919 to nominate that the development requires detention in accordance with the approved storage volume and discharge rates specified in the stormwater strategy and detailed design. The covenant shall also include details of maintenance responsibilities and schedules. This information shall be submitted to Council for approval.*
- 69) *an identification survey prepared by a Registered Surveyor shall be submitted to the Principal Certifier to confirm the completed development has been constructed in accordance with approved plans.*
- 70) *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 Section 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. Section 85 requires a copy of the certificate to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.*
- 71) *a Certificate of Compliance under Section 307 of the Water Management Act 2000 shall be obtained from the Council (as the Local Water Supply Authority) prior to the provision of any Occupation Certificate. All payments and works required under Section 306 of the Water Management Act 2000 must be completed prior to the release of a Certificate of Compliance.*
- 72) *pursuant to Section 306 of the Water Management Act 2000, Council requires the following works to be undertaken prior to the issue of a Compliance Certificate.*

Water

- a) *a single water service is to be provided to the lot;*
- b) *the existing water service to the lot may be utilised to service the proposed development;*
- c) *the developer will be responsible for engaging a hydraulic engineer to determine the fire fighting and domestic demands, and to determine an appropriate service size for the development;*
- d) *if the existing water service requires upsizing or relocation then the existing service is to be removed and disconnected from the water main;*
- e) *works shall be undertaken in accordance with Council's current version of the Engineering Design Minimum Standards, and,*
- f) *work on live water mains is to be undertaken by Council at full cost to the developer.*

Sewer

- a) *a single sewer service is to be provided to the lot;*
 - b) *the existing sewer junction (located in the north western corner of the lot) is to be utilised to service the proposed development;*
 - c) *redundant sewer junctions must be removed and sewer main reinstated;*
 - d) *the sewer manhole (SMH) lid located within close proximity to the proposed driveway shall be replaced with a trafficable lid and surround and the sub-surface infrastructure shall remain serviceable and protected;*
 - e) *works shall be undertaken in accordance with the current version of Council's Engineering Design Minimum Standards, and*
 - f) *work on live sewer mains is to be undertaken by Council at full cost to the developer.*
- 73) *a Maintenance Bond in accordance with the current version of Council's Engineering Design Minimum Standards shall be paid to Council for all infrastructure works.*
- 74) *one set of approved construction drawings shall be amended to show the "Work-as-Executed" and be certified by a Registered Surveyor or a Chartered Professional Civil Engineer, in accordance with Council's Engineering Design Minimum Standards.*
- A scanned electronic 'PDF version and an AutoCAD 'dwg' version of the signed "Work-as-Executed" plans shall be submitted to Council to ensure that adequate records are maintained of community infrastructure.*
- 75) *all test results, material certificates, non-conformance reports and signed off Hold/Witness Points as required by the Inspection and Test Plan shall be submitted for the review of Council to verify the quality of the completed product.*

Ongoing Requirements

- 76) *the property is only to be open for business and used for the purpose approved within the following hours:*
-

Staff hours	Monday to Friday: 6:30am – 7:00pm
Operation of childcare centre	Monday to Friday: 6:30am – 7:00pm

- 77) **a Childcare Plan of Management must be developed for the day-to-day operations of the child care centre and to minimise any adverse effects upon neighbours. The Childcare Plan of Management must include, but is not limited to, the following:**
- a) staffing/parents/children arrival and departure procedures (Drop off and pick up procedures);**
 - b) Day to Day Operations Policy;**
 - c) Protocol for External Maintenance/Garden Staff;**
 - d) Noise Management Plan (see requirement in Condition 78);**
 - e) Traffic and Parking Management Plan;**
 - f) Security and Safety Plan; and,**
 - g) Any requirements of the Education and Care Services National Regulations.**
- 78) **the Noise Management Plan (NMP) shall adopt and implement acoustic criteria from the Noise Assessment (prepared by Muller Acoustic Consulting, Ref MAC231887-01RP1, dated August 2023), being:**

Type of Receiver	Noise Level (dbA)	Applicable Time Period
Site Boundaries	40-45	During Operation Hours
Nearby Residential Properties	40-45	During Operation Hours
Indoor Area	35-40	During Operation Hours
Outdoor Playing Area	45-50	During Operation Hours

The following management measures / procedures must also be included in the NMP:

- a) separate daily programs for both warmer and cooler months in order to regulate the total time spent outdoors and indoors. The program should be made publicly available to parents and neighbours;**
- b) contact phone numbers for the overall facility manager or director should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the childcare centre;**
- c) details of the typical number of children anticipated to be present in the outdoor play area;**

- d) *procedure to ensure that crying children are taken inside the childcare centre building and comforted;*
 - e) *details of plans and procedures to ensure that the behaviour of children is monitored and modified as required by adequately trained teachers and childcare workers, to assist in ensuring compliance with overall noise guidelines*
 - f) *a procedure to ensure that parents and guardians are informed regarding the importance of noise minimisation when entering the site, and dropping off or picking up children;*
 - g) *procedures as required to ensure that staff control the level of their voices while outside;*
 - h) *minimisation or control of any use of amplified music to ensure compliance with noise management guidelines.*
- 79) *all acoustic control measures as identified within the Noise Assessment (prepared by Muller Acoustic Consulting, Ref MAC231887-01RP1, dated August 2023), are to be incorporated into the construction and operation of the development so as to manage and mitigate noise impacts appropriately. This includes:*
- This must include the following:*
- a) *Mechanical Equipment:*
The acoustic performance of all plant and equipment associated with the facility is validated following construction and prior to the issue of an Occupation Certificate for the premises to confirm that acoustic impacts no greater than 5 dBA above the measured background LA90 sound levels detailed in this report apply at any residential property boundary.
 - b) *Acoustic Fence:*
Construction of an impervious barrier around the outdoor play area to the southern boundary of the project. The barrier should be constructed to an RL of 2.5m above the relative ground level of the project site. This barrier may taper down to 1.8m when clear of the playground area but should continue along the western and eastern extents of the boundary (see Figure 3). The barrier should consist of materials with a surface density of at least 10kg/m², and not contain any gaps (i.e., lapped and capped timber or equivalent);
A noise validation assessment may be required to quantify noise emissions and confirm that they meet the conditioned PNTL if Council receives future valid noise complaints relating to the operation of the development.
- 80) *the operation must comply with the Australia New Zealand Food Standards Code and the Food Act 2003.*
- 81) *the child care centre shall comply with the Education and Care Services National Regulations.*
- 82) *the sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.*
- 83) *all vehicle movements into and out of the development site shall be in a forward direction.*
-

- 84) *during ongoing use of the premises signage of the building street number and building name (where applicable) must be clearly displayed.*
- 85) *vehicles shall be loaded or unloaded standing wholly within the site and within designated loading bays on the submitted plans, or as otherwise provided in accordance with the conditions of this consent. Under no circumstances are vehicles to be loaded or unloaded at the kerb side, or across the public footpath.*
- 86) *the on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.*

Advisory Notes

- 1) *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*
- 2) *at all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.*

APPLICATION DETAILS:

Application No.	DA2024-0058 (PAN-361321)
Application For:	Proposed Childcare Centre
Date Lodged:	24 August 2023
Applicant:	Brown Commercial Building Pty Ltd
Owner:	Calala Developments Pty Ltd
Land/Address:	Lots 27 and 28 in DP 33823, 72 – 74 Calala Lane CALALA
Zoning:	R1 General Residential - <i>Tamworth Regional Local Environmental Plan 2010</i>

DEVELOPMENT ASSESSMENT SUMMARY

The proposed development involves the demolition of existing buildings and structures, and construction of a centre-based child care facility. The proposed development also includes an onsite carpark containing 32 spaces, acoustic fencing and landscaping.

The proposal is a permissible use within the R1 General Residential zone in accordance with the *Tamworth Regional Local Environmental Plan 2010* (TRLEP) and meets the zone objectives. The proposed development will be compliant with the relevant NSW planning legislation; State Environmental Planning Policies, the TRLEP and Tamworth Regional Development Control Plan 2010 (DCP).

Traffic

The main issue associated with the proposed development relates to the increase in traffic movements in Calala Lane. Council's technical staff are satisfied that Calala Lane has sufficient capacity to allow additional traffic movements for a child care centre which generates peak traffic demands only during the morning and afternoon peak hour periods. For the remainder of the day, over the weekends and on public holidays, Calala Lane will remain relatively unaffected.

Mitigation measures are also recommended including a channelised right turn lane into the development and limiting all vehicles from the site to a left turn only.

It is recognised that there is likely to be a noticeable change to Calala Lane for existing users. However, the additional traffic generation is within the thresholds of a local access street, and the increase in traffic flows along Calala Lane will not exacerbate the existing operational performance of the associated intersections.

Reason for Referral to Council

DA2024-0058 has been referred to Council for determination due to the number of submissions that were received during the public consultation period. A total of 19 submissions were received, see **ENCLOSED**, refer to **CONFIDENTIAL ENCLOSURE 1**. The issues raised in the submissions have been addressed in this assessment report.

PROPOSED DEVELOPMENT

Development consent is sought for:

- The demolition of an existing dwelling and associated structures, and
- Construction of a centre-based childcare centre accommodating 120 children.

The proposed centre-based childcare centre will consist of six separate playrooms with two rooms allocated to each age group i.e., nursery, toddler and pre-school. Playrooms 1-2 will accommodate 29 x babies, playrooms 3-4 will accommodate 44 x toddlers and playrooms 5-6 will accommodate 47 x pre-school pupils, totalling 120 children.

The centre will also comprise of administration areas, service areas, storerooms, a staff room, meeting room and reception area in the northern section of the building. The service areas in this section of the building will include a kitchen, bathrooms, and laundry amenities.

An outdoor play area will be provided at the rear of the site along the southern boundary, comprising of an approximate area of 860m². This area will include play equipment, landscaping and a shade structure.

The centre will operate between the hours of 6:30am – 7pm, Monday to Friday, and will require a minimum of 21 educators to operate at various times throughout the week within the relevant staffing guidelines.

Off-street parking is proposed for a total of 32 vehicles within the designated parking area along the northern boundary of the site. All vehicular access to the site is facilitated from Calala Lane.

The proposed development will incorporate one flush wall sign (6m wide x 1m high) along the Calala Lane façade. The flush wall sign will be located on the façade of the new building at the main entrance. A separate entry sign (0.6m wide x 0.5m high) is also proposed at the road access. The sign will be attached to two (2) posts and will have an overall height of 1m.

The submitted plans are **ATTACHED** to this report, refer **ANNEXURE 1**.

REFERRALS

The Development Application was referred internally to Council's Development Engineering Division and Environmental Health and Building Certification Teams. Comments and development requirements for each specialist are discussed in greater detail further in this report. No objections were raised in the referral responses subject to conditions of consent.

In regards to the main referral issue relating to vehicle access to and from Calala Lane it is noted that the applicant provided an alternative access design that included the provision of a channelised right turn into the driveway and limited exit from the site to left out manoeuvres only.

