

# TAMWORTH REGIONAL COUNCIL

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

## ORDINARY COUNCIL AGENDA

### 13 DECEMBER 2022

PAUL BENNETT  
GENERAL MANAGER

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## Council

Meeting Date: 2<sup>nd</sup> and 4<sup>th</sup> 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*

<b>Membership:</b>	<b>All Councillors</b>
<b>Quorum:</b>	<b>Five members</b>
<b>Chairperson:</b>	<b>The Mayor</b>
<b>Deputy Chairperson:</b>	<b>The Deputy Mayor</b>

## 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, 22 November 2022, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.*

### **4 DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

### **5 MAYORAL MINUTE**

Nil

### **6 NOTICE OF MOTION**

Nil

## OPEN COUNCIL REPORTS

### 7 ENVIRONMENT AND PLANNING

#### 7.1 MODIFICATION (MOD2022-0068) TO DEVELOPMENT APPLICATION No. DA2020-0138 FOR AN ORGANIC RECYCLING FACILITY ON LOT 61 DP 707563, 284 GIDLEY APPLEBY ROAD, GIDLEY,

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Dan Whale, Senior Development Assessment Planner

2 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 two (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 (2) years before the submission is made and ending when the application is determined:

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

#### **Disclosure of Reportable Political Donations and Gifts**

Planning Applications

Nil.

Public Submissions

Nil.



## **RECOMMENDATION**

*That in relation to Modification to Development Application No. MOD2022-0068 for modification to DA2020-0138 – Organic Recycling Facility on Lot 61 DP 707563, 284 Gidley Appleby Road, GIDLEY, approval be granted subject to the following conditions:*

### **Prior to Work Commencing**

- 1. The approved development which is the subject of this development consent must not be commenced until:**
  - a) a Construction Certificate for the building work has been issued by the consent authority, the council (if the 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 Certifying Authority for the building work, and**
    - ii) notified the Principal Certifying Authority that the person will carry out the building work as an owner-builder, if that is the case, and;**
  - c) the Principal Certifying Authority has, no later than two days before the building work commences;**
    - i) notified the consent authority and the council (if the 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, and**
    - ii) notified the Principal Certifying Authority of any such appointment, and**
    - 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) give at least two days' notice to the council of the persons intention to commence the erection of the building.**
- 2. The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:**
  - a) the name, address and telephone number of the principal certifying authority for the work, and**
  - b) the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
  - c) a statement that unauthorised entry to the work site is prohibited.**

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

3. *Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:*
  - a) *must be a standard flushing toilet, and*
  - b) *must be connected to a public sewer, or*
  - c) *if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or*

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

4. *The contractors engaged to undertake development on public land or infrastructure must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.*
5. *Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater–Soils and Construction (Landcom 2004). The ESCP is to be implemented prior to the commencement of any construction works.*
6. *A Traffic Management Plan (TMP) detailing how movements in and out of the site during 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. The associated Traffic Control Plans (TCP's) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-1996 and the RMS current version of the "Traffic Control at Worksites" manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve.*

*Advisory Note: The TCP's must consider the impact at key intersections, especially the Oxley Highway and Appleby Lane and how these will be managed.*

7. *Pursuant to section 68 of the Local government Act 1993, the following approvals must be obtained;*
  - a) *carry out water supply work;*
  - b) *carry out sewer work;*
  - c) *carry out stormwater work; and*
  - d) *installation of an Onsite Sewage Management System.*
8. *A minimum of eight groundwater bores (four onsite and four offsite) (or otherwise as agreed to by NSW EPA and Council's Director of Liveable Communities) required for the testing and monitoring of groundwater are to*

*be installed prior to site works commencing to enable the collection of baseline data with routine monitoring undertaken on a quarterly basis whilst the facility is in operation.*

***Prior to issue of a Construction Certificate***

9. *In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 Development Contributions Plan 2013, \$159,969.66 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:*

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

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

***Where:***

<b><i>\\$C<sub>PY</sub></i></b>	<b><i>Is the amount of the contribution at the date of Payment</i></b>
<b><i>\\$C<sub>DC</sub></i></b>	<b><i>Is the amount of the contribution as set out in this development consent</i></b>
<b><i>CPI<sub>PY</sub></i></b>	<b><i>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</i></b>
<b><i>CPI<sub>DC</sub></i></b>	<b><i>Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent</i></b>

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

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

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

10. *A stormwater servicing strategy for the development site shall be prepared and submitted to the Roads Authority for approval in accordance with the requirements of Part 3 of Council's current version of the Engineering Design Guidelines for Subdivisions and Developments.*

*The stormwater servicing strategy for this development must also include calculations, design drawings and associated commentary for the following at*

*a minimum:-*

- a) stormwater detention for the range of 1:1 To 1:100 year ARI event(s) to reduce the developed flow rate to the pre-developed flow rate;*
- b) minor stormwater network;*
- c) any other Q100 overland flow paths; and*
- d) details of the interface between the site drainage and the existing water course at the outlet from the site.*

*The stormwater servicing strategy to be approved by the Roads Authority shall be used to address the required stormwater drainage design for the development site.*

- 11. Design calculations, detailed engineering drawings and construction specifications, specific to the works, 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) leachate dam sizing and design.*

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

*All engineering drawings and the associated specifications are to be certified by a Chartered Professional Engineer or a Registered Surveyor.*

- 12. Condition moved to During Construction under Condition 61a. as amended under MOD2022-0068.*
- 13. Transport for NSW shall be consulted with respect to a Works Authorisation Deed (WAD) and/or Section 138 concurrence for all works on Oxley Highway. A copy of the WAD and/or Section 138 concurrence shall be provided to Tamworth Regional Council prior to issue of the Construction Certificate.*
- 14. Condition moved to During Construction under Condition 65a. as amended under MOD2022-0068.*
- 15. A Construction Management Plan must be prepared by a suitably qualified person and submitted to Councils Director of Liveable Communities for approval prior to the release of a construction certificate.*
- 16. Retaining walls greater than 0.6m 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.*
- 17. A Wildlife Monitoring and Management Plan is to be prepared and submitted for approval by the Tamworth Regional Airport Manager prior to the release of a construction certificate. The plan must address the recommendations outlined within Section 7 of the Wildlife Hazard Assessment Report prepared by Avisure, dated April 2020.*
- 18. A Landscaping Plan including the location and details of all vegetative screening and fencing (vermin proof or otherwise) is to be provided for the*

site prior to the release of a construction certificate.

19. The following management plans shall be prepared by a suitably qualified consultant in accordance with the mitigation and management measures recommended in the endorsed supporting documents referenced in conditions 23 and 24 and implemented throughout the construction phase and operation of the facility;

- a) Construction Environmental Management Plan;
- b) Operational Environmental Management Plan;
- c) Noise Management Plan;
- d) Waste Management Plan;
- e) Pest and Weed Management Plan;
- f) Bushfire Management Plan;
- g) Soil and Water Management Plan;
- h) Biosecurity Management Plan.

All required management plans are to be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources' Guideline for the Preparation of Environmental Management Plans (2004). The Management Plans must be prepared by a suitably qualified person and submitted to Council's Director of Liveable Communities and any relevant external agency for approval prior to the release of a construction certificate.

The management plans shall take into consideration any outcomes as a result of the staged introduction and trial of Stage 2 waste and as per condition 26 and if required, the above management plans be amended accordingly as required by Council's Director of Liveable Communities and any relevant external agency.

20. An assessment is required, to the satisfaction of Council's Director of Liveable Communities and other relevant authorities, to determine suitable locations for the installation of a series of groundwater bores and the testing parameters to monitor groundwater conditions
21. The developer is to obtain an Amended Water Supply / Use Approval from the Natural Resource Access Regulator (NRAR) for the upgrade of the existing stock and domestic bore onsite to commercial production in support of the proposal.
22. Condition moved to During Construction under Condition 65b. as amended under MOD2022-0068.

- 22a. 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 and include both existing and proposed fire safety measures pertaining to the entire building. the Fire Safety Schedule should include reference to any Fire Engineering Report that forms part of the



development.

Condition added under MOD2022-0068.

22b. *An approval for the installation of On-Site Sewer Management Facilities is to be obtained from Council, the S68 application will require a Wastewater Management Report to be prepared and lodged with Council addressing how the effluent across the site will be managed, the Wastewater Management Report is to address the parameters within the Non-Domestic Wastewater Guidelines.*

Condition added under MOD2022-0068.

**General**

23. *The development shall take place in accordance with the attached endorsed plans and supporting documents:*

- a) the Environmental Impact Statement (and attached supporting information except where superseded below), prepared by Pitt and Sherry, dated 23 September 2019;*
- b) Site Plans, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA001,002, Revision P2, dated 16 November 2021;*
- c) Landscaping Plan, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA008, Revision P2, dated 16 November 2021;*
- d) Office Building Floor Plan, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA101 Revision P2, dated 16 November 2021;*
- e) Office Building Roof Plan, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA102 Revision P1, dated 22 October 2021;*
- f) Office Building Elevations, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA103 Revision P1, dated 22 October 2021;*
- g) Weighbridge Plan and Elevations, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA104, Revision P1, dated 22 October 2021;*
- h) Compost Facility and Biofilter Floor Plan, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA201, Revision P2, dated 28 October 2021;*
- i) Compost Facility and Biofilter Roof Plan, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA202, Revision P1, dated 22 October 2021;*
- j) Compost Facility and Biofilter Elevations, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA203, DA204 Revision P2, dated 28 October 2021;*
- k) Fire Pump Shed, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA701,702,703, Revision P1, dated 16 November 2021;*

- l) Equipment Shed, prepared by Edwards + Simpson, Project No. 21020, Drawing Number DA801,802,803, 804, Revision P1, dated 22 October 2021;*
- m) Drainage and Stormwater Management Plan, prepared by Pitt and Sherry, Drawing No. SY19093-C03, Revision B, dated 23 September 2019;*
- n) Wildlife Hazard Assessment Report, prepared by Avisure, dated April 2020;*
- o) Traffic Impact Assessment, prepared by Pitt and Sherry, Revision 02, dated 28 April 2020;*
- p) Traffic Impact Assessment Update, prepared by Pitt and Sherry, dated 18 August 2020;*
- q) Supplementary Information – Leachate Management, prepared by Pitt and Sherry, dated 26 June 2020;*
- r) Tamworth Organics Recycling Facility – Response to Stormwater and Water Balance Queries, prepared by Pitt and Sherry, dated 19 August 2020; and*
- s) Preliminary Contaminated Site Investigation, prepared by East West Enviro, dated 23 July 2020.*

*Condition amended under MOD2022-0068.*

- 24.** *The mitigation and management measures recommended in the endorsed supporting documents, must be implemented throughout the construction phase and operation of the facility;*
- a) Section 7.0-12.0 of the Biosecurity Risk Assessment, prepared by Scolexia, dated January 2020;*
  - b) Section 8 of the Air Quality Impact Assessment, prepared by Todoroski Air Science, dated 19 September 2019;*
  - c) Section 6 of the Noise and Vibration Impact Assessment, prepared by Muller Acoustic Consulting, dated September 2019;*
  - d) Section 5 of the Fauna and Flora Assessment, prepared by Eco Logical, dated 17 September 2019;*
  - e) Section 4 of the Archaeological Due Diligence Assessment, prepared by Eco Logical, dated 18 September 2019;*
  - f) Section 5.4 and 7 of the Geotechnical Assessment, prepared by Regional Geotechnical Solutions, dated 14 August 2019;*
  - g) Section 3.3 of the Risk Hazard Assessment, prepared by Pitt and sherry, dated 10 October 2019;*
  - h) Section 7 of the Wildlife Hazard Assessment Report, prepared by*

*Avisure, dated April 2020;*

- i) Supplementary Information – Leachate Management, prepared by Pitt and Sherry, dated 26 June 2020;*
- j) Construction Environmental Management Plan Template, prepared by Pitt and Sherry, Revision 00, dated 2 July 2020; and*
- k) Operational Environmental Management Plan Template, prepared by Pitt and Sherry, Revision 03, dated 2 July 2020;*

**25. The receipt and processing of waste is to be undertaken in accordance with the following stages:**

- Stage 1 Waste – The receipt and processing of category 1, category 2 and category 3 waste (excluding offal and Dissolved Air Floatation (DAF) sludge; and**
- Stage 2 Waste – The receipt and processing of offal and Dissolved Air Floatation (DAF) sludge.**

*For Stage 1 waste, a review of the environmental performance of the facility for a period of twelve months and the satisfactory assessment of the biofilter performance must be submitted to Council's Director of Liveable Communities and NSW EPA for review and approval to ensure the facility can perform to the required standards and process Stage 1 waste appropriately.*

*Stage 2 waste must not commence operation until such time Council's Director of Liveable Communities and NSW EPA are satisfied the above requirements have been met and compliance with Conditions 26 is achieved.*

**26. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, Stage 2 waste is limited to a trial period of 12 months from the date of commencement of the trial. Written notice of the commencement of the trial must be provided to Council. Prior to the Stage 2 trial commencing, the following documentation prepared by a suitably qualified environmental consultant must be provided to Council's Director of Liveable Communities and NSW EPA for review and approval:**

- a) Details on how Stage 2 waste is to be received and processed on site;**
- b) Details of how environmental compliance is to be monitored and reported in line with the NSW EPA GTA's, Environmental Protection Licensing Requirements and the relevant conditions of consent;**
- c) Details on the activities that will occur as part of the trial including but not limited to, source of waste, volume of waste, handling and decontamination processing (where applicable ensure it does not contain any contaminants prior to processing), odour management, integration with other waste etc.;**

**27. Details of ongoing operations required should the trial period be deemed successful in accordance with the requirements of Condition 19. Prior to the completion of the trial period (minimum four weeks), the applicant is to provide results of the environmental compliance monitoring undertaken**



during the trial to Council's Director of Liveable Communities and NSW EPA for review and approval.

If Council's Director of Liveable Communities and NSW EPA are satisfied that the facility is performing to the required standards as set out in Condition 26, the receipt and processing of Stage 2 waste will no longer be limited to a trial period. Details of environmental monitoring must be made publicly available on an annual basis.

28. 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.
29. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.
30. All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
31. All building work must be carried out in accordance with the provisions of the disability (Access to Premises - Buildings) Standards 2010.
32. 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.
33. To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.
34. 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).
35. The Applicant shall consult with, as required:
  - a) Essential Energy;
  - b) natural gas company; and
  - c) a telecommunications carrier.

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

36. The landowner must, within three months of receiving written advice from RailCorp, install and maintain fencing along the rail corridor boundary in accordance with JHR's engineering standards should RailCorp require. The

*landowner is liable for and indemnifies RailCorp and JHR against all claims for which RailCorp and JHR are or may become liable, in connection with the fencing between Lot 61 DP 707563, being the subject development site and Lot 1 DP 1077646 being the rail corridor.*

37. *Activities within electrical easements and infrastructure must meet the requirements of ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure and be carried out in accordance with the Work near Overhead Power Lines and Work near Underground Assets Codes of Practice.*

#### **General Terms of Approval**

38. *The development shall be carried out in accordance with the General Terms of Approval (or as otherwise varied by the issue of the Environmental Protection License) issued by the NSW Environment Protection Authority dated 13 November 2019 (including amendment letters dated 22 November 2019, 23 January 2020, 24 January 2020 and 24 July 2020), attached in ATTACHMENT A.*

#### **During Construction**

##### **General**

39. *The Traffic Management Plan approved in accordance with condition 6 is to be fully complied with for the full duration of the project's construction phase.*
40. *The approved Traffic Control Plans (TCPs) shall be maintained at all times when work is undertaken within a dedicated road reserve.*
41. *A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal.*
42. *An identification survey prepared by a Registered Surveyor is to be prepared at set out stage of the construction works to ensure that the facility is sited in accordance with the approved site plan.*
43. *If an item suspected to be a relic, as defined by the Heritage Act 1977 is discovered on the site or during any ancillary road works, all work must cease immediately and the Heritage Council notified as to the location of the relic. Work cannot proceed until the requirements of the Heritage Council have been fulfilled.*
44. *A representative from Tamworth Local Aboriginal Land Council shall be present onsite and during ancillary road works during initial vegetation clearing and topsoil stripping.*
45. *Consultation between the proponent(s), the Tamworth Regional Airport, and Air Services Australia is required in relation to any crane operations planned during construction.*
46. *Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.*
47. *The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Councils prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary,*

*application may be made by contacting Council's Development Engineering Division.*

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

*49. Any damage caused to Council infrastructure as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.*

*50. 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.*

*51. The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any 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.*

*52. Work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-*

*Monday to Friday: 7.00am to 6.00pm;*

*Saturday: 8.00am to 1.00pm;*

*No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises unless otherwise agreed to by Council's Director of Liveable Communities.*

*The Developer shall be responsible to instruct and control his contractors regarding the hours of work.*

*53. In the event that any contamination (a concentration of substances above that naturally 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 Councils Senior Environmental Health Officer must be contacted to arrange an inspection.*

#### **Stormwater**

*54. An on-site stormwater detention system shall be provided to ensure that the post developed flow rate does not exceed the pre-developed flow rate discharging from the site. Flows shall be controlled across the range of 1:1 year ARI to 1:100 year ARI events for the entire site prior to release to the approved point of discharge.*

*55. All hardstand runoff discharging from the proposed development site, buildings and works shall be conveyed to the approved point of discharge by an approved conveyance system complying with AS3500.3 (as amended) and in accordance with the current version of the Engineering Minimum Standards for Subdivisions and Developments.*

56. *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;*
- 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. The approved point of discharge for the development site is defined as the existing unnamed watercourse crossing the eastern boundary of the development site (following detention of developed flows).*

*Internal Roads, Access and Parking*

57. *All internal driveways and parking areas shall be constructed with a base course of adequate depth to accommodate heavy vehicle loading.*

58. *The new vehicle crossover for access/egress on Gidley Appleby Road shall have a width designed such that two B-doubles trucks can pass each other to allow the entering / exiting concurrently. The new crossover shall be sealed from the edge of Gidley Appleby Road to the property boundary as a minimum.*

59. *All internal driveways, parking areas and vehicle turning areas shall be designed in accordance with the requirements of AS2890.1-2004 "Parking Facilities - Off Street Parking".*

60. *All parking bays shall be permanently marked out on the pavement surface and shall be clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of onsite parking and loading/unloading facilities.*

61. *The direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and driveway access and in the interest of traffic safety and convenience. In this regard all vehicles entering and exiting the site shall do so in a forward direction only.*

61a. *Section 138 approval from Council under the Roads Act 1998 is required to construct vehicle crossings for this development. Detailed construction plans shall be provided to Council for approval.*

*Advisory Note: The applicant must allow sufficient lead in time to ensure the condition is satisfied prior to applying for the Occupation Certificate.*

*Condition moved from Prior to Construction Certificate (previously Condition 12) as amended under MOD2022-0068.*

**External Road Upgrades**

62. *The intersection of Oxley Highway with Appleby Lane shall be upgraded to incorporate a Basic Auxiliary Right Turn Treatment (BAR). The BAR shall be designed to cater for 26m B-double vehicles, and shall address the safety of pre-existing uses taking access off the current widened shoulder formation.*

63. *The intersection of Manilla Road with Appleby Lane shall be provided with additional advance warning signage for the left turn movement off Manilla Road on to Appleby Lane.*

64. *Condition moved to Continued Operations under Condition 99. as amended under MOD2022-0068.*

65. *The intersection of Gidley Appleby Road with Appleby Lane shall be upgraded to facilitate the movement of design vehicles in the outbound direction from Gidley Appleby Road while remaining within their designated carriageways. Additional advance warning signage shall be provided for drivers approaching the intersection in either direction on Appleby Lane.*

