



# TAMWORTH REGIONAL COUNCIL

## ORDINARY COUNCIL MINUTES

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

### 12 DECEMBER 2023

**PAUL BENNETT**  
**GENERAL MANAGER**

# ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Nemingha Room, Lands Building,  
25-27 Fitzroy Street Tamworth  
**TUESDAY 12 DECEMBER 2023 at 6.30PM**

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

**IN ATTENDANCE:** The General Manager, Director Liveable Communities, Director Regional Services, Director Water and Waste, and Executive Manager Strategy and Performance.

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## **1 APOLOGIES AND LEAVE OF ABSENCE**

Nil

## **2 COMMUNITY CONSULTATION**

### **7.2 DA2022-0281 - STAGED MIXED USE DEVELOPMENT COMPRISING FOOD AND DRINK PREMISES, PUB, COMMERCIAL PREMISES, RESIDENTIAL APARTMENTS, SERVICED APARTMENTS, CARPARKING AND ASSOCIATED INFRASTRUCTURE**

Campbell McIntosh – spoke in support of the recommendation

### **7.2 DA2022-0281 - STAGED MIXED USE DEVELOPMENT COMPRISING FOOD AND DRINK PREMISES, PUB, COMMERCIAL PREMISES, RESIDENTIAL APARTMENTS, SERVICED APARTMENTS, CARPARKING AND ASSOCIATED INFRASTRUCTURE**

Daniel Whitten – spoke in opposition to the recommendation

### **7.2 DA2022-0281 - STAGED MIXED USE DEVELOPMENT COMPRISING FOOD AND DRINK PREMISES, PUB, COMMERCIAL PREMISES, RESIDENTIAL APARTMENTS, SERVICED APARTMENTS, CARPARKING AND ASSOCIATED INFRASTRUCTURE**

Luke Prout – spoke in opposition to the recommendation

### **7.2 DA2022-0281 - STAGED MIXED USE DEVELOPMENT COMPRISING FOOD AND DRINK PREMISES, PUB, COMMERCIAL PREMISES, RESIDENTIAL APARTMENTS, SERVICED APARTMENTS, CARPARKING AND ASSOCIATED INFRASTRUCTURE**

Peter Gill – spoke in opposition to the recommendation

## **9.11 INTEGRATED PLANNING & REPORTING 2022/2023 ANNUAL REPORT**

Stephen Maher – spoke to the recommendation

## **8.9 CRICKET YOUTH PATHWAYS CHAMPIONSHIPS FEE WAIVER REQUEST**

Speaker did not attend

**3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

**MOTION**

**Moved Cr Mears/Cr Coates**

That the Minutes of the Ordinary Meeting held on Tuesday, 28 November 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**321/23 RESOLVED**

**4 DISCLOSURE OF INTEREST**

Nil

**5 MAYORAL MINUTE**

Nil

**6 NOTICE OF MOTION**

Nil

## OPEN COUNCIL REPORTS

### 7 ENVIRONMENT AND PLANNING

#### 7.1 DA2023-0354 - CONSTRUCTION OF A BUILDING WITH ASSOCIATED INFRASTRUCTURE AND ANCILLARY DEVELOPMENT, AND USE OF PART OF THE BUILDING FOR THE PURPOSE OF A SUPERMARKET AT 406-424 GOONOO GOONOO ROAD HILLVUE NSW 2340

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Alice Elsley, Team Leader - Development Assessment

#### MOTION

Moved Cr Tickle/Cr Sutherland

#### Recommendation

That in relation to Development Application No. DA2023-0354 for the construction of a building with associated carparking, landscaping and signage and use of part of the building for the purpose of a supermarket at 406-424 Goonoo Goonoo Road (Lot 19 in DP 1111059) HILLVUE NSW 2340, Council grant 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:

Approved Plans				
Plan title	Revision / Issue	Plan / Ref. No.	Drawn/Issued By	Date of Plan
Cover page, site analysis plan, 3D perspectives – View 1 – View 3, Overall Ground Floor and First Floor Plans, Overall Roof/Site Plan, Part A – Supermarket Ground Floor and First Floor Plans, Part B – Future Use Ground Floor and First Floor Plans, Elevations –	A	3815 DA 000, 010, 020-022, 100-102, 110, 111, 120, 121, 200-202, 300, 301, 400, 500 and 600	Figgis + Jefferson Tapa Architects	13/04/2023



overall, Elevations, Sections, Signage details, materials and finishes schedule, and combined 3D perspectives (as amended in red)				
Landscaping Plans (as amended in red)	E	LPDA 23 – 244 Sheets 1-9 of 9	Concept	18/04/2023
Approved Documents				
Statement of Environmental Effects & Addendum	Final	22NEW0023	Barr Planning	19/09/2023
Applicant's Response to Additional Information	-	22NEW0023	Barr Planning	14/09/2023
Applicant's Clause 4.6 Report	Final	22NEW0023	Barr Planning	14/09/2023
Economic Impact Assessment	-	-	GapAdvisory	1/09/2023
Crime Risk Assessment Report	Final	23NEW0023	Barr Planning	18/04/2023
Traffic Impact Assessment Report	B	300304693	Stantec	17/04/2023
Memorandums to Traffic Impact Assessment Report	-	300304693	Stantec	06/07/2023 and 21/08/2023

In the event of any inconsistency between the conditions of this approval and the drawings/documents referred to above, the conditions of consent shall prevail.

- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless

otherwise as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.

- 3) To confirm and clarify the terms of Council's approval, this consent provides for the following:
- a) The construction of the shell of the building, and associated infrastructure and ancillary development, and,
  - b) The fit-out and use of a supermarket in Part A of the building.

Separate approvals must be obtained for the first use and fit-out of the other uses or tenancies in Part B of the building.

- 4) The development approved by this consent shall be sited and constructed in accordance with the approved site plan. No portion of any proposed structures, including any fences, gates or signage, shall encroach upon any adjoining property or the road reserve area.

Advisory note: Refer to Conditions No. 15 and Condition No. 69 for the requirement to provide peg-out and identification surveys to demonstrate compliance with this condition.

- 5) 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.
- 6) The Applicant shall consult with, as required:
- a) natural gas company;
  - b) a telecommunications carrier; and
  - c) Essential Energy;

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).

- 7) All building work must be carried out in accordance with the provisions of the Building Code of Australia / National Construction Code and Disability (Access to Premises – Buildings) Standard 2010.
- 8) 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.
- 9) The applicant shall ensure that all necessary licences, permits and approvals are obtained and kept up to date as required throughout the life of the development. None of the Conditions of Consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Prior to the Commencement of Works

- 10) The approved development which is the subject of this development consent must not be commenced until:
- a) a Construction Certificate for the building work has been issued by the

- consent authority, Council (if Council is not the consent authority) or an accredited Certifier;
- b) the person having the benefit of the development consent has:
    - i) appointed a Principal Certifier for the building work; and
    - ii) notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case;
  - c) the Principal Certifier has, no later than two days before the building work commences:
    - i) notified the consent authority and Council (if Council is not the consent authority) of his or her appointment; and
    - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
  - d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - i) appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved;
    - ii) notified the Principal Certifier of any such appointment;
    - iii) unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
    - iv) given at least two days notice to Council of the persons intention to commence the erection of the building.
- 11) The Applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
- a) the name, address and telephone number of the Principal Certifier for the work;
  - b) the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - c) a statement that unauthorised entry to the work site is prohibited.
- The sign is to be removed when the work has been completed.
- 12) The contractors engaged on the development must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- 13) Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue

Book” Managing Urban Stormwater –Soils and Construction (Landcom 2004). The ESCP is to be submitted to Council for approval and implemented prior to the commencement of any construction works.

