

# TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**, commencing at **6:30pm**.

## ORDINARY COUNCIL AGENDA

**11 AUGUST 2020**

**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*

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

## Community Consultation Policy

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

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

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

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day of 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, 28 July 2020, 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**

- 6.1 **NOTICE OF MOTION – CR RUSSELL WEBB - RESCISSION - PROVISION OF AUTOMATED METER READING AND DATA MANAGEMENT TO TAMWORTH REGIONAL COUNCIL RETICULATED WATER SUPPLY AREAS FOR CONSIDERATION IN THE 2021/2022 BUDGET**

### **MOTION**

*That Council rescind the following Resolution adopted at the Ordinary Council Meeting held Tuesday, 28 July 2020, Item 8.8, in relation to the “Possible Provision of Automated Meter Reading and Data Management to Tamworth Regional Council Reticulated Water Supply Areas”:*

*“That in relation to the report “Possible Provision of Automated Meter Reading and Data Management to Tamworth Regional Council Reticulated Water Supply Areas”, Council:*

- (i) receive and note the report; and*
  - (ii) make a final decision on this matter following consideration of tenders received, which are discussed in a further report to Council contained in this Business Paper and to be considered in that part of the Meeting closed to the public.”*
-

Should the Rescission Motion be passed, we the undersigned intend to move the following motion:

*“That in relation to the Notice of Motion “Provision of Automated Meter Reading and Data Management to Tamworth Regional Council Reticulated Water Supply Areas for Consideration in the 2021/2022 Budget” Council:*

- (i) receive and note the report;*
- (ii) request that the item be presented again with the 2021/2022 budget estimates for consideration; and*
- (iii) acknowledge that the resolution from Item 12.1 of the Ordinary Council Meeting held 28 July 2020 is deemed null and void.*

### **SUPPORTING INFORMATION**

It should be acknowledged that there was very good discussion on this matter during the Council Meeting held on 28 July 2020. All Councillors are very supportive of new technology that improves the management of Council's assets and improves the quality of life for our residents and visitors. At the same time, Council has an obligation to demonstrate sound financial management. The implementation of Automated Meter Reading and Data Management is an important project for Council to consider and as such should be considered in conjunction with other major projects and spending, especially given the large spend in the first year that would be associated with the implementation of the devices.

The Councillors believe that the report presented at the Ordinary Council Meeting of the 28 July 2020, regarding the Possible Provision of Automated Meter Reading and Data Management to Tamworth Regional Council Reticulated Water Supply Areas requires further investigation in relation to the costs proposals presented and that this project should be held over to the 2021/2022 budget discussions to ensure that all the factors are being considered.

It is recognised that the Tender that was resolved at 12.1 at the Ordinary Council Meeting held 28 July 2020, be null and void due to the rescission motion.

This rescission motion is not intended to stop the implementation of Automated Meter Reading and Data Management to the Tamworth Region in the medium to long term but rather to ensure the cost proposals are evaluated as part of the 2021/2022 budget discussions to ensure that all the factors are being considered.

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

Nil

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

The costs associated with this report will be considered as part of the 2021-2022 budget process.

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

Nil

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

The community will have an opportunity to provide input as part of the 2021-2022 Annual Operational Plan process

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

A Region for the Future – F11 Sound asset management planning.

Cr Russell Webb

Cr Phil Betts

Cr Mark Rodda

30 July 2020

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## **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

#### **7.1 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL TO REMOVE CARAVAN PARKS FROM THE RE2 PRIVATE RECREATION ZONE – FILE NO**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Louisa Agyare, Integrated Planner

**Reference:** Item 8.2 to Ordinary Council 18 December 2018 - Minute No 333/18  
Item 7.2 to Ordinary Council 30 October 2018 - Minute No 239/18

**3 ANNEXURES ATTACHED**  
**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **RECOMMENDATION**

*That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 - Planning Proposal to Remove Caravan Parks from the RE2 Private Recreation Zone”, Council determine to make the Plan in accordance with section 3.36(2)(a) of the Environmental Planning and Assessment Act 1979, and this includes amendments to the Land Zoning Map and the RE2 Private Recreation Zone Land Use Table.*

#### **SUMMARY**

Council has completed public exhibition of the planning proposal. During this period, Council has received submissions from members of the public and feedback from public authorities regarding the planning proposal. The majority of the submissions and feedback from the public authorities support the planning proposal.