65a. *Approval from the Local Traffic Committee shall be obtained for any proposed regulatory signage and/or line marking.*

*Condition moved from Prior to Construction Certificate (previously Condition 14) as amended under MOD2022-0068.*

65b. *The developer is to, in consultation with bus service providers, undertake an audit of any existing bus stop locations along Appleby Lane, Gidley Appleby Road, Gidley Siding Road, Wallamore Road and at the intersection of Oxley Highway and Appleby Lane to determine whether any upgrade works are required based on the increased number of heavy vehicles using the roads. The findings of the audit are to be provided to Council's Director of Liveable Communities for approval before any works, if required, are commenced.*

*Advisory Note: The applicant must allow sufficient lead in time to ensure the condition is satisfied prior to applying for the Occupation Certificate.*

*Condition moved from Prior to Construction Certificate (previously Condition 22) as amended under MOD2022-0068.*

**Allotment Filling**

66. *Any allotment filling shall meet the requirements of AS3798-2007 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.*

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

*Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to*



*certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as “controlled fill”.*

#### *Inspections*

- 68. It is required that a Principal Certifying Authority (PCA be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulation 2021. The owner may appoint either the Council or an accredited certifier to be the PCA.*

#### *Prior to Occupation*

- 69. 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.*

#### *Prior to issue of an Occupation Certificate*

- 70. All works as required by these conditions of consent shall be complete.*
- 71. The Operational Environmental Management Plan must be prepared by a suitably qualified person and submitted to Councils Director of Liveable Communities for approval prior to the release of an occupation certificate.*
- 72. Prior to issue of the Occupation Certificate the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) by a suitably qualified and experienced person or company approved before appointment by Council’s Director of Liveable Communities. The Independent Environmental Audit is to verify all relevant management and mitigation measures are implemented before operations commence.*
- 73. An independent commissioning assessment is to be undertaken which verifies the commissioning of the processing facility and its performance in accordance with relevant Australian Standards and NSW EPA Resource Recovery Orders in relation to pasteurisation. The assessment is to be completed after one (1) month of operation and provided to Council’s Director of Liveable Communities and NSW EPA for review and approval.*
- 74. If upgrade works are deemed to be required to the existing bus stop facilities along Appleby Lane, Gidley Appleby Road, Gidley Siding Road, Wallamore Road and at the intersection of Oxley Highway and Appleby Lane, all works are to be completed prior to issue of the Occupation Certificate.*
- 75. A “No Left Turn” sign must be erected at the exit of the facility onto Gidley Appleby Road prior to the release of an occupation certificate.*
- 76. Any signage and/or line marking approved by the Local Traffic Committee shall be installed prior to issue of an occupation certificate.*
- 77. A Code of Conduct must be prepared and submitted to the Roads Authority for haulage operations and should include, but is not limited to, the following:*
- a) a map of the primary haulage route highlighting critical locations;*
  - b) safety initiatives for haulage through residential/village areas and/or school zones;*
  - c) an induction process for vehicles operators and regular toolbox*

*meetings;*

- d) outbound traffic is restricted to right turns onto Gidley Appleby Road;*
- e) a complaint resolution and disciplinary procedure and register;*
- f) any community consultation measures for peak haulage periods.*

**78. The following intersections require give-way signage and line marking to be installed (if not already installed) at the minor roads interface prior to issue of an occupation certificate:**

- a) Gidley Siding Road/ Gidley Appleby Road; and*
- b) Gidley Appleby Road/ Appleby Lane/ Evans Lane.*

**79. In lieu of completing the landscaping nominated on the approved plan, a cash bond or bank guarantee to the value of the landscaping works must be paid to Tamworth Regional Council prior to the issue of an Occupation Certificate. The cash bond or bank guarantee will be returned when the water conservation measures allow the landscaping to be completed.**

**80. Sediment and erosion control measures for the site shall be established if the landscaping is unable to be completed in accordance with the approved plan. The sediment and erosion control measures must be installed prior to the issue of an Occupation Certificate and shall remain in place until such time as water conservation measures allow the landscaping to be completed.**

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

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

*Maintenance should include:*

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

**80a. To ensure that the required Fire Safety Measures are provided in accordance with the building's use and operating in accordance with the appropriate standards, the owner of the building must cause a copy of a Final or Interim fire safety certificate to be given to the person issuing the occupation certificate in accordance with Clause 84 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the fire safety schedule. The certificate must only be in the form specified by Clause 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building. Email address for lodgement of Fire Safety Certificate is - [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au).**

**Condition added under MOD2022-0068.**

### **Continued Operations**

81. *The hours of operation are restricted to between 8:00am and 4:45pm, Monday to Sunday.*

*Advisory Note: This does not preclude the operation of the fan/water sprays/aeration system which will operate on a continuous cycle if required or the arrival or departure of staff outside of hours.*

82. *The sealing of the driveway(s), 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. *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.*

85. *From the commencement of operation, the Applicant must implement a Waste Monitoring Program for the development. The program must:*

- a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;*
- b) include suitable provisions to monitor the:*
  - (i) quantity, type and source of waste received on site; and*
  - (ii) quantity, type and quality of the outputs produced on site; and*
- c) ensure that:*
  - (i) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste.*

86. *The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.*

87. *Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:*

- a) all relevant Australian Standards;*
- b) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – Technical Bulletin (EPA, 1997).*

*In the event of an inconsistency between the above requirements, the most stringent requirement must prevail to the extent of the inconsistency.*

88. *All oils, fuels, solvents and fluids used on this premises are to be stored in a bunded area that is designed to hold 110% of the total volume of the largest container stored within the bund or 325% of the total volume of all containers stored within the bund. The bunded area to be covered by a suitable roof to*



*prevent the collection of rainwater within the bunded area.*

*The construction of the bund is to comply with AS1940.*

*A spill kit designed to handle all types of liquids used on the site must be stored adjacent to where the liquids are being used and/or stored.*

- 89. Monthly leachate monitoring and testing is required for a period of twelve months following the commencement of operations to determine the composition of leachate generated from the facility. Based on the leachate laboratory analysis the Hazard and Risk Assessment is to be updated to provide guidance on the potential impacts on surrounding land uses and receiving water bodies. A copy of the Updated Hazard and Risk Assessment is to be provided to Council's Director of Liveable Communities. The NSW Environmental Protection Authority must be notified of any breach of conditions of consent or to Environmental Protection Licence requirements immediately.*
- 90. The applicant must undertake monitoring of the performance of the biofilter, under normal operating conditions, within six months of operations commencing. Subsequent monitoring to be undertaken in accordance with the Odour Monitoring Plan prepared by the operator, which will be reflective of the feedstock accepted and processed at the facility. The performance of the biofilter should be assessed within six months of the biofilter medium being partially or fully replaced.*
- 91. Any product processed at the facility is to meet the relevant standard (AS4454), Composting Guideline 2016 and / or any specific Resource Recovery Orders and Exemptions.*
- 92. Within one year of the commencement of operation, and every three years after, unless Council's Director of Liveable Communities directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. Audits must:*
  - a) be led and conducted by a suitably qualified, experienced and independent team of experts;*
  - b) be carried out in consultation with the relevant agencies;*
  - c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any strategy, plan or program required under this consent;*
  - d) review the adequacy of any approved strategy, plan or program required under this consent;*
  - e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent; and*
  - f) be made public within three months of receipt of the report.*
- 93. Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by Council's Director of Liveable Communities, a copy of the audit report must be submitted to Council's Director of Liveable Communities and any other NSW agency that requests it, together with a response to any recommendations contained in the audit*

*report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Council's Director of Liveable Communities. The audit report together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations must also be made public within three months of receipt of the report.*

94. *The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.*
95. *The site must be maintained in a neat and tidy condition at all times.*
96. *The installed landscaping is to be maintained in a good condition at all times with diseased or dead plants being replaced as soon as possible.*
97. *The mitigation, commitment and management measures recommended in the endorsed environmental impact statement and supporting reports shall be implemented for the entirety of the development.*
98. *The facility operator shall comply with the Biosecurity Act 2015.*
99. *The interim management measures of additional advance warning signage for the left turn movement off Manilla Road on to Appleby Lane for the intersection of Manilla Road with Appleby Lane are to be monitored and the safety performance is to be reviewed on an annual basis for five years from the commencement of operation of the facility. At the end of the five-year monitoring period the intersection is to be upgraded to include the Austroads shortened auxiliary left-turn (AUL-S) treatment as detailed in the TfNSW Correspondence, dated 4 September 2020.*

*Condition moved from During Construction (previously Condition 64) as amended under MOD2022-0068.*

#### APPLICATION DETAILS:

Application No.	MOD2022-0068 (DA2020-0138)
Planning Portal Ref.	PAN-188107
Application For:	Section 4.55(1A) Modification – Organic Recycling Facility
Date Received:	21 February 2022
Applicant:	Tamworth Regional Council
Owner:	Tamworth Regional Council
Land/Address:	Lot 61 DP 707563 284 Gidley Appleby Road, GIDLEY
Zoning:	RU1 Primary Production - Tamworth Regional Local Environmental Plan 2010

## DEVELOPMENT ASSESSMENT SUMMARY

In accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, an application has been lodged for a modification to development consent DA2020-0138 granted by the Northern Regional Planning Panel (NRPP) on 23 September 2020 for an Organic Recycling Facility (ORF) at 284 Gidley Appleby Road, Gidley.

DA2020-0138 approved the following works:

- construction of a site office and weighbridge;
- construction of an equipment shed and receivals shed;
- construction of a tunnel composting shed and associated biofilter;
- construction of Maturation pads and a leachate dam; and
- ancillary access, landscaping and infrastructure works.

The approved development encompasses a facility that will process up to 35,000 tonnes per year of food organics, garden organics and Category 3 organic materials. The approved ORF will use a Tunnel Composting System technology within an enclosed facility to process the material into soil products suitable for landscaping and agricultural production. The proposal would commence operation in parallel with the introduction of a Food Organics and Garden Organics (FOGO) kerbside collection service within the Tamworth Local Government Area.

The proposed Section 4.55(1A) modification seeks to modify the development (as approved) by way of the following:

- increase in size of the Biofilter;
- removal of dividing road within the maturation pad and inclusion of additional hardstand area;
- increase in height of receivals shed from 10.65m to 11.95m;
- addition of a staff training room adjacent to the approved office;
- addition of a gatehouse adjacent to the approved office building;
- reduction in size of equipment shed and inclusion of laboratory space within the shed; and
- relocation of a number of conditions of consent relating to road works from prior to Construction Certificate to prior to Occupation Certificate.

An independent consultant (*The Planning Hub*) was engaged to undertake the assessment of the subject Section 4.55(1A) modification application. It is noted that the same independent consultant was engaged (under the direction of the Northern Regional Planning Panel (NRPP)) to undertake an independent external review of Council's assessment of the original development application prior to determination of DA2020-0138 by the NRPP on 23 September 2020.

In considering a Section 4.55(1A) Modification Application the consent authority must be satisfied of the following:

- that the proposed modification is of minimal environmental impact; and
- it is satisfied that the development to which the consent as modified relates is

substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified.

Following assessment of the proposed modification, both Council staff and the independent consultant are satisfied that the modified development is substantially the same as that approved under DA2020-0138, as the proposed use, operation and size and capacity of the facility remains unchanged.

The proposed increase in the biofilter results in an improved environmental outcome and the increase in height of the receivals shed is considered to be of negligible impact based on the approved setbacks and distance of the works from surrounding properties.

Clause 275 of the Environmental Planning and Assessment Regulation 2021 requires the Council of the area to be the determining authority rather than the Northern Regional Planning Panel (NRPP) if the modification is determined to be a Section 4.55(1A) modification under the Environmental Planning and Assessment Act 1979.

Based upon the above, it is deemed that the subject Section 4.55(1A) Modification Application is able to be determined by Council as opposed to the original determination authority, being the NRPP.

## **COMMENTARY**

### **SUBJECT SITE AND LOCALITY MAP**

The proposed facility is located at 284 Gidley Appleby Road, Gidley (Lot 61 DP 707563) and contains a total site area of 117.5ha (Figure 1). The site is located approximately 15km from the Tamworth CBD and has a long agricultural land use history involving both cropping and grazing pursuits.

The footprint of the facility will remain unchanged from that originally approved (approximately 11 hectares in size) and is located on the southern boundary. The topography of the site and surrounding area is generally flat, with a gentle undulation running west to east towards the Peel River which is located approximately 700m east of the subject property.

Surrounding development includes a mix of agricultural land uses ranging from general cropping and grazing activities to large scale intensive poultry operations. The surrounding area includes several rural dwellings within a 1km radius of the proposed development.

The subject site enjoys frontage and uninterrupted access to Gidley Appleby Road which is a bitumen sealed road. Access to Oxley Highway and Manilla Road which are both classified roads is via Appleby Lane.

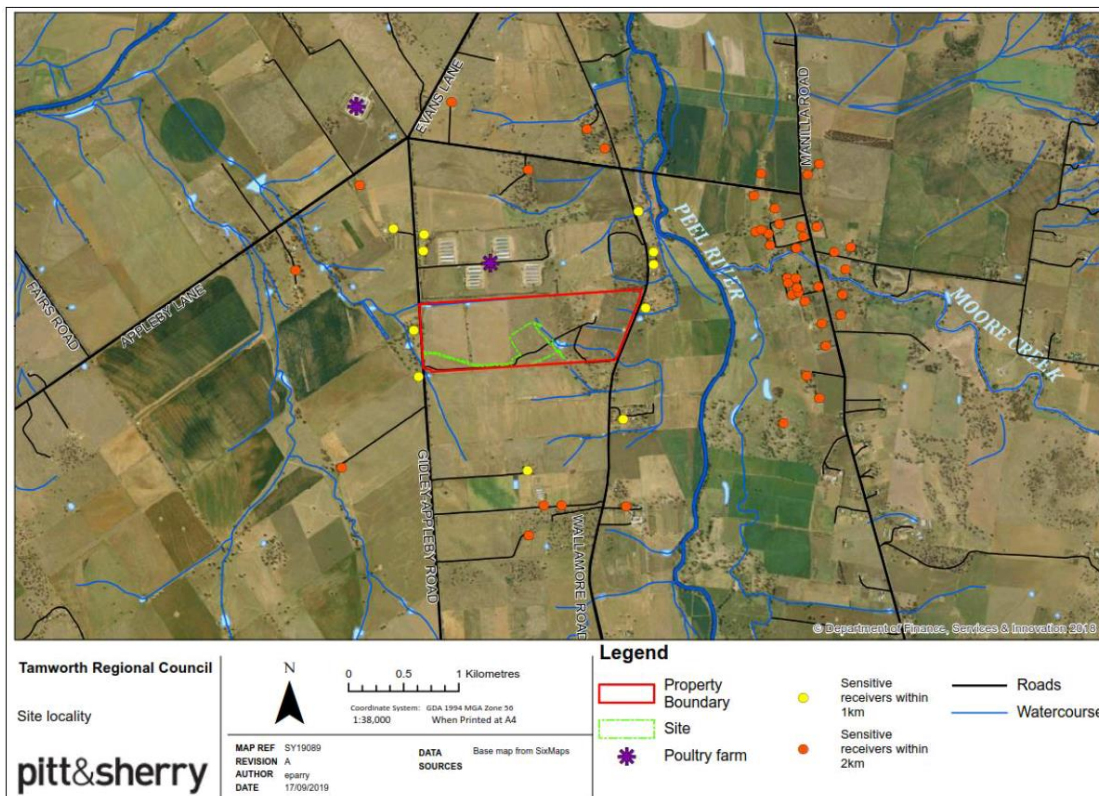


Figure 1– Subject Site

#### SECTION 4.55(1A) MODIFICATION APPLICATION

The proposed Section 4.55(1A) modification seeks to modify the development (as approved) by way of the following:

- increase in size of the Biofilter;
- removal of dividing road within the maturation pad and inclusion of additional hardstand area;
- increase in height of receivals shed from 10.65m to 11.95m;
- addition of a staff training room adjacent to the approved office;
- addition of a gatehouse adjacent to the approved office building;
- reduction in size of equipment shed and inclusion of laboratory space within the shed; and
- relocation of a number of conditions of consent relating to road works from prior to Construction Certificate to prior to Occupation Certificate.

The application was referred to the following internal (Council) and external agencies that have raised no objection to the modification:



*External:*

- Essential Energy;
- Civil Aviation Safety Authority;
- NSW Environment Protection Authority;
- Transport for NSW;
- Department of Planning and Environment - Biodiversity, Conservation and Science Directorate (BCS);
- Department of Primary Industries – Agriculture;
- Country Rail Network;
- Natural Resources Access Regulator (NRAR); and
- Airservices Australia

*Internal:*

- Building Certification;
- Integrated Planning;
- Environmental Health;
- TRC Airport Manager; and
- Development Engineering.

The full assessment report prepared by *The Planning Hub* is **ATTACHED** in **ANNEXURE 1**. The modified plan set is **ATTACHED** in **ANNEXURE 2**.

**PUBLIC EXHIBITION**

*Section 4.55(1A) Modification Application*

The Application was advertised and notified to adjoining and nearby landowners between 27 June and 25 July 2022. A total of 22 public submissions objecting to the application were received of which two were unique and the remaining 20 were duplicate letters signed by different residents.

The public submissions raised the following concerns / issues:

- the development as modified would not be carried out in accordance with the Northern Regional Planning Panel's determination and conditions; and
- the proposed biofilter will not be of a sufficient size to accommodate an increase in capacity of the facility from 35,000 tonnes per annum to 50,000 tonnes per annum.

Based on *The Planning Hub's* review of the proposed amendment to the conditions, it is recommended that only the amendments supported by TfNSW should be approved to ensure the modification is of minimal environmental impact and remains consistent with the development as originally approved by the NRPP.

It is noted that the modification does not propose an increase in the capacity of the facility and therefore the concerns regarding the size of the biofilter are not deemed to be relevant.

The issues raised in the public submissions are therefore considered to be adequately addressed.

The public submissions received are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The Application was publicly notified between 27 June 2022 and 25 July 2022. A total of 22 public submissions were received.

**(e) Reason for Consideration by Council**

The applicant lodged a Section 4.55(1A) Modification Application in accordance with *Environmental Planning and Assessment Act 1979*. Clause 275 of the *Environmental Planning and Assessment Regulation 2021* requires Councils to determine Section 4.55(1A) modification applications for the modification of development consents under the Act.

**CONCLUSION**

The independent assessment report provides a review of the modified development in accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, and includes an assessment of all relevant matters listed under the *Environmental Planning and Assessment Act 1979*, and issues raised in the public submissions.

In this instance, the assessment report recommends that the application be determined by the granting of conditional approval.

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## 7.2 STREET TREES - URBAN SUBDIVISIONS - FINAL ADOPTION

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Steve Brake, Manager Development Engineering  
**Reference:** Item 7.5 to Ordinary Council 26 October 2021 - Minute No 303/21

**1 ANNEXURES ATTACHED**

### RECOMMENDATION

*That in relation to the report “Street Trees - Urban Subdivisions - Final Adoption”, Council:*

- (i) notes the submissions received during the exhibition period; and*
- (ii) adopts the changes to the Tamworth Regional Development Control Plan, and Council’s Engineering Design Minimum Standards for Subdivisions and Developments, as recommended in the 26 October 2021 report “Street Trees – Urban Subdivisions”, with minor amendments as outlined in this report.*

### SUMMARY

At Council’s Ordinary meeting of 26 October 2021, Council considered a report “Street Trees – Urban Subdivisions”. This follow-up report discusses feedback received during the exhibition period and recommends adoption of the various changes to the Tamworth Regional Development Control Plan (DCP), and Council’s Engineering Design Minimum Standards for Subdivisions and Developments, with minor amendments to reflect the submitted feedback. It is noted that the previously recommended changes to the Fees and Charges Schedule are already included in Council’s adopted Fees and Charges Schedule for the 2022-2023 financial year.