- 14) A Traffic Management Plan (TMP) detailing how movements in and out of the site during the construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council for approval. This TMP shall consider both vehicular and pedestrian movements. Where the TMP is of a level of complexity that Traffic Guidance Schemes (TGS's) are required, the TGS's shall be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual.
- 15) Prior to the commencement of works, a peg-out survey prepared by a Registered Surveyor shall be provided to the Certifier to confirm that the development can be sited in accordance with the approved plans.
- 16) Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Prior to Issue of a Construction Certificate

- 17) a) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 (formerly known as S94A) Development Contributions Plan 2013, \$299,750.00 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development. Contact [development@tamworth.nsw.gov.au](mailto:development@tamworth.nsw.gov.au) to request a tax invoice for payment of these fees:
- b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

$\text{\$C}_{PY}$  Is the amount of the contribution at the date of Payment

$\text{\$C}_{DC}$  Is the amount of the contribution as set out in this development consent

$\text{CPI}_{PY}$  Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS

CPI<sub>DC</sub> Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

Where:

- c) The monetary contributions shall be paid to Council
  - i) Prior to the issue of the first Construction Certificate where the development is for building work

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

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

- 18) The Developer must submit to Council a copy of the Aboriginal Heritage Impact Permit issued by Heritage NSW under Section 90 of the National Parks and Wildlife Act 1974 for the development.
- 19) All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). In this regard, detailed construction plans and specifications that demonstrate compliance with the requirements of the BCA must be submitted to the Certifier with the Construction Certificate application for approval. Should there be any non-compliance with the deemed-to-satisfy provisions of the BCA, an alternate method of compliance must be submitted with all supporting documents prepared by suitably qualified persons.
- 20) 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 & Fire Safety) Regulation 2021 and include fire safety measures pertaining to the entire building.
- 21) Pursuant to Section 306 of the Water Management Act 2000, Council (as the Local Water Supply Authority) requires the following contribution payments to be made prior to issue of any Construction Certificate.
  - a) Headworks (Additional):
    - i) Water – 32 ET x \$4,461.00 = \$142,752
    - ii) Sewer – 35 ET x \$1,658.00 = \$58,030

Advisory Note 1: The above headworks contributions have been adopted under the 2023/2024 Council Annual Operation Plan. Revised rates adopted in subsequent Annual Operation Plans will apply to Headworks Contributions paid

in later financial years.

Advisory Note 2: Headworks for the future uses will be calculated upon submission of an application for the first use. Water and sewer headworks must be paid prior to the issue of a Construction Certificate for the internal fit-out or any Occupation Certificate for each use.

- 22) 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 from private property prior to issue of any Construction Certificate.
- 23) Prior to the issue of a Construction Certificate, an approval from Council under Section 138 of the Roads Act 1993 is required to construct vehicle crossings and an access roundabout on the internal road for this development. Detailed engineering drawings and construction specifications, specific to the works, prepared in accordance with Council's Engineering Design Minimum Standards, are required for the following, as a minimum, to ensure all works are designed and constructed in accordance with recognised and accepted standards and guidelines:
  - a) access roundabout on the new internal road;
    - i) all plans are to include details of the location of all existing utility services;
    - ii) all engineering drawings and the associated specifications are to be certified by a suitably qualified and experienced design practitioner;

Advisory Note 1: In accordance with regulatory requirements, a plan of the roundabout shall be submitted to the Local Traffic Committee for comment and acceptance prior to issue of a Construction Certificate.

Advisory Note 2: Pursuant to normal engineering practice and the requirements of the various utility providers, the roundabout design shall make provision for protection and / or relocation of all utility services, including optic fibre.

- 24) Prior to the issue of a Construction Certificate, a stormwater servicing strategy for the development site shall be prepared and submitted to Council for approval. The stormwater servicing strategy shall be prepared in accordance with the requirements of Minimum Standards for Stormwater Drainage of Council's current version of Engineering Design Minimum Standards, and shall be used to inform the detailed stormwater drainage design for the development site.

The stormwater servicing strategy for this development must also include calculations and associated commentary for the following:

- a) assessment and preparation of management strategies for the catchments contributing to Barnes Gully and Yellow Gully to demonstrate that there will be no negative impacts on downstream properties and infrastructure. This shall include an assessment of the requirement for detention of flows, including recommendations around detention of flows;
- b) minor stormwater network including conveyance of flows to Barnes Gully and Yellow Gully;
- c) overland flow paths for excess flows generated by storms up to the 1%



AEP; and

- d) any post developed flows leaving the site (detained and / or un-detained).

The development may need to be adjusted to accommodate any required detention and drainage infrastructure to meet Council's Engineering Design Minimum Standards.

- 25) Prior to the issue of a Construction Certificate, any approvals required under Section 68, Parts A to F, of the Local Government Act 1993 for the development shall be obtained from Council. This may include but is not limited to the following approvals:

- a) carry out water supply work;
- b) carry out sewer work;
- c) disposal of liquid trade waste; and,
- d) carry out stormwater drainage work.

- 26) 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 practicing structural engineer. Details are to be included with any Construction Certificate application.

- 27) Prior to the issue of a Construction Certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to the Council:

- a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment;
- b) Food Act 2003 and Food Regulation 2015;
- c) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage;
- d) Tamworth Regional Council's commercial trade wastewater requirements for food premises; and,
- e) any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements.

- 28) Prior to 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 Council:

- a) Australian Standard 1668: - The use of ventilation and air-conditioning in buildings; and
- b) ensure all generate 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.
- 29) Prior to the issue of a Construction Certificate, the Applicant shall submit written confirmation to Council confirming that the development complies with the safe distances from Essential Energy's infrastructure.

Any structures required to be altered / removed or reduced in size is permitted in order to satisfy any safe distance setback requirements stipulated by Essential Energy. In this regard, an amended plan set must be provided to the Principal Certifier prior to the issue of a Construction Certificate.

#### During Works

##### General

- 30) Work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:
- a) Monday to Friday: 7.00am to 5.00pm;
  - b) Saturday: 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm; and,
  - c) no work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.
- 31) The Developer shall be responsible to instruct and control all contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
- 32) Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.
- 33) The approved Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans) and the (TGS's) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.
- 34) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials or construction fencing without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.
- 35) Any damage caused to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 36) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- 37) 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.

#### Stormwater

- 38) All roof water stormwater discharging from the proposed development site, buildings and works must be conveyed to the approved point 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.
- 39) Runoff from all hardstand areas shall be captured on site and piped to the approved point of discharge in accordance with the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments.
- 40) Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:
  - a) all plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
  - b) temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
  - c) all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented;
  - d) any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted; and
  - e) all overflow from rainwater tanks shall be collected and piped to the approved point of discharge.
- 41) Approved points of discharge for the development are the stormwater network in Goonoo Goonoo Road and Yellow Gully.