The application was referred to the Local Traffic Committee to consider these access arrangements and was supported in principle at its meeting held on 6 March 2024. However, Council, at its Ordinary Meeting held on 26 March 2024, resolved to defer the approval of the access arrangements.

SUBJECT SITE AND LOCALITY MAP:

The site is described as Lots 27 and 28 in DP 33823 and is located at 72-74 Calala Lane, Calala. The site has a total area of 3,238m² and is zoned R1 General Residential pursuant to the TRLEP.

The site has a frontage to Calala Lane in the north and adjoins residential development to the east, west and south. It should be noted that no access is available to Boronia Drive to the south.



Figure 1. Aerial view of subject site (Source: MiMaps).

The site is currently occupied by a single storey dwelling, garage, shed and various raised garden beds. The majority of the existing buildings onsite are located at 74 Calala Lane. The site is predominantly clear of vegetation with the exception of five (5) trees surrounding the existing dwelling.

The site falls gradually from the southern boundary towards the front of the site along Calala Lane.

The site is located within a long-established residential area with the surrounding locality consisting of smaller lots used for residential purposes. The local commercial centre is located a short distance to the northwest, while Tamworth CBD is located approximately 4km to the north-west.

ASSESSMENT REPORT:

The following matters listed under Section 4.15 of the Environmental Planning and Assessment Act 1979, are relevant in considering this application:

S4.15(1)(a)(i) Provisions of any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021:

Chapter 2 of the Biodiversity and Conservation SEPP seeks to protect the biodiversity and amenity values of trees and other vegetation in non-rural areas. The proposal seeks to remove five (5) trees on the subject land.

The proposal includes the planting of 19 trees and large shrubs that will offset the proposed tree removal. Furthermore, the submitted Landscape Plan includes a number of smaller plants and shrubs. The types of tree species include a Flame tree, nine Camellias, four Red Robins and five Water Gums.

State Environmental Planning Policy (Industry and Employment) 2021:

Chapter 3 of this Policy requires that the consent authority must carry out an assessment of the proposal against the aims and objectives of Clause 3.1 and the assessment criteria within Schedule 5 before granting consent.

The assessment found that the proposed signage is compatible with the amenity and visual character of the area. The proposed signage locations are suitable for their intended use and will be of a high-quality design and finish.

State Environmental Planning Policy (Resilience and Hazards) 2021:

Pursuant to Section 4.6 of the Policy, consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities is required.

A detailed environmental site investigation was provided by the applicant to identify any historic contamination on the subject site.

The investigation found the following issues:

- zinc contamination was identified around the timber shed to the rear of the existing dwelling. The levels were tested and found to be below Health Investigation Levels and do not present a significant risk of harm to humans. No remediation was proposed as part of the assessment.
- a variety of hydrocarbons were found at the front and rear of 72 Calala Lane (Boreholes 5 and 9). It was recommended that the topsoil in these areas be stripped and removed to an appropriate waste facility.

The application was reviewed by Council's Environmental Health Officer. Conditions of consent were recommended to require the applicant to:

- undertake further assessment during demolition and initial earthworks to verify the testing provided in the detailed environmental site investigation;
- prepare a remediation action plan;
- undertake the required remediation works; and
- provide verification of the remediation on completion of the works.

It is considered that the site will be safe for the proposed use after the completion of the remediation works.

State Environmental Planning Policy (Industry and Employment) 2021:

Chapter 3 of the SEPP contains the planning provisions relating to child care centres.

The proposed child care centre is consistent with the aims of the SEPP and will result in the provision of additional valuable child care places in the locality.

The proposal meets the prescribed development controls having regard to the provision of indoor and outdoor play spaces. Further, the proposed design of the child care facility is consistent with the requirements of the Child Care Planning Guideline and the Education and Care Services National Regulations 2012 (National Regulations).

4.15(1)(a)(ii) Provisions of any draft environmental planning instrument

Tamworth Regional Local Environmental Plan 2010:

The proposed development is consistent with the Aims of the TRLEP as follows:

- (b) *to allow flexibility in the planning framework so as to encourage orderly, economic and equitable development while safeguarding the community's interests and residential amenity.*

The subject lands are zoned R1 General Residential under the provisions of the TRLEP. The objectives of the R1 General Residential zone are:

- to provide for the housing needs of the community.
- to provide for a variety of housing types and densities.
- to enable other land uses that provide facilities or services to meet the day to day needs of residents.

It is considered that the construction and operation of a centre-based child care facility will provide services that meet the day to day needs of residents of Calala.

A 'centre-based child care facility' is a type of development that is permissible with consent in the R1 zone.

S4.15(1)(a)(iii) Provisions of any Development Control Plan

Tamworth Regional Development Control Plan 2010:

An assessment against the relevant provisions under the 'Commercial and Retail' and 'Subdivision' Chapters in the Tamworth Regional Council Development Control Plan 2010 (DCP) is presented in **Table 1** and **Table 2** below:

Commercial and Retail Controls	
Provision	Comment
Building setbacks	The proposed child care facility has a front setback of 35.8m to Calala Lane, a minimum 1.0m side setback and 21.3m from the rear boundary. The proposed development complies with the DCP requirement for setbacks.
Waste	The proposed development is accompanied by a Waste Management Plan that provides for the safe storage and effective

management	collection of waste generated by the ongoing use of the proposed centre-based child care facility.
Utility Infrastructure	The proposed development will not create a substantial demand on existing utility infrastructure.
Traffic impacts	<p>A Traffic Impact Assessment (TIA) was submitted as part of the DA.</p> <p>The proposed development will result in an increase in traffic in the locality. The original proposal was assessed by Council's Development Engineering Division and issues were raised with the access design.</p> <p>An amended design was provided by the applicant that included a channelised right hand turn into the centre, while also only allowing left turns from the site.</p> <p>The amended design was reviewed by Council officers and presented to the Local Traffic Committee. The design was deemed acceptable from a congestion and safety perspective.</p> <p>It is therefore considered that the proposal will not have a significant impact on traffic along the local road network.</p> <p>Traffic impacts are discussed in more detail later in this report.</p>
Carparking	<p>Pursuant to the TRDCP 2010, the required parking for the proposed development has been calculated as follows:</p> <p><u>Childcare centre</u></p> <p>= 1 space per 5 children</p> <p>= 120 / 5</p> <p>= 24 parking spaces.</p> <p>The plan indicates that a total of 32 parking spaces will be provided, which is eight (8) more spaces than required and therefore satisfies this requirement.</p>
Outdoor Lighting	A condition will be implemented within the development consent which requires all associated outdoor lighting to comply with the relevant Australian Standard.
Outdoor Signage	As shown on the architectural plan set supporting the DA, a free-standing entry sign and business identification sign on the front façade of the building are proposed to be installed as a part of the development. The signage has been assessed to comply with the aims, objectives and assessment criteria under <i>State Environmental Planning Policy (Industry and Employment) 2021</i> .
Landscaping	The proposed development will incorporate landscaped areas around the proposed building. The landscaped area is considered to have been designed appropriately for the

	<p>proposed use.</p> <p>Sufficient shading is provided through new planting and large verandahs. A landscape buffer will be installed along the road frontage.</p>
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Table 1. Assessment against Commercial and Retail DCP provisions.

Environmental Controls	
Provision	Comment
Environmental Effects	No minimum front setbacks are specified within the TRDCP 2010.
Soil and Erosion control	A sediment erosion management plan will be required prior to works commencing. It is considered that as the site is relatively flat, no significant erosion or stability issues exist.
Vegetation	<p>The site has been utilised for residential purposes over a long period of time and is therefore predominantly turfed. The development will however result in the removal of five (5) trees. The landscape design shows that at least 19 new trees and large shrubs will be planted as part of the development.</p> <p>The tree removal is therefore considered acceptable in this instance.</p>
Waste Management	A bin store has been provided along the north-eastern side of the proposed building.
Noise	An acoustic assessment was lodged with the application. The assessment concluded that the noise emissions from the proposal is appropriate when site specific management controls are implemented.
Geology	The site is relatively flat and it is considered that the geology of the site will not limit development on the site.

Table 2. Assessment against DCP Environmental Controls.

Development Contributions and Headworks:

Conditions have been included in the recommended terms of consent requiring the applicable Section 7.12 Development Contributions and headworks charges to be paid prior to the issue of a Construction Certificate.

S4.15(1)(a)(iia) Provisions of any Planning Agreement

Not applicable.

S4.15(1)(a)(iv) Any matters prescribed by the Regulations

A recommended condition of consent requires demolition works to be carried out in accordance with AS2601 – 2001: The Demolition of Structures, thereby satisfying Clause 61(1) of the Regulation.

S4.15(1)(b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Context and Setting

The subject site is located in an established residential area that consists predominantly of single storey residential dwellings. The proposed child care centre is consistent with the scale, design and amenity of other neighbouring development. The development incorporates architectural features and articulation to provide a contemporary built form that appropriately addresses Calala Lane.

Site Design and Internal Layout

The proposed centre-based child care facility has been designed in accordance with the design criteria outlined in the Child Care Planning Guidelines.

The purpose built 'Child Care Facility' will operate with a maximum capacity of 120 places with the following age groups:

- 0-2 years: 29 places;
- 2-3 years: 44 places; and
- 4-5 years: 47 places.

The service and administrative areas will include:

- six indoor play rooms;
- cot rooms;
- administrative areas including staff rooms and offices;
- kitchen;
- laundry;
- storerooms; and
- amenities.

The facility will also accommodate an outdoor play area at the rear of the site.

The facility provides a total of 395m² or 3.29m² of unencumbered indoor play area per child and 860m² or 7.16m² of unencumbered outdoor play area per child.

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- the design responds to the context of the surrounding area by proposing an attractive and large one storey-built form appropriate with the established residential area;
- appropriate landscape embellishment works to ensure that the landscape character of the site and immediate locality is respected;
- the proposed built form has been designed commensurate with the residential character of the immediate locality;

- the proposed learning spaces provide a good mix of inclusive learning space for all students; and
- the development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.

Access, Transport and Traffic

Due to traffic volumes on Calala Lane and the proximity of the development to the Campbell Road/Calala Lane roundabout, appropriate mitigation of traffic impacts is critical to the performance of the 120-place childcare centre and external road network.

The submitted Traffic Impact Assessment (TIA) assumes the majority of trips generated by the proposed development are existing vehicles travelling past the site frontage. Due to traffic volumes in both directions on Calala Lane, concerns were raised regarding right-turn movements into the site and potential for traffic to queue into the roundabout. A number of options were assessed including restricting the right-turn movement into the site

Traffic modelling using SIDRA software was undertaken for development, including the site access and roundabout. The movements in and out of the site were assumed based on elevated trip generation rates from TRC studies of existing centres, rather than the RMS Guide to Traffic Generating development which focused on larger cities, refer Table 3 below. The projected peak traffic volumes generated by the proposed childcare centre represents an average of three (3) incoming vehicle trips being generated every two (2) minutes during the morning peak period.