### COMMENTARY

At its meeting of 26 October 2021, Council considered a report “Street Trees – Urban Subdivisions”, and resolved as follows:

*“That in relation to the report “Street Trees – Urban Subdivision”, Council:*

- i) place the amended Development Control Plan clause, the amended Engineering Design Minimum Standards for Subdivisions and Developments, and the new entry in the Fees and Charges schedule included in the body of the report on public exhibition for 28 days;*
- ii) refer the same amendments and additions to the land development industry for comment and feedback; and*
- iii) require a future report outlining any feedback and submissions made during this period.”*

The October 2021 report is **ATTACHED**, refer **ANNEXURE 1**.



The documentation was placed on exhibition and referred to the development industry for comment. The following comments were received in response to the exhibition and referral process:

Source:	Comment:	Recommended Action
Bath Stewart Associates	Various comments pertaining specifically to the previously exhibited and adopted "Urban Street Tree Management Plan" (USTMP). This document was ancillary to the exhibited documents and was not the primary focus of the exhibition. Notwithstanding, the comments received should be considered in any future review of the USTMP.	The comments have been forwarded to Council's Horticulture and Arboriculture Specialist for assessment and action as appropriate.
Council's Horticulture and Arboriculture Specialist	The allocation of street trees at one per lot frontage is only appropriate for small lots. Where larger lots are concerned, it would be more appropriate to nominate a street tree density based on achieving an average spacing of say 30m.	Amend the provisions such that the required density of street trees is at least one per lot, but in any event to result in an average spacing along each verge of no more than 30m.

In order to give effect to the recommended action around the spacing of street trees, the following minor amendments to the previously drafted provisions are recommended:

**Tamworth Regional Development Control Plan (DCP):**

The DCP defines the definition of subdivision for the purpose of street tree planting. In order to clarify the scope of the term "subdivision", the following replacement text is recommended:

Urban residential (lot sizes less than 1.0ha), and all commercial and industrial subdivision involving new road construction shall include street tree planting of suitable species.

### Engineering Design Minimum Standards for Subdivisions and Developments:

Clause 6.9 of the Engineering Design Minimum Standards for Subdivisions and Developments deals with street trees. The following additional changes are recommended in order to clarify required spacing of street trees in the cases where new lots have large frontages:

#### 6.9 TREES AND SHRUBS:

The developer will be required to lodge with Council sufficient funds to permit the planting of one street tree per standard residential lot, or two street trees in the case of corner lots. **Notwithstanding these requirements, an average spacing of street trees along each verge of no more than 30 metres shall be achieved.** Street trees will be tube stock, or bare root stock in the case of deciduous trees. The value of the funds shall be calculated based on the cost per street tree as nominated in Council's Annual Fees and Charges document. These funds will be utilised by Council to purchase and plant street trees when the subdivision is 75% occupied or at the end of two years, whichever occurs first.

Alternatively, the developer may, with the approval of the Director Regional Services, plant one approved street tree/s per standard residential lot, or two street trees in the case of corner lots. Such trees are to be located in the footway within the road reserve central to the lot frontage and in accordance with the approved services locality plan. The works will be subject to a two-year maintenance period with a maintenance bond payable in accordance with Section 1.7.3. Planting shall only take place in favourable conditions, nominally spring or autumn. The option to plant street trees in lieu of payment to Council will not be available if:

- level 3, 4 or 5 water restrictions prevail, or;
- the number of street trees in the stage is less than or equal to 10.

The theme of trees and shrubs to be planted shall be identified in the landscape plan and approved by Council based on criteria including suitability to site conditions, compatibility with existing vegetation and planting themes for the locality.

Clear zone requirements must be achieved for street trees in accordance with Section 2.9.5.1.

#### (a) Policy Implications

This report recommends updates to Council's Development Control Plan, and Engineering Minimum Standards for Subdivisions and Developments.

#### (b) Financial Implications

The changes to Council's Fees and Charges Schedule that form part of the revised process (outlined in the report endorsed by Council in October 2021), were placed on public exhibition subsequent to Council's resolution. Noting that no adverse submissions were received the updated fees and charges were included and adopted by Council in its 2022-2023 Fees and Charges Schedule.

#### (c) Legal Implications

Nil

**(d) Community Consultation**

The required community and industry consultation was carried out in late 2021 and early 2022.

**(e) Delivery Program Objective/Strategy**

Focus Area 2 - A Liveable Built Environment.

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING - 23 NOVEMBER 2022**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Jonathon Dunlop, Projects Engineer (Rotation)**

**17 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Local Traffic Committee General Meeting - 23 November 2022”, Council:*

- (i) approve the installation of one disabled parking space and kerb access on Petra Avenue outside of Tamworth South Public School;*
- (ii) approve the installation of signage and linemarking plans for Retreat Road, Watsons Creek Road and Duri-Dungowan Road;*
- (iii) approve the installation of signage and linemarking plans for the proposed box culvert bridge over the existing Davidsons Lane causeway Moore Creek, and the works at the intersection of Upper Moore Creek Road and Moonbi Gap Road;*
- (iv) approve the installation of the proposed signage and linemarking plans for the proposed works on the Jewry Street Taminda Extension Project;*
- (v) approve the installation of the proposed signage and linemarking plans for the Bridge Replacement Projects at Allambie Bridge, Benama Bridge, Fishers Bridge, Hidden Bridge, Retreat Bridge and Warrabah Bridge; and*
- (vi) approve the proposed traffic impacts and the proposed traffic management of the Tamworth Country Music Festival 2023 event from 7 January 2023 to 24 January 2023.*

#### **SUMMARY**

The purpose of this report is to advise Council of six recommendations made by the Tamworth Regional Local Traffic Committee (the Committee) at the meeting held on 23 November 2022.

#### **COMMENTARY**

The minutes from the Committee meeting held on 23 November 2022 are **ATTACHED**, refer **ANNEXURE 1**.

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#### **48/2022 – Disabled Parking Space on Petra Avenue outside of South Tamworth Public School**

It has been requested that a disabled parking space be installed on Petra Avenue outside of South Tamworth Public School.

Tamworth Regional Council (Council) staff met with the school Principal to discuss the most appropriate location for the space, and identified an area near the entrance on Petra Avenue.

There are currently no students in wheelchairs at the school and with school support Council is suggesting installing one 7.8m long disabled parking space on Petra Avenue, zoned during school drop off and pick up hours, being 8:00am – 9:30am and 2:30pm – 4:00pm. Figure 1 below shows the proposed disabled parking space on Petra Avenue.



*Figure 2 – proposed disabled parking space on Petra Avenue*

**COMMITTEE RECOMMENDATION:** the Committee give in principle support to the installation of one disabled parking space, with kerb access, on Petra Avenue, South Tamworth, zoned during school drop off and pick up hours, being 8:00am - 9:30am and 2:30pm – 4:00pm.

#### **49/2022 – Signage and Linemarking for Retreat Road, Watsons Creek Road and Duri Dungowan Road.**

Council is at various stages of completion of various road projects throughout the region, including works on Retreat Road, Watsons Creek Road and Duri Dungowan Road. As part of these road upgrade projects, there are a number of proposed changes to the pre-existing linemarking conditions on these roads. The signage and linemarking plans for these various projects are **ATTACHED**, refer **ANNEXURE 2**, **ANNEXURE 3** and **ANNEXURE 4**.

**COMMITTEE RECOMMENDATION:** the Committee support the installation of the proposed signage and linemarking plans for the Retreat Road, Watsons Creek Road and Duri-Dungowan Road upgrade projects.

#### **50/2022 – Hallsville to Moonbi – Signage and Linemarking Package 2**

As part of the Hallsville to Moonbi Road safety improvement project, there are a number of proposed changes to the pre-existing linemarking conditions on both the proposed box culvert bridge over the existing Davidsons Lane causeway, Moore Creek, and the works at the intersection of Upper Moore Creek Road and Moonbi Gap Road. The signage and linemarking plans for these locations are **ATTACHED**, refer **ANNEXURE 5** and **ANNEXURE 6**.

**COMMITTEE RECOMMENDATION:** the Committee support the installation of the proposed signage and linemarking plans for the proposed box culvert bridge over the existing Davidsons Lane causeway, Moore Creek and the works at the intersection of Upper Moore Creek Road and Moonbi Gap Road, as part of the Hallsville to Moonbi Road Safety project.

#### **51/2022 – Jewry Street Taminda Extension – Signage and Linemarking**

As part of the Jewry Street Taminda Extension Project there are a number of proposed changes to the pre-existing linemarking on Wallamore Road, and new signage and linemarking on the segment of new road to be constructed. The signage and linemarking plans for these locations are **ATTACHED**, refer **ANNEXURE 7**.

**COMMITTEE RECOMMENDATION:** the Committee support the installation of the proposed signage and linemarking plans for the proposed works on the Jewry Street Taminda Extension Project.

#### **52/2022 – Signage and Linemarking Bridge Package**

Council is currently undertaking multiple bridge replacements, including Allambie Bridge, Benama Bridge, Fishers Bridge, Hidden Bridge, Retreat Bridge and Warrabah Bridge.

As part of these replacement projects, there are a number of proposed changes to the signage and linemarking at these locations. The signage and linemarking plans for these locations are **ATTACHED**, refer **ANNEXURE 8**, **ANNEXURE 9**, **ANNEXURE 10**, **ANNEXURE 11**, **ANNEXURE 12** and **ANNEXURE 13**.

**COMMITTEE RECOMMENDATION:** the Committee support the installation of the proposed signage and linemarking plans for the Bridge Replacement Projects, at Allambie Bridge, Benama Bridge, Fishers Bridge, Hidden Bridge, Retreat Bridge and Warrabah Bridge.

#### **53/2022 – 2023 Tamworth Country Music Festival – Traffic Management**

Council intends on hosting the 2023 Tamworth Country Music Festival (TCMF), with various road impacts and events, from 7 January 2023 until 24 January 2023.

The proposed road closure matrix is shown below in Figure 2.



TAMWORTH COUNTRY MUSIC FESTIVAL FRIDAY 13/01/2023 to SUNDAY 22/01/2023 TRAFFIC MANAGEMENT PLAN 2023							
Day	Date	Peel Street White Street to Brisbane Street	Kable Avenue Brisbane Street to south of Fitzroy Street	Fitzroy Street Smith Place egress to Peel Street	Fitzroy Street Peel Street to Kable Avenue	Peel Street Brisbane Street to Bourke Street and <b>Brisbane Street</b> Kable Avenue to Marius Street	
Saturday	07/01/2023				Closed 11pm	Remain Open	
Tuesday	10/01/2023			Closed 5am	Closed Day/Night		
Wednesday	11/01/2023		Closed 5am	Closed Day/Night			
Thursday	12/1/2023	Closed 4am	Closed Day/Night				
Friday	13/1/2023	Closed Day/Night					
Saturday	14/1/2023						
Sunday	15/1/2023						
Monday	16/1/2023						
Tuesday	17/1/2023						
Wednesday	18/1/2023						
Thursday	19/1/2023						
Friday	20/1/2023						
Saturday	21/1/2023						
Sunday	22/1/2023						
Monday	23/1/2023	Re-open 7pm					
Tuesday	24/1/2023		Re-open midday	Re-open 7pm	Re-open 7pm		
Riverside Camping Area Temporary Closures							
Carter Street Camping Area Friday 6/01/2023 to Tuesday 24/1/2023.		Carter Street, between Plain & Bridge Streets closed from 7am on Friday 6/1/2023 until 6am on Tuesday 24/1/2023  Plain Street, between Ebsworth & Carter Streets closed from 7am on Friday 6/1/2023 until 7am on Tuesday 24/1/2023.					

Figure 2 – proposed road closure matrix

The draft traffic management plan, emergency risk management and operational sub-plan, can be found **ATTACHED**, refer **ANNEXURE 14** and **ANNEXURE 15**.

The combined Traffic Guidance System (TGS) for the event is **ATTACHED**, refer **ANNEXURE 16**.

The Hostile Vehicle Mitigation (HVM) plan can be found **ATTACHED**, refer **ANNEXURE 17**.

As a note on changes for this event, from events that have been held in previous years, the model for this year's event is loosely based on the historical model that was last utilised in 2019 (prior to impacts due to COVID).

Some key changes when compared with previous events are as follows:

- there is no cavalcade to be held on the final Saturday of the TCMF;
- there will be an additional point of entry into the road closure area in the central business district (CBD) via the White Street and Peel Street roundabout, in the form of a 24 hour traffic marshal controlled, concrete block chicane; and
- the entry point to the road closure area located on Kable Avenue has been moved slightly further to the north to allow more free traffic movements out of the private commercial driveway, located immediately adjacent to the Ray Walsh House fleet vehicle carpark.

These documents are to be forwarded to Transport for NSW (TfNSW) and NSW Police for approval.

TfNSW advise that traffic light phasing will all be set as a separate site for the TCMF period, to reduce pedestrian jaywalking at the Peel Street/Brisbane Street intersection.

Note: a large container was placed on detector loops at Peel Street in a previous Festival, which affected phasing, and is to be avoided going forward.

**COMMITTEE RECOMMENDATION:** that the Committee support the proposed traffic impacts and the proposed traffic management of the TCMF 2023 event from 7 January 2023 to 24 January 2023.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

48/2022 – Shall be funded from the existing operations signage and linemarking budget.

49/2022, 50/2022, 51/2022, 52/2022 – Shall all be funded from their respective project budgets.

53/2022 – Shall be funded by the existing special event traffic management budget.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

Focus Area 5 – Connect our Region and Citizens.

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## **8.2 TAMWORTH VETERANS CRICKET ENGLAND OVER 70s TOUR MATCH FEE WAIVER REQUEST**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Blake Mammarella, Sports and Recreation Development Officer  
Paul Kelly, Manager Sports and Recreation

### **RECOMMENDATION**

*That in relation to the report “Tamworth Veterans Cricket England Over 70s Tour Match Fee Waiver Request”, Council contribute to the cricket match by:*

- (i) waiving field, lighting and bin hire fees; and*
- (ii) covering the cost of marquee hire and any other operational related expenses.*

### **SUMMARY**

As part of a planned cricket match between the touring over 70s England Cricket team and the over 70s NSW Waratahs team, Tamworth Veterans Cricket (TVC) have requested financial support from Tamworth Regional Council (Council) for the hosting of this cricket match.

### **COMMENTARY**

TVC, through Veterans Cricket NSW, have secured a cricket match against a touring England Over 70's Cricket Team on Thursday 9 February 2023. This upcoming game will be the first since the successful England Over 60's Team toured in 2019. Due to the significance of this event, TVC has requested Council support the event through the:

- waiving of field hire, bin hire, lighting and preparation charges associated with the cricket match;
- covering the fees associated with the temporary hiring of two marquees to be used as additional changerooms for the cricket match; and
- covering of costs associated with a civic reception.

In relation to the event, an invitation has been extended to the Mayor, Councillors, General Manager and senior staff to attend the civic reception held at West Tamworth Leagues Club on the morning of the game, Thursday 9 February 2023. This reception will include a breakfast and a presentation of the player's match day shirts. Furthermore, an invitation has been extended to the Mayor to speak at a welcome ceremony before the commencement of the game.

A great deal of gratitude has been expressed to Council from both teams for this opportunity, as this is one of only two civic receptions the English team will receive whilst on its tour of Australia.

Specific costs associated with the event are detailed below in Table 1:



Table 1 – Event costs

Item	Costs (GST Inclusive)
Field preparation	\$243.25
Field hire	\$376.20
Lighting	\$99.69
Event bins	\$110.00
Marquee hire x 2	\$2,190.80
<b>Total</b>	<b>\$3,019.94</b>

While the number of visitors that this event will attract is not significant, it is a unique opportunity to showcase Tamworth to an international contingent, as was successfully done in 2019.

Although the request from the TVC is for Council to cover costs associated with the civic reception, as was supported in 2019, the Sports and Recreation division technical staff have determined that this reception falls outside of the costs covered under the Sport Event Subsidisation Policy (SESP) criteria. Given the above, it is recommended that Council waive field hire fees for the game and the associated marquees required, but not the civic reception, which is estimated at \$1,000.00.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The Sports and Recreation division has an annual budget allocation for events subsidised under the SESP. The game fees, estimated to be approximately \$3,019.94 (GST inclusive), will be deducted from this budget.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

Focus Area 2 - A liveable built environment

### **8.3 KOOTINGAL LIBRARY PROJECT - PROPOSED SCOPE AND CONSTRUCTION CONTRACT**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Gina Vereker, Director Liveable Communities  
Callum Fletcher, Senior Project Engineer  
**Reference:** Item 12.6 to Ordinary Council 11 October 2022 - Minute No 310/22

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Kootingal Library Project - Proposed Scope and Construction Contract”, Council:*

- (i) make provision of \$300,000 in the 2023/24 financial year to supplement the total budget for the project;*
- (ii) note the proposed initial lump sum contract amount for Rice Constructions Pty Ltd (ABN 32 149 851 114); and*
- (iii) note the proposed design changes.*

#### **SUMMARY**

This report seeks Council approval to allocate additional funding for the Kootingal Library Project in order to undertake the project with the minimum scope of works acceptable to the key project stakeholders, including the community.

#### **COMMENTARY**

##### **Tender**

A tender for the design and construction of the Kootingal Library Project closed on 20 September 2022. Tendered sums received were significantly above the budget available at the time and Council endorsed a recommendation to not accept a tender and negotiate directly with the preferred tenderer, Rice Constructions Pty Ltd (Rice). Refer to Item 12.6 to Ordinary Council 11 October 2022 – Minute No 310/22.

Negotiations have been ongoing between the Tamworth Regional Council (Council) project team and Rice for the past six (6) weeks. These negotiations have been conducted collaboratively, however have been unable to achieve an acceptable outcome for the existing project budget. As a result, additional funding is now requested in order to deliver the minimum scope deemed acceptable by the key project stakeholders.

##### **Proposed Scope**

The minimum scope proposed for the project following negotiations between Rice and Council, and subsequent consultation with key project stakeholders is:

- demolition of the existing library within the hall, outdoor toilet block at the rear of the hall, and sections at the rear of the hall to enable the library to be constructed;

- construction of the new library in accordance with the Library Council of NSW guidelines to achieve a minimum of 295 square metres total floor space, including:
  - main library area;
  - staff room;
  - technology and services;
- make good the existing hall, including:
  - patching and painting where library walls and fixtures have been removed;
  - refurbishment of the existing toilet on the southern wall (in lieu of a new bathroom);
  - construction of change room cubicles and storage.
- construction of shared facilities between the library and hall, including:
  - kitchen (reusing existing (basically new) appliances);
  - accessible unisex toilet facilities including a baby change table;
  - conference / meeting / community room;
- external pathways, ramps, and handrails as required by the Building Code of Australia; and
- external car parking facilities.

Refer, **ANNEXURE 1** for the initial concept design developed for public consultation and submission of a development application as well as an indicative markup of the main changes proposed in the building layout and room provisions. A modified development application will be submitted for this project once revised design drawings are developed.

The appearance of the new library is proposed to be generally as per the previous design and approved development application, however alternative external wall cladding is being considered as another cost-saving measure. The existing external cladding on the hall, including the eastern brick façade, is proposed to be retained.