It is recommended that Council finalise the planning proposal in accordance with the *Environmental Planning and Assessment Act 1979*.



## COMMENTARY

### Background

This report follows the resolution of Council from the Ordinary Meeting held on 18 December 2018, regarding the permissibility of caravan parks and manufactured home estates in the RE2 Private Recreation zone.

A Development Application was lodged with Council for a manufactured home estate on an eastern portion of the Longyard Golf Course. It was considered permissible in the zone due to the definition of 'caravan park', also being permissible in the zone. At the Ordinary Council Meeting held on 30 October 2018, this Development Application was refused on the grounds that the proposed development for a manufactured home estate was inconsistent with the zoning of the subject site zoned RE2 Private Recreation, and with the surrounding lands zoned SP3 Tourist.

This process brought to Council's attention that permanent residential accommodation is inconsistent with the objectives of the RE2 Private Recreation zone.

The process also highlighted the potential for incompatible land uses to impact upon the strategic direction and economic investment of the city and region. Council has subsequently identified a number of other significant sites within the region that may also be impacted by nearby lands zoned RE2 Private Recreation allowing caravan parks and consequently manufactured home estates. The significant areas include recreational, commercial and industrial precincts that are either currently under construction or proposed under a strategy that has the capacity to attract considerable economic investment. These sites have been identified in both Local and State Strategies to support the economic and employment growth of these areas.

The planning proposal addresses the permissibility of caravan parks within the RE2 Private Recreation zone. The proposed changes include:

- removal of caravan parks from the RE2 Private Recreation zone Land Use Table;
- change the zoning of Lots 1 and 2 DP 1055796, Kennedy Street, Manilla, from RE2 Private Recreation to RE1 Public Recreation; and
- change the zoning of Lot 2 DP 864981, Greg Norman Drive, Hillvue from SP3 Tourist to RE2 Private Recreation.

The planning proposal is **ATTACHED**, refer **ANNEXURE 1**. Maps depicting the zoning and locations of the subject sites are **ATTACHED**, refer **ANNEXURE 2**.

### Public Exhibition and Community Consultation

Public exhibition and community consultation was undertaken by Council for a period of 30 days from Monday 1 June 2020, to Tuesday 30 June 2020.

The public exhibition was conducted in accordance with the *Environmental Planning and Assessment Act 1979*, *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020*, the *Local Government (General) Regulation 2005* and Department of Planning Industry and Environment guidance.

During the public exhibition period, the planning proposal and associated documentation were available via the following locations:

- NSW Department of Planning Industry and Environment LEP Tracking System;
- Tamworth Regional Council's website;

- Tamworth Regional Council Customer Service Centre - Ray Walsh House; and
- Tamworth Regional Council Manilla Branch Office.

The subject sites include lands for golf courses, bowling clubs and a motor sports complex. Owners of the subject sites were notified and invited to submit feedback during the exhibition period. Where lands were proposed to be rezoned, adjoining landholders within the immediate vicinity of the subject lands were also notified.

### **Submissions**

Council received a total of eight submissions during the exhibition period. Seven submissions provided support and one submission provided support and objection for different aspects of the planning proposal.

A comprehensive summary of the issues raised from submissions during the public exhibition period are **ATTACHED**, refer **ANNEXURE 3**. A copy of the submissions are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

As previously mentioned, only one submission was received which raised an objection to the planning proposal. The main concern was that the changes to the RE2 Private Recreation zone Land Use Table are considered unwarranted and that planning process allows for merit assessment by Council and subsequent appeal and reassessment by the Land and Environment Court. The submission states that Council is disregarding the Court judgement regarding the development consent relating to the Longyard Golf Course.