	<i>RMS Guide to Traffic Generating Developments 2002 – Table 4.1</i>	<i>Childcare Centre Trip Generation Rates – TRC Review</i>
<i>No. of Licensed Places</i>	120	
<i>AM Vehicle Trip Rate</i>	<i>0.8 trips/child</i>	<i>1.4 trips/child</i>
<i>AM Trip Generation</i>	<i>96 peak vehicle trips per hour (53 trips TO and 43 trips FROM)</i>	<i>168 peak vehicle trips per hour (93 trips TO and 75 trips FROM)</i>
<i>PM Vehicle Trip Rate</i>	<i>0.7 trips/child</i>	<i>1.2 trips/child</i>
<i>PM Trip Generation</i>	<i>84 peak vehicle trips per hour (38 trips TO and 46 trips FROM)</i>	<i>144 peak vehicle trips per hour (65 trips TO and 79 trips FROM)</i>

Table 3 – Comparison of Metro v Regional Trip Generation Rates

Note: Trips TO childcare centres (for drop-off) are more frequent in the morning peak hour than the afternoon peak as child pick-up tends to occur over a two-hour period. There are also more trips TO the childcare centre in the AM Peak period as these trips account for staff arrival and more trips FROM the childcare centre in the PM Peak period as these trips account for staff departure.

A variety of trip distributions or left/right turn splits were applied to test the sensitivity of the traffic model, including a worst-case scenario being all trips into site from the west

(roundabout). The ‘worst-case’ scenario was tested by Council. No changes in the Level of Service or performance of the roundabout resulted from the additional trips generated by the proposed Childcare centre.

To mitigate any unforeseen impacts into the site, a turn treatment is required as prescribed by *AustRoads Guide to Road Design*. Turn treatments are required when a right turn movement against the major road traffic volume is required in order to access a site. Given the highest projected number of right turns during the p.m. peak hour (in this case 65), a modified Channelised Right Turn (CHR) treatment is proposed at the site entry, which is more than sufficient to cater for the likely right-turn movements into site. This treatment aligns with the threshold trigger (or ‘warrants’) as specified by *AustRoads ‘Turn Warrants for Unsignalised Intersections’* as shown in Figure 2.

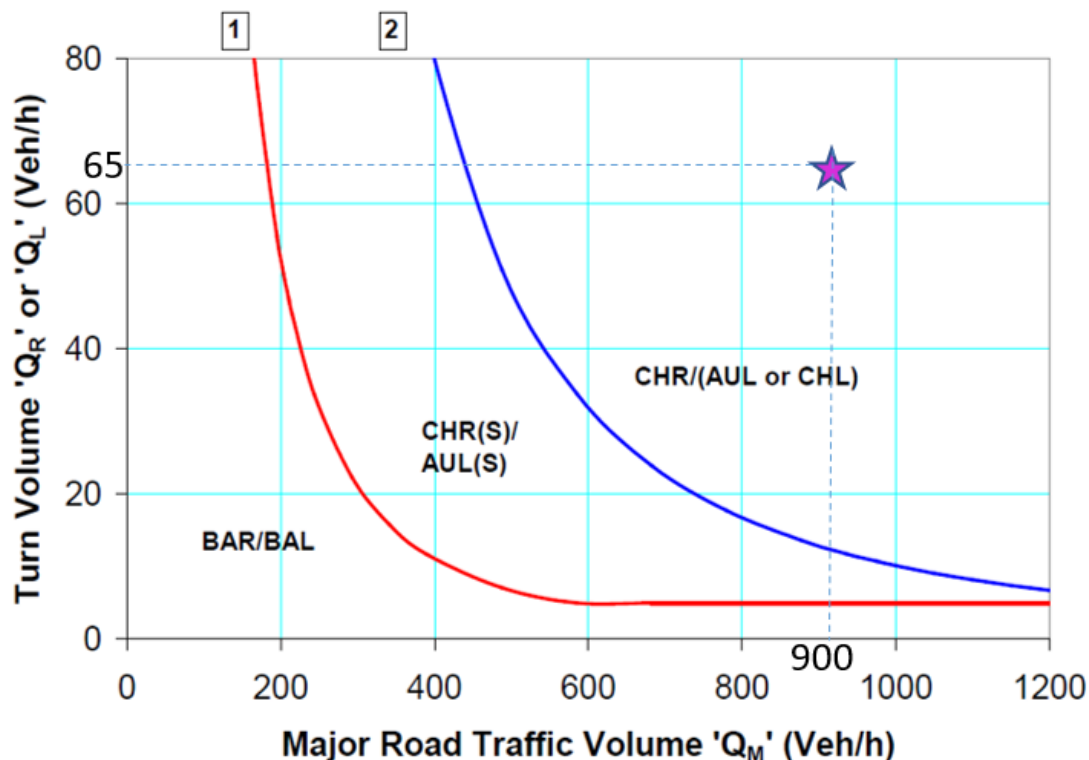


Figure 2. AustRoads turn warrants for unsignalised intersections



= Expected trip generation. This point reflects the channelised right turn requirement based on the likely number of right turn movements into the childcare centre during the p.m. peak hour – that being 65 right turns entering the centre from Calala Lane which has an afternoon peak traffic volume in the order of 900 vehicles per hour.

Council’s Development Engineering Division requested that egress from the childcare centre be ‘left-out only’ and entry to the centre be facilitated by a modified CHR with raised medians and pavement markings on Calala Lane. These are shown in the latest iteration of plans prepared by CJP Consulting Engineers (Drawing No. 23068-D02-V4; Sheet No(s) 1-6). These measures, in addition to the provision of ‘No Stopping’ and ‘Keep Left’ signage within proximity to the roundabout and driveway, are designed to allow for the storage of three (3) right-turning vehicles from Calala Lane, improved sight distances and vehicle movements at

the site entry, while ensuring traffic flow along Calala Lane during the morning and evening peak hours is not compromised.

The application was referred to the Local Traffic Committee to consider the abovementioned access arrangements and was supported in principle at its meeting held on 6 March 2024. However, Council, at its Ordinary Meeting held on 26 March 2024, resolved to defer the approval of the access arrangements.

The proposed CHR treatment incorporates sufficient queuing space to store three (3) vehicles in an auxiliary lane, enabling eastbound through traffic to safely pass vehicles waiting to turn right into the childcare centre. Based on the intersection modelling for the unlikely 'worst-case' scenario, the predicted queue lengths fit within the auxiliary lane and do not block the through lane. The turn treatment will be located approximately 30.0m from the roundabout, which achieves a minimum gap sight distance (MGSD) and safe intersection sight distance (SiSD) of 69.0m. This ensures safe sight and stopping distances for drivers on approach to (and leaving from) the childcare centre – particularly between the auxiliary lane and exit off the roundabout. Depicted 'road narrowing' signs and line-marked merging tapers along the westbound portion of Calala Lane are incorporated in the lead-up distance to the intersection where the raised median deflects the oncoming lane. This design is common for pedestrian crossings and roundabouts where it is intended to reduce the approach speed by narrowing the road formation.

Parking

Off-street parking is proposed for a total of 32 cars within a new outdoor at-grade parking area (including two accessible spaces). This is well in excess of the parking demand required by Council's DCP and the Planning Guidelines for Childcare Centres. The parking layout provides sufficient storage space for vehicles waiting to exit onto Calala Lane while providing sufficient room for vehicles to manoeuvre in and circulate within the site.

In summary, the proposed arrangement has sufficient capacity to cater for the vehicle movements into and out of the proposed childcare centre, while minimising the impact of the development on free-flow conditions along Calala Lane.

Views and Visual Impact

The proposed development is considered to be consistent with the scale of existing development and the intended purpose/character of the surrounding locality. Additionally, the proposed signage associated with the development will not create any significant impact on the views or visual amenity of the surrounding locality.

Privacy (Aural and Visual)

The site will be screened appropriately which will effectively mitigate the potential for both aural and visual impacts on privacy. The application was supported with a Noise Impact Assessment (NIA) and was reviewed by relevant Council officers.

The NIA addressed potential acoustic issues by recommending the following fencing measures:

- boundaries along the outdoor play area: 2.5m high acoustic barrier timber lap capped. A Perspex section above 1.8m will be required along the area adjoining the dwelling at 18 Boronia Drive.
- remaining side boundaries: 1.8m high acoustic wall to boundary to acoustic consultant's detail.

The operator will also be required to prepare a Noise Management Plan that must include the following details:

- separate daily programs for both the warmer and cooler months in order to regulate the total time spent outdoors and indoors. The program should be made publicly available to parents and neighbours.
- contact phone numbers for the overall facility manager or director should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the childcare centre.
- details of the typical number of children anticipated to be present in the outdoor play area.
- procedure to ensure that crying children are taken inside the childcare centre building and comforted.
- details of plans and procedures to ensure that the behaviour of children is monitored and modified as required by adequately trained teachers and childcare workers to assist in ensuring compliance with overall noise guidelines.
- a procedure to ensure that parents and guardians are informed regarding the importance of noise minimisation when entering the site, and dropping off or picking up children.
- procedures as required to ensure that staff control the level of their voices while outside.
- minimisation or control of any use of amplified music to ensure compliance with noise management guidelines.

The report found that the impact on the centre from road noise is acceptable.

It is therefore considered that the aural and visual impacts of the proposed development on neighbouring sites is acceptable after the implementation of the recommended measures.

Overshadowing

The proposed development is single storey and therefore the shadow diagrams provided by the applicant show minimal impact on adjoining properties.

The dwelling at 18 Boronia Drive is located along the southern boundary of the site and will be impacted by the proposed acoustic wall. The shadow diagrams show that the dwelling will not receive any direct sunlight along its northern wall. This wall contains windows to what appears to be a bedroom and a bathroom/toilet window.

The impact of the acoustic wall can be limited by incorporating a Perspex element along the areas of the fence that extend above 1.8m. The Perspex will only be required for the length of the dwelling as the open space area is not significantly impacted. This will result in an impact that is comparable to the installation of fencing associated with residential development.

It is therefore considered that the impacts to solar access on the adjoining properties are acceptable in this instance.

Heritage

The subject site is not identified as having heritage significance or being located near any heritage listed areas.

Water

The site is serviced by an existing Council water main located within the road reserve of Calala Lane. Internal hot and cold-water plumbing associated with the development is to be approved as part of the Section 68 Plumbing and Drainage Application lodged with Council.

Sewer

The site is serviced by an existing Council sewer main located along the south-eastern side of the site. Internal sanitary drainage pipework associated with the development is to be approved as part of the Section 68 Plumbing and Drainage Application lodged with Council.

Drainage

Any stormwater runoff produced from the impervious surfaces of the proposed development will drain to the existing stormwater infrastructure available to the site.

Waste

Construction of the proposed development is likely to result in the production of both general and recyclable waste. Such waste will be held on site by the contractor and will be disposed of utilising Council's weekly waste collection service or a waste management facility.