Rice has provided an updated lump sum contract amount of approximately \$1.45 million to design and construct this proposed scope. The project team has assessed this as representing good value for money, being consistent with unit rates and amounts tendered by Rice in September 2022.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The current \$1.53 million project budget is made up of:

- LRCI Phase 3 grant funding - \$1.2 million;
- State Library grant funding - \$200,000;
- Council's Building Services Special Rate Variation (SRV) - Kootingal Hall redevelopment allocation - \$80,000; and
- Council's Buildings Services budget - Kootingal Hall toilet renewal allocation - \$50,000.

The project recommends that Council make provision for an additional \$300,000 in the 2023/24 financial year to supplement the currently available funds and ensure an appropriate contingency for unforeseen additional costs. Due to significant market volatility in recent months in relation to material costs and subcontractor/ consultant contract prices, the project scope may need to be reduced slightly if late project expenditure forecasts result in potential budget exceedance.

The following two components of works have not been included in the total project budget as they are intended to be wholly funded by alternative funding sources and so do not impact on the affordability of this tender:

- the relocation of the sewer rising main on the north side of the new library building will be funded from the Water and Waste directorate's Sewer Reserve, with the works currently estimated at \$100,000; and
- the design and construction of the adjoining carpark is proposed to be funded from Regional Services' Civil Construction Reserve, with the works currently estimated at \$125,000.

Additional funding sources will be investigated throughout the project in order to increase the value of the facility, including sustainability funding opportunities to fund water saving landscaping, solar panels, and water tanks.

All figures are excluding GST.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Communication of the changes to the scope of works will be communicated via Council's Have Your Say portal established for the project, which is also linked from Council's website.

Social media updates may also be utilised if deemed appropriate by the Project Control Group.

Tenderers will be notified of the outcome of the tender in accordance with NSW Local Government tendering requirements.

**(e) Delivery Program Objective/Strategy**

Focus Area 2 – A liveable built environment

Focus Area 7 – Celebrate our culture and heritage

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#### 8.4 REPAIR OF JEWRY STREET HEADCUT

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Murray Russell, Manager - Operations

**2 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Repair of Jewry Street Headcut”, Council:*

- (i) allocate \$250,000 from the Roadworks (Financial Assistance Grant Roads Component) Reserve to the proposed repair; and*
- (ii) seek funding support for the proposed repair from the State and Federal Governments through the Natural Disaster Arrangements.*

#### **SUMMARY**

This report provides Council with information about the recent erosion on the Peel River floodplain which has resulted in a significant headcut developing downstream of Jewry Street. The report also seeks Council support for funding towards the proposed control of this erosion before it impacts Jewry Street.

#### **COMMENTARY**

A headcut is a deep eroded gully created when a disturbance happens to a river bed, resulting in a small waterfall. This waterfall erodes its own face, causing a deep gully to quickly progress upstream. Tamworth Regional Council's (Council) most recent experience with a headcut was when a small creek was disturbed adjacent to Moore Creek, with the resulting erosion cutting quickly through Langens Lane. A brief fact sheet about headcuts is **ATTACHED**, refer **ANNEXURE 1**.

Over recent years, a headcut has developed on the Peel River floodplain downstream of Jewry Street. During the recent series of floods, this headcut has moved very quickly upstream, with progress of approximately 70m in the last two months. The headcut is approximately 40m wide and 5m deep, and is likely to impact on Jewry Street within the next few flood events. A series of aerial photos of the site have been **ATTACHED**, refer **ANNEXURE 2**

Given the very wet catchment, and the continued forecast of wet weather across the summer, there is an imminent risk of the headcut impacting Jewry Street. Although such an impact would attract funding for infrastructure reinstatement through the Natural Disaster Arrangements (NDA), the anticipated impact on Tamworth's economy would be significant. At the same time, the cost of mitigation is expected to be significantly less than the cost of future infrastructure repairs. For this reason, the immediate management of the Jewry Street headcut is being treated as a high priority.

Council's engineers have undertaken design of proposed protection works. The works will involve reshaping the channel and installing large rock mattresses to absorb the turbulent energy of the floodwater. Similar protection works have been successfully installed by Council on an eroded channel just west of the Tamworth Jockey Club approximately four years ago. The estimated cost of the proposed works on the Jewry Street headcut is \$250,000, although it should be noted that there is currently significant uncertainty around this estimate. Following approval by the General Manager, preliminary work has already commenced on the repair.

The remediation of the Jewry Street headcut would not normally qualify for funding under the NDA despite the erosion being the obvious result of flooding. The NDA generally only provides funding towards reinstatement of damaged critical infrastructure. To date, the Jewry Street headcut has not damaged the nearby road infrastructure. Despite this, Council staff have commenced discussions with Resilience NSW with the aim of securing funding aimed at preventing a future significant impact. It is hoped that this may result in some State and Federal Government contribution to the proposed works, but such a contribution cannot yet be confirmed.

Given the critical need for this repair, the proposed works will be funded from Council's existing road related asset management reserves. These reserves will be reimbursed in the event that Council receives a co-contribution from the State and/or Federal Government.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The proposed works will be funded by Council's Roadworks (FAG Roads Component) Reserve. A portion of these funds will be reimbursed if a co-contribution is secured from the State and/or Federal Government.

**(c) Legal Implications**

The Jewry Street headcut is located on Council owned land downstream of Jewry Street. Council is also the Roads Authority and owner of Jewry Street.

The location of the works is not considered to be key fish habitat, so can be undertaken without a Fisheries Permit.

**(d) Community Consultation**

There has not been any community consultation undertaken in relation to the proposed works. It is likely that this matter will be of interest and Council will keep the community informed through its usual communication processes.

**(e) Delivery Program Objective/Strategy**

Focus area 5 – Connect our region and its citizens

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## **8.5 AUSTRALIAN DRINKING WATER GUIDELINES INCLUSION OF MICROBIAL HEALTH BASED TARGETS**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager - Water and Environmental Operations  
**Reference:** Item 8.9 to Ordinary Council 22 November 2016 - Minute No. 355/16

**1 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Australian Drinking Water Guidelines Inclusion of Microbial Health Based Targets”, Council:*

- (i) receive and note the report; and*
- (ii) request the Director Water and Waste prepare a further report in relation to this matter, once the review of microbial health-based targets being undertaken on Council’s water supplies is completed.*

### **SUMMARY**

The purpose of this report is to advise Council of the inclusion of microbial health based targets by the National Health and Medical Research Council in the Australian Drinking Water Guidelines.

### **COMMENTARY**

At its meeting of 22 November 2016, a report was presented to Council in relation to the potential adoption of microbial health based targets in future versions of the Australian Drinking Water Guidelines (ADWG). The ADWG have been developed by the National Health and Medical Research Council (NHMRC) and are designed to provide an authoritative reference to the Australian community and the water supply industry on what defines safe, good quality drinking water, how it can be achieved and how it can be assured. The ADWG undergo continuous revision to ensure they represent the latest and best scientific evidence on good quality drinking water.

During 2016 the NHMRC first raised the potential inclusion of microbial health based targets within the ADWG. The NHMRC at the time released a draft framework for microbial health based targets for public consultation. The purpose of the proposed introduction of microbial health based targets was to define a tolerably low level of microbial risk for drinking water and then detail how this target helps define performance targets for treatment barriers.

The NHMRC released the Draft Framework for Microbial Health Based Targets on 5 September 2016, for public comment. The consultation period concluded 4 November 2016.

At the time it was identified that the issue of microbial health based targets would impact all water authorities in NSW. As such, the NSW Water Directorate, which is a voluntary member based organisation that represents approximately 90% of NSW local water utilities, and over 40% of all the water utilities in Australia completed a submission on behalf of its members (including Tamworth Regional Council) in relation the draft framework for microbial health based targets prepared by the NHMRC. The key conclusion of the submission was as follows:

*'It is the position of the NSW Water Directorate that it is too early to consider implementation of microbial health based targets. The evidence on which the Draft HBT Framework is based is insufficient to justify the enormous infrastructure investment that would be required to meet the Framework. Specific concerns include:*

- *typical catchments for western NSW were not well considered in the Deere et al (2014) paper on which the bin or category classification is based;*
- *no credits are given for environmental land and water inactivation of pathogen infectivity; and*
- *little recognition of the proximity of the activity relative to the source water offtake, particularly for run of river systems'.*

Following early consultation, and the feedback from water utilities that the adoption of microbial health based target would lead to significant capital investment throughout NSW and Australia, there was very little feedback or further consultation from NHMRC in relation to the adoption of microbial health based targets until the inclusion in the latest version of the ADWG in September 2022.

In September 2022, the ADWG guidelines were updated and included guidance on microbial health based targets. Prior to the inclusion of the targets, the only testing recommended for water microbial safety in the ADWG was the absence of *Escherichia coli* (*E. coli*) per 100 millilitres of water. The revised ADWG microbial health based targets also consider viral and protozoan pathogens.

The process of microbial health based targets requires water authorities to complete a risk assessment of the water supply catchment to determine the risks of bacteria, virus and protozoan pathogens that are potentially present. Water supply catchments are separated into four risk categories as follows:

- 1) **protected catchment** - This catchment would consist of natural bushland protection supported by enforced regulation. Low intensity/low risk activities may be allowed in the outer catchment, but active source protection (e.g., ranger patrols) would be practiced to ensure negligible contamination risk;
- 2) **moderately protected catchment** - This catchment would consist of a bushland inner catchment area, low-density rural outer catchment area. Stock would be fully fenced out of main feeder streams to the reservoir, and these streams would be lined with vegetated buffer zones. Protection would be supported by enforced regulation. Low level and low intensity activities may be allowed within the outer catchment, but active source protection (e.g. ranger patrols) would be practiced to minimise contamination risk;
- 3) **poorly protected catchment** - This catchment would consist of medium density rural development in the outer catchment, possibly including some limited areas of urban development. Wastewater plant effluent within the catchment would be filtered and disinfected and the potential for sewer spills would be actively minimised. Major sewer

overflows or treatment failures into source water would lead to the shutdown of any downstream water treatment plant or the issuing of a boil water advisory. Stock may have access to main feeder streams in the outer catchment area. Protection supported by enforced regulation within inner catchment area; and

- 4) **unprotected catchment** - This catchment would consist of urban inputs, the total quantity of treated sewage or stormwater effluent flowing into the catchment is sufficiently limited so that the Phase 2 Australian Guidelines for Water Recycling need not be applied. Reasonable upper limits are flows that consist of no more than 10% treated sewage effluent and 30% stormwater runoff. Any sewage or intensive agricultural effluent would be treated (filtered and disinfected) and potential for spills would be actively minimised. Major sewer overflows or treatment failures into source water would lead to the shutdown of any downstream water treatment plant or the issuing of a boil water advisory.

Once the above catchment risk assessment has been completed, a review of the water treatment barriers used is completed to determine if the microbial health based targets are achieved. The water treatment technologies required to be implemented for each category of water supply catchment is provided in the following table:

Source water type	Minimum treatment requirements expressed as LRV targets <sup>1</sup>			Indicative specified treatment technologies <sup>2</sup>
	<i>Cryptosporidium</i>	Bacteria	Viruses	
Protected groundwater	0.0	0.0	0.0	None
Protected surface water (no human or livestock waste in catchment)	0.0	4.0	0.0	Chlorination
Shallow groundwater or surface water with moderate levels of protection	2.5	5.0	3.0	Direct filtration and chlorination
Shallow groundwater or surface water with poor levels of protection	3.5	5.0	4.0	Conventional filtration and chlorination
Unprotected surface water	5.5	6.0	6.0	Conventional filtration, UV irradiation and chlorination

LRV refers to Log Reduction Value of pathogens

<sup>1</sup> USEPA (2006, 2010), New Zealand (2008) and Canadian Guidelines (2001, 2012)

<sup>2</sup> Adapted from USEPA 2006, 2010

By way of explanation:

Depending on the source of water for a drinking water treatment plant and the assessed risks associated with contamination of water from the source, then a range of treatment technologies will be required at the plant to adequately address the risk of contamination in the final drinking water. Each technology is considered to have an effective ability to reduce pathogens expressed as a log reduction value – for example Chlorination is considered to effectively remove pathogens to the value of 4 LRV. Therefore, with reference to the table above, if the raw water at a water treatment plant came from a protected surface water catchment, then Chlorination would be the only treatment technology required. Additional treatment technologies maybe required if the risk from contamination from the raw water source requires greater than 4 Log reduction removal.

### **Tamworth Regional Council's Current Position**

In March 2016, Council engaged Atom Consulting to review Council's current position in relation to proposed microbial health based targets for each of its water supplies. The primary reason for this was Council was in the process of designing new water treatment infrastructure at Manilla and Nundle. It was the view of staff, given the expected design life of this infrastructure (in excess of 50 years), that the designs needed to have capacity to meet any future microbial health based targets or allow treatment infrastructure to be easily modified in the future at minimal capital cost to Council. It should be noted that at the time no discussion paper had been released by the NHMRC for public comment. This Discussion Paper is **ATTACHED**, refer **ANNEXURE 1**.

The key findings, in respect to each of Council's water supply treatment systems, was as follows:

- Attunga – Additional protozoan barriers, such as a direct filtration plant or UV disinfection may be required;
- Barraba – Additional protozoan barriers, such as UV disinfection may be required;
- Bendemeer – Additional protozoan barriers, such as UV disinfection may be required;
- Manilla – Additional protozoan barriers, such as UV disinfection may be required;
- Nundle – Additional protozoan barriers, such as UV disinfection; and
- Tamworth total system – Additional protozoan barriers, such as UV disinfection.

In respect to the works now completed for Manila and Nundle water treatment systems, the designs of the new water treatment facilities at the time allowed for the incorporation of UV disinfection, if and when, microbial health-based targets were introduced. The UV systems were not installed because a detailed review of the treatment plant filtration performance would be required to justify the further capital expense of UV treatment i.e. it may not be required to meet risk criteria presented by microbial health based targets.

For other water supply systems, the proposed approach was to incorporate the consideration of microbial health based targets in Council's water treatment renewal and capital works program. For example, UV disinfection has recently been installed at Attunga and filter optimisation and renewal works have been undertaken at all other water treatment plants. A number of other operational improvements have been completed in the past five years including significant investment on on-line water quality monitoring and control. Within Tamworth, staff have commenced long term planning for future required capacity upgrades at the Calala Water Treatment Plant i.e. further 35 years of operation. This work is being undertaken in conjunction and alignment with the proposed new Dungowan Dam and Council's Blueprint growth strategy. As part of this work, concept design and costing estimates have commenced for treatment risk reduction.

### **Proposed Approach to Address Microbial Health Based Targets**

Within the water industry and NSW government agencies such as NSW Health, there is a clear understanding that there will be a transitional approach to achieve full compliance to microbial health based targets in the water industry given the likelihood of significant capital upgrades required at water treatment facilities.

For Council, work has commenced reviewing microbial health based targets and associated risks of all water supplies i.e. similar to the work completed in 2016. Once this report is completed, Council's water treatment plant renewal and planned capital works will be reviewed to ensure that works adequately address microbial health based target in to the future and works are prioritised based on the level of risk present in each water supply. It is expected that this review will be completed in early 2023 and will allow any revision of capital works to be incorporated in the budget process undertaken by Council for the 2023/2024 financial year

#### **(a) Policy Implications**

Nil

#### **(b) Financial Implications**

The review of microbial health based targets and Council's capital works program is estimated to cost \$50,000.00. This work is already funded in the 2022/2023 budget. The budget implications of any required revision of water treatment capital works are currently unknown but will be presented to Council when reviews are complete.

#### **(c) Legal Implications**

Nil

#### **(d) Community Consultation**

Nil

#### **(e) Delivery Program Objective/Strategy**

Focus Area 1 – Our Water Security

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## 8.6 DRAFT ENVIRONMENTAL SUSTAINABILITY STRATEGY

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Ashleigh Smith, Sustainability Coordinator  
**Reference:** Item 7.5 to Ordinary Council 27 September 2022 - Minute No 274/22

**1 ANNEXURES ATTACHED**

**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **RECOMMENDATION**

*That in relation to the report “Draft Environmental Sustainability Strategy”, Council:*

- (i) adopt the draft Environmental Sustainability Strategy & Action Plan; and*
- (ii) request the Director Water and Waste provide regular updates to Council on the ongoing implementation on the Strategy through Council IP&R reporting framework.*

### **SUMMARY**

The purpose of this report is to seek approval from Council to adopt the Draft Environmental Sustainability Strategy and Action Plan 2022-2026.

### **COMMENTARY**

Council at its meeting of 27 September 2022, considered a Draft Environmental Sustainability Strategy and Action Plan 2022-2026. Council subsequently resolved the following in relation to the report.

*That in relation to the report “Draft Environmental Sustainability Strategy”, Council:*

- *place the Draft Environmental Sustainability strategy and Action Plan 2022-2026 on public exhibition for a period of not less than 28 days; and*
- *request the Director, Water and Waste submit a further report with the submissions received.*

A range of submissions were received during the public exhibition period which ran for 28 days, between 28 September 2022 until 26 October 2022. A summary of consultation methods adopted to maximise the number of submissions received during the exhibition period is presented in Table 1. These include newspaper, radio, TV, social media, direct email to community groups and organisations, as well as in person engagement at the Fiesta La Peel and other presentations as requested. During the public exhibition period, Council received 58 submissions from community. Submissions were broad in nature covering a range of sustainability topics. The majority of the submissions related to water, climate change, circular economy, energy, waste, transport or the natural environment, with no submissions received relating to sustainable governance actions.