Whilst it is agreed that the planning process does allow for merit assessment of the impact on adjoining properties, it is still considered that permanent residential accommodation is simply inconsistent with the objectives of the RE2 Private Recreation zone. The proposed amendment to the LEP represents a consistently applied approach to the permissibility of manufactured home estate development in locations where it is identified that such development would be unsuitable within the zone.

Council also recently received correspondence in relation to the planning proposal. A copy of the correspondence is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 2**.

### **Feedback from Public Authorities**

Council sought and obtained feedback from public authorities as a requirement of the Gateway Determination issued by the Department of Planning Industry and Environment. Council received feedback from three public authorities. No public authority raised an objection to the planning proposal. John Holland Rail and Transport for NSW provided a recommendation within their joint submission.

#### Recommendation from John Holland Rail and Transport for NSW

Council should amend the current zoning of the subject land within the Bridge Street rail corridor from RE2 Private Recreation to IN3 Heavy Industrial;

Council should amend the Land Use Table for the IN3 Heavy Industrial zone in relation to the permissibility of passenger transport facilities.

#### Comment

The actions identified have been included in the list of matters to be assessed as part of Council's comprehensive LEP review.

A copy of the public authority comments are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 3**.

## CONCLUSION

The planning proposal represents a consistently applied approach to the permissibility of manufactured home estate development in locations where it is identified that such development would be unsuitable within the zone and incompatible with adjoining precincts. This approach represents the best planning outcome for the whole Tamworth Regional Local Government Area.

The majority of the submissions received were in support of the planning proposal. Public authorities consulted by Council did not raise any objections to the planning proposal.

Therefore, it is recommended that Council support the planning proposal as exhibited—and finalise the planning proposal to *Rezone Lot 2 DP 864981 at Greg Norman Drive, Tamworth, and Lots 1 and 2 DP 1055796 at Kennedy Street, Manilla, and amend the Private Recreation RE2 Land Use table to prohibit caravan parks* in accordance with the *Environmental Planning and Assessment Act 1979*.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

The planning proposal will alter the planning provisions for the subject lands in the following ways:

- The removal of caravan parks from the *Tamworth Regional Local Environmental Plan 2010* RE2 Private Recreation zone Land Use Table will alter the permissible uses over those lands.

*Andersen v Tamworth Regional Council [2019] NSWLEC 1580* granted development consent for the purpose of a manufactured home estate comprising 99 dwellings including community facilities on Lot 2 DP 864981 and Lot 120 DP 1105753, Greg Norman Drive, Hillvue, New South Wales, subject to conditions of consent.

Future manufactured home estates will not be permissible within the RE2 Private Recreation zone as a result of the proposed amendment to the RE2 Private Recreation zone Land Use Table. However, the consent for the manufactured home estate development over Lot 2 DP 864981 and Lot 120 DP 1105753 issued by *[2019] NSWLEC 1580* will not be impacted by the proposed amendments.

- The rezoning of Lot 1 and 2 DP 1055796, Kennedy Street, Manilla and Lot 2 DP 864981, Greg Norman Drive, Hillvue will alter the permissible uses over those lands.

**(d) Community Consultation**

Community consultation was undertaken by Council through public exhibition of the planning proposal for a period of 30 days from Monday 1 June 2020, to Tuesday 30 June 2020, in accordance with the requirements of the Gateway Determination.

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

A Prosperous Region – P11 Support and facilitate economic development and employment opportunities.

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**7.2 MODIFICATION (MOD2018-0126) TO DEVELOPMENT APPLICATION NO. 2016/0333 FOR NSW RURAL FIRE SERVICE FIRE CONTROL CENTRE AND HELIPAD ON LOT 211 DP 1069964, COUNTRY ROAD, WESTDALE**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Mitchell Gillogly, Development Assessment Planner

**Reference:** Item 7.2 to Ordinary Council 12 April 2016 - Minute No 80/16  
Item 7.1 to Ordinary Council 26 May 2020 - Minute No 124/20