#### Parking

- 42) On-site parking accommodation shall be provided for a minimum of 339 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such parking must be set out generally in accordance with the details indicated on the submitted plans, except as otherwise stated by the conditions of this consent.
- 43) All internal driveways, parking areas, loading bays, vehicle turning areas and barriers are to be designed and constructed to comply with Australian Standard (AS) AS/NZS 2890.1 (as amended) Parking Facilities – Off-street parking and AS 2890.6 (as amended) Parking Facilities – Off-street parking for people with disabilities.

- 44) All internal driveways and parking areas and manoeuvring areas are to be constructed with a base course of adequate depth to accommodate heavy vehicle loading, being sealed with either asphaltic concrete, concrete or interlocking pavers.
- 45) To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS1158.3.1 Pedestrian Area (Category P) Lighting shall be provided to all off-street parking areas. The lighting installed must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

#### Street Lighting

- 46) Street lighting is to be provided to ensure an acceptable level of lighting for pedestrian traffic and security for the development site.
- 47) Street lighting fronting the development site shall be provided and comply with the requirements of AS/NZS1158 (as amended) to the following classification:
  - a) access roundabout shall be illuminated to lighting subcategory P3; and,
  - b) access road shall be illuminated to lighting subcategory PR5.

#### Allotment Filling

- 48) Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as “controlled fill”.
- 49) Any material accepted for the use of land filling must be free from contamination. The material used must be able to be accounted for with regards to its origin and contaminates. The details of any contractor involved in the delivering of fill must be recorded. Documentation must be obtained from the contractor(s) delivering the fill and include the address of the origin of the material, the details of the company and the details of the driver. Fill must not be received without first obtaining approval from Council.

#### Food Premises

- 50) Any associated food preparation and storage areas must comply with the Food Act 2003. The premises are also required to comply with Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment within the Food Standards Code.
- 51) 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.
- 52) Mechanical Exhaust Ventilation: must be provided above cooking appliances and constructed in accordance with Australian Standard 1668.2 – 1991 – ‘The use of mechanical ventilation and air conditioning in buildings – Part 2: Mechanical ventilation for acceptable indoor-air quality’. An exhaust hood must completely cover the equipment to be ventilated and extended at least 200mm beyond the perimeter of the equipment (Australian Standard 1668.2 – 1991).
- 53) The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. The hood must be

constructed so as to finish flat against the wall surface. The low edge of a canopy type exhaust hood must be at least 2000mm above floor level (Australian Standard 1668.2 – 1991). A certificate of compliance will be required for the exhaust system prior to operations commencing.

#### Contamination

- 54) In the event that any contamination or chemical (a concentration of substances above that natural present that poses, or is likely to pose an immediate or long-term risk to human health or environment) is discovered work must immediately cease and the Council's Senior Environmental Health Officer must be contacted to arrange an inspection.

#### Heritage

- 55) Any works in proximity to an Aboriginal site, object or relic that are impacted by the proposal are only to be undertaken in accordance with an Aboriginal Heritage Impact Permit (AHIP).
- 56) While building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning and Environment.

#### In this condition:

- "relic" means any deposit, artefact, object or material evidence that:
  - a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - b) is of State or local heritage significance; and
- "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

#### Inspections

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

#### Electricity Infrastructure

- 58) Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

#### Prior to Issue of an Occupation Certificate

- 59) Full width road construction that satisfies the Minimum Standards for Roads of

Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments, Austroads Guide to Road Design and Transport for NSW supplements, is required for the full frontage of the development site prior to the issue of an Occupation Certificate.

- 60) Prior to the issue of an Occupation Certificate, the intersection between Goonoo Goonoo Road and Craigends Lane shall be upgraded to a dual lane roundabout. The proponent must obtain Roads Act 1993 consent from Transport for NSW (TfNSW) for all works within the classified State road (Goonoo Goonoo Road) reserve in the form of a Works Authorisation Deed (WAD).

Advisory Notes:

- a) As classified State road works are required, should the proponent undertake works they must enter into a Works Authority Deed (WAD) with TfNSW. TfNSW would exercise its powers and functions of the Road Authority, to undertake road works in accordance with Section 64, 71 and 73 of the Roads Act, as applicable, for all works under the WAD.
  - b) The proponent is advised that the Conditions of Consent do not guarantee TfNSW final consent to the specific road work, traffic controls facilities and/or other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified State road network prior to the commencement of any work.
  - c) The WAD process, including acceptance of design documentation and construction, can take time. The proponent should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is suggested that the proponent work through this process as soon as possible with TfNSW.
  - d) In accordance with regulatory requirements, a plan of the roundabout shall be submitted to the Local Traffic Committee for comment and acceptance prior to issue of a Subdivision Works Certificate.
  - e) Any landscaping shall be shown on the design drawings and included in the landscaping plans. Any proposed landscaping shall be designed such that it does not interfere with the design sight distances of the roundabout in accordance with the relevant Austroads guidelines.
  - f) Pursuant to normal engineering practice and the requirements of the various utilities providers, the roundabout design shall make provision for protection and / or relocation of all utility services, including optic fibre.
- 61) Pursuant to Section 306 of the Water Management Act 2000, Council requires the following works to be completed prior to the issue of an Occupation Certificate.
- a) Water:
    - i) a single water service to be provided to the lot;
    - ii) 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;
    - iii) if the existing water service requires upsizing or relocation then the

- existing service is to be removed and disconnected from the water main;
- iv) works shall be undertaken in accordance with Council's Engineering Design Minimum Standards; and,
- v) work on live water mains is to be undertaken by Council at full cost to the developer.
- b) Sewer:
  - i) a single sewer service to be provided to the lot.
- c) Trade Waste:
  - i) a liquid trade waste application must be lodged and determined by Council.
- 62) 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 issue of any Occupation Certificate. All payments and works required under Section 306 of the Water Management Act 2000 must be completed prior to issue of a Certificate of Compliance.
- 63) For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council.
- 64) Easements for utilities and services, in favour of the lots benefiting and/or Council shall be provided where services are located on private properties and/or overland flows traverse private property, in accordance with the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments.
- 65) Prior to the issue of an Occupation Certificate, an inspection must be completed by Tamworth Regional Council's Environmental Health Division to assess compliance with the Food Act 2003. Ongoing annual compliance inspections will be conducted each financial year and charged in accordance with Council's adopted schedule of fees and charges.
- 66) Prior to the issue of an Occupation Certificate, a 2.5m wide 100mm thick boundary line non-slip reinforced concrete shared footpath complete with pram ramps and jointed in accordance with Council's Standard Drawing Suite shall be constructed the entire length of the northern and western street frontages of the development site. The works are to be completed at full cost to the Developer.
- 67) An asbestos clearance certificate must be provided to Council by an occupational hygienist or suitably qualified consultant declaring the site to be free from all asbestos upon completion of demolition.
- 68) To ensure that the required Fire Safety Measures are provided in accordance with the building's use and operating in accordance with the appropriate standards, the owner of the building must cause a copy of a Final or Interim fire safety certificate to be given to the person issuing the Occupation Certificate in accordance with Clause 84 of the Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021 for each measure listed in the fire safety schedule. The certificate must only be in the form



specified by Clause 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building. Email address for lodgement of Fire Safety Certificate is - firesafety@fire.nsw.gov.au