Table 1. Community Engagement Methods

Type of engagement	Details of those contacted or engaged	Date/time
Newspaper	Tamworth Northern Daily Leader, Manilla Paper, Barbara paper. As well as the front cover of the leader.	Wednesday, 28 September 2022 until Wednesday, 26 October 2022 NDL Saturday, 1 October 2022 Manilla Express Tuesday Tuesday, 4 October 2022 Barraba Community News Tuesday, 4 October 2022
Radio	Spoke live on 92.9, 88.9 and 2TM, recorded on ABC.	Wednesday, 28 September 2022 to Friday, 7 October 2022
	Ads ran on 92.9	Tuesday 11 October 2022 to Tuesday, 25 October 2022
TV	Prime	Interview aired Wednesday, 28 September 2022
Social Media	Face book, Instagram, E-news – Refer to Figure 1 to see further detail regarding this.	Wednesday, 28 September 2022 to Wednesday, 26 October 2022 – two organic posts and one paid post
My TRC Online Community webpage	Online engagement The Have Your Say page will house information, including; <ul style="list-style-type: none"> <li>• Our Environmental Sustainability Strategy draft document in flipbook format;</li> <li>• Online feedback form</li> <li>• Community survey results infographic and full results document in document library; and</li> <li>• Dates and locations of pop-up events</li> </ul>	Wednesday, 28 September 2022 to Wednesday, 26 October 2022

Electronic Direct Mail (EDM) sent to Community groups	Sent directly to over 35 local community groups	Wednesday, 28 September 2022 to Tuesday, 18 October 2022
	Sent directly to over 45 internal staff	Mid October
	Business Chamber E news	Early October
	Youth Council	
	Place management team sent EDM to their regional S35 committee, as well as Kootingal and Moonbi contacts	
In person engagement	Fiesta La Peel	2:30pm - 6pm Saturday, 15 October 2022
	Sunrise Chapter, Rotary	6:30 am Tuesday. 4 October 2022
	Art Gallery, Airport, Asset Management group	Between Saturday, 10 September 2022 (just before public exhibition commenced) to Saturday, 15 October 2022
Internal Communications	All Council staff and Councillors Two e-news stories and one staff Facebook page post, item in the Councillor update	Between Monday, 26 September 2022 to Friday, 28 October 2022
Posters	Displayed at the TRC Council customer service centres at Manilla, Barbara, Nundle, and Tamworth library and art gallery  Displayed at approximately 30 stores, cafes, restaurants and sustainability relevant shops. These were spread across Tamworth, Nundle, Manilla and Barbara.	Between Monday, 26 September 2022 to Friday, 28 October 2022

## My TRC Online Community

Report Type: Project

Project Name: Sustainability Strategy

Date Range: 01-09-2022 - 27-10-2022

Exported: 27-10-2022 14:33:54

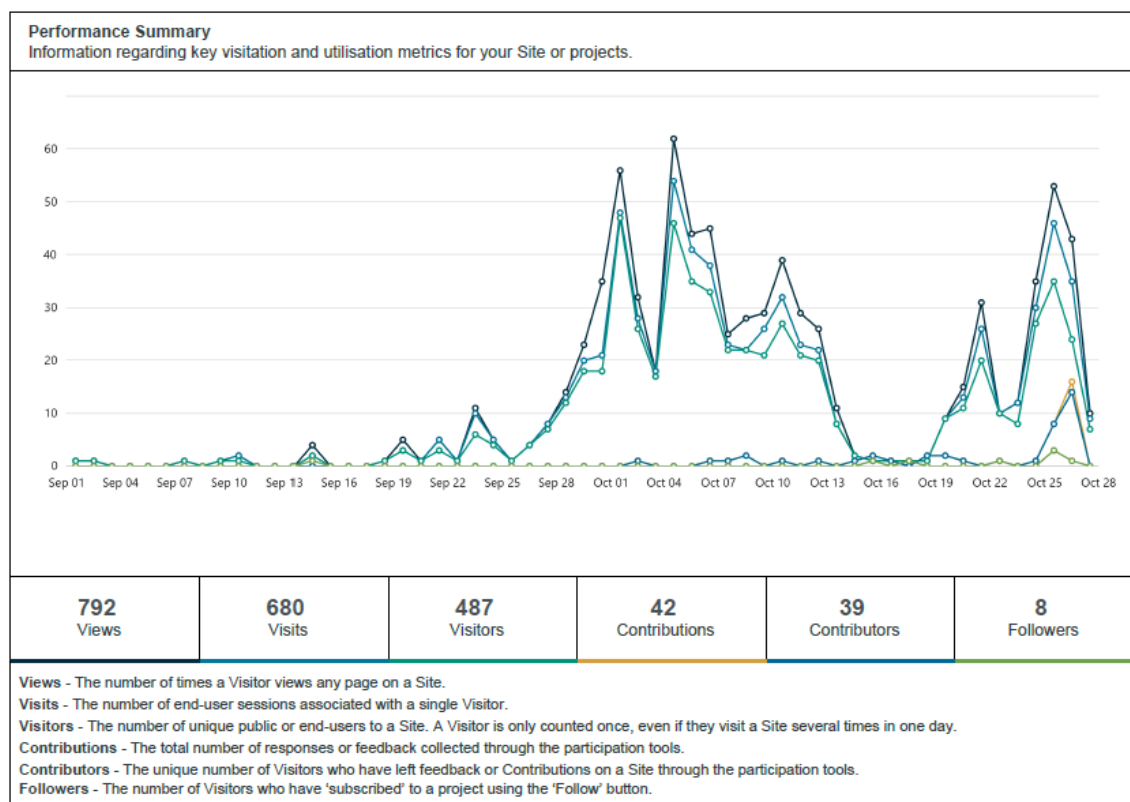


Figure 1. Social Media Views through the have your say portal

Tables 2 to 8 summarise the key points of submissions received relevant to each theme of the Strategy and Action Plan, together with the staff response and recommended changes to the Strategy and Action Plan received during the exhibition period.

In addition to, and in parallel to the public consultation process, an internal staff consultation process was undertaken to ensure the accuracy of draft actions, objectives and associated internal allocation of responsibility. Due to the minor nature of internal submissions, the majority of this feedback has been included into the amended document, with only significant submissions highlighted in this report, and only feedback received in the exhibition period included in the submission count (refer to Table 8).

In terms of support or non-support of the proposed adoption of the Strategy and Action Plan, 21 of the 58 submissions received provided general support to the Strategy adoption by Council, four of the 58 comments received were not supportive of the strategy overall.

The remaining submissions received can be related to one of the eight strategic themes presented in the Strategy and Action Plan, these are provided below.

21 submissions received during the public exhibition period related to the strategic theme 'Water' of which, 10 submissions received were in relation to water security, or techniques to improve water security. On review of these submissions, it is noted that the key points have

been included within the Strategy and Action Plan, with the exception of water capture and alternative water source options within the construction of Council assets. As such, this has been included within the amended document. A summary of submissions relating to the strategic theme of 'Water' is provided below in Table 2.

*Table 2. Submissions relevant to the strategic theme 'Water'*

Submission Theme	Summarised Submission Comments	Council Staff Response
Water security	Focus on recycled water options, focus on water runoff capture and storage	Slight change recommended to consider water capture and alternative water source options during the construction of Council assets, not just buildings. The objectives, targets and actions enable investigation and adoption of recycled water options if deemed appropriate.
	Promote water wise gardens	No change recommended as already included in plan under water education.
	Concerns around increasing population without water security	No change recommended, water security is a key focus of the current Strategy and Action Plan

18 of the submissions received were relevant to climate change. Should Council agree with the public feedback received, it is recommended Council update the emissions target to include net zero, and to remove unnecessary wording to enhance the transparency of the target.

A summary of submissions relating to the strategic theme of 'Climate Change' is provided below in Table 3.

Table 3. Submissions relevant to the strategic theme 'Climate Change'

Submission Theme	Summarised Submission Comments	Council Staff Response
Carbon emissions	Urges TRC to reduce carbon emissions	No change recommended. Draft actions, objectives and targets align to support this transition – however a funding commitment is required.
Climate change	Submissions are predominately supportive of the proposed work in the climate change space, recommendations include removing the word aspirational and aim from our target, adding a date for net zero and developing a community advisory group to provide input and ideas regarding climate change action.	Slight change recommended to update the climate change target to add the net zero target, and to remove the terms aspirational and aim.  In relation to the need for a community advisory group this suggestion is not supported at this time. It is the role of the elected Councillors to represent the community's views on issues and this issue is no different. The engagement of a community advisory group will increase administration and has the potential to slow action on certain matters.

Seven of the submissions received were relevant to circular economy. Should Council agree with the public feedback received, it is recommended Council update the Strategy and Action Plan to reflect the need to implement life cycle training for Council staff, in order to improve the decision making process, in addition to including an objective and an action in regard to circularity within internal projects to develop a process to enable waste to be better reused in Council projects, as well as to encourage local businesses to consider circularity in their business models, therefore reducing the volume of waste going to landfill.

A summary of submissions relating to the strategic theme of 'Circular Economy' is provided below in Table 4.

Table 4. Submissions relevant to the strategic theme 'Circular Economy'

Submission Theme	Summarised Submission Comments	Council Response	Staff
Circular Economy	Wording around lifecycle training and reuse of materials could be improved to ensure actions are more likely to be implemented. Recommend to encourage industry to improve circularity.	Recommended change to wording. Specifics around how to reuse materials were further investigated to improve the recommended process and addition of a target/ objective to support existing businesses transition to a circular process.	
	Circular economy education should commence earlier than 26	No change recommended. This action is proposed to commence 23/24 – Propose to leave action as is.	

Ten of the submissions received were relevant to natural environment. Should Council agree with the public feedback received, it is recommended Council update the Strategy and Action Plan to reflect where Council can improve how many existing trees are protected/replaced in order to protect trees and encourage planting. As well as to reflect the Peel River improvement works, support around community gardens, and the intent to trial a pilot land management project around Victoria Park.

A summary of submissions relating to the strategic theme of 'Natural Environment Economy' is provided below in Table 5.

Table 5. Submissions relevant to the strategic theme 'Natural Environment'

Submission Theme	Summarised Submission Comments	Council Response	Staff
Natural Environment	Focus on increasing the number of street trees/increasing urban greening, as well as increasing requirements around replanting removed trees on private property and protecting existing trees	Slight change recommended to existing actions to consider where we can improve how/ how many existing trees are protected/replaced in order to protect trees and encourage planting. Peel river improvements work	
	Community gardens, peel river improvement works		



	Pest plants and animals	action has also been added to the existing actions around regenerating waterways. Additional action around community gardens, and Victoria Park land management.
	Add action investigating a pilot project for land management around Victoria Park	

17 of the submissions received were relevant to Energy. On Staff review, it is considered that this has been adequately captured within the Strategy and Action Plan and no change is recommended.

A summary of submissions relating to the strategic theme of 'Energy' is provided below in Table 6.

Submission Theme	Summarised Submission Comments	Council Response	Staff
Energy	Waste from windfarms, supportive of rapid transition, focus on hydro and solar, some were not supportive of transition to renewables	No change recommended	

Table 6. Submissions relevant to the strategic theme 'Energy'

Three of the submissions received were relevant to waste. On Staff review, it is considered that this has been adequately captured within the Strategy and Action Plan. A slight change has been made to include waste education within the Action Plan following internal review.

A summary of submissions relating to the strategic theme of 'Waste' is provided below in Table 7.

Table 7. Submissions relevant to the strategic theme 'Waste'

Submission Theme	Summarised Submission Comments	Council Response	Staff
Waste	Comments focus around public education to improve recycling and waste minimisation opportunities	Recommend to amend wording slightly to reflect the community education that is currently occurring in the waste space.	

A number of submissions were received from staff, some of these were broad, however the majority related to specific actions relevant to their directorate or team. These actions have been imbedded into the proposed Environmental Sustainability Strategy and Action Plan 2022-2026.

A summary of internal submissions is provided below in Table 8.

Table 8. Internal Changes

Submission Theme	Summarised Submission Comments	Council Response	Staff
Various	<p>Add in reference to the Environmental policy.</p> <p>Link objectives to actions, to increase transparency of the plan – this may result in some action moving sections.</p> <p>Insert a glossary.</p> <p>Amend some of the timings to facilitate realistic workloads.</p> <p>Where objects and actions are slightly different between section 9 and tables 1 and 2, align accordingly.</p> <p>Update some internal actions to enable the implementation of audit results or audit recommendations.</p> <p>Where approved by managers or directors and where value will be added to the organisation and community, change actions from investigate to implement.</p> <p>Updates action to reflect what TRC is doing with commercial and residential cardboard diverted from landfill.</p> <p>Refine objectives, targets and actions around circular economy to reflect the interconnectedness of our organisation and the community in reducing waste to landfill – Add an objective to enable this to occur.</p> <p>Refine objectives, targets and actions around the strategic theme of natural environment, this includes updating and adding new targets around</p>	<p>The Action Plan has been updated to link each action back to an objective. This has resulted in three actions changing sections to better align with the objectives.</p> <p>Slight changes have been made around circular economy actions and objectives to reflect the need to better manage waste from projects across directorates and divert from landfill.</p> <p>The wording of DCP and LEP actions has been updated from investigate to implement to ensure sustainability is better integrated into the updated LEP and DCP.</p> <p>Wording around lifecycle training has been updated to implement in order to increase the likelihood that it is implemented for staff, in order to improve decision making processes around procurement, infrastructure.</p> <p>Actions have been added to the document to reflect the support of community gardens, and the support around</p>	

	<p>biodiversity to increase transparency in what council is trying to achieve.</p> <p>Amend wording around transport action to increase transparency.</p> <p>Add a waste action around how cardboard is being managed</p> <p>Add an action around energy to enable energy to be looked at from a holistic perspective.</p>	<p>protecting and maintaining trees, as well as the environmental works occurring along the peel river.</p>
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Table 9 summarises the key changes proposed to the draft Strategy and Action Plan. These have been incorporated within the enclosed Strategy and Action Plan. Table 9 is **ATTACHED**, refer **ANNEXURE 1**.

A copy of the updated Environmental Strategy and Action Plan 2022 – 2026 including the above staff recommendations is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. All public submissions received through the public consultation process are provided in the **ENCLOSED** document, refer **CONFIDENTIAL ENCLOSURE 2**.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

In order to successfully implement the targets, objectives and actions of the Environmental Sustainability and Action Plan 2022-2026, additional funding will be required. Based on quotes and initial estimates, the delivery of the plan is estimated at \$980,000 over four years as shown in Table 10. A further report will be prepared to suggest how required funds to deliver the 22/23 financial year actions may be sourced.

Table 10.

Year	Estimated Cost \$
22/23	\$220,000.00
23/24	\$350,000.00 (estimated)
24/25	\$350,000.00 (estimated)
25/26	\$60,000.00 (estimated)
Total	980,000.00 (estimated)

Funding for future years will be included as part of the annual budget process for Council's consideration.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The draft Environmental Sustainability Strategy and Action Plan 2022-2026 was developed based on feedback received from the community survey, as well as the interviews and workshops. Following development of the draft document, community consultation was undertaken for a period of 28 day from 28 September 2022 to 26 October 2022. Community feedback has been acknowledged, with advantageous feedback incorporated into the Strategy and Action Plan proposed for Adoption.

Where the Strategy is adopted, these actions are intended to be implemented in order to integrate sustainability throughout the Organisation, to the benefit of the Tamworth LGA community and to align with focus areas of Blue Print 100.

**(e) Delivery Program Objective/Strategy**

As identified within the Environmental Sustainability Strategy and Action Plan 2022-2026, the targets, objectives and actions align with five of Councils 9 focus areas, these include:

Focus Area 1 – Our Water Security

Focus Area 2 – A liveable Built Environment

Focus Area 4 – Resilient and Diverse Communities

Focus Area 5 – Connect Our Region and Its Citizens

Focus Area 6 – Working with and Protecting our Environment

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## 9 GOVERNANCE, STRATEGY AND FINANCE

### 9.1 RENEWAL OF TAMWORTH REGIONAL ALCOHOL FREE ZONES

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Ross Briggs, Manager Compliance

Reference: Item 10.4 to Ordinary Council 8 November 2022 - Minute No 336/22

1 CONFIDENTIAL ENCLOSURES ENCLOSED

#### RECOMMENDATION

*That in relation to the report “Renewal of Tamworth Regional Alcohol Free Zones”, Council:*

- (i) in accordance with section 644(B)(1) and (2) of the Local Government Act 1993, renew the Tamworth CBD Alcohol Free Zone for a further period of four years to 29 December 2026, in respect of all public roads and car parks within the area bounded by and including Kable Avenue, Marius Street and Darling Street and bounded by the western side of Murray Street Tamworth;*
- (ii) in accordance with section 644(B)(1) and (2) of the Local Government Act 1993, renew the Kootingal Alcohol Free Zone for a further period of four years to 29 December 2026, in respect of the following public roads and footpaths:*
  - Denman Avenue (from boundary of school running south to include Sandy Creek Park area);*
  - Irvine Street;*
  - Station Street (from Irvine Street to Gate Street);*
  - Field Lane (including two unformed lanes from Field Lane to Irvine Street); and*
  - Gate Street;*
- (iii) in accordance with section 644(B)(4) of the Local Government Act 1993, renew the Barraba Alcohol Free Zone for a further period of four years to 29 December 2026, covering all the public roads, and carparks within the Barraba Central Business District bounded by and including Queen Street from the intersection of Edward Street to the intersection of Savoy Street, Maude and Alice Streets from the intersection of Cherry Street to Fitzroy Street and the Queen Street Mall, Barraba;*
- (iv) in accordance with section 644(B)(4) of the Local Government Act 1993, renew the Manilla Alcohol Free Zone for a further period of four years to 29 December 2026, covering all public roads and car parks within the area bounded by and including Progress Lane, Market Street, Arthur Street and Court Street, Manilla;*
- (v) in accordance with section 644(B)(4) of the Local Government Act 1993, renew the Bridge Street Alcohol Free Zone for a further period of four years to 29 December 2026, covering all public roads and car parks within the area bounded by and including Bridge Street, Tamworth from the western side of the intersection of Ebsworth Street for its length through to the intersection with Phillip Street, In Street, Hercules Street and Reserve Place;*

- (vi) in accordance with section 644(B)(4) of the Local Government Act 1993, renew the Robert Street Alcohol Free Zone for a further period of four years to 29 December 2026, covering the Robert Street Shopping Centre incorporating the footpath and carpark and the area bounded by and including Robert Street, Woodward Avenue, Petra Avenue and Links Avenue and including Hobbs Lane;*
- (vii) in accordance with section 644(B)(4) of the Local Government Act 1993, renew the Coledale Alcohol Free Zone for a further period of four years to 29 December 2026, in respect of all public roads and car parks within the area bounded by Gunnedah Road and Warral Road including Warral Road;*
- (viii) pursuant to Section 632 of the Local Government Act 1993, the taking into and consumption of alcohol be prohibited in Centennial Park, Lloma Park, Hathway Park, Coledale Community Park and Norman Ingall Park without the express permission in writing of Tamworth Regional Council; and*
- (ix) in accordance with Section 644 (B) (3) of the Local Government Act 1993, Council publish a notice advising that the Tamworth Central Business District, Kootingal, Barraba Central Business District, Manilla Central Business District, Bridge Street, Robert Street and Coledale Alcohol Free Zones have been renewed for a period of four years up to 29 December 2026.*

## SUMMARY

The purpose of this report is to request Council for approval to renew the Alcohol Free Zones in Kootingal, Robert Street, Bridge Street, Coledale and the Tamworth, Manilla and Barraba Central Business Districts.

## COMMENTARY

Council at the 8 November 2022 Ordinary Meeting, was advised that the Tamworth Regional Alcohol Free Zones were due for renewal. Council approved to give notice and invite public comments in respect of the renewal of the Tamworth Regional Alcohol Free Zones in Kootingal, Robert Street, Bridge Street, Coledale and the Tamworth, Manilla and Barraba Central Business Districts.

Public Notices were placed on the website advising of the proposal for extension and every licensed premise within the area was advised in writing.

As at 7 November 2022, eleven responses have been received **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. If Council wishes to extend or determine a new Alcohol Free Zone based on the submissions received, a new process must be undertaken.

### (a) Policy Implications

It is a policy decision of the Council to extend Alcohol Free Zones, subject to compliance with Ministerial Guidelines and Sections 644 and 644(A) and (B) of the Local Government Act 1993, for the establishment of Alcohol Free Zones.

### (b) Financial Implications

Council will incur expenditure associated with the updating of signage to provide public notification of the Alcohol Free Zone within the area identified in this report. Costs to renew the signage will be covered in the Traffic Management budget.



**(c) Legal Implications**

The Ministerial Guidelines and the relevant provisions of the Local Government Act 1993, will be followed and observed should Council agree to the proposal.

**(d) Community Consultation**

Community consultation has been undertaken by public notice on the Council website, correspondence to the Anti-discrimination Board of NSW, Local Area Oxley Command, Coledale Community Groups and all affected liquor outlets.

**(e) Delivery Program Objective/Strategy**

Focus Area 9 – Open and collaborative leadership.