Soils

The soil tests that were conducted identified an area containing asbestos that will be removed prior to construction commencing. As recommended within the referral response from Environmental Health, a condition has been implemented within the development consent which requires work to be undertaken in a safe manner.

Flora and Fauna

The site currently contains five trees that will be removed as part of the proposal. The landscaped design shows that 19 new trees (10 trees above 3m and nine trees below 3m) will be planted as part of the development and the tree removal is therefore considered acceptable in this instance.

Bushfire

The site is not identified as being bushfire prone in accordance with Tamworth Regional Council's Bushfire Prone Land mapping.

Flooding

The site is not identified as being flood prone in accordance with Tamworth Regional Council's Flood Prone Land mapping.

Energy

The building associated with the development has incorporated suitable passive design elements to improve energy efficiency. Furthermore, the plan set provided indicates that the building has been designed in accordance with Section J of the BCA.

Noise and Vibration

The acoustic report submitted as part of the application concluded that the development would comply with the requirements of all relevant acoustic guidelines and requirements provided the recommended design and building practices are implemented.

The referral response received from Council's Environmental Health Team included these recommended practices as conditions of consent for each stage of the development. These conditions will be included in the development consent.

Safety, Security and Crime Prevention

The proposed centre-based child care facility adopts Crime Prevention through Environmental Design principles, ensuring territorial reinforcement and casual surveillance opportunities.

Social Impact

The provision of accessible, affordable and adequate child care within the local community is likely to result in a positive social impact, enhancing social connections and cohesiveness.

Economic Impact

The proposed development is likely to result in a positive economic impact in the locality through both the provision of employment and appropriate child care arrangements for residents to enable employment uptake.

Cumulative Impacts

The cumulative impacts of the proposed development have been assessed and are not considered to be substantial.

S4.15(1)(c) The Suitability of Site for the Development

The subject site is considered suitable for the proposed development. The site is zoned R1 General Residential wherein a centre-based child care facility is permitted with consent. Conditions have been included in the recommended conditions of consent in order to mitigate impacts on neighbouring properties.

S4.15(1)(d) Any Submissions Made in Accordance with the Act or Regulations

The Development Application was publicly exhibited from 13 September 2023 until 6 October 2023. 19 submissions were received by Council during this period.

The submissions are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**

The issues raised in the submissions are considered in Table 4 below.

Issue	No. of Submitters	Response
<p>Traffic</p> <p>The following traffic concerns were raised:</p> <ul style="list-style-type: none"> Concerns were raised relating to the potential for additional traffic accessing Calala Lane, especially during school start / 	14	<p>A TIA (Traffic Impact Assessment) was submitted as part of the DA.</p> <p>The proposed development will result in an increase in traffic in the locality. The original proposal was assessed by Council's Development Engineering Division and issues were raised with the access design.</p> <p>An amended design was provided by the applicant that included a channelised right hand turn into the centre, while also only allowing left turns from the site.</p>

<p>finish times.</p> <ul style="list-style-type: none"> Increased danger for vehicles entering Calala Lane. Limited parking provisions 		<p>The amended design was reviewed by Council officers and presented to the Local Traffic Committee. The design was deemed acceptable from a congestion and safety perspective.</p> <p>It is therefore considered that the proposal will not have a significant impact on traffic along the local road network.</p>
<p>Staffing</p> <p>The increased demand for qualified staff will result in issues operating the centre in accordance with the staffing ratios. Strain will also be placed on other centres that are currently short staffed.</p>	10	<p>The centre requires a minimum of 21 staff members.</p> <p>The procurement of staff is not an issue that forms part of Council's assessment.</p> <p>Any staffing shortfalls will result in the partial operation of the centre.</p>
<p>Amenity</p> <p>The increases in noise levels from children playing outdoors and additional traffic noise will result in amenity impacts on local residents.</p>	2	<p>The application was supported with a Noise Impact Assessment (NIA) and was reviewed by Council officers.</p> <p>The NIA addressed potential acoustic issues by recommending the following fencing measures:</p> <ul style="list-style-type: none"> Boundaries along the outdoor play area: 2.5m high acoustic barrier timber lap capped. A Perspex section above 1.8m will be required along the area adjoining the dwelling at 18 Boronia Drive. Remaining side boundaries: 1.8m high acoustic wall to boundary to acoustic consultant's detail. <p>The operator will also be required to prepare a Noise Management Plan that must include the following details:</p> <ul style="list-style-type: none"> Separate daily programs for both the warmer and cooler months in order to regulate the total time spent outdoors and indoors. The program should be made publicly available to parents and neighbours. Contact phone numbers for the overall facility manager or director should be

		<p>made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the childcare centre.</p> <ul style="list-style-type: none"> • Details of the typical number of children anticipated to be present in the outdoor play area. • Procedure to ensure that crying children are taken inside the childcare centre building and comforted. • Details of plans and procedures to ensure that the behaviour of children is monitored and modified as required by adequately trained teachers and childcare workers to assist in ensuring compliance with overall noise guidelines. • A procedure to ensure that parents and guardians are informed regarding the importance of noise minimisation when entering the site and dropping off or picking up children. • Procedures as required to ensure that staff control the level of their voices while outside. • Minimisation or control of any use of amplified music to ensure compliance with noise management guidelines. <p>The report found that the impact on the centre from road noise is acceptable.</p> <p>It is therefore considered that the impact of the proposal on neighbouring development will be acceptable subject to the implementation of the recommended measures.</p>
<p>Design</p> <p>Insufficient services and open space provided for the proposed number of children</p>	1	<p>The proposal includes the provision of 860m² of external open space in the southern part of the site. The proposal also includes eight (8) age-appropriate toilets.</p> <p>The open space provision is compliant with the design standards contained in the relevant guidelines, while the toilet</p>

		provision complies with the National Construction Code (NCC) requirements.
Property values Devaluation of property values due to increase of noise and traffic in the area.	1	Devaluation of property values is not a relevant consideration under the <i>Environmental Planning and assessment Act</i> . However, no specific justification was provided to support the reduction in property values. It could equally be argued that property prices may increase with the provision of the additional services in the area.
Asbestos contamination Contamination concerns were raised during the demolition of the existing structures.	1	Council's Environmental Health Officers assessed the proposal and provided specific conditions of consent to deal with any contamination (including asbestos) found during the demolition phase.
Tree removal The proposal does not provide details on the ecological significance of the existing trees on site.	1	It is considered that the replacement of five (5) trees to be removed by 19 trees/large shrubs will provide an enhanced outcome for the site and the wider area. While short term impacts are expected, the longer-term benefits of the additional planting outweigh the proposed tree removal. It is also noted that the tree outside the proposed building and parking area is a Jacaranda tree that is not native and is not considered compatible with the operation of the play areas due to flowers and seeds dropping into these areas. The tree will be replaced with a tree of similar height and canopy spread. A condition is included in the recommended conditions requiring the applicant to provide an updated vegetation species planting schedule for approval by Council prior to the issue of a Construction Certificate. The updated species schedule shall be for plant species that are either endemic or suitable to the local region.

<p>Emergency services access</p> <p>The site is not accessible to emergency services or evacuation during flood events.</p>	1	<p>Council's Development Engineering Division reviewed the flooding issues and found that sufficient time would be available to the operators and parents to undertake evacuations prior to the flooding of Calala Lane.</p> <p>It should be noted that the site is not flood prone.</p>
<p>Stormwater Management</p> <p>No details relating to stormwater management and erosion control were provided.</p>	1	<p>Council's Development Engineering Division assessed the stormwater management system proposed and found that it would be sufficient to control flows from the proposed development.</p> <p>All erosion and sedimentation control measure must be provided in accordance with the relevant guidelines. Conditions of consent has been provided to ensure measures are installed prior to any works commencing onsite.</p>
<p>Lack of Consultation</p> <p>The Applicant did not consult with the community or stakeholders other than TRC.</p>	1	<p>Whilst it is not mandatory to do so under current NSW planning legislation, it is noted that the applicant did not undertake preliminary consultation with adjoining or nearby residents.</p> <p>The Development Application was publicly exhibited from 13 September 2023 until 6 October 2023 and 19 submissions were received by Council during this period.</p>
<p>Operational Hours and Staff</p> <p>Hours and Staff details do not include maintenance staff, gardeners or tradespeople.</p> <p>Thereby making it difficult to ascertain overall impacts.</p>	1	<p>The hours of operation for the facility are stipulated in the recommended conditions of consent and it is recognised that from time to time, maintenance workers or gardeners may be required to undertake work outside those prescribed hours.</p> <p>The Childcare Plan of Management Plan will be required to include a protocol for external maintenance/garden staff.</p>
<p>Waste Management</p>	1	<p>The development application was accompanied by a Waste Management Plan that provides for the safe storage and</p>

<p>The SEE does not assess greenhouse gas generation.</p> <p>No consideration of dangerous materials such as asbestos during demolition.</p> <p>Waste Management Plan was not provided for public viewing.</p>		<p>effective collection of waste generated by the ongoing use of the proposed centre-based child care facility.</p> <p>A Waste management plan is also required to be prepared in accordance with the Environment Protection Authority's Waste Classification Guidelines.</p>
<p>Construction Management Plan</p> <p>A draft construction and environmental management plan should have been submitted.</p>	1	<p>A construction site management plan must be prepared, and provided to the Certifier prior to the issue of a Construction Certificate.</p>
<p>Social and Economic Impacts</p> <p>The SEE did not address social and economic impact considerations such as:</p> <ul style="list-style-type: none"> • Market sounding • Education and training facilities • Removal of housing stock. 	1	<p>It is noted that the items identified in the submission were not addressed in the Development Application. However, Council is satisfied that the provision of accessible, affordable and adequate child care within the local community is likely to result in a positive social impact, enhancing social connections and cohesiveness.</p> <p>The proposed development is also likely to result in a positive economic impact in the locality through both the provision of employment and appropriate child care arrangements for residents to enable employment uptake.</p>

Table 4. Response to the issues raised in the submissions.

S4.15(1)(e) The Public Interest

Public interest concerns whether or not the broader community interest is served by the approval of the development. The public interest has been considered as a part of the assessment of DA2024-0058. The provision of accessible, affordable and adequate child care facilities within the residential community is considered responsive to the public interest.

CONCLUSION:

This report provides an assessment of the development with regard to all relevant matters listed under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 and issues raised in the public submissions.

The proposed development is consistent with the applicable environmental planning instruments and it is considered that the development will have a positive contribution to the site and the community. As a consequence, it is therefore recommended that Council approve DA2024-0058 subject to the recommended conditions of development consent.

(a) Policy Implications

The development is a permissible use within the R1 zone, meets the objectives of the zone and complies with Council's Development Control Plan provisions.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Consultation with the community has been undertaken in accordance with Council's Community Participation Plan 2019. The objections received have been addressed as a part of the assessment of the DA, as detailed in an earlier section of this report.

(e) Reason for Consideration by Council

Focus Area 2 – A Liveable Built Environment.