- 69) Prior to the issue of an Occupation Certificate, an Identification Survey prepared by a Registered Surveyor shall be provided to the Certifier to verify that the proposed wall setbacks to the property boundary along with the siting of the associated signage conform to the approved drawings.
- 70) Prior to the issue of an Occupation Certificate, the Certifier must be satisfied that all landscaping has been completed in accordance with the approved plans.
- 71) Prior to the issue of an Occupation Certificate, evidence must be provided to the Certifier to confirm that the recommendations contained in the Crime Risk Assessment Report (prepared by Barr Planning and dated 18 April 2023) have been implemented for the development.
- 72) Prior to the issue of an Occupation Certificate, certification shall be provided by a suitably qualified person and submitted to the Certifier to confirm that the onsite lighting complies with AS/NZS 1158.3 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.
- 73) A public positive covenant pursuant to Section 88E of the Conveyancing Act 1919 shall be registered on the subject land prior to the issue of an Occupation Certificate stating that any future uses in Part B of the building must comply with Clause 7.4 of the Tamworth Regional Local Environmental Plan 2010. The terms must be reviewed and approved by Tamworth Regional Council prior to registration by NSW Land Registry Services.
- 74) All works as required by these conditions of consent shall be completed.

#### Ongoing Use

- 75) The sealing to all crossovers, vehicular parking, manoeuvring and loading areas is to be maintained at all times.
- 76) The landscaped area of the development site shall be maintained at all times in accordance with the approved landscaping plan.
- 77) Vehicles shall be loaded or unloaded, standing wholly within the development site and within loading zones designated on the submitted plans with the development application, or as otherwise provided in accordance with the conditions of this consent, to ensure that the proposed development does not give rise to street loading or unloading operations with consequential accident potential and reduction in road efficiency. Under no circumstances are vehicles to be loaded or unloaded at the kerb side or across the public footpath.
- 78) All vehicle movements into and out of the development site shall be in a forward direction.
- 79) To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking area, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for their intended purpose. Under no circumstances are such areas to be used for the storage of goods or waste material.

- 80) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 81) The operation of this development must not produce noise levels greater than 5dB(A) above background levels (when measured as an LAeq(15 min) at the most affected point on or within the property boundary of any residential receptor).
- 82) The Applicant shall ensure that all activities associated with the operation business are conducted in accordance with Section 120 of Protection of the Environment Operations Act 1997. Wastewater must not be allowed to drain to stormwater drains, street gutters or any waterway (even when washing with water only). All washing and cleaning should be carried out within a wash bay that is either connected to the sewer under a trade waste agreement or fitted with a water treatment and recycling system.
- 83) All signage shall be maintained in good structural condition, kept clean, neatly painted and be of a professional standard of design and appearance. Should any signage become redundant, such signage shall be removed immediately.
- 84) The signage approved by this consent must comply with the following requirements:
- a) the signage is for the purpose of business identification signage and building identification signage, as defined under the Tamworth Regional Local Environmental Plan 2010;
  - b) images must not be capable of being mistaken for a prescribed traffic control devices and / or text providing driving instructions to drivers; and
  - c) luminance levels must comply with ambient environmental lighting requirements under Section 3 of the Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines.
- 85) 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.

Advice Note(s)

- Clause 89 of the Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021 requires the owner of a building to which an essential fire safety measure is applicable to maintain each essential fire safety measure as identified by virtue of a fire safety schedule, to a standard no less than that specified in the schedule inclusive of the entire building.
- 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 & 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 – Annual Fire Safety

Statement Form - Fire and Rescue NSW and a copy must be submitted to Council development@tamworth.nsw.gov.au

- At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.
- Development Consent must be obtained for the first use and fit-out of the future tenancies / uses in Part B of the building. This development consent only relates to the construction of the shell of the building, associated infrastructure and ancillary development, and fit-out and use of the supermarket in Part A of the building.
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets. Information relating to developments near electrical infrastructure is available on Essential Energy's website: Development Applications (essentialenergy.com.au).

COUNCILLORS WHO VOTED **FOR**  
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Stephen Mears
5. Cr Mark Rodda
6. Cr Brooke Southwell
7. Cr Marc Sutherland
8. Cr Helen Tickle
9. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST**  
THE DECISION

Nil

**322/23 RESOLVED**



**7.2 DA2022-0281 - STAGED MIXED USE DEVELOPMENT COMPRISING FOOD AND DRINK PREMISES, PUB, COMMERCIAL PREMISES, RESIDENTIAL APARTMENTS, SERVICED APARTMENTS, CARPARKING AND ASSOCIATED INFRASTRUCTURE**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Mitchell Gillogly, Team Leader – Strategic Planning  
Sam Lobsey, Manager - Development

**MOTION**

**Moved Cr Tickle/Cr Sutherland**

**Recommendation**

That in relation to Development Application (DA2022-0281 / PAN-183912) for a Staged Mixed Use Development comprising food and drink premises, pub, commercial premises, residential apartments, serviced apartments, carparking and associated infrastructure at 23 Bourke Street Tamworth (Lot B/DP153180), 141 Marius Street Tamworth (Lot 1/DP 620964) and 143-145 Marius Street, Tamworth (Lot 4/DP629335 and Lot 2/DP620964 and Lot 3/DP629335) NSW 2340 Council:

- (i) note the assessment report and recommended draft conditions of consent; and
- (ii) authorise the General Manager to determine the development application following review of the relevant BASIX Certificate.

**COUNCILLORS WHO VOTED FOR  
THE DECISION**

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

**COUNCILLORS WHO VOTED AGAINST  
THE DECISION**

1. Cr Stephen Mears

**323/23 RESOLVED**

### **7.3 NORTHERN REGIONAL PLANNING PANEL - CALL FOR EXPRESSIONS OF INTEREST**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Andrew Spicer, Manager - Future Communities  
**Reference:** Item 8.1 to Ordinary Meeting 12 February 2019 - Minute No 9/19  
Item 7.1 to Ordinary Meeting 9 July 2019 - Minute No 221/19  
Item 7.1 to Ordinary Meeting 13 September 2022 - Minute No 253/22

#### **MOTION**

##### **Moved Cr Burke/Cr Southwell**

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

- (i) invite Expressions of Interest from qualified persons to serve as Tamworth Regional Council nominated members on the Northern Regional Planning Panel;
- (ii) thank and express its appreciation to Mr Stephen Bartlett for his service on the Panel; and
- (iii) receive a report to a future Ordinary meeting of Council regarding the outcomes of the expressions of interest process.

**324/23 RESOLVED**

### **7.4 VOLUNTARY PLANNING AGREEMENT POLICY FOR RENEWABLE ENERGY PROJECTS**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Andrew Spicer, Manager - Future Communities  
**Reference:** Item 5.1 to Ordinary Meeting 12 September 2023 - Minute No 219/23

#### **MOTION**

##### **Moved Cr Betts/Cr Tickle**

Recommendation

That in relation to the report “Voluntary Planning Agreement Policy for Renewable Energy Projects”, Council:

- (i) adopts the Voluntary Planning Agreement Policy for Renewable Energy Projects 2023;

- (ii) note the progress of the Hills of Gold and Thunderbolt Windfarm community benefit sharing arrangements; and
- (iii) make a submission to the Draft Energy Policy Framework exhibition in relation to the Guidelines for Community Benefit Sharing highlighting the benefits of an up-front lump sum payment to Councils to facilitate major works to benefit the most affected communities during construction or early operation of a renewable energy project.