**9.2 PLACE MANAGEMENT AND SECTION 355 COMMITTEE ACTIVITIES**

**DIRECTORATE: LIVEABLE COMMUNITIES**

**AUTHOR: Kay Burnes, Senior Place Manager**

**Jodie Archer, Community Working Group Officer**

**1 ANNEXURES ATTACHED**

**Recommendation**

***That in relation to the report “Place Management and Section 355 Committee Activities”, Council:***

***(i) receive and note the Minutes of the following Committees:***

<b><i>Attunga Public Hall and Youth Hall Committee AGM</i></b>	<b><i>30 August 2022</i></b>
<b><i>Attunga Public Hall and Youth Hall Committee</i></b>	<b><i>30 August 2022</i></b>
<b><i>Barraba Showground Management Committee AGM</i></b>	<b><i>18 August 2022</i></b>
<b><i>Barraba Showground Management Committee</i></b>	<b><i>18 August 2022</i></b>
<b><i>Barraba Sportsground Committee AGM</i></b>	<b><i>26 June 2022</i></b>
<b><i>Duri Progress Association</i></b>	<b><i>16 August 2022</i></b>
<b><i>Duri Progress Association</i></b>	<b><i>20 September 2022</i></b>
<b><i>Duri Progress Association</i></b>	<b><i>18 October 2022</i></b>
<b><i>Duri Progress Association</i></b>	<b><i>15 November 2022</i></b>
<b><i>Hanging Rock Community Hall Committee</i></b>	<b><i>22 October 2022</i></b>
<b><i>Kootingal Recreational Reserve Committee-Extraordinary</i></b>	<b><i>24 August 2022</i></b>
<b><i>Kootingal Recreational Reserve Committee AGM</i></b>	<b><i>28 September 2022</i></b>
<b><i>Limbri Public Hall and Recreation Reserve Local Committee AGM</i></b>	<b><i>6 November 2022</i></b>
<b><i>Limbri Public Hall and Recreation Reserve Local Committee</i></b>	<b><i>6 November 2022</i></b>
<b><i>Manilla Matters Committee</i></b>	<b><i>10 August 2022</i></b>
<b><i>Manilla Matters Committee</i></b>	<b><i>14 September 2022</i></b>
<b><i>Manilla Matters Committee</i></b>	<b><i>5 October 2022</i></b>
<b><i>Nemingha Hall and Reserve Committee</i></b>	<b><i>5 October 2022</i></b>
<b><i>Piallmore Recreation Reserve Committee AGM</i></b>	<b><i>21 September 2022</i></b>

- Piallamore Recreation Reserve Committee** 21 September 2022  
**Piallamore Recreation Reserve Committee AGM** 8 November 2022  
**Somerton War Memorial Hall and Recreation Ground Committee**  
19 April 2022  
**Somerton War Memorial Hall and Recreation Ground Committee**  
28 June 2022  
**Victoria Park Coordination Committee AGM** 18 August 2022  
**Victoria Park Coordination Committee** 18 August 2022  
**Weabonga Hall and Recreation Reserve Local Committee**  
20 September 2022  
**Woolbrook Hall and Park Committee Extraordinary** 4 October 2022  
**Woolbrook Hall and Park Committee AGM** 18 October 2022  
**Woolbrook Hall and Park Committee** 18 October 2022;
- (ii) **adopt the recommendation of the Attunga Public Hall and Youth Hall Committee's Annual General Meeting held 30 August 2022, to appoint the following executive members:**
- |                           |  |
|---------------------------|--|
| <b>Chairperson</b>        | <b>Lorraine Abra</b>                       |
| <b>Deputy Chairperson</b> | <b>Margaret Markwick</b>                   |
| <b>Secretary</b>          | <b>Ian Regan</b>                           |
| <b>Treasurer</b>          | <b>Vacant</b>                              |
| <b>Booking Officer</b>    | <b>Daron Johnson and Margaret Markwick</b> |
- Committee members: Robyn Mowbray, Noel Hollis, Vinnie Todd and Warren Brinkley;**
- (iii) **adopt the recommendation of the Barraba Showground Management Committee's Annual General Meeting held 18 August 2022, to appoint the following executive members:**
- |                           |                         |
|---------------------------|-------------------------|
| <b>Chairperson</b>        | <b>Campbell Tonkin</b>  |
| <b>Deputy Chairperson</b> | <b>Sinclair Hughson</b> |
| <b>Secretary</b>          | <b>Don Roberts</b>      |
| <b>Treasurer</b>          | <b>Albert Graves</b>    |
- Committee members: Tim Crowley, Dave Penna and Warren Lavender (Barraba P.A & H Association), Leon Cummins and Sinclair Hughson (Barraba Jockey Club), Greg Smith (Trainer), Di Etheridge and Leah Watkins (Barraba Pony Club), Des Britain (Groundsman) David Penna (Meter Reader), Tania Alderton, Kylie Stanger, Chris Forbes and Pat Sherwood;**
- (iv) **adopt the recommendation of the Barraba Sportsground Committee's Annual General Meeting held 23 June 2022, to appoint the following executive members:**
- |                           |                          |
|---------------------------|--------------------------|
| <b>Chairperson</b>        | <b>Dave Pennar</b>       |
| <b>Deputy Chairperson</b> | <b>Adam Cabot</b>        |
| <b>Secretary</b>          | <b>Jenny Middlemiss</b>  |
| <b>Treasurer</b>          | <b>Alison Gadd</b>       |
| <b>Booking Secretary</b>  | <b>Sinclair Hughson;</b> |
-

*Committee members: Nickie Cabot, Jane Randall and Ben Hann (Junior Rugby), Simon Koopman, Shane Middlemiss and Amy Middlemiss (Senior Rugby), Ben Freeman, Emily Kelso and Natalie Philpot (Touch Football), Shane Maloney, Luke Davis and Jarrod Greenwood (Central School), Simon Fleming and Natalie Anderson (Blue School) and David Smith (Groundsman);*

- (v) *adopt the recommendation of the Hanging Rock Hall Committee's Ordinary Meeting held 30 July 2022, presented to Council's Ordinary Meeting held 8 November 2022 to accept new members Rodger Sydenham and Jim Robinson;*

- (vi) *adopt the recommendation of the Hanging Rock Hall Committee's Ordinary Meeting held 22 October 2022, to accept the resignation of executive members Tom Taylor (Chairperson and Booking Officer), Simon Derrett (Deputy Chairperson), Neroli McAulay (Secretary) and Cheryl-Anne Hill (Treasurer);*

- (vii) *adopt the recommendation of the Kootingal Recreational Reserve Committee's Annual General Meeting held 28 September 2022, to appoint the following executive members:*

<i>Chairperson</i>	<i>Don Grant</i>
<i>Deputy Chairperson</i>	<i>Lad Jones</i>
<i>Secretary</i>	<i>Greg Crowe</i>
<i>Treasurer</i>	<i>Verona Gimbergh</i>
<i>Booking Officer</i>	<i>Alan Betts</i>

*Committee members: Kevin Seery, Kerrie Betts, Melissa Woods, Joanne Jones, Kirsty Hogan and Yvonne Meintjes.*

- (viii) *adopt the recommendation of the Limbri Public Hall and Recreation Reserve Local Committee's Annual General Meeting held 6 November 2022, to appoint the following executive members:*

<i>Chairperson</i>	<i>Jane Daly</i>
<i>Deputy Chairperson</i>	<i>'vacant'</i>
<i>Secretary</i>	<i>Lisa Nies</i>
<i>Treasurer</i>	<i>Jane Daly</i>

*Committee members: Ross Doak, Beryl Doak, Phil Gaynor, Kathy Gaynor, Peter Barsoum, Ella Barsoum, Linda Nicholls, Eugene Nicholls, Jenny Case, Neville Case, Greg Daly, Brett Nies, Sandy Hawley, Sarah Bradfield and Terri Moore;*

- (ix) *adopt the recommendation of the Nemingha Hall and Reserve Committee's Ordinary Meeting held 5 October 2022, to accept the resignation of Lyn Ohlback as Booking Officer and to appoint Kevin Squires as Booking Officer;*

- (x) *adopt the recommendation of the Piallamore Recreation Reserve Committee's Annual General Meeting held 21 September 2022, to appoint the following executive members:*

<i>Chairperson</i>	<i>Mark Stass</i>
<i>Deputy Chairperson</i>	<i>Bob Hutt</i>
<i>Secretary/ Treasurer</i>	<i>Jo-Anna Heenan</i>
<i>Booking Officer</i>	<i>Mark Stass</i>

*Committee members: Sue Stass, John Wood, Stuart Garland, Chris Johnston, Ann McCormack, A McClelland, Bob Abra, Jo-Anna Heenan, Nicolette Moss,*

*Allan Moss, Barry Moss, Wendy Cheetham, Richard Cheetham, Erica Mordue, Kristie Connors, Michael Connors, Cameron Tongue, Meredith Abrams, Colin McCormack, Olwyn McCormack, Bob Hutt, Fran Hutt, Kate Garland, Monty Maguire, David Heenan, J Dodds, M Mitchell, M Owers, G Owers and Brendan Woods;*

(xi) *adopt the recommendation of the Piallamore Recreation Reserve Committee's Ordinary Meeting held 21 September 2022, to appoint Chris Johnston as a new member;*

(xii) *adopt the recommendation of the Victoria Park Coordination Committee's Annual General Meeting held 18 August 2022, to appoint the following executive members:*

*Chairperson*

*Martin O'Rourke*

*Secretary*

*Mark Smith*

*Committee members: David Scott (Tamworth and District Model Engineers), Sonya Hardin and Doreen Goddard (Friends of Tamworth Regional Botanic Garden), Geoff Tall, Garry Copper and Bernard McNamara (Tamworth Regional Astronomy Club Inc) and Geoff Allen (Tamworth Community Men's Shed); and*

(xiii) *adopt the recommendation of the Woolbrook Hall and Park Committee's Annual General Meeting held 4 October 2022, to appoint the following executive members:*

*Chairperson*

*Anthony (Tony) Haling*

*Deputy Chairperson*

*Timothy Laurie*

*Secretary*

*Belinda Laurie*

*Treasurer*

*Natalie Clifford*

*Booking Officer*

*Belinda Laurie*

*Committee members: Richard Prior, Joe Guerrini, Kylie Matthews, Mark Riordan, Gary Olrich, Rhonda Olrich, Janelle Smith, Alan Steane, Jessica Goodwin, Michael Pullin, Ellie Huskiens and Barabra Fawcett.*

## **SUMMARY**

The purpose of this report is to:

- present the Minutes of a number of Section 355 Committee meetings and consider the items for adoption, as recommended by the Committees;
- note the key outcomes, achievements and requests from the Minutes received; and
- inform Council of the notable outcomes of Place Management activities in the community.

## COMMENTARY

Tamworth Regional Council's Section 355 Committees each have delegated functions which may include the management of a facility, the coordination of an event or an advisory function to submit recommendations and advice to Council in regard to a specific community facility.

Council has received 29 sets of Minutes requiring items for adoption from Section 355 Committees in the calendar year to date. The Meeting Minutes are **ATTACHED**, refer **ANNEXURE 1**, for Council's information.

It should be noted that not all Section 355 Committees have returned to meetings post the Covid pandemic and that this appears to be an unfortunate trend across the volunteer community. Therefore, the list of meeting minutes is not exhaustive of all committees.

Council will also note that there is a wide range in both the dates and numbers of meetings held by individual committees. In this respect it was considered appropriate to await receipt of a reasonable number of meeting minutes prior to collating these to justify presentation of this report.

Notable committee outcomes, achievements and items noted in the Minutes are:

- Barraba Showground Management Committee meeting 18 August 2022 – note the veterinary practice has relocated to a more suitable room on the grounds;
- Duri Progress Association's Gymkhana event was postponed from Sunday 30 October 2022 to Sunday 27 November 2022 due to wet grounds, particularly around the parking areas.

Council is investigating the leak and roof guttering at the sportsground;

- it is to be noted that the Place Management and Section 355 Committee Activities Report to Council 8 November 2022 included the Hanging Rock Community Hall Committee Meeting minutes of 30 July 2022. Inadvertently, the recommendation to accept two new members was not included in the recommendation. The appointment of new members Rodger Sydenham and Jim Robinson is therefore included in the recommendation to Council above;
- Council officers are liaising with the Hanging Rock Community Hall Committee in regards to the future of the Committee. It is noted that the former Chairperson verbally advised Council in August 2022 that he had informed the Committee he would resign from the role of Chairperson/Booking Officer due to work commitments. His formal resignation is noted in Meeting Minutes 22 October 2022. Council is currently coordinating hall hire enquiries and bookings and grounds maintenance.

It has been clarified with the Committee that the newly erected Emergency Assembly Point sign within the hall grounds is part of the Emergency Response Plan for the venue;

- Kootingal Recreational Reserve Committee extraordinary meeting 24 August 2022 notes a Petty Cash item which relates to their recent Kootingal Country Fair event;
- Manilla Matters Committee meeting 10 August 2022 notes an event payment. Council has paid the invoice;
- Manilla Matters Committee meeting 10 August 2022 and 5 October 2022 noted naturalisations. Council is investigating options in regard to this matter and will advise the Committee appropriately;

- Nemingha Hall and Reserve Committee meeting 5 October 2022 discussed applying for a grant for play equipment. Council will work with the committee to develop its strategic plan and assist to identify potential funding option;
- Somerton War Memorial Hall and Recreation Grounds Committee meeting 19 April 2022 discussed whether future ANZAC Day Ceremony events should be added to the delegated functions of the committee. Council staff are liaising with the Committee to define its role in future community Anzac ceremonies;
- Somerton War Memorial Hall and Recreation Grounds Committee meeting of 28 June 2022 noted no Fire Extinguisher and Evacuation Plan is posted in the hall. Council staff have resolved this matter;
- Victoria Park Coordination Committee meeting 18 August 2022 with Council Governance of the Botanic Gardens. Council is continually working with group representatives to discuss issues as they arise;
- Weabonga Hall and Recreation Reserve Local Committee meeting 20 September 2022 - Council staff have clarified the interpretation of the documents the Committee was reading concerning the status of the reserve. The S355 Committee delivered a successful Shed Opening on Saturday 15 October 2022;
- Woolbrook Hall and Park Committee meeting 18 October 2022 noted an item referring to Camping on S355 managed sites. Following an interest from a number of S355 Committees to host camping at their managed sites advice was sent to all S355 Committees that Council has commenced investigating all S355 managed sites in regards to permissible camping. Consideration needs to be given to matters such as the zoning of the land, is the land bush fire prone and what that means for the site, accessibility to services, how many days per annum is camping permitted at a site, etc. If a site is identified as being a possible site for approved camping the submission of a Development Application would be required. When further advice is available Council will liaise with interested S355 Committees;
- Council staff have addressed concerns noted in the Woolbrook Hall and Park Committee meeting 4 October 2022 regarding the installation of the barbeque and rear door change; and
- the Place Management Team is continuing the S355 Committee Training Plan with four S355 Committees having completed the training.

**(a) Policy Implications**

It is a policy decision of Council to maintain Section 355 Committees and practices having regard to Council's community governance structure and Section 355 of the *Local Government Act 1993*.

**(b) Financial Implications**

Section 355 Committee and Place Management activities and budgets are maintained under the Liveable Communities Directorate budget.



**(c) Legal Implications**

Section 355 of the *Local Government Act 1993*, enables the Council to appoint a Committee to exercise a function on its behalf by way of a Committee of Council. This is used in conjunction with Section 377 of the *Local Government Act 1993*, to formally delegate a function to the appointed Committee.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

Focus Area 9 – Open and Collaborative Leadership.

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**9.3 COMMUNICATIONS STRATEGY**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Karlee Cole, Manager Communications and Engagement**

**3 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Communications Strategy”, Council adopts the Communications Strategy.*

**SUMMARY**

The draft Communications Strategy **ATTACHED**, refer **ANNEXURE 1**, and Draft Action Plan **ATTACHED**, Refer **ANNEXURE 2**, were developed following extensive community and stakeholder consultation.

Delos Delta were engaged by Council to assist in developing this strategy and conducting consultation with the Community. Results from both external and internal surveys, as well as workshops, round table discussions and other targeted engagement, were used to develop the strategy and action plan.

The report was placed on public Exhibition for 28 days and received 11 submissions of feedback from the Community.

The purpose of this report is to seek formal adoption of the Communications Strategy.

**COMMENTARY**

Development of the Draft Communications Strategy (the Draft Strategy) was underpinned by the results of an internal and external community engagement process in order to ensure the Draft Strategy captured the community’s communication priorities as well as directly reflecting the challenges and opportunities facing Council as it seeks to connect with our community.

Council engaged Delos Delta to lead the stakeholder engagement process and development of the Draft Strategy. An extensive communications and community engagement campaign was undertaken in June 2022 which included a community survey, key stakeholder round tables, community pop ups, Council staff workshops, local community workshops and a Councillor briefing in the development of this Draft Strategy.

Engagement aimed to hear from a cross-section of our community, including general community members, Council staff and Elected Members, Aboriginal and Torres Strait Islander communities, disability advocacy representatives, local community groups, educational institutions, and the business community.

510 contributions were received.

Key insights, themes and messages from engagement included:

Theme	Details
Two-Way Communications	Continuing to drive innovative communication methods and increase channels for feedback and engagement.
Transparency	Sharing information and detailed progress updates regarding major ongoing projects on a regular basis.
Inclusive and Balanced Communications	Strengthening communications to be more inclusive of more geographically remote areas outside of Tamworth CBD and of different demographics across the region.
Showcase the Tamworth Region	Promoting why the Tamworth region is a great place to live, work, invest and study is considered a key priority for future communication planning.
Acknowledging & Valuing the Aboriginal & Torres Strait Islander People in the Community	With over 10% of the region's population identifying as Aboriginal or Torres Strait Islander, there is a clear desire for Council to be increasingly inclusive of the Region's indigenous population in its communications.
A Source of Truth	Ensuring Council remains proactive and only shares reliable and honest sources of information.
Build Internal Capabilities	Strengthening and streamlining internal communications capabilities to improve the timeliness of communications.
Leverage Councils Strengths	Leveraging the strength of Council's brand, its ability to embrace new forms of engagement and communication to ensure quantity and consistency of Council engagement.
Regional Inclusion	Ensuring communications remain inclusive of all corners of the Tamworth region and recognises their unique contexts and needs.

Principles and Objectives that speak to these themes have been developed and form part of the Draft Strategy.

The Draft Strategy will guide our approach to communicating and engaging with our community and help foster our commitment to open, two-way dialogue.

At the Council meeting on 11 October 2022, Council endorsed the Draft Strategy to go on public exhibition for 28 days. During this period, 11 submissions of feedback were received and are now **ATTACHED**, refer **ANNEXURE 3**. This feedback has been addressed in the Strategy and associated draft Action Plan.

Example Actions:

Develop a regular Councillor pop-up calendar to provide information and listen to feedback on priorities and services.	<ul style="list-style-type: none"> <li>• Develop Pop-Up Calendar to cover the region</li> <li>• 1 per month</li> <li>• Run pop-up sessions</li> <li>• Community identified action</li> </ul>	March 2023
Run a trial for introducing a regular monthly Council Newsletter.	<ul style="list-style-type: none"> <li>• Develop trial evaluation parameters</li> <li>• Research options to produce online and printed versions</li> <li>• Leverage existing rates notice mailouts</li> <li>• Research costings for standalone mailout</li> <li>• Create list of physical Council facilities that they can be collected from</li> <li>• Run trial</li> <li>• Evaluate outcomes</li> </ul>	May 2023

**(a) Policy Implications**

To prevent misalignment between the content and intent of the Draft Strategy with existing Council internal policies, strategies and plans, the Draft Strategy was developed in consultation with representatives from each of Council's internal Directorates. The Draft Strategy was also developed to enhance our organisations alignment with Blueprint 100 and Council's Community Strategic Plan. The Draft Strategy also links to Council's Customer Service Charter and Community Participation Plan and fulfills our Integrated Planning and Reporting requirements for a Community Engagement Strategy.

**(b) Financial Implications**

The Draft Strategy project including the community engagement led by Delos Delta was funded through existing Council budget allocations.

It is anticipated that a number of actions that will form part of the Implementation Plan will require further funding allocation. Opportunities for funding actions will be explored and presented to Council, if necessary.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Extensive community consultation was carried out across the region in June 2022 to assist in developing the Draft Strategy. During the draft strategy public exhibition phase, we called on the community to nominate actions to be included as part of the Action Plan. 11 submissions of feedback were received. Council staff then workshopped these actions with Councillors in November 2022.