7.2 NORTHERN REGIONAL PLANNING PANEL MEMBERSHIP - OUTCOME OF CALL FOR EXPRESSIONS OF INTEREST

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Christopher Faley, Strategic Planner

Reference: Item 7.3 to Ordinary Meeting of Council 12 December 2023 - Minute No 324/23

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Northern Regional Planning Panel Membership - Outcome of Call for Expressions of Interest”, Council:

- (i) re-appoint Mr James Treloar to serve as a Tamworth Regional Council permanent expert member on the Northern Regional Planning Panel for a period of three years;*
- (ii) appoint Mr Glenn Inglis to serve as a Tamworth Regional Council permanent expert member on the Northern Regional Planning Panel for a period of three years;*
- (iii) appoint Mr Colin Murray and Mr Warwick Stimson as Tamworth Regional Council alternate members on the Northern Regional Planning Panel for a period of three years;*
- (iv) notify the NSW Planning Panels Secretariat of the re-appointment of Mr James Treloar and the appointments of Mr Inglis, Mr Murray and Mr Stimson; and*
- (v) formally thank Mr Alan Buchan, Mr Warwick Lindsay and Mr Christopher Mury for their involvement in the Expression of Interest process.*

SUMMARY

The Northern Regional Planning Panel (NRPP) was formed on 1 July 2009, subject to the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, to determine Development Applications (DAs) and consider planning matters of regional significance. The NRPP is comprised of five members; three appointed by the Minister for Planning and two members nominated by the relevant Council to participate in regional development and planning matters in their particular Local Government Area (LGA).

At the Ordinary Meeting of Council on 12 December 2023, Council was advised that Mr Stephen Bartlett had stepped down as a Council appointed member to the NRPP. This has left Mr James Treloar as the sole Council appointed expert member to the Panel. Council subsequently resolved (Minute 324/23) to invite Expressions of Interest (EOI) from qualified persons to serve as Tamworth Regional Council nominated expert members.

The purpose of this report is to summarise the outcomes of the EOI process and recommend to Council the appointment of permanent and alternate members to the NRPP.

COMMENTARY

The principal function of a Regional Planning Panel is to determine regionally significant DAs and undertake rezoning reviews. Without limitation, additional functions relate to acting as the relevant planning authority for planning proposals if directed by the Minister for Planning (the Minister), determining Crown DAs and providing advice in relation to planning and

development matters when requested by the Minister. When convened for specific strategic planning and Aboriginal land planning functions, the Planning Panel is known as a 'Strategic Planning Panel' of the NRPP.

The NRPP is operated in accordance with the provisions of the *EP&A Act 1979*, *Environmental Planning and Assessment Regulation 2021* and *State Environmental Planning Policy (Planning Systems) 2021*. The operation of the NRPP is subject to Department of Planning *Operational Procedures, November 2022* and *Code of Conduct, August 2020*.

Membership of Planning Panels

The *EP&A Act 1979* covers a range of matters including member appointments to Regional Planning Panels under Division 2.4 and Schedule 2. In summary, each Panel is made up of five members, of which three are State members (including the chair) appointed by the Minister. The other two members are appointed by the relevant Council and are known as Council members.

The current Departmental *Operational Procedures, November 2022* also recommends that in addition to the two permanent members, Councils should consider appointing alternate members. Based on discussions with the NSW Planning Panels Secretariat, alternate Council members are currently called upon by the Panel when a permanent Council member is unable to perform their duties on the NRPP due to a conflict of interest or absence.

The legislation prescribes that property developers and real estate agents are not eligible to be members of a panel. Section 2.13 (5) of the *EP&A Act 1979* provides that at least one of the Council nominees must have a high level of expertise in at least one area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Currently, Council has one nominated member on the NRPP being Mr James Treloar. Mr Treloar is an expert member (town planning and local government administration), whose current appointment was made via Council resolution on 13 September 2022 and will end in September 2025.

Council's second permanent member was previously Mr Stephen Bartlett, who stepped down from this position in 2023. Council currently has no alternate members.

Upon receipt of Mr Bartlett's intention to step down from the NRPP, Council resolved (Minute 324/23) to invite EOIs from qualified persons to serve as Tamworth Regional Council nominated expert members to the NRPP.

Expressions of Interest (EOI)

An EOI process was undertaken in February and March 2024, seeking the services of additional Council appointed nominees to the NRPP. The EOI process involved advertising in local newspapers, Council's website and social media. Direct letters were also sent to 13 individuals/companies identified as potentially having an interest in the process.

In response to the process six EOIs were received. These were from Mr Alan Buchan, Mr Glenn Inglis, Mr Warwick Lindsay, Mr Colin Murray, Mr Christopher Mury and Mr Warwick Stimson. The EOIs contain personal details and are **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 1**.

A review of the EOIs has been undertaken and it is recommended that Mr Glenn Inglis, Mr Colin Murray and Mr Warwick Stimson be appointed as Council members to the NRPP.

Mr Glenn Inglis has significant experience in Local Government, serving as General Manager for numerous regional councils, including Tamworth Regional Council and the previous Parry

Shire Council. In addition, Mr Inglis has been a member of several government advisory groups and was a consulting lecturer in local economic development at Charles Sturt University. At minimum, it is considered that Mr Inglis satisfies the expertise requirements in relation to town planning, land economics, law and local government administration. Mr Inglis's qualifications and wide-ranging experience identifies him as the preferred appointee as the second permanent member of the NRPP alongside Mr James Treloar.

Mr Colin Murray is a former Councillor and Mayor of Tamworth Regional Council, with extensive expertise in business and local government administration. Mr Warwick Stimson is a qualified town planner practicing for over 25 years and is a member of Council's city-centre working group. Both Mr Murray and Mr Stimson are identified as the preferred appointees as alternate members of the NRPP and could fulfill the role of expert members when needed. Given alternate members are currently called upon on an 'as-needs' basis, two alternate members are considered sufficient at this point in time.

Mr Alan Buchan, Mr Warwick Lindsay and Mr Christopher Mury all made pertinent EOI's and while not successful on this occasion it is recommended that Council express its appreciation to these candidates for their involvement in the EOI process.

Term of Membership and Renewal of Mr James Treloar's Appointment

Council can appoint, terminate and reappoint both permanent and alternate members to the NRPP at any time. However, to ensure that greatest degree of continuity for the NRPP, the Department's *Operational Procedures, November 2022* recommends that councils appoint their members for a maximum term of three years.

Accordingly, it is recommended that Council appoint Mr Glenn Inglis as a permanent member, Mr Colin Murray as an alternate member and Mr Warwick Stimson as an alternate member, each for the maximum three-year period (to end April 2027).

As discussed above, the current term of Mr James Treloar will end in September 2025. It is recommended that Council also re-appoint Mr Treloar for another three-year term to align with the terms of the proposed members. Mr Treloar's expertise (town planning and local government administration) together with past experience as a NRPP member provide ample justification for the continuation of his appointment. Mr Treloar has indicated his willingness to continue in this role.

(a) Policy Implications

Nil

(b) Financial Implications

Nil - Payment of panel members is unchanged.

(c) Legal Implications

Nil - The proposed appointment is in alignment with the *Environmental Planning and Assessment Act 1979*, Department of Planning *Operational Procedures, November 2022* and the *Code of Conduct, August 2020*.

(d) Community Consultation

The Expression of Interest process has involved advertising in local newspapers, social media and Council's website as outlined in this report.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and Collaborative Leadership

7.3 PROPOSED ROAD NAME FOR APPROVED SUBDIVISION MOD2019-0036 (DA0259/2015) 21-25 EVANS STREET, WESTDALE (LOT 28 DP 1208203) - RN2024-0073

DIRECTORATE:

LIVEABLE COMMUNITIES

AUTHOR:

Christine Smith, Development Support Officer

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report 'Proposed Road Name for Approved Subdivision MOD2019-0036 (DA0259/2015) 21-25 Evans Street, Westdale (Lot 28 DP 1208203) - RN2024-0073', Council:

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

SUMMARY

The purpose of this report is to recommend a road name for the approved Subdivision, identified as Lot 28 in Deposited Plan 1208203, Evans Street, Westdale. Council has approval from the Geographical Names Board to name the proposed new road 'Pioneer Close' which is consistent with Council's Road Name Theme 'Explorers'.

COMMENTARY

Proposed Road Name:	'Pioneer Close'
Development Consent:	DA0259/2015
	Granted 11 March 2015
Theme or origin of proposed names:	Explorers
Geographical Names Board	
Approval Date:	10 April 2024

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

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

Should no submissions be lodged in objection to the proposed road name, Council will proceed to publish the adopted name in the Government Gazette.

In the instance that one or more valid objections are received in respect of the proposed road name, the matter will be reported to a subsequent Council meeting for Council's further consideration.

(e) Delivery Program Objective/Strategy

Focus Area 4 – Resilient and Diverse Communities

8 INFRASTRUCTURE AND SERVICES

8.1 PROPOSED WATER PURIFICATION FACILITY - UPDATE

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director - Water and Waste

Reference: Item 8.3 Ordinary Council Meeting 26 April 2022 Minute No. 112/22

RECOMMENDATION

That in relation to the report “Proposed Water Purification Facility - Update”, Council receive and note the report.

SUMMARY

The purpose of this report is to formally update Council in relation to the proposed Water Purification Facility in Tamworth.

COMMENTARY

Councillors would recall the background to the proposed Water Purification Facility as follows;

Baiada has development consent to proceed with the construction of the new processing plant (PP), which according to Baiada will:

- cost approximately \$300M to construct;
 - create 700 full time jobs, 2,046 indirect jobs;
 - increase processing capacity to 3M birds per week;
 - increase rendering capacity to 1,680 tonnes of finished product per week;
-

- increase grain production and sales;
- enable 24/7 operation;
- deliver leading edge environmental outcomes; and
- will also catalyse approximately \$350M in industry investment from the poultry sector.

Baiada plans to close down the existing In/Out Street abattoir when the new plant is constructed adjacent to its existing rendering plant at 1154 Gunnedah Road. The new plant will consume up to 8 Megalitres of water per day when operating at full capacity, whilst the existing plant uses approximately 2 Megalitres (ML) per day. Council's water infrastructure in the area of the new plant cannot supply the additional 6 ML per day of water required to supply the new plant. Further, an increase of 6 MLs per day in potable water consumption equates to about 25% of the City of Tamworth's average daily consumption and would see a significant reduction in water security for Tamworth, Moonbi and Kootingal.

To address these two issues the Development Consent for the project requires Baiada construct a water treatment facility on site, owned and operated by Baiada, which would treat wastewater generated by the PP to a level that is suitable for the treated water to be reused in the PP. Under this arrangement Council would supply up to 2.4 MLs of water per day to the PP and the balance of water required would be supplied by the onsite water treatment plant.