**5 ANNEXURES ATTACHED**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**GENERAL MANAGER'S ADVISORY NOTE TO:**

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

**Record (Division) of Voting**

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

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

**Relevant Planning Application**

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

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

**Relevant Public Submission**

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

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

**Disclosure of Reportable Political Donations and Gifts**

Planning Applications  
Nil  
Public Submissions  
Three

**RECOMMENDATION**

*That in relation to the "Modification (MOD2018-0126) to Development Application No. 2016/0333 for NSW Rural Fire Service Fire Control Centre and Helipad on Lot 211 DP 1069964, Country Road, Westdale", the application be determined by granting consent*

*with a modification to the conditions as follows:*

- *delete condition 1 in consideration of a construction certificate not being required for Crown Development;*
- *delete condition 9 requiring consultation shall be undertaken with the Civil Aviation Safety Authority (CASA) and Airservices Australia;*
- *amend condition 10 to require details of water irrigation or watering plan for ongoing maintenance of landscaping;*
- *amend the wording of condition 11 in consideration of the proposal being a Crown Development;*
- *add an advisory note to condition 12 to clarify specific requirements to be addressed as part of stormwater strategy;*
- *amend the wording of condition 12 in consideration of the proposal being a Crown Development;*
- *add condition 12a to nominate approved plan set;*
- *amend the wording of condition 15 to clarify the notification of events to adjoining landholders;*
- *amend to the wording of condition 26 to nominate the preferred location for discharge is at the northern end of the site in the table drain located in Country Road;*
- *amend the wording of condition 28 in consideration of a construction certificate not being required for Crown Development;*
- *add an advisory note to condition 35 to allow flexibility with pavement design for internal roads;*
- *add an advisory note to condition 36 to allow flexibility with pavement design for internal roads;*
- *amend the wording of condition 39 regarding the design vehicles for vehicle turning movements;*
- *amend the wording of condition 42 to nominate the provision of 46 onsite parking spaces;*
- *amend the wording of condition 46 in consideration of the proposal being a Crown Development;*
- *amend the wording of condition 48 in consideration of the proposal being a Crown Development;*
- *delete condition 49 requiring gazettal of Country Road as a B-double route;*
- *amend the wording of condition 50 in consideration of the proposal being a Crown Development;*
- *amend the wording of condition 56 to require training vehicles to be removed 72 hours following completion of training events;*
- *add condition 56a consultation shall be undertaken with the Civil Aviation Safety Authority (CASA), Airservices Australia and Tamworth Regional Airport;*

- *add condition 56b to landscaping to be maintained in perpetuity by the operator of the facility; and*
- *amend the wording of conditions 7, 28, 30, 32, 35, 36, 40, 50 & 51 to reference the current wording for Council's Engineering Design Minimum Standards for Subdivisions and Developments.*

*In this regard, conditions of the development consent now comprise:*

#### **Prior to Work Commencing**

- 1) *Deleted (MOD2018-0126)*
- 2) *Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:*
  - a) *must be a standard flushing toilet; and*
  - b) *must be connected to a public sewer; or*
  - c) *if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council.*

*The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.*
- 3) *The Applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:*
  - a) *the name, address and telephone number of the developer for the work;*
  - b) *the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and*
  - c) *a statement that unauthorised entry to the work site is prohibited.*

*The sign is to be removed when the work has been completed.*
- 4) *The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").*
- 5) *The contractors engaged in work on Council assets must provide proof of Public Liability Insurance to the value of \$20 million to ensure sufficient insurance cover to indemnify Council from liability. The policy should specifically indemnify Council from all claims arising from the execution of the works.*
- 6) *Traffic Control Plans (TCP) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-1996 and the RMS current version of the "Traffic Control at Worksites" manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve.*
- 7) *A pavement design report that complies with the requirements of Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments shall be submitted to Council's Transport and Assets*

*Division for approval.*

- 8) *An approval must be obtained from Council pursuant to section 138 of the Roads Act 1993 to undertake works in the Country Road road reserve prior to works commencing.*