**(e) Delivery Program Objective/Strategy**

Focus Area 3 – Prosperity and Innovation

Focus Area 4 – Resilient and Diverse Communities

Focus Area 5 – Connect our Region and Its Citizens

Focus Area 8 – A Strong and Vibrant Identity

Focus Area 9 – Open and Collaborative Leadership

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## 9.4 SCHEDULE OF COUNCIL MEETINGS FOR 2023

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

### RECOMMENDATION

*That in relation to the report “Schedule of Council Meetings for 2023”, Council fix the dates and times of the Council Meetings for 2023, as follows:*

	Time	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	June 2023	July 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023
Ordinary Council	6:30 pm	-	14	14	11	9	13	11	8	12	10	14	12
		-	28	28	-	23	27	25	22	26	24	28	-

### SUMMARY

The purpose of this report is to confirm the dates and times for the Council Meetings for the 2023 calendar year. Council may change the dates by resolution.

### COMMENTARY

Section 365 of *Local Government Act 1993*, states:

*“The Council is required to meet at least 10 times each year, each time in a different month”.*

Tamworth Regional Council’s Code of Meeting Practice 2.1.3, allows for changes to dates and times for Meetings:

*Council may, by resolution, vary the time, date and place of Ordinary Meetings should circumstances exist to warrant the change in time, date or location.*

However, Ordinary Meetings of Council will generally be held on the second and fourth Tuesday of each month, commencing at 6:30pm at the Lands Building Nemingha Room, 25-27 Fitzroy Street, Tamworth NSW.

Typically, there are no Council Meetings held in January and only one Council Meeting held in December.

The first Ordinary Council Meeting for 2023 is proposed on Tuesday, 14 February 2023.

Council relies on the statutory role of the Mayor as stated in Section 226 (d) of the *Local Government Act 1993*, “to exercise, in cases of necessity, the policy-making function of the governing body of the council between Meetings of the council”, should the exercise of this role of the Mayor be required during the month of January.

Council also relies on the statutory role of the General Manager as stated in Section 335 (a) of the *Local Government Act 1993*, “to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council”.

The Easter Public Holiday falls on 7 and 10 April 2023 and will not affect the Council Meeting dates proposed. ANZAC Day falls on Tuesday, 25 April 2023 being the fourth Tuesday of the month and therefore no meeting is proposed for this date. The National General Assembly is scheduled for 18-21 June 2023, and will not affect the current Meeting schedule. The LG NSW Annual Conference is scheduled for 12-14 November 2023, and will not affect the current Meeting schedule.

The report lists only one Meeting for December, being 12 December (second Tuesday of the month). The fourth Tuesday of December falling on 26 December, being Boxing Day and therefore no meeting is to be held.

A copy of the proposed 2023 Schedule of Dates, is listed below:

	Time	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	June 2023	July 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023
Ordinary Council	6:30 pm	-	14	14	11	9	13	11	8	12	10	14	12
		-	28	28	-	23	27	25	22	26	24	28	-

**(a) Policy Implications**

Council may, by resolution, vary the time, date and place of Ordinary Meetings should extenuating circumstances exist which would prevent the Ordinary Meetings of the Council being held.

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Public Notices advising of the dates and times of the Council Meetings (and/or Extraordinary) will be placed on the Tamworth Regional Council website.

**(e) Delivery Program Objective/Strategy**

Focus Area 9 – Open and Collaborative Leadership



## 9.5 2023 AUSTRALIA DAY EVENTS

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

### RECOMMENDATION

*That in relation to the report “2023 Australia Day Events”, Council nominate Councillors to attend and participate in the Australia Day celebrations and activities at:*

<b>Barraba</b>	Cr _____
<b>Bendemeer</b>	Cr _____
<b>Kootingal</b>	Cr _____
<b>Manilla</b>	Cr _____
<b>Nundle</b>	Cr _____
<b>Tamworth</b>	Cr Russell Webb
	Cr _____

### SUMMARY

The purpose of this report is to advise Council on the progress for the planning of the 2023 Australia Day activities throughout the region.

### COMMENTARY

Tamworth Regional Council has established five Section 355 Committees throughout the region to organise and conduct Australia Day activities. In 2023, 26 January will fall on a Thursday.

While planning is underway in all locations, to date limited details have been confirmed. As the details are confirmed this will be communicated to the respective Councillors and preparations made for their attendance. Council will promote final information to the community when all event details are confirmed.

It is expected there will be changes to some of the activities however, at the time of this report the following is known:

#### **Barraba**

Award ceremony and celebrations coordinated by Council staff.  
Time and venue to be confirmed.

#### **Bendemeer**

Celebrations to be coordinated by the Grey Fergie Tractor Muster S355 Committee and the Bendemeer Hotel.

10:00am to 3:00pm at the Bendemeer Hotel, Caroline Street, Bendemeer – 10.00am Official Ceremony including flag raising ceremony followed by morning tea and activities including coo-ee calling, thong throwing, tug-o-war, sack races, flower show competition and entertainment.

### **Kootingal**

Celebrations coordinated by the Kootingal and District Lions Club Inc.

8:00am to 10:30am at Memory Park, Denman Avenue, Kootingal – 8:00am gold coin breakfast. Approx. 8:45am Australia Day Address followed by Australia Day games.

### **Manilla**

Award ceremony and celebrations coordinated by the Manilla Matters S355 Committee and Council staff.

Proposed Australia Day eve ceremony and celebrations - Time and venue to be confirmed.

### **Nundle**

Event to be coordinated by Council staff.

### **Tamworth**

#### **War Memorial Town Hall**

Organised by Council staff and the Australia Day Working Group.

7:30am – Church Service.

8:30am – Rotary Bush Breakfast.

10:00am – Citizenship Ceremony and Australia Day Awards.

#### **Bicentennial Park, Kable Avenue**

Organised by Council staff.

7:00pm – Australia Day Concert.

TBA – Fireworks

#### **(a) Policy Implications**

Nil

#### **(b) Financial Implications**

Expenditure for these events is allocated in the 2022/2023 Annual Operational Plan and Budget.

#### **(c) Legal Implications**

In an instrument of approval under subparagraph 12(2)(a)(iv) of the *Australian Citizenship Act 1948*, the Minister has approved that the Mayor of a city, municipality or town and the General Manager of a Council are authorised to be presiding officers for citizenship ceremonies. For this reason, the Mayor (or General Manager in the Mayor's absence) is invited to perform the ceremony in Tamworth on Australia Day.

#### **(d) Community Consultation**

Nil

#### **(e) Delivery Program Objective/Strategy**

Focus Area 7 – Celebrate our Cultures and Heritage

Focus Area 9 – Open and Collaborative Leadership

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## 9.6 COUNCIL INVESTMENTS NOVEMBER 2022

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Tiffany Pugh, Rates Accountant

**1 ANNEXURES ATTACHED**

### RECOMMENDATION

*That in relation to the report “Council Investments November 2022”, Council receive and note the report.*

### SUMMARY

The purpose of this report is to provide an overview of Council Investments for the month of November 2022.

### COMMENTARY

In accordance with Section 212 of the *Local Government (General) Regulation 2021*, the details of all money invested by Council as at 30 November 2022, is **ATTACHED**, refer **ANNEXURE 1**.

The following table provides a summary of the types of investments held and the institution they are held with:

Institution	Cash at Bank	Financial Assets Amortised Cost	Total	% of Total
NAB	13,428,594.92	18,000,000.00	31,428,594.92	15.54%
BOQ	0.00	17,000,000.00	17,000,000.00	8.40%
CBA	0.00	69,000,000.00	69,000,000.00	34.10%
Westpac	40,892,752.33	35,000,000.00	75,892,752.33	37.51%
ANZ	0.00	4,000,000.00	4,000,000.00	1.98%
Suncorp	0.00	5,000,000.00	5,000,000.00	2.47%
<b>TOTAL</b>	<b>54,321,347.25</b>	<b>148,000,000.00</b>	<b>202,321,347.25</b>	<b>100%</b>

The amount invested at 30 November 2022, has increased by \$646,440.15 (0.32%) compared to funds held at 31 October 2022.

Council's investments are mostly comprised of restricted funds that have been received for specific purposes or funds held for future renewal works. The following table provides an indicative summary of investments held by each fund. The figures provided are based on opening balances from the last completed and audited financial year. The figures provide a guide on the proportion of total cash that is restricted in use:

<b>Fund</b>	<b>Restriction</b>	<b>Amount</b>	<b>%</b>
General	Unrestricted	6,762,125	3.34%
General	Internally Restricted	48,644,286	24.04%
General	Externally Restricted	30,686,441	15.17%
	<b>General Fund Total</b>	<b>86,092,852</b>	<b>42.55%</b>
Water	Unrestricted	2,097,237	1.04%
Water	Internally Restricted	21,873,921	10.81%
Water	Externally Restricted	29,924,897	14.79%
	<b>Water Fund Total</b>	<b>53,896,055</b>	<b>26.64%</b>
Sewer	Unrestricted	2,226,029	1.10%
Sewer	Internally Restricted	43,325,011	21.41%
Sewer	Externally Restricted	16,781,400	8.29%
	<b>Sewer Fund Total</b>	<b>62,332,440</b>	<b>30.81%</b>
	<b>Total Investments</b>	<b>202,321,347</b>	<b>100.00%</b>

Moneys received for each fund can only be used within that fund. An explanation for each category of restriction is described below:

#### **Unrestricted**

These are funds required to meet short term cash flow requirements and contingencies to maintain solvency.

#### **Internally Restricted**

Funds set aside for future commitments mostly relate to asset renewals, remediation works, or leave provisions. For General Fund, this includes self-funding activities such as the Airport, Waste Management and Fleet operations.

#### **Externally Restricted**

Funds provided for specific purposes such as developer contributions, grants and loans.

The use of restricted funds is largely controlled by 10–20 year Asset Management Plans which are included in the Resourcing Strategy of Council's Community Strategic Plan.

**(a) Policy Implications**

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

**(b) Financial Implications**

Increases in the cash rate should, if passed on by financial institutions, result in an increase in interest income.

**(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 215; 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.

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**9.7 SUNDRY DEBTOR WRITE OFF**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Lauren McPherson, Senior Accountant

1 CONFIDENTIAL ENCLOSURES ENCLOSED

**RECOMMENDATION**

*That in relation to the report “Sundry Debtor Write Off”, Council approve the writing off of sundry debtors totalling \$26,641.15 in accordance with Sections 131 and 213 of the Local Government (General) Regulation 2021:*

**SUMMARY**

The purpose of this report is to advise Council of sundry debtor bad debts which have been identified as uncollectable and should now be written off in accordance with Sections 131 and 213 of the *Local Government (General) Regulation 2021*.

**COMMENTARY**

The writing off of these general debtors for user charges, fees and other income is submitted for approval.

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The amounts written off are summarised as follows:

- legal grounds exhausted to recover total an amount of \$16,711.50; and
- uneconomical to recover total an amount of \$9,929.65.

As these are unsecured debts, recovery is not always possible. In accordance with Section 213 (5) of the *Local Government (General) Regulation 2021*, it is considered that on reasonable grounds, that any further attempt to recover these debts would not be cost effective.

The table listing the proposed write offs is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**, and includes:

- the name of the person/business whose debt is being written off;
- the details of the amount concerned; and
- the amount of the debt.

The fact that a debt has been written off does not prevent Council initiating legal proceedings in the future to recover the debt. Any amount written off will be adjusted if part or all of the debt is subsequently recovered.

**(a) Policy Implications**

The General Policy Register, 10.1 states that all write-offs will be reported to Council.

**(b) Financial Implications**

The writing off of the amounts shown in the attachment will reduce the balance of outstanding receivables.

Of the amounts to be written off, \$990.42 are not in the provision for doubtful debts. If the recommendation to write off these debts is approved, this amount will be expensed in the current financial year.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

Focus Area 9 – Open and Collaborative Leadership

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## **9.8 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - NOVEMBER 2022**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER

**AUTHOR:** Sherrill Young, Finance Manager

**Reference:** Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22

**1 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Annual Operational Plan 2022/2023 Budget Variation Report - November 2022”, Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.*

### **SUMMARY**

This report seeks Council approval for budget variations identified during the month of November 2022, for which there has been no previous specific report or approval.

### **COMMENTARY**

Council adopted the original budget included in the Annual Operational Plan for 2022/2023 at the Ordinary Meeting of Council held 28 June, 2022. 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 will provide Council with a full review of revised budget forecasts and actual year-to-date results.

The most significant budget adjustment for the month of November was the recognition of income and expenditure for the installation of rail lines on the Tamworth Global Gateway Park (TGGP) site. The installation of the rail line will connect the intermodal to the state owned rail line. The commencement of rail construction on the TGGP site is a significant milestone in the TGGP industrial land development. Also on a positive note is increased activity for entertainment venues after the detrimental Covid19 lockdowns.

**Variations identified November 2022**

<b>Description</b>	<b>Budget Variation</b>	<b>Operating Income</b>	<b>Operating Expenses</b>	<b>Capital Income</b>	<b>Capital Expenses</b>
Economic Destination and Development	(5,365)	(5,365)	0	0	0
Entertainment Venues	(75,447)	(190,341)	114,313	0	581
Business Systems and Solutions	93,801	0	93,801	0	0
AELEC Precinct	59,000	0	0	0	59,000
People & Culture	53,000	0	53,000	0	0
Communications and Engagement	85,667	0	85,667	0	0
Plant, Fleet and Building	(27,142)	(20,318)	(6,824)	0	0
Sports and Recreation Services	158,045	(41,955)	0	0	200,000
Strategy Assets and Design	(5,741)	(5,741)	0	0	0
Project Costing	715,000	0	15,000	(1,995,075)	2,695,075
Waste Management	(25,349)	(25,349)	0	0	0
Water & Wastewater	(357,096)	(55,096)	7,000	0	(309,000)
Laboratory	4,969	0	0	0	4,969
<b>TOTAL</b>	<b>673,342</b>	<b>(344,165)</b>	<b>361,957</b>	<b>(1,995,075)</b>	<b>2,650,625</b>

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The variations included in the report have the following impact on forecast results for 2022/2023 by fund of:

<b>Fund</b>	<b>Operating Income</b>	<b>Operating Expenses</b>	<b>Capital Income</b>	<b>Capital Expenses</b>
General	(289,069)	354,957	(1,995,075)	2,959,625
Water	(27,548)	7,000	0	30,000
Sewer	(27,548)	0	0	(339,000)
<b>Total</b>	<b>(344,165)</b>	<b>361,957</b>	<b>(1,995,075)</b>	<b>2,650,625</b>

**(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**

### **10.1 CENTRAL NORTHERN REGIONAL LIBRARY (CNRL) - MINUTES - ANNUAL GENERAL MEETING AND ORDINARY MEETING - 16 NOVEMBER 2022**

**DIRECTORATE:** LIVEABLE COMMUNITIES

**AUTHOR:** Kay Delahunt, Manager - Cultural and Community Services

**2 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Central Northern Regional Library (CNRL) - Minutes - Annual General Meeting and Ordinary Meeting - 16 November 2022”, Council:*

- (i) receive and note the minutes of the Annual General Meeting of the Central Northern Regional Library held on 16 November 2022;*
- (ii) receive and note the minutes of the Ordinary Meeting of the Central Northern Regional Library held on 16 November 2022;*
- (iii) approve the proposed Tamworth Regional Council contribution for 2023/2024.*

#### **SUMMARY**

The purpose of this report is to present to Council the minutes of the Central Northern Region Library (CNRL) Annual General Meeting (AGM) and Ordinary Meeting held 16 November 2022. This report summarises the key issues from the Minutes.

#### **COMMENTARY**

##### **Background**

The Central Northern Regional Library (CNRL) is a resource sharing arrangement formed under Section 12(1) of the *Library Act*. The Regional Library is made up of six Councils; Gwydir Shire Council, Liverpool Plains Shire Council, Narrabri Shire Council, Tamworth Regional Council, Uralla Shire Council and Walcha Council. Tamworth Regional Council is the Executive Council for CNRL.

All member Councils signed a five year CNRL Regional Library Agreement in June 2021.

Being part of a regional library service has advantages for all member Councils. These advantages include:

- the ability to achieve economies of scale through cost sharing and combined purchasing;
- access to wider resources including:
  - larger collections both physical and digital;
  - refreshed stock through continual stock rotation;
  - shared library management software (catalogue and circulation);
- the ability to provide equitable services for customers over wider service areas;
- the provision of shared learning programs and events for the community;
- shared and consistent policies and procedures; and
- greater capacity to employ professional staff and share expertise.

The model also encourages relationship building with regional communities and between Councils.

### **AGM and Ordinary Meeting of 16 November 2022**

The CNRL AGM and Ordinary Meeting were held in the meeting room at the new Quirindi Library on 16 November 2022. Minutes of AGM are **ATTACHED**, refer **ANNEXURE 1**.

Cr Catherine Redding from Narrabri Shire Council was re-elected as the CNRL Chair and Cr Judy Coates from Tamworth Regional Council was elected as Deputy Chair.

The Annual Report for 2021-2022 and the Annual Financial Statements for 2021-2022 were received and noted at the meeting.

Observations relating to the Annual Report included:

- noting increased physical loans;
- the repeat appearance of certain titles when looking at the top ten borrowed items in each format;
- noting a wide variation in the proportion of loans that are processed via the self-check at each branch; and
- general satisfaction with the way CNRL is performing.

Minutes of the Ordinary Meeting are **ATTACHED**, refer **ANNEXURE 2**. In the Ordinary Meeting, the Manager's report included information on the significant increase in the subscription price to Australia's National Bibliographic Database, *Trove*. The increase is being phased in over three years. 2023-2024 will be year two of the staged increase.

The quarterly report for September 2022 was received and noted.

A draft 2023-24 CNRL Budget was presented to the Committee. The budget has been prepared on an estimated \$2.85 per capita subsidy and a \$13.20 per capita Council contribution. The CNRL Council component of the per capita contribution has not increased for the past three years. The State Government has announced a new four year public library funding package however, the fine detail, is yet to be announced. There is a strong expectation that the per capita subsidy will be maintained at \$2.85.

Tamworth Council's Co-ordinator STEAM (Science Technology Engineering Arts and Maths) and Childhood Literacy presented a proposal to introduce a STEM (Science Technology Engineering Maths) Kit borrowing collection. The Committee approved the proposal and released \$20,000.00 from the CNRL reserve to set up the collection.

Tamworth Council's Library Technology Officer prepared a report on the replacement of CNRL branch staff tablets used for providing information services. The Committee approved the release of \$10,500.00 for the replacement of the tablets.

Narrabri Shire Council staff shared a report on the recent SWITCH Library Conference held in Albury.

Delegates from across the region reported on the initiatives happening in their local library service.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The proposed member Council component of the per capita contribution to CNRL for 2023-2024 has increased from \$12.95 to \$13.20 per capita. The State component of the per capita contribution is expected to remain at \$2.85 in 2023-24.

Based on a population of 62,782 the Council component for Tamworth Regional Council would total \$828,722.00. This is an increase of approximately \$15,695.00 on the previous year. There has been no increase in the Council component of the per capita contribution to CNRL for three years. (2019-2022).

The CNRL contributions fund the shared core services (print and digital collections, library catalogue and automated circulation system, stock rotation, regional library programs etc.). In addition, the contributions also fund 8.14 full time equivalent (FTE) staff based in Tamworth.

The NSW State Government recently announced a new four year funding package extending the increased funding announced in 2018. The exact breakdown of the funding is not yet known, however there is a commitment to maintain the \$2.85 per capita funding.