However, Council has some concerns with the proposed on-site treatment facility to be operated by Baiada, including:

- what would happen in the event the treatment plant on site failed for whatever reason – would Baiada expect Council to make up the shortfall of water required for however long it takes to bring the plant back into operation;
- can Council make sufficient water available from existing infrastructure to allow this;
- what would be the effect on supply to other consumers in the area if Council did this; and
- the treatment process is very specialised and is not core business for Baiada – how well resourced will Baiada be to the successful operation of the onsite plant if they know they have a Council supplied system as a backup.

In addition, Council would also be aware that all effluent produced by Council's Westdale Wastewater Treatment Plant (WWTP) is reused for irrigation at Council's Tamworth Effluent Reuse Farm (TERF). Ongoing issues associated with the treatment and land-based reuse of the effluent include:

- the quality of the effluent produced by the WWTP is relatively high in salt or Total Dissolved Solids (TDS). This salt is having a detrimental effect on the long-term sustainability of the TERF farm;
- the major reason for the high TDS in the effluent is the wastewater delivered to the WWTP from the existing chicken, beef and lamb abattoirs and Baiada's Rendering Plant; and
- the WWTP is not designed to remove TDS.

To address all/most of the current concerns Council staff suggested that instead of Baiada constructing and operating the treatment facility on its land, Council could construct and operate a facility on its own land. This facility would accept existing trade waste quality

wastewater from the beef and lamb abattoirs, and from Baiada's existing rendering plant and the new processing plant. The wastewater accepted by the plant would be treated to an industrial standard (non-potable but suitable for use in industrial processes). This industrial standard water, or purified water, would then be sent back for use by the same customers that generated the wastewater in the first place. The advantages of this model include:

- if the wastewater from the abattoirs and rendering plant could be separated from the other sewage at the WWTP and treated separately, then the quality of the wastewater at the WWTP would improve and the sustainability of the TERF farm would increase;
- if Council could take the wastewater from the abattoirs and the rendering plant, treat it and make it available to the same customers for use in their processes, as a substitute for potable water, this would mean:
 - Council would reduce the load on the existing WWTP and thereby defer planned works to increase its capacity; and
 - Council would be able to use the potable water saved to increase the city's water security in general and/or supply other businesses which may set up in the city.
- if Council built, owned and operated the plant to treat the wastewater from the abattoirs and rendering plant, on Council owned land, then with our existing expertise we would be better suited to this than any of the owners of the abattoirs or rendering plant; and
- the purified water could also be made available to new industry that may set up in the nearby Tamworth Global Gateway Park, increasing the attractiveness of this development to business and further offsetting the use of potable water in this area.

Since first suggesting the idea of a Council owned WPF the following has occurred.

- September 2021

A Strategic Business Case was prepared by Hunter H2O, on behalf of Council and completed and delivered to Regional Development NSW on 22 September 2021. Funding for the preparation of the business case included \$50,000 by the NSW Government and the balance of \$92,087 by Council.

- 26 Apr 2022

Council considered a report on this matter and resolved, amongst other things, to allocate an additional \$1,735,000 from the Wastewater Reserve to fund the Early Phase Works for the Water Purification Facility. The work includes reference designs, preparation of required tender documentation as well as preliminary regulatory approvals and stakeholder engagement

- 28 November 2022

Meeting with The Hon. Kevin Anderson MP, then NSW Minister for Lands and Water, representatives from Water Infrastructure NSW and Department of Regional NSW. The state informed Council that \$5M had been allocated to produce a Final Business Case for the Water Purification Facility. The funding was not available to Council, Water Infrastructure NSW were allocated the funding.

- 16 December 2022

Water Infrastructure NSW introduce Project Manager (PM) tasked with undertaking an assessment of work required to take the Strategic Business Case (SBC) to a Final Business Case (FBC) and to coordinate the regulatory approvals.

- 16 January 2023

Council staff provided Water Infrastructure NSW a first pass at a Gap Analysis Memo to assist with progressing the work, staff also provided a copy of the Project's Draft Implementation Plan.

- 17 January 2023

Meeting with Water Infrastructure NSW, Regional NSW and DPE Utilities staff to discuss the project. Further meetings are scheduled.

Ongoing enquiries from Council staff over the next few months to see if there was any progression of the project. Advice the \$5M funding was no longer available.

- 11 May 2023

Meeting with Baiada to discuss planned commencement of construction of the processing plant – stage 1.

- 25 May 2023

Meeting with NSW Water Minister Rose Jackson to discuss the WPF.

- 30 August 2023

PM from Water Infrastructure NSW re-establishes contact.

- 19th September 2023

Council staff met with Water Infrastructure NSW staff, as \$6M funding was announced to re-establish the project (<https://www.budget.nsw.gov.au/2023-24/budget-papers/regional-nsw#new-england-north-west>).

- 17 October 2023

PCG meetings re-established. Attended by Water Infrastructure NSW, DPE and Council.

- 28 October 2023

NSW Minister for Water formally announces funding of \$6M. Also announces additional funding of \$3M for progressing a strategic business case for Intervalley pipelines and off stream storages. Council staff contacted Water Infrastructure NSW to request a meeting to discuss the purpose of the funding.

- 13 November 2023 –

Council staff met with Water Infrastructure NSW to discuss the Minister's funding announcement. Council staff requested the scope of the funding request to understand what the funding was intended for (\$6M for the WPF FBC, \$3M for an SBC to progress an undefined list of surface water options). Council staff expressed concern the Department may be duplicating work, particularly as Council is undertaking a Water Security Plan that was intending to cover options that the SBC covers.

- 14 Nov 2023

Letter to the Premier of NSW the Hon. Chris Minns requesting meeting to discuss WPF.

- 11 Dec 2023

Meeting with Baiada to discuss progress with WPF. Key matters discussed included:

- the WPF is only economically viable, in its current form, if Baiada agree to send treated wastewater from its new plant to the new WPF and take the purified water back into their new facility for use in processing. Whilst the other abattoirs may also take purified water, the volume of water required for the Baiada plant is the foundation for the economic viability of the proposed plant;
- Baiada want to commence building stage 1 of the processing plant as soon as possible. Baiada need to know when the new WPF will be built;
- Council needs funding from State and/or Federal Government to build the WPF. It is not known if and when funding would be provided so Council can't say when the WPF will be constructed. To address this uncertainty Council proposed:
 - Baiada build stage 1 of the plant;
 - Baiada lease a temporary treatment plant, locate that on site, to treat the wastewater produced by the plant and return the purified water to the plant for use in processing; and
 - Council builds the brine ponds required for the Council owned WPF now and allow access to these ponds to Baiada to take the brine discharged from Baiada's leased treatment facility.
- However, Council does not have the funds available to build the brine ponds (Est cost \$40 Million) so suggested the following;
 - the State and/or Federal Governments provide full funding for the WPF now and Council immediately start work to construct the brine ponds;
 - the State and/or Federal Governments provide funding for the construction of the brine ponds now and fund the construction of the remainder of the WPF later. If the WPF does not proceed for whatever reason Baiada would buy the ponds; and
 - Baiada fund the construction of the brine ponds now and if the funding for the WPF is approved and construction of the WPF proceeds, Council will buy the brine ponds from Baiada using the funding provided by the government/s.

The CEO of Baiada indicated Baiada can't wait any longer, construction of stage 1 of the PP needs to commence, so Baiada has made a decision they will build and operate their own purification facility on site. Construction of this facility will take place as part of the stage 1 construction and it will be able to be augmented to cater for additional wastewater from stage 2.

Following the meeting, and the advice that Baiada were going to build their own purification facility on site, the Mayor contacted the NSW Minister for Water and advised the Minister the whole WPF project was under threat and requested an urgent meeting with the Minister to discuss. The CEO of Baiada would be invited to attend.

- 17 January 2024

PCG Meeting.

- 21 Feb 2024

Meeting with the NSW Minister for Water The Hon Rose Jackson. Baiada CEO attended. Key matters discussed included;

- The Minister was advised that Baiada must take water from the proposed Council owned Water Purification Facility (WPF) for it to be economically viable, but Baiada needed to know if the WPF will proceed now so they can plan accordingly;
- the Minister was asked whether the government would fund either the whole of the project now or, if that wasn't possible, then funding for the brine ponds immediately and funding for the balance of the project at some later time. Whilst supportive of the project the Minister advised that the NSW Government will not fund the whole or part of the project without the completion of a Final Business Case;
- the Minister advised the Final Business Case must be prepared by the department; and
- the Minister was asked if Baiada fund and build the brine ponds now and, after the Final Business Case is complete, funding for the whole project is made available, would Council be able to use that funding to purchase back the brine ponds then. The Minister was uncertain about this approach and undertook to investigate whether the purchase of an existing asset (the brine ponds) might be possible after funding was announced.

Following the meeting with the NSW Minister for Water on 21 February 2024, Council representatives had further discussion with Baiada. Following those discussions, the CEO of Baiada advised, due to uncertainty about the entire WPF project, and the possibility of bringing forward the construction of the brine ponds, Baiada would proceed with construction of stage 1 of the new processing plant and include a permanent onsite water purification plant that could be augmented when stage 2 was completed.

As indicated previously without Baiada taking purified water from the proposed WPF the whole WPF project, as originally intended, is not economically viable. Following Baiada's advice;

- the Mayor contacted the NSW Minister for Water and advised her of Baiada's decision; and
- the Project Control Group (PCG) set up by the State Government to administer the preparation of the Final Business Case for the project was advised the project, as originally envisaged, was now significantly changed.

- 4 March 2024

PCG meeting.

- 20 March 2024

PCG Meeting. The PCG considered the previous advice and agreed to continue to work on the final business case of the WPF, at least in the short term, with the following changes;

- an indicative estimate of the funds to be spent on economics and engineering assessments of a 5ML/day plant (the size of the Council owned WPF without Baiada's demand);
- consider options for WPF's sized at 5ML/day reflecting reduced demand and 12ML/day reflecting the original proposal;
- the Project Management Plan should now include two hold-points; and

- the first after an initial assessment of the options and
- the second after detailed cost estimated.
- the hold points will enable consideration of a way forward for the Final Business Case as well as engagement with key stakeholders.

It is extremely frustrating that delays associated with obtaining approval for government funding for the Council owned WPF has led to a point where the key customer, Baiada believes it has no choice but to abandon the proposed facility and build their own on site. However, there is still government funding to be expended to prepare a Final Business Case for the facility and staff will continue to work with the NSW Government agencies in the hope a completed business case may help Council in the future when it inevitably contemplates the use of purified water in some form.

(a) Policy Implications

Nil

(b) Financial Implications

Council has expended or committed approximately \$1.8 Million on this project to date. Given the recent events, Council funds will now only be expended to complete work already contracted. Any further funding to advance the Final Business Case will be provided from the funding made available by the State and Federal Governments.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 6 – Working with and protecting our environment

Focus area 3 – Prosperity and innovation

8.2 2024 COUNTRY CAPITAL CUP FEE SUBSIDY REQUEST

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Samuel Eriksson, Sports and Recreation Strategy Officer

RECOMMENDATION

That in relation to the report “2024 Country Capital Cup Fee Subsidy Request”, Council subsidises the fees associated with the use of the Tamworth Regional Entertainment and Conference Centre by the amount disclosed in this report.