COUNCILLORS WHO VOTED **FOR**  
THE DECISION

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

COUNCILLORS WHO VOTED **AGAINST**  
THE DECISION

1. Cr Mark Rodda

**325/23 RESOLVED**

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 NORTHERN INLAND CENTRE OF SPORTING EXCELLENCE SPORTS HUB MASTER PLAN, OCTOBER 2023 UPDATE**

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

**Reference:** Item 8.1 to Ordinary Meeting 8 August 2023 - Minute No 188/23  
Item 8.2 to Ordinary Council Meeting 27 July 2021 - Minute No 211/21

#### **MOTION**

##### **Moved Cr Sutherland/Cr Southwell**

That in relation to the report “Northern Inland Centre of Sporting Excellence Sports Hub Master Plan, October 2023 Update”, Council:

- (i) adopt the Northern Inland Centre of Sporting Excellence Sports Hub Master Plan, October 2023 Update;
- (ii) continue to work with State sporting organisations to ensure the Northern Inland Centre of Sporting Excellence is developed as the premier sporting hub for North West NSW; and
- (iii) continue to explore opportunities to finance the identified future works in the Northern Inland Centre of Sporting Excellence 2023 Master Plan.

**326/23 RESOLVED**

### **8.2 BICENTENNIAL PARK MASTER PLAN, OCTOBER 2023 UPDATE**

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

**Reference:** Item 8.4 to Ordinary Council Meeting 11 February 2020 - Minute No 7/20

#### **MOTION**

##### **Moved Cr Sutherland/Cr Southwell**

That in relation to the report “Bicentennial Park Master Plan, October 2023 Update”, Council:

- (i) adopt the Bicentennial Park Master Plan, October 2023 update; and
- (ii) continue to explore opportunities to finance the identified works in the Bicentennial Park Master Plan, October 2023 update

**327/23 RESOLVED**

**8.3 UPDATES TO TAMWORTH REGIONAL COUNCIL'S URBAN STORMWATER MANAGEMENT PLANS**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Aidan Pugh, Senior Stormwater Engineer  
**Reference:** Item 8.3 to Ordinary Council 26 September 2017 - Minute No 317/17  
Item 8.2 to Ordinary Council 22 August 2023 - Minute No 205/23

**MOTION**

**Moved Cr Coates/Cr Burke**

That in relation to the report "Updates to Tamworth Regional Council's Urban Stormwater Management Plans", Council adopts the Urban Stormwater Management Plans for Barraba, Manilla, Moonbi/Kootingal and Tamworth.

**328/23 RESOLVED**

**8.4 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - MEETING 15 NOVEMBER 2023**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Steven Marshall, Strategy, Assets and Design Engineer

**MOTION**

**Moved Cr Betts/Cr Mears**

That in relation to the report "Tamworth Regional Local Traffic Committee - Meeting 15 November 2023", Council:

- (i) approve the installation of new line marking on both the Wirraway Street and Lockheed Street intersections with Beaufort Street, Taminda;
- (ii) approve the corrected proposal to install one new disabled car parking space at 141 Marius Street, an associated pram ramp and the maximum width car park line marking along both sides of Marius Street, Tamworth, between Darling Street and Brisbane Street;
- (iii) approve the installation of road humps and associated signage along May Lane, South Tamworth;
- (iv) approve the installation of the raised pedestrian crossing, line marking and signage on Gate Street, Kootingal;
- (v) approve the installation of new kerb blisters, pedestrian medians, line marking, signage and raised pavement markers on Bligh Street, North Tamworth and

Janison Street, East Tamworth;

- (vi) approve the installation of new line marking and signage on North Street, Janison Street, Darling Street and Napier Street;
- (vii) approve the installation of “Local Traffic Only” signs and No Stopping areas on both Murray Street service roads;
- (viii) approve the installation of 22 parking spaces and one new disabled parking space with an associated kerb ramp on Napier Street, East Tamworth;
- (ix) approve the event and the subsequent traffic management plan for 17 November 2023 from 6.00am to 6.00pm;
- (x) approve the event, the proposed traffic impacts and the subsequent traffic management plan for the Tamworth Country Music Festival 2024 event (from 15 January 2024 to 30 January 2024);
- (xi) approve the relocation of the disabled parking spot and associated line marking and signage on Gate Street, Kootingal;
- (xii) approve the proposed shared path project along Calala Lane, Calala including the associated line marking and signage;
- (xiii) approve the proposed shared path project along Moore Creek Road, North Tamworth, including the associated pedestrian medians, kerb blisters, line marking and signage; and
- (xiv) approve the proposed shared path project along Forest Road, North Tamworth including the associated pedestrian medians, kerb blisters, line marking and signage.

**329/23 RESOLVED**

### **8.5 NSW GOVERNMENT NON-URBAN WATER METERING REVIEW**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager - Water and Environmental Operations  
**Reference:** Item 8.3 to Ordinary Council 12 October 2021 - Minute No 281/21

#### **MOTION**

##### **Moved Cr Burke/Cr Sutherland**

That in relation to the report “NSW Government Non-Urban Water Metering Review”, Council receive and note the report.

**330/23 RESOLVED**

### **8.6 FORMER MANILLA WATER TREATMENT PLANT REMEDIATION OPTIONS**

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

#### **MOTION**

##### **Moved Cr Tickle/Cr Coates**

That in relation to the report “Former Manilla Water Treatment Plant Remediation Options”, Council:

- (i) agree to the sale of the former Manilla Water Treatment property located in Court Street, Manilla;
- (ii) to facilitate this sale agree, subject to provision of funding, to the demolition and removal of buildings and associated infrastructure from the site;
- (iii) request the Director Water and Waste undertake a tender for the demolition and removal of building and associated infrastructure from the former Manilla Water Treatment; and
- (iv) request the Director Water and Waste prepare a further Council report in relation to the tender outcomes including recommendations regarding project funding for Council’s consideration.

**331/23 RESOLVED**

### **8.7 POSSIBLE LEASE OF PROPERTY DOWNSTREAM OF DUNGOWAN DAM**

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

#### **MOTION**

##### **Moved Cr Betts/Cr Mears**

That in relation to the report "Possible Lease of Property Downstream of Dungowan Dam", Council:

- (i) agree to undertake an Expression of Interest process for the possible lease of the properties detailed and under terms generally in accord with those detailed in the body of the report;
- (ii) request the Director Water and Waste submit a report to Council with the results of the Expression of Interest Process; and
- (iii) allocate \$50,000 from the water reserve for the demolition of the house located at the property know as 'Nedabiah'.

**332/23 RESOLVED**

### **8.8 PROPOSED LEASE OF COUNCIL OWNED LAND TO ALLOW CONSTRUCTION AND OPERATION OF AN ANAEROBIC DIGESTER**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director - Water and Waste

#### **MOTION**

##### **Moved Cr Betts/Cr Coates**

That in relation to the report "Proposed Lease of Council Owned Land to Allow Construction and Operation of an Anaerobic Digester", Council:

- (i) authorise the Mayor and General Manager to negotiate a suitable lease of a parcel of Council owned land being part of 428 Wallamore Road including the provisions mentioned in the body of this report; and
- (ii) request the Director Water and Waste submit a further report to a future Council meeting on the outcome of these negotiations before any lease is signed.