The CNRL Committee also approved the release of a total of \$30,500.00 from reserves for current year specific projects (STEM Kit lending collection and staff tablets).

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

Focus Area - Resilient and Diverse Communities.

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## **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.*

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

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director Water and Waste  
**Reference:** 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  
**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

### **SUMMARY**

At its meeting of 14 June 2022, Council agreed to exercise the option and extend the lease of the Council owned property at 284 Gidley Appleby Road, held by TF and JF Barwick for a further 6 months. The extension of the lease will end on 31 December 2022.

The purpose of this report is to seek direction from Council in relation to a further extension of the lease.

#### **PROPOSED SALE OF LAND AT TAMWORTH GLOBAL GATEWAY PARK**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Jacqueline O'Neill, Director - Growth and Prosperity  
**Reference:** Item 12.11 to Ordinary Council 15 December 2020 – Minute No 412/20  
Item 12.2 to Ordinary Council 13 July 2021 – Minute No 199/21  
**4 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

### **SUMMARY**

The purpose of this report is to seek authorisation for the Mayor and General Manager to negotiate the sale of land in what is identified as Stage 1 of the Tamworth Global Gateway Park (TGGP), provided that the anticipated use of the land is consistent with the strategic planning for TGGP.

**PANEL TENDER T146-2022 - DRY HIRED PLANT**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Sebastian Lees, Technical Officer Plant and Supply  
**Reference:** Documents Tabled

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**

Tamworth Regional Council (Council) invited tenders for the supply of dry hired plant for use on various Council maintenance and construction works, along with other projects as required. The term dry, when relating to hired plant, means equipment supplied without an operator or labour involved. Rates for dry hire do not include fuel, this is an additional expenditure. The tendering period is for two years commencing on 1 January 2023.

This tender was publicly advertised and released via the Tenderlink online portal and Council's website from Friday 19 August 2022.

All suppliers registered on Council's existing panel for dry hired plant were notified of this upcoming tender and tender briefing for dry hired plant.

The tender briefing was held at 3:00pm Thursday 1 September 2022 at the Lockheed Street Depot Services Centre Meeting Room. A copy of the tender document, the tender pricing request spreadsheet and the tender compliance spreadsheet were tabled in hard copy for presentation at this briefing. The tender briefing provided all suppliers, along with Council staff, the opportunity to clarify any uncertainties in order to create a robust and competitive marketplace.

Tenders closed at 11:00am Australian Eastern Standard Time (AEST) on Wednesday 28 September 2022.

A total of 24 tender submissions were received through the Tenderlink online portal.

**PANEL TENDER T040-2023 - WET HIRED PLANT**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Sebastian Lees, Technical Officer Plant and Supply  
**Reference:** Documents Tabled

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**

Tamworth Regional Council (Council) invited tenders for the supply of wet hired plant for use on various Council maintenance and construction works, along with other projects as required. The term wet, when relating to hired plant, means equipment supplied with an operator or labour involved. Rates for wet hired plant include fuel and consumables such as oil and grease. The tendering period is for five years commencing on 1 January 2023.

This tender was publicly advertised and released via the Tenderlink online portal and Council's website from Friday 19 August 2022.

All suppliers registered on Council's existing panel for wet hired plant were notified of this upcoming tender and tender briefing for wet hired plant.

A tender briefing was held at 5:00pm Thursday 1 September 2022 at the Lockheed Street Depot Services Centre Meeting Room. A copy of the tender document, the tender pricing request spreadsheet and the tender compliance spreadsheet were tabled in hard copy for presentation at the tender briefing. The tender briefing provided all suppliers, along with Council staff, the opportunity to clarify any uncertainties in order to create a robust and competitive marketplace.

Tenders closed at 11:00am Australian Eastern Standard Time (AEST) on Thursday 29 September 2022.

A total of 46 tender submissions were received through the Tenderlink online portal.

**PROPOSED LEASE TO PIRATES RUGBY CLUB INCORPORATED OF PART LOT 4 IN  
DEPOSITED PLAN 211713**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Blake Mammarella, Sports and Recreation Development  
Officer  
Paul Kelly, Manager Sports and Recreation

**Reference:** Item 12.1 to Ordinary Council 27 September 2022 - Minute No  
283/22

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

**SUMMARY**

The purpose of this report is to advise Council of an approach from the current lessee of the property described as part Lot 4 in Deposited Plan 211713 as shown on the plans enclosed to amend the terms of their current lease and to clarify the leased area.

**CIVIL AVIATION SAFETY AUTHORITY LEASE - TAMWORTH REGIONAL AIRPORT**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** John Sommerlad, Commercial Director - Airport, Aviation,  
Events and Projects

**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)ii of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a competitor of Council.

**SUMMARY**

The Civil Aviation Safety Authority (CASA) is seeking a new lease over the Council-owned premises it occupies at Tamworth Regional Airport. The purpose of this report is to seek Council's approval to enter into new leasing arrangements with CASA.

## **T061/2023 - CONSTRUCT ACCESSIBLE TRANSPORT HUB SHELTER**

**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.

### **SUMMARY**

The purpose of this report is to seek Tamworth Regional Council's (Council's) acceptance of tender T061/2023 to award a contract for the construction of a roof shelter over the accessible transport hub in Bicentennial Park.

The Accessible Transport Hub and Changing Places were constructed in Bicentennial Park earlier this year, funded by Phase 2 of the Australian Government's Local Roads and Community Infrastructure (LRCI) program. Stakeholders had previously recommended a shelter over the transport hub for the comfort and dignity of passengers and their carers while they wait for transport, and enter or leave their vehicle, which can take several minutes.

Council received \$252,150 from the NSW Government through Stream 2 of the Regional Tourism Activation Fund, which supports inclusive and accessible visitor experiences at unique and high impact tourism and events infrastructure. The shelter will improve the user experience of the transport hub, and help promote Tamworth as an accessible place to visit and stay for visitors with a disability, and their family and carers.

The project estimate for this funding was prepared more than a year before tenders were invited. Since this time construction costs have risen significantly, with structural steel almost doubling in price. It is proposed that an amount of \$90,100 be allocated from contingency funds within the LRCI Phase 3 program in order to allow this project to be completed in full.

### **Tender Scope and Evaluation**

A tender was advertised 3 November and closed on 24 November 2022. As a detailed structural and electrical design was previously completed for this work, this tender was for a 'construct only' contract. Tenderers were required to provide a schedule of prices for the works, including:

- management and supervision of the works;
- site establishment including survey, traffic management and pedestrian management;
- supply, fabrication and erection of the shelter over the accessible transport hub;
- provision and installation of lighting and electrical requirements;
- site restoration and demobilisation from site; and
- work as executed (WAE) documentation.

The evaluation of the tenders was undertaken in accordance with the approved Tender Evaluation Plan, which prescribed the tender procedure and the weighted assessment criteria.

## **TAMWORTH GLOBAL GATEWAY PARK - EXTENSION TO STAGE 3 AND UPDATE ON LOT SALES**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer  
**Reference:** Item 12.4 to Ordinary Council 13 July 2021 – Minute No 201/21  
Item 12.2 to Ordinary Council 12 October 2021 – Minutes No 288/21  
Item 8.1 to Ordinary Council 26 October 2021 – Minutes No 306/21  
Item 8.3 to Ordinary Council 14 June 2022 – Minute No 160/22

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

### **SUMMARY**

#### **Background**

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

Stage 3 of the TGGP involves the construction of public infrastructure internally within the south-eastern section of the development. This stage is the first parcel being constructed within the Business Park portion of the TGGP and is accessed from the Country Road Roundabout on the Oxley Highway.

This report seeks Council approval to extend Stage 3 within the TGGP to accommodate a large lot purchaser, allocate funding for the construction of additional infrastructure, dedicate additional land for the purposes of road widening and amend the lot layout to accommodate the larger lot.

For reference, the existing portion of Stage 3 is referred to as Stage 3A herein, with the extended portion referred to as Stage 3B.

A plan indicatively identifying the amendments to the lot layout and the extension of the road reserve is provided in Figure 1 below. The following legend is applicable:

- pink hatching – existing Stage 3A road reserve;
- blue hatching – extended Stage 3B road reserve;
- pink outline – existing Stage 3A lots; and
- blue outline – consolidated and extended single lot in Stage 3B to accommodate large purchaser.



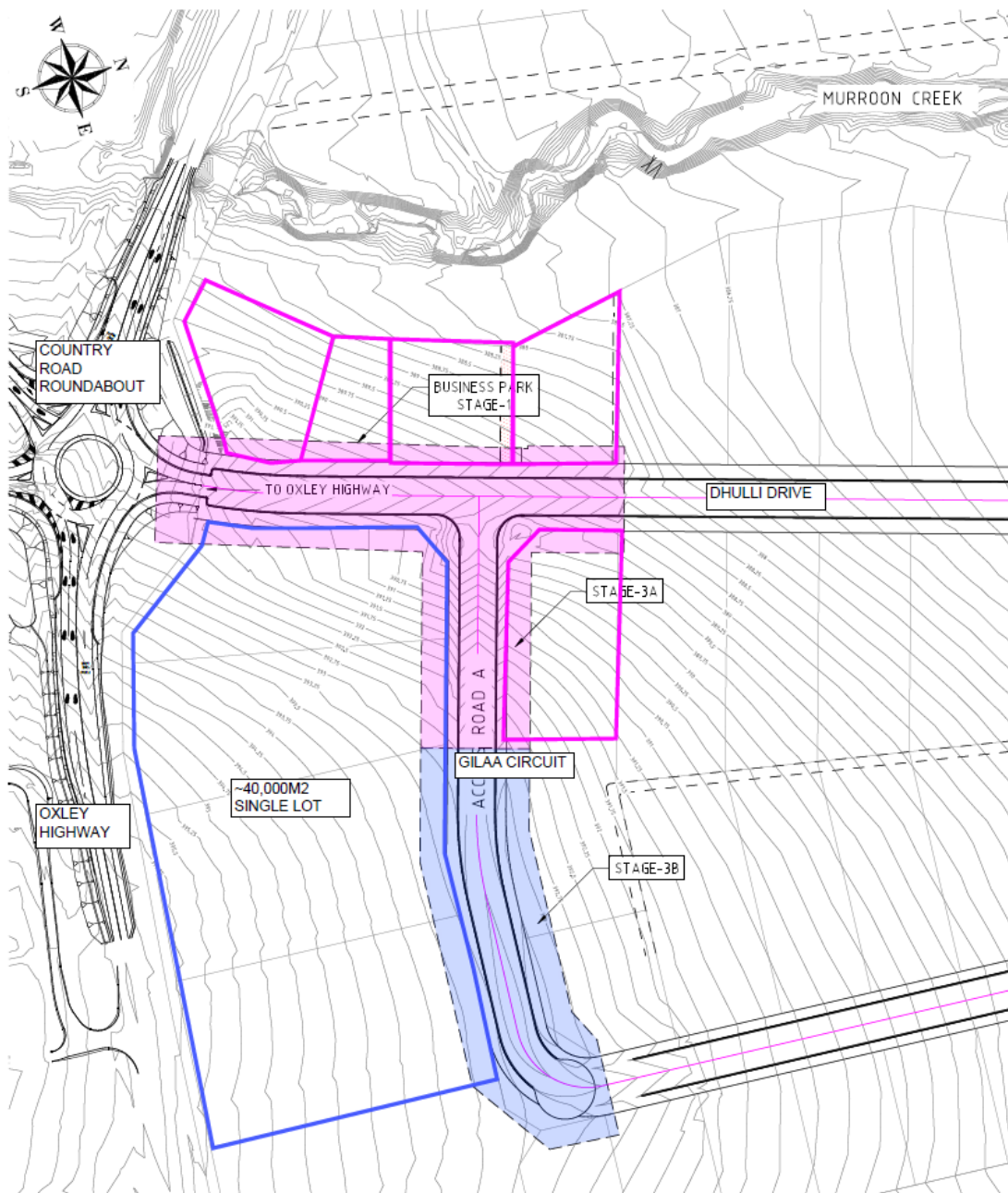


Figure 1 – Stage 3B extension

The report also includes an update on the status of lot sales within TGGP Stages 1-3 and future market demand within further stages.

**TENDER T078-2023 - DESIGN, SUPPLY AND INSTALLATION OF PUBLIC AMENITIES  
AT CENTENARY PARK, MANILLA CEMETERY AND MOONBI RECREATION GROUND**

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: Amos Fenn, Project Officer**  
**Paul Kelly, Manager Sports and Recreation**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(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., commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. and alleged contraventions of any code of conduct requirements applicable under section 440..

**SUMMARY**

The purpose of this report is to seek Council's approval to award tender T078-2023 for the Design, Supply and Installation of Public Amenities at Centenary Park, Manilla Cemetery and Moonbi Recreation Ground.

**TENDER T077-2023 - DESIGN, SUPPLY AND INSTALLATION OF PLAYGROUNDS AT VIADUCT PARK YOUTH HUB, MOORE CREEK RECREATION GROUND AND NORTHERN INLAND CENTRE OF SPORTING EXCELLENCE**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Amos Fenn, Project Officer  
Paul Kelly, Manager Sports and Recreation

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(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., commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. and alleged contraventions of any code of conduct requirements applicable under section 440..

**SUMMARY**

The purpose of this report is to seek Council's approval to award tender T077-2023 for the Design, Supply and Installation of Playgrounds at Viaduct Park, Moore Creek Recreation Ground and Northern Inland Centre of Sporting Excellence.

**Tender Scope and Evaluation**

A tender for the design, supply and installation of playgrounds at Viaduct Park Youth Hub, Moore Creek Recreation Ground and Northern Inland Centre of Sporting Excellence project was advertised for a period of 28 days and closed on 15 November 2022. Tenderers were required to provide a schedule of prices for the works to include:

- all design, review, finalisation, applications/approvals and certifications;
- project management, quality management and verification, survey control, and works-as-executed documentation;
- site establishment (including traffic/pedestrian controls, environmental controls, and any accommodation or travel costs);
- all works associated with the supply, design and installation;
- all works associated with construction including all excavation, earthworks, footings and supporting infrastructure installation;
- all works associated with site tidy up/make good including reinstate surrounding ground surfaces to provide trip-free access to the site; and
- all works associated with commissioning, including training and preparation of operation and maintenance manuals.

The evaluation of the tenders was undertaken in accordance with the approved tender evaluation plan, which prescribed the tender procedure and the weighted assessment criteria.

## **TENDER T076-2023 - DESIGN, SUPPLY AND INSTALLATION OF RUBBER SOFTFALL AT THE TAMWORTH REGIONAL PLAYGROUND**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Amos Fenn, Project Officer  
Paul Kelly, Manager Sports and Recreation

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 Council's approval to award tender T076-2023 – Design, Supply and Installation of Rubber Softfall at the Tamworth Regional Playground.

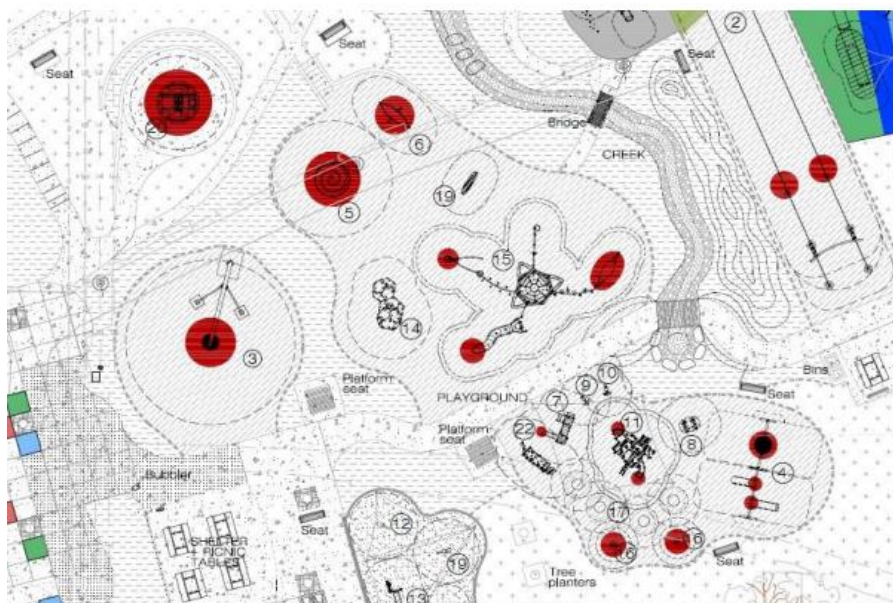
### **Background**

Within the last 18 months, Sports and Recreation operational and technical staff identified the need to replace the organic woodchip softfall with an attenuating rubber surface at the Tamworth Regional Playground.

This transition from woodchip to rubber significantly reduces ongoing maintenance. This maintenance currently requires two staff, one hour per day, for seven days per week to inspect, rake and clean from hardstand areas. The rubber surfacing also provides a much more controlled, cured and intact surface that cannot be displaced like the loose woodchip material currently on site.

The opportunity via the Local Roads and Community Infrastructure (LRCI) fund Round 3 enabled this project to be identified as a priority and therefore is fully funded by this fund. The total allocated budget for this project is \$330,000 excluding GST.

Figure 1 below shows the existing rubber pads and the proposed new sections.



**PROPOSED SALE OF DRUMALBYN AND KARA – OGUNBIL ROAD, OGUNBIL**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director Water and Waste  
**Reference:** Item 14.3 to Ordinary Council 27 September 2016 - Minute No 293/16  
Item 14.5 to Ordinary Council dated 12 June 2018 - Minute No 202/18  
Item 16.11 to Ordinary Council 24 September 2019 - Minute No 337/19  
Item 8.1 to Ordinary Council 27 September 2022 - Minute No 275/22

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (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**

Council purchased the adjoining properties known as Drumalbyn and Kara located on the Ogunbil Road, Ogunbil in late 2019. The primary purpose for acquisition at the time was to allow one of the residences on the property, considered to be at high risk of loss of life in the event of failure of the Dungowan Dam, to be demolished. This work has been completed and at its meeting of 27 September 2022 Council resolved to plan to sell the properties following the completion of the current lease of the property on 30 April 2023. This report provides Council options for consideration in relation to the sale strategy for the property.

**TAMWORTH REGIONAL COUNCIL SMALL MATERIALS RECYCLING FACILITY OLD CORRUGATED CONTAINERS (CARDBOARD) CONTRACT PROPOSAL**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Morne Hattingh, Manager - Waste and Resource Recovery  
**Reference:** Item 12.2 to Ordinary Council 28 September 2021 - Minute No 273/21  
Item 12.3 to Ordinary Council 22 November 2022 - Minute No 369/22  
Item 12.5 to Ordinary Council 9 August 2022 - Minute No 235/22

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

**SUMMARY**

The purpose of this report is to update Council on matters relating to the receipt and processing of Old Corrugated Containers (cardboard) received at the SMRF located at Forest Road Waste Management Facility. The report also seeks Council's authorisation to enter into a processing and material supply contract with Opal Packaging Australia Pty Ltd.

**NEW DUNGOWAN PIPELINE - POTENTIAL CONNECTION OF TULLAMORE HEIGHTS RURAL SUBDIVISION**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager - Water and Environmental Operations  
**Reference:** Item 13.4 to Ordinary Council 13 December 2011 - Minute No 446/11  
Item 12.5 to Ordinary Council 22 February 2022 - Minute No 56/22

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (g) of the local Government Act 1993 on the grounds that the matter and information is advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**SUMMARY**

Councillors would be aware that construction of the first stage of the new Dungowan Pipeline, referred to as Early Works, is underway. Water Infrastructure NSW has requested Council's consideration of the connection of further properties to the new Dungowan Pipeline. The purpose of this report is to seek Council direction in relation to this matter.