SUMMARY

The Tamworth Gymnastic Club are once again hosting the Country Capital Cup in June 2024, attracting more than 1,600 competitors from all over Australia.

Due to the size and the significance of this event, the Tamworth Gymnastics Club will require the use of the Tamworth Regional Entertainment and Conference Centre. Given the substantial economic benefit to the community and the opportunity to showcase the Tamworth Regional Entertainment and Conference Centre, and Tamworth’s ability to host large sporting events, Tamworth Regional Council is asked to consider financially supporting the event.

COMMENTARY

The Tamworth Gymnastic Club (TGC) hosts the annual gymnastics competition in Tamworth titled the Country Capital Cup. This competition is in its eleventh year and in 2024 will be held at the Tamworth Regional Entertainment and Conference Centre (TRECC) from 7-10 June 2024.

In 2024 this event will host more than 1,600 competitors coming from all over Australia. Due to the significance of this event, TGC has requested Tamworth Regional Council (Council) support the event by financially contributing toward the hire fees of holding the event at the TRECC.

The estimated fees for the use of the TRECC are outlined in Table 1.

Description	Estimated fee (GST inc.)
Venue hire	\$7,908
Cleaning	\$2,405
Furniture	\$996
Other charges	\$2,200
Production A/V supplied	\$1,060
Staging and equipment	\$6,325
TOTAL	\$20,894*

Table 1: Country Capital Cup estimate of TRECC hire fees

*The above estimated fee of \$20,894 is the total cost to hire the TRECC after community service obligation and packaging discounts have been applied.

The event has received expressions of interest from over 1,600 competitors. To calculate the economic value of such events, Council uses ID.Profile's Event Impact Calculator and a value of \$225 as the current average daily spend for a sports tourist. The tool calculates that the 2024 Country Capital Cup will inject \$2,003,905.00 into the local economy, see Figure 1 below.

Event Impact Summary

export 

Tamworth Regional Council - Modelling the effect of \$1,440,000 from a Sports and Recreation Activities event with State significance

	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)
Direct impact	1,152,000	541,927	10.6
Industrial impact	592,765	273,107	5.9
Consumption impact	259,140	129,881	1.5
Total impact on Tamworth Regional Council economy	2,003,905	944,915	18

Source: National Institute of Economic and Industry Research (NIEIR) ©2023. Compiled and presented in economy.id by .id (informed decisions).

Figure 1: ID.Profile Event Impact Summary

Given the substantial economic benefit to the community, the opportunity to showcase the TRECC and Tamworth's ability to host large scale sporting events to a wide-ranging audience, it is recommended that Council support the event with a fee subsidy.

The Sports and Recreation division has an annual budget allocation of \$40,000 for events subsidies under Council's Sport Event Subsidisation Policy (SESP).

The SESP allows Council to apply a consistent and transparent approach to the subsidisation of sporting events conducted on Council managed facilities. Assessed under this policy, the Country Capital Cup receives the maximum subsidisation of 40% (capped at \$3,500) plus an additional 40% subsidisation because of the recurring nature of the event.

It is therefore recommended that Council support this event with a fee subsidy of \$10,458. Table 2 below details the fee breakdown. This subsidy would be in alignment with other events of a similar scale and enables Council to support other events over the financial year with the remaining funds in this annual allocation.

Description	Subsidy (GST inc.)
TRECC hire fees	20,894
Event subsidisation	\$3,500
SUB TOTAL	\$17,394
Recurring event subsidisation (40% of subtotal)	\$6,958
TOTAL SUBSIDISATION	\$10,436

Table 2: Sport Event Subsidisation Calculations

If the fee subsidy is approved, Council staff will work with the TGC to ensure that the financial saving realised is used to re-invest in additional infrastructure that will grow the sport in the region.

(a) Policy Implications

Nil

(b) Financial Implications

The Sports and Recreation Division has an annual budget allocation for events subsidised under the SESP. If Council supports this fee subsidy, \$10,458 will be deducted from this budget allocation for this event.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 2 – A liveable built environment

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 ADOPTION OF NAMOI WORKFORCE ATTRACTION AND RETENTION STRATEGY REPORT

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Sam Uswatta, Business Analyst

1 ANNEXURES ATTACHED
2 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Adoption of Namoi Workforce Attraction and Retention Strategy Report”, Council adopts the final report and documents accompanying the Namoi Workforce Attraction and Retention Strategy.

SUMMARY

The purpose of this report is to request the adoption of the final report and accompanying documents of the Namoi Workforce Attraction and Retention Strategy. Since many external stakeholders are involved in implementing this strategy and funding has to be obtained for its implementation, it is vital to enable these documents to be shared with the relevant external groups such as potential funding bodies and implementation partners.

COMMENTARY

The Namoi Workforce Attraction and Retention Strategy Project was initiated by the Namoi Joint Organisation (JO) of Councils to address the severe worker shortage faced by the region.

Accordingly, the Namoi Unlimited obtained funding for the initiative from the Regional NSW – Business Case and Strategy Development Fund. Projects JSA was engaged to conduct the required research and to develop the strategy document.

After extensive primary and secondary research, in November 2023, the final report was shared. This has been **ATTACHED**, refer to **ANNEXURE 1**. Its findings and recommendations were presented to the Councillors of the Tamworth Regional Council at a Councillor Workshop held on 12th December 2023.

The key strategy recommendations in the report included: focusing on recent and new international migrants as the key target group, strongly focusing on the 'welcome' function (the overall experience of the migrants as they migrate into the region) as it is completely within local government control and setting up a 'welcome network' (which brings together all resources supporting migrant settlement in the region) by recruiting a 'welcome activator'.

While efforts are now underway to obtain funding to implement the recommendations of the strategy, to do so, the report and it's the accompanying documents need to be made publicly available – to advocate for funding with relevant stakeholder groups. The accompanying documents referred to are the appendices to the final report submitted by the consultants and the research and engagement component of the report. These two documents are **ENCLOSED**, refer to **ENCLOSURE 1** and **ENCLOSURE 2** respectively.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Several workshops were held with local businesses and community during the primary research phase of the strategy.

(e) Delivery Program Objective/Strategy

Focus Area 3 – Prosperity and Innovation

9.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Karen Litchfield, Internal Auditor

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Audit, Risk and Improvement Committee Annual Report”, Council accept the Annual Report presented by the Audit, Risk and Improvement Committee.

SUMMARY

The purpose of this report is to present to Council the Annual Report from the Audit, Risk and Improvement Committee for 2023.

COMMENTARY

As part of the Office of Local Government Guidelines, the Audit, Risk and Improvement Committee is required to provide an annual assessment to the Governing Body each year. The assessment must include a summary and assessment of the work the Committee performed to discharge its responsibilities during the preceding year, an overview and assessment of the work of the internal audit function, progress against key performance indicators, advice on the appropriateness of the Committee’s Terms of Reference, an independent assessment and advice on matters considered by the Committee during the year that, in the Committee’s opinion, and based on the level of risk facing Council, the Governing Body should be informed of and other views or opinions on Council that the Committee wishes to share.

The Annual Report covers the 2023 year and is **ENCLOSED**, refer **ENCLOSURE 1**.

(a) Policy Implications

Nil

(b) Financial Implications

Nil.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Group 9 - Open and collaborative leadership.

9.3 FRAUD AND CORRUPTION PREVENTION POLICY

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Lisa May, Office of the General Manager Administrator
Reference: Item 9.2 to Ordinary Council Meeting 29 June 2023 - Minute No. 143/23

1 ANNEXURES ATTACHED
1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Fraud and Corruption Prevention Policy”, Council

- (i) adopt the Fraud and Corruption Prevention Policy attached to this report; and*
- (ii) note the one submission received during the public exhibition period.*

SUMMARY

At Council’s Ordinary meeting of Tuesday 29 June 2023 Council considered the ‘Draft Fraud and Corruption Prevention Policy’ and resolved to publicly exhibit the Policy for period of 28 days. The draft Policy was placed on formal public exhibition from 24 July 2023 to 22 August 2023. The purpose of this report is to recommend the adoption of the policy.

COMMENTARY

At its meeting held on 29 June 2023, Council resolved as follows:

That in relation to the report “Fraud and Corruption Prevention Policy”, Council:

- (iii) receive and note the Fraud and Corruption Prevention Plan;*
- (iv) authorise the Draft Fraud and Corruption Prevention Policy to be placed on public exhibition for a period of 28 Days; and*
- (v) request a further report to Council to consider any feedback received throughout the public exhibition period and present the final Fraud and Corruption Prevention Policy for formal adoption.*

In accordance with Council’s resolution the draft Policy was placed on public exhibition from Monday, 24 July 2023 until Tuesday, 22 August 2023. During the public exhibition period one submission in relation to the draft Policy was received and is **ENCLOSED**, refer to **CONFIDENTIAL ENCLOSURE 1**.

Based on the single submission received, no changes are required to the draft Policy as an outcome of the public exhibition. The draft Policy, as presented to Council on 29 June 2023 is therefore recommended to Council for adoption as **ATTACHED**, refer to **ANNEXURE 1**.

(a) Policy Implications

Should Council adopt the Policy, it will be added to the General Policy Register which is publicly available on Council’s website.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The Draft Fraud and Corruption Policy was placed on public exhibition for 28 days. The public exhibition period was open from 26 July 2023 to 22 August 2023. At the conclusion of the exhibition period one submission was received.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.4 DRAFT PUBLIC INTEREST DISCLOSURE POLICY

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Lisa May, Office of the General Manager Administrator
1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Draft Public Interest Disclosure Policy”, Council:

- (i) authorise the Draft Public Interest Disclosure Policy to be placed on public exhibition for a period of 28 days;*
- (ii) request a further report to Council to consider any feedback received throughout the public exhibition period and present for formal adoption of the final Public Interest Disclosure Policy; and*
- (iii) authorise the adoption of the Draft Policy in the event that no submissions are received and no changes are made to the Draft Policy.*

SUMMARY

A new *Public Interest Disclosures Act 2022 (NSW)* commenced on 1 October 2023. Tamworth Regional Council is required to have a public interest disclosure policy under section 42 of the *Public Interest Disclosures Act 2022* that supports public officials who report suspected serious wrongdoing and specifies our procedures for receiving, assessing and dealing with public interest disclosures (PIDs).

The draft Public Interest Disclosure Policy is based on the NSW Ombudsman’s recently released model policy. This report seeks Council approval of the draft Public Interest Disclosure Policy and seeks approval to place it on public exhibition for 28 days so the community can review and offer feedback before a Final Public Interest Disclosure Policy is presented to Council for adoption. In the event that no submissions are received and no changes are proposed it is recommended the Policy, as exhibited, be adopted.