**333/23 RESOLVED**



### **8.9 CRICKET YOUTH PATHWAYS CHAMPIONSHIPS FEE WAIVER REQUEST**

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

#### **MOTION**

##### **Moved Cr Tickle/Cr Coates**

That in relation to the report “Cricket Youth Pathways Championships fee waiver request”, Council:

- (i) decline the request for a full fee waiver; and
- (ii) subsidise the event in line with Tamworth Regional Council’s Significant Sport Event Subsidisation Policy.

**334/23 RESOLVED**

### **8.10 EASEMENT CREATION FOR POWER SUPPLY UPGRADE FOR THE CALALA WATER TREATMENT ELECTRICAL CONVERSION**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Tim Hurcum, Electrical Engineer  
Daniel Coe, Manager - Water and Environmental Operations

**Reference:** Item 12.4 to Ordinary Council Meeting 13 September 2022 - Minute No 264/22

#### **MOTION**

##### **Moved Cr Betts/Cr Southwell**

That in relation to the report “Easement Creation for Power Supply Upgrade for the Calala Water Treatment Electrical Conversion”, Council:

- (i) authorise the Mayor and General Manager to approve the creation of easements for electricity supply relating to the Calala Water Treatment Electrical conversion; and
- (ii) authorise the affixing of the Seal of Council to any plans, instruments or any other documents required to give effect to Council’s resolution.

**335/23 RESOLVED**

### **8.11 T013/2023 - ORGANICS RECYCLING FACILITY OPPORTUNITY FOR FURTHER NEGOTIATIONS**

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

#### **MOTION**

##### **Moved Cr Mears/Cr Coates**

That in relation to the report “T013/2023 - Organics Recycling Facility Opportunity For Further Negotiations”, in relation to Request for Tender T013/2023 Design Construction and Commissioning of the Tamworth Organics Recycling Facility” (RFT), Council:

- (i) in accordance with s 178 (3)(e) of the Local Government (General) Regulation 2021 (NSW) (Regulation), resolve to enter into negotiations with the persons identified for that purpose in the report as Nominated Persons with a view to entering into an Early Contractor Involvement (ECI) agreement as described in the report;
- (ii) in accordance with s 178 (4)(a) of the Regulation, notes that the reason for Council declining to invite fresh tenders or applications as referred to in ss 178(3)(b)-(d) of the Regulation, is that:
  - a) it is not expected that further market testing will provide a more satisfactory result;
  - b) it is anticipated that a satisfactory result can be achieved through negotiating with one or more of the Nominated Persons in the manner described in the Report;
- (iii) in accordance with s 178 (4)(b) of the Regulation, notes that the reason for Council determining to enter into negotiations with the Nominated Persons, is that:
  - a) Council is satisfied that each of the Nominated Persons would be capable of undertaking the services;
  - b) it is anticipated that a satisfactory outcome can be achieved through negotiations with one or more of the Nominated Persons;
- (iv) authorise the General Manager to directly negotiate with one or more of the Nominated Persons for the purpose of entering into an ECI agreement as described in the Report, and delegates authority to the General Manager to execute any ECI agreement arising from those negotiations; and
- (v) requests the Director Water and Waste provide further reports to Council in relation to this matter as required.

**336/23 RESOLVED**

## 9 GOVERNANCE, STRATEGY AND FINANCE

### 9.1 SISTER CITY PROTOCOL WITH GORE, NEW ZEALAND

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Peter Ross, Acting Director - Growth and Prosperity

#### MOTION

##### Moved Cr Mears/Cr Sutherland

That in relation to the report “Sister City Protocol with Gore, New Zealand”, Council:

- (i) approve the renewal of the Draft Sister City Protocol for a further six years; and
- (ii) authorise the Mayor to sign the Protocol.

**337/23 RESOLVED**

### 9.2 2023/2024 FACILITY IMPROVEMENT FUND PROGRAM

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Kay Burnes, Team Leader - Place Management  
Jodie Archer, Place Manager

#### MOTION

##### Moved Cr Coates/Cr Tickle

That in relation to the report “2023/2024 Facility Improvement Fund Program”, Council approve the following funding allocation to the total of \$17,513.00:

- Loomberah Hall Committee
  - Hall footpaths \$5,514.00
- Manilla Matters Committee
  - New movie projector and popcorn machine \$274.00
- Moonbi War Memorial Hall and Recreation Reserve Committee
  - Moonbi Hall Main Hall air conditioning \$8,645.00
- Weabonga Hall and Recreation Reserve Local Committee
  - Front boundary fence \$3,080.00

**338/23 RESOLVED**

### **9.3 COUNCIL INVESTMENTS NOVEMBER 2023**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services  
Lauren McPherson, Senior Accountant

#### **MOTION**

##### **Moved Cr Betts/Cr Mears**

That in relation to the report “Council Investments November 2023”, Council receive and note the report.

**339/23 RESOLVED**

### **9.4 TAMWORTH REGIONAL COUNCIL CONSOLIDATED FINANCIAL REPORTS FOR PERIOD ENDED 30 JUNE 2023**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Stuart Brandon, Statutory Accountant  
**Reference:** Item 9.7 Ordinary Council Meeting 28 November 2023 - Minute No 304/23

#### **MOTION**

##### **Moved Cr Tickle/Cr Sutherland**

That in relation to the report “Tamworth Regional Council Consolidated Financial Reports for Period Ended 30 June 2023”, Council:

- (i) receive and note the reports as presented; and
- (ii) adopt the proposed allocation of unrestricted cash results to Reserves.

**340/23 RESOLVED**

### **9.5 DRAFT RATEPAYERS HARDSHIP POLICY**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services

#### **MOTION**

##### **Moved Cr Southwell/Cr Mears**

That in relation to the report “Draft Ratepayers Hardship Policy”, Council:

- (i) receive and note the Draft Ratepayers Hardship Policy;
- (ii) authorise the Draft Ratepayers Hardship Policy to be placed on public exhibition

for a period of 28 Days; and

- (iii) request a further report to Council to consider any feedback received throughout the public exhibition period and present the final Draft Ratepayers Hardship Policy for formal adoption.

**341/23 RESOLVED**

**9.6 DRAFT RATEPAYERS PENSIONER POLICY**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services

**MOTION**

**Moved Cr Tickle/Cr Coates**

That in relation to the report “Draft Ratepayers Pensioner Policy”, Council:

- (i) receive and note the Draft Ratepayers Pensioner Policy;
- (ii) authorise the Draft Ratepayers Pensioner Policy to be placed on public exhibition for a period of 28 Days; and
- (iii) request a further report to Council to consider any feedback received throughout the public exhibition period and present the final Draft Ratepayers Hardship Policy for formal adoption.

**342/23 RESOLVED**

**9.7 DRAFT DEBT RECOVERY POLICY FOR PROPERTY DEBTS**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services

**MOTION**

**Moved Cr Betts/Cr Burke**

That in relation to the report “Draft Debt Recovery Policy for Property Debts”, Council:

- (i) receive and note the Draft Debt Recovery Policy for Property Debts;
- (ii) authorise the Draft Debt Recovery Policy for Property Debts to be placed on public exhibition for a period of 28 Days; and
- (iii) request a further report to Council to consider any feedback received throughout the public exhibition period and present the final Draft Debt Recovery Policy for Property Debts for formal adoption.