COMMENTARY

The new *Public Interest Disclosures Act 2022 (NSW)* (PID Act) commenced on 1 October 2023. Under section 42 of the PID Act Council is required to have a public interest disclosure policy. The draft Public Interest Disclosure Policy (PID Policy) **ATTACHED** refer **ANNEXURE 1** is based on the NSW Ombudsman’s model public interest disclosure policy.

Overview of the new PID Act

The PID Act provides a framework to support a ‘speak up’ culture that encourages public officials to report wrongdoing by:

- protecting those who speak up from detriment;
- taking active steps to maintain confidentiality of reports; and
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

Protections for reporters of wrongdoing include:

- protections from detrimental action;

- protections from civil and criminal liability for making a disclosure; and
- the protection of information that may identify the maker of a PID.

The new legislation protects a broader range of people, including those who make PIDs, investigators involved in the investigation of PIDs, as well as witnesses in investigations, all of whom could be at risk of detrimental action. Public officials will have multiple pathways to report serious wrongdoing. This includes reporting to a nominated disclosure officer, their manager and integrity agencies. The new PID Act has increased the number of required disclosure officers.

The number of disclosure officers has been widened under the new PID Act to include the most senior ongoing employee who ordinarily works at a permanently maintained work site. The purpose of this is to ensure all public officials have access to someone who is appropriately authorised and trained to receive public interest disclosures. Managers have obligations under the PID Act including receiving and passing on public interest disclosures from staff they supervise.

The new definition of public official includes any person providing services or exercising functions on behalf of Tamworth Regional Council, including contractors and subcontractors.

Section 48 of the PID Act requires all disclosure officers and managers to be trained. Arrangements are being made for training to take place within the organisation to ensure the policy is being appropriately implemented.

(a) Policy Implications

The NSW Ombudsman has released a model Policy and the draft Policy is considered to meet this requirement. Upon adoption by Council the Policy will be placed on the General Policy Register.

(b) Financial Implications

Nil

(c) Legal Implications

The new requirements have been introduced in the *Public Interest Disclosures (PID) Act 2022* and mandated for all Councils in NSW.

(d) Community Consultation

Exhibition of the Policy is recommended for a period of 28 days. If there are no changes to the policy or no submissions are received it is recommended that the Policy be deemed adopted at the completion of the exhibition period. If a submission is received or the policy is proposed to be changed a further report will be prepared for Council's consideration.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

9.5 COUNCIL INVESTMENTS MARCH 2024

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Robyn Barnes, Accountant

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments March 2024”, Council receive and note the report.

SUMMARY

In accordance with *Local Government (General) Regulation 2021*, Clause 212, the purpose of this report is to provide Council with a register of investments held as at 31 March 2024, and provide Responsible Accounting Officer certification that investments comply with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council's Investment Policy. The register and accompanying certification can be found **ATTACHED**, refer **ANNEXURE 1**.

COMMENTARY

The Reserve Bank of Australia (RBA) in its March media release came across as extremely cautious with regards to returning the inflation rate to its nominated target of between 2% to 3% within a “reasonable time frame”. Giving itself plenty of room by “not ruling anything in or out” it is cautiously predicting that the target inflation range will be reached in 2025.

The RBA actions can have a significant impact on Council activities, if inflation is too high and rate pegging too low then Council has to somehow try and fill the gap in between rate revenue and the cost of operations. The cash rate was left on hold in March at 4.35% with the next meeting scheduled for May 2024.

The register **ATTACHED**, refer **ANNEXURE 1** shows Council's cash and investment holdings as at 31 March 2024.

During the month, Council's portfolio performed above the industry average, returning 5.13% against the three-month Bank Bill Swap rate (3mBBSW) of 4.34%.

(a) Policy Implications

All of Council's investments are held in accordance with the Tamworth Regional Council Investment Policy.

(b) Financial Implications

Increases in interest rates will have a positive impact on the return on Council investments, however these are negated by persistent inflationary pressures.

(c) Legal Implications

All of Council's investments are held in accordance with the Tamworth Regional Council Investment Policy, which accords with the requirements of:

- *Local Government Act 1993* – Section 625;

- *Local Government Act 1993* – Order (of Minister) dated 16 November 2000; The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A (2), 14C (1) and 2;
- *Local Government (General) Regulation 2021* – Clauses 212; and
- *Local Government Code of Accounting Practice & Financial Reporting* – Update No 15 dated June 2007.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

9.6 2023/2024 Round 2 Facility Improvement Fund Program

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Jodie Archer, Place Manager

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “2023/2024 Round 2 Facility Improvement Fund Program”, Council approve:-

(i) the following funding allocations to the total of \$25,857.00:

- *Barraba Showground Committee*
Barraba Showground Stables Replacement *\$9,000.00*
- *Kootingal Recreational Reserve Committee*
Oval amenities refurbishment *\$6,109.00*
- *Piallamore Recreation Reserve Committee*
Memorial Garden Stage 2 *\$10,000.00*
- *Tamworth Regional Film and Sound Archive Committee*
Archive Efficiency Upgrade *\$748.00*

(ii) the carry over to the 2024/2025 budget of the unallocated funds of \$6,630.00 to be made available for the 2024/2025 Facility Improvement Fund Program Round 1.

SUMMARY

The purpose of this report is to seek Council's determination of funding allocations to Section 355 Management Committees under the 2023/2024 Round 2 Facility Improvement Fund Program.

The report also recommends that Council approve the carry-over of the unallocated funds of \$6,630.00 to the 2024/2025 budget to enable these funds to be available as part of the 2024/2025 Facility Improvement Fund Program Round 1, due to open in August 2024.

COMMENTARY

This program is an opportunity for Section 355 Committees to enhance community facilities under their delegated management, by applying for matching funding and/or in-kind contributions from Council for each capital project.

Council previously awarded a total of \$17,513.00 as part of the 2023/2024 Facility Improvement Fund Program Round 1. The remaining amount of \$32,487.00 under an additional (second) round of the program has been offered to all eligible Section 355 Committees. A total of four applications were received totalling \$25,857.00. A copy of the applications received is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

It is recommended that the unallocated funds of \$6,630.00 be carried over to the 2024/2025 budget to enable these funds to be made available in the 2024/2025 Facility Improvement Fund Program Round 1, with applications due to be opened in July 2024.

The recommended projects are:

- Barraba Showground Committee - Barraba showground stables project to demolish and rebuild remaining old stables at Barraba showground;
- Kootingal Recreational Reserve Committee – Oval amenities refurbishment project to replace broken cisterns and items in both the male and female amenities block. Council has confirmed an error on the original application form and that the committee is willing to contribute dollar-for-dollar;
- Piallamore Recreation Reserve Committee - Memorial Garden Stage 2 project includes the purchase of outdoor furniture and accessories, plants, shrubs and shade trees, an automatic watering system, solar lighting and decorative privacy screens; and
- Tamworth Regional Film and Sound Archive Committee - Archive efficiency upgrade project which includes the purchase of an up-to-date laptop to digitise, catalogue and present its audio-visual collection at promotional and celebratory public events.

(a) Policy Implications

No formal policy has been adopted for the management and operation of the Facility Improvement Fund Program. Funding is provided in each year's Annual Operational Plan and Budget, with Council determining the distribution of funds following submissions from Section 355 Committees.

(b) Financial Implications

Funding is allocated in the Annual Operational Plan for the 2023/2024 Facility Improvement Fund Program.

(c) Legal Implications

Nil

(d) Community Consultation

All eligible Section 355 Committees were invited to make submissions and were offered assistance in the preparation of their applications.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and Collaborative Leadership.

9.7 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - MARCH 2024

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Reference: Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23
1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2023/2024 Budget Variation Report - March 2024”, Council note and approve the variations to the existing budget as listed in ATTACHED refer ANNEXURE 1 to the report.

SUMMARY

This report seeks Council approval for budget variations identified during March 2024, for which there has been no previous specific report or approval.

COMMENTARY

Council adopted the original budget included in the Annual Operational Plan for 2023/2024 at the Ordinary Meeting of Council held 29 June 2023. Any changes to the budget must be approved by Council at a later ordinary meeting. The budget forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and updating of the budget is important for sound financial management.

Readers of this report are reminded that its contents should not be viewed in isolation. Quarterly Budget Review Statements provide additional revised information for budget forecasts and actual year-to-date results.

Items of note with regards to the March budget adjustments include increases to the works and operations budget for capital roadworks of \$1.9M, this was offset by land sales of \$542k. The increased expenditure applies to several major construction projects and is due to the approximate 40-50% cost escalation seen within the infrastructure delivery market since the projects were budgeted and initial funding allocated. These expenditure increases have also been impacted by latent conditions across the project sites including excessive unsuitable material requiring rehabilitation and the significant number of rain days resulting in rework and lost time. The first stage of the Ray Walsh House remediation and evaluation project is now complete and there are savings of \$542k on the initial \$1.5M estimate. There has also been a deferral of \$1.5M of expenditure on Council's technology upgrade to the 2024/2025 financial year.

March 2024 Budget Variations

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Entertainment Venues	80,000	0	0	0	80,000

Business Systems & Solutions	(1,500,000)	0	0	0	(1,500,000)
Community Safety & Wellbeing	14,000	0	14,000	0	0
Development	(229,810)	(124,890)	(104,920)	0	0
Plant Fleet & Buildings	(542,175)	0	0	0	(542,175)
Civil Works & Operations	1,389,309	(20,665)	145,665	0	1,264,309
Water	13,508	0	0	0	13,508
TOTAL	(775,168)	(145,555)	54,745	0	(684,358)

Black budget variation will *reduce* Council's forecast operating result and/or bank account

Green budget variation will *increase* Councils forecast operating result and/or bank account

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2023/2024 by fund of:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	(145,555)	54,745	0	(697,866)
Water	0	0	0	13,508
Sewer	0	0	0	0
Total	(145,555)	54,745	0	(684,358)

(c) Legal Implications

This report is in compliance with the following sections of the *Local Government (General) Regulation 2021*:

- 211 authorisation of expenditure; and
- 202 Responsible Accounting Officer to maintain system for budgetary control.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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

PUBLIC ART PROJECTIONS IN FITZROY STREET

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Bridget Guthrie, Director Art Gallery and Museums
Nicholas Hawkins, Commercial Property Officer

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek authorisation from Council to enter into a licence agreement as set out in the body of this report, to finalise this project's infrastructure and implementation.

POSSIBLE SALE OF COUNCIL OWNED LAND TO BAIADA FOR THE PURPOSES OF CONSTRUCTING BRINE PONDS

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director - Water and Waste

Reference: Item 12.1 to Ordinary Council 8 August 2024 - Minute No 198/23

6 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

As reported previously in this business paper, Baiada has made a decision to proceed with the construction of a permanent purified water plant as part of Baiada's new processing plant located at Gunnedah Road Tamworth.

A purified water plant requires the construction of ponds to store the waste water produced by the purification process. These ponds are referred to as brine ponds because the waste water has very high salt content.

Baiada has approached Council requesting Council consider selling to Baiada approximately 13 Hectares of Council owned land, adjacent to the site of the new processing plant, to Baiada, for construction of the brine ponds.