**343/23 RESOLVED**

**9.8 RESPONDING TO THE CHILDREN'S GUARDIAN AMENDMENT (CHILD SAFE SCHEME) BILL 2021**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Collison Sally, People and Culture Business Partner

**MOTION**

**Moved Cr Betts/Cr Coates**

That in relation to the report “Responding to the Children's Guardian Amendment (Child Safe Scheme) Bill 2021”, Council:

- (i) endorses the draft documents in order to progress these to public exhibition;
- (ii) supports the recommendation for all Councillors to undertake a Working with Children Check to cover child related scenarios whilst undertaking their duties to the community; and
- (iii) adopt the policy following the completion of the period for public submissions, if no submissions are received.

**344/23 RESOLVED**

**9.9 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - NOVEMBER 2023**

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

**MOTION**

**Moved Cr Coates/Cr Sutherland**

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

**345/23 RESOLVED**

### **9.10 2024 AUSTRALIA DAY EVENTS**

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

#### **MOTION**

##### **Moved Cr Mears/Cr Rodda**

That in relation to the report “2024 Australia Day Events ”, Council nominate Councillors to attend and participate in the Australia Day celebrations and activities at:

Barraba	Cr Mears
Bendemeer	Cr Coates
Kootingal	Cr Betts
Manilla	Cr Rodda
Tamworth	Cr Russell Webb
	Cr Burke
	Cr Tickle
	Cr Southwell

**346/23 RESOLVED**

### **9.11 INTEGRATED PLANNING & REPORTING 2022/2023 ANNUAL REPORT**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Anna Russell, Manager - Strategy and Performance

#### **MOTION**

##### **Moved Cr Coates/Cr Betts**

That in relation to the report “Integrated Planning & Reporting 2022/2023 Annual Report”, Council endorses the 2022/2023 Annual Report.

**347/23 RESOLVED**

## 10 COMMUNITY SERVICES

### 10.1 POLICY UPDATES FOR GALLERY, MUSEUMS AND PUBLIC ART

**DIRECTORATE:** LIVEABLE COMMUNITIES

**AUTHOR:** Bridget Guthrie, Director Art Gallery and Museums

#### MOTION

##### Moved Cr Betts/Cr Mears

That in relation to the report “Policy Updates for Gallery, Museums and Public Art”, Council:-

- (i) adopt as draft policies for the purpose of community consultation the following:-
  - a) the addition to the Tamworth Regional Gallery Collection Policy;
  - b) the addition to the Tamworth Regional Museums Collection;
  - c) the recommended changes and additions to the Public Art Policy;
- (ii) place the above draft policies on public exhibition for a period of 28 days; and
- (iii) determine that should no community feedback be received, the policy updates be adopted.

**348/23 RESOLVED**

## 11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 8:32pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

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

#### MOTION

##### Moved Cr Betts/Cr Coates

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.

**349/23 RESOLVED**



#### **DUNGOWAN DAM DEBRIS BOOM PROCUREMENT**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Daniel Coe, Manager - Water and Environmental Operations

**Reference:** Item 8.4 to Ordinary Council 8 August 2023 - Minute No 191/23

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **T004/2024 - BULK SUPPLY AND DELIVERY OF CHEMICALS TO TAMWORTH REGIONAL COUNCIL'S WATER AND WASTEWATER SITES**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Jeremy Back, Process Engineer

Daniel Coe, Manager - Water and Environmental Operations

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **T033/2024 - SUPPLY AND INSTALLATION OF STREET LIGHTING FOR INFRASTRUCTURE AROUND SCHOOLS**

**DIRECTORATE:** REGIONAL SERVICES

**AUTHOR:** Mark Gardiner, Manager - Project Planning and Delivery

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

#### **T035/2024 - ARCADIA URBAN RELEASE PROJECT - CONSTRUCTION TENDER**

**DIRECTORATE:** REGIONAL SERVICES

**AUTHOR:** Mark Gardiner, Manager - Project Planning and Delivery

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.

**TENDER T118/2023 - DESIGN AND CONSTRUCTION OF BRIDGES - BURGMANN'S LANE AND NEW WINTON ROAD**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Claire Turnor, Projects Engineer  
Callum Fletcher, Senior Project Engineer**

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

**TENDER T168/2023 - DESIGN OF THE TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Callum Fletcher, Senior Project Engineer**

**Reference: Item 8.1 to Ordinary Council 8 August 2023 - Minute No 188/23**

**1 ENCLOSURES ENCLOSED**

**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.

**TENDER T050/2024 - WESTDALE WASTEWATER TREATMENT PLANT SLUDGE LAGOON DEWATERING**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Daniel Coe, Manager - Water and Environmental Operations**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

**TENDER T026/2024 - ENGAGEMENT OF A PANEL TO PROVIDE PROJECT MANAGEMENT SERVICES TO COUNCIL'S WATER AND WASTE DIRECTORATE FOR A PERIOD OF THREE YEARS**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Naomi Schipanski, Manager - Projects, Strategy and Infrastructure**

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

**FURTHER LEASE EXTENSION 284 GIDLEY APPLEBY ROAD**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Bruce Logan, Director - Water and Waste**

**Reference:** Item 12.1 to Ordinary Council 13 December 2022 - Minute No 391/22  
Item 8.2 to Ordinary Council 10 August 2021 - Minute No 233/21  
Item 12.2 to Ordinary Council 26 October 2021 - Minute No 315/21  
Item 12.2 to Ordinary Council 14 June 2022 - Minute No 176/22  
Item 12.2 to Ordinary Council 9 May 2023 - Minute No 93/23

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

**PROPOSED LEASE FOR COUNCIL PREMISES ON FITZROY STREET, TAMWORTH**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Nicholas Hawkins, Commercial Property Officer**

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.

## CLOSED COUNCIL

### Confidential Reports

#### (Section 10A(2) of The Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the Meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the Council or committee.

#### Resolutions passed in Closed Council

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.

## 12 CLOSED COUNCIL REPORTS

### 12.1 DUNGOWAN DAM DEBRIS BOOM PROCUREMENT

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

**Reference:** Item 8.4 to Ordinary Council 8 August 2023 - Minute No 191/23

#### MOTION

##### Moved Cr Coates/Cr Sutherland

That in relation to the report “Dungowan Dam Debris Boom Procurement”, Council:

- (i) resolve not to tender for the supply and install of a debris boom at Dungowan Dam under s.55 (3) (i) of the Local Government Act 1993 (NSW) as Council believes a satisfactory result would not be achieved by inviting tenders because of the limited numbers of specialist suppliers and associated procurement recommendation from specialist consultants;
- (ii) request a price for the supply and installation of the replacement debris boom from Worthington Waterway Barriers;
- (iii) in the event the price provided is less than or equal to the funds provided in the 2023-2024 budget for this work, Council engage Worthington Waterways Barriers to undertake the work; and
- (iv) request the Director Water and Waste provide a further report to Council on this matter, if the price provided by Worthington Waterways Barriers is more than the budgeted amount.

350/23 RESOLVED

### 12.2 T004/2024 - BULK SUPPLY AND DELIVERY OF CHEMICALS TO TAMWORTH REGIONAL COUNCIL'S WATER AND WASTEWATER SITES

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Jeremy Back, Process Engineer  
Daniel Coe, Manager - Water and Environmental Operations

1 CONFIDENTIAL ENCLOSURES ENCLOSED

#### MOTION

##### Moved Cr Betts/Cr Tickle

That in relation to the report “T004/2024 Bulk Supply and Delivery of Chemicals to Tamworth Regional Council's Water and Wastewater Sites”, Council:

- (i) accept the tender and award the contract to Omega Chemicals for the supply of Aluminium Sulphate, Sodium Hydroxide and Sodium Hypochlorite;
- (ii) accept the tender and award the contract to Aqualyng for the supply of Calcium Hypochlorite;
- (iii) accept the tender and award the contract to IXOM for the supply of Chlorine

Gas and Ferrous Chloride;

- (iv) accept the tender and award the contract to Colonial Chemicals for the supply of Poly Aluminium Chloride and Sulphuric Acid; and
- (v) accept the tender and award the contract to Redox for the supply of Potassium Permanganate, Powdered Activated Carbon, Polyacrylamide, Sodium Carbonate and Sodium Fluorosilicate.

**351/23 RESOLVED**

**12.3 T033/2024 - SUPPLY AND INSTALLATION OF STREET LIGHTING FOR INFRASTRUCTURE AROUND SCHOOLS**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Mark Gardiner, Manager - Project Planning and Delivery

**MOTION**

**Moved Cr Burke/Cr Southwell**

That in relation to the report "T033/2024 - Supply and Installation of Street Lighting for Infrastructure Around Schools", Council:

- (i) accept the tender submitted by Hofman Electrical Group Pty Ltd ABN 48 102 789 855 for the initial lump sum amount of \$533,006.93 (excluding GST) for the supply and installation of street lighting as part of the Infrastructure Around Schools project; and
- (ii) authorise the affixing of the Council Seal to this contract.

**352/23 RESOLVED**

**12.4 T035/2024 - ARCADIA URBAN RELEASE PROJECT - CONSTRUCTION TENDER**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Mark Gardiner, Manager - Project Planning and Delivery

**MOTION**

**Moved Cr Mears/Cr Tickle**

That in relation to the report "T035/2024 - Arcadia Urban Release Project - Construction Tender", Council:

- (i) note the General Manager will award a contract under delegated authority for the construction of the Arcadia West intersection as per the details in this report; and
- (ii) authorise the affixing of Council seal to this contract.

**353/23 RESOLVED**



## **12.5 TENDER T118/2023 - DESIGN AND CONSTRUCTION OF BRIDGES - BURGMANN'S LANE AND NEW WINTON ROAD**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Claire Turnor, Projects Engineer  
Callum Fletcher, Senior Project Engineer

### **MOTION**

#### **Moved Cr Burke/Cr Sutherland**

That in relation to the report "Tender T118/2023 - Design and Construction of Bridges - Burgmann's Lane and New Winton Road", Council:

- (i) accept the tender submitted by Fulton Hogan Industries Pty Ltd ABN 54 000 538 689 for the lump sum price of \$2,640,762.71 (excluding GST) for all items associated with the design and construction of the proposed Burgmann's Lane bridge over Goonoo Goonoo Creek and the proposed New Winton Road bridge over Boltons Creek; and
- (ii) authorise the affixing of the Seal of Council to this contract.

**354/23 RESOLVED**

## **12.6 TENDER T168/2023 - DESIGN OF THE TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer  
**Reference:** Item 8.1 to Ordinary Council 8 August 2023 - Minute No 188/23

**1 ENCLOSURES ENCLOSED**  
**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **MOTION**

#### **Moved Cr Burke/Cr Sutherland**

That in relation to the report "Tender T168/2023 - Design of the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health ", Council:

- (i) note the General Manager will accept the preferred tender and award a contract for the preliminary design of the facility under delegated authority;
- (ii) allocate up to \$500,000 as a proposed short-term internal loan from the Regional Development Fund to allow the preliminary design to proceed to submit a Development Application; and
- (iii) approve Council's seal to be affixed to this contract.

**355/23 RESOLVED**



**12.7 TENDER T050/2024 - WESTDALE WASTEWATER TREATMENT PLANT SLUDGE LAGOON DEWATERING**

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

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**MOTION**

**Moved Cr Betts/Cr Burke**

That in relation to the report “Tender T050/2024 - Westdale Wastewater Treatment Plant Sludge Lagoon Dewatering”, Council accept the Alternative Tender as presented in the report from Dredging Solutions.

**356/23 RESOLVED**

**12.8 TENDER T026/2024 - ENGAGEMENT OF A PANEL TO PROVIDE PROJECT MANAGEMENT SERVICES TO COUNCIL'S WATER AND WASTE DIRECTORATE FOR A PERIOD OF THREE YEARS**

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

**MOTION**

**Moved Cr Tickle/Cr Sutherland**

That in relation to the report “Tender T026/2024 - Engagement of a Panel to Provide Project Management Services to Council's Water and Waste Directorate for a Period of Three Years”, Council:

- (i) authorise the General Manager to further negotiate outstanding minor commercial matters with the preferred tenderers as detailed in confidence in the report, and
- (ii) assuming outstanding matters can be satisfactorily resolved, enter into a contract for the supply of Project Management Services to Council's Water & Waste Directorate for a period of 3 years with the two preferred tenderers.

**357/23 RESOLVED**

## **12.9 FURTHER LEASE EXTENSION 284 GIDLEY APPLEBY ROAD**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Bruce Logan, Director - Water and Waste

**Reference:** Item 12.1 to Ordinary Council 13 December 2022 - Minute No 391/22  
Item 8.2 to Ordinary Council 10 August 2021 - Minute No 233/21  
Item 12.2 to Ordinary Council 26 October 2021 - Minute No 315/21  
Item 12.2 to Ordinary Council 14 June 2022 - Minute No 176/22  
Item 12.2 to Ordinary Council 9 May 2023 - Minute No 93/23

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **MOTION**

#### **Moved Cr Southwell/Cr Mears**

That in relation to the report "Further Lease Extension 284 Gidley Appleby Road", Council agree to offer the current lessees TF and JF Barwick, a further extension of 6 months, to continue the lease under the same conditions as those previously agreed until 30 June 2024.

**358/23 RESOLVED**

## **12.10 PROPOSED LEASE FOR COUNCIL PREMISES ON FITZROY STREET, TAMWORTH**

**DIRECTORATE:** GROWTH AND PROSPERITY

**AUTHOR:** Nicholas Hawkins, Commercial Property Officer

### **MOTION**

#### **Moved Cr Tickle/Cr Coates**

That in relation to the report "Proposed Lease for Council Premises on Fitzroy Street, Tamworth", Council:

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

**359/23 RESOLVED**

## **13 RESOLUTIONS PASSED IN CLOSED COUNCIL**

### **MOTION**

#### **Moved Cr Betts/Cr Coates**

That Council move into Open Council.

### **360/23 RESOLVED**

At **8.48PM** the meeting moved back into Open Council.

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

**Closure:** There being no further business the Ordinary Meeting of Council concluded at **8.49pm**.

Cr Russell Webb, Chairperson  
Tuesday, 12 December 2023

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