**Prior to Commencement of Works**

- 9) *Deleted (MOD2018-0126)*
- 10) *To enable the adequacy of the proposed landscaping to be assessed prior to site development works commencing, a landscape design plan shall be prepared and submitted to Council for approval with respect to the landscaped buffer. The plan shall include botanical names, quantities and state of maturity of all trees, shrubs, ground covers and details of water irrigation or watering plan and ongoing maintenance of landscaping.*
- 11) *A Compliance Certificate under Section 306 of the Water Management Act 2000, must be obtained from Council (as the Local Water Supply Authority) prior to the occupation of the building. Payments shall be made and information submitted for approval prior to issue of a commencement of construction:*
- a) *deleted (MOD2018-0126); and*
- b) *detailed engineering drawings for the extension of water supply required by condition 50 of this consent.*
- 12) *All water, sewer and stormwater works, including the operation of a system of sewage management (OSSM) shall be carried out in accordance with the Plumbing & Drainage Act 2011 & Plumbing & Drainage Regulation 2017 and the relevant Australian Standard.*

*The following reports shall be prepared by a suitably qualified person for stormwater works and operation of a system of sewerage management:*

- a) *a stormwater servicing strategy in accordance condition 28 of this consent; and*
- b) *an effluent management report with plans outlining the design for the system. The report is to include maximum loading rates for the buildings utilising the system and demonstrate that the on-site effluent management system will be capable of managing the effluent load, with no adverse environmental impact or health risks.*

*Advisory Note: The stormwater management strategy should be cognisant of the need to minimise crossings over the existing 375mm diameter water mains. It is suggested that a single crossing point at the north western corner of the site should be the focus of the strategy. It is further noted that there is an obligation to maintain environmental flows into the existing dam on the south western corner of Lot 3 to the immediate north of the subject site. There is an opportunity to achieve this via a low-flow bypass at the outlet of the proposed on-site detention basin.*

**General**

- 12) *Development shall take place in accordance with the attached endorsed plans:*
- a) *Architectural Plans prepared by Hill Lockart Architects, Plan RM No.*

*T2715, Sheet No. WD102 & 103, Revision I, dated 29 April 2020;*

- b) Architectural Plans prepared by Hill Lockart Architects, Plan RM No. T2715, Sheet No. WD200, 203, 204, 301, 302, 303, 401, 402 & 403, Revision G, dated 24 September 2019;*
  - c) Architectural Plans prepared by Hill Lockart Architects, Plan RM No. T2715, Sheet No. WD105, Revision C, dated 3 August 2018;*
  - d) Landscape Plan, prepared by Hill Lockart Architects, Plan RM No. T2715, Sheet No. WD106, Revision J, dated 22 July 2020; and*
  - e) Sight Line Sketches, prepared by Hill Lockart Architects, Plan RM No. T2715, Sheet No. SL01, Revision D, dated 3 August 2020.*
- 13) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of Council.*
- 14) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.*
- All building work must be carried out in accordance with the provisions of the National Construction Code.*
- 15) The NSW Rural Fire Service shall provide written notice to adjoining landowners of scheduled training days which include the use of the training zone and/or the fire pit a minimum of seven days prior to the event.*
- Advisory Note: Written notice to adjoining landholders can either be via a letterbox drop or email, however if email is the delivery method agreement from the landholder is required and a copy must be kept by the operator of the facility.*
- 16) All building work must be carried out in accordance with the provisions of the National Construction Code and Access to Premises - Buildings Standards 2010.*
- 17) Vehicle access to the chicken hatchery and all other properties on Country Road shall be maintained during the construction phase of the development and Country Road. Access shall also be maintained to critical infrastructure including clean potable water (at current flow rates and pressure), electricity and sewer reticulation.*
- 18) It is the responsibility of the developer to meet all the expenses incurred in undertaking the development, including expense incurred complying with conditions imposed under this approval.*

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***During Construction or Works***

***General***

- 19) All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code.*
  - 20) Work on the project shall be limited to the following hours to prevent*
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*unreasonable disturbance to the amenity of the area:*

*Monday to Friday – 7:00am to 5:00pm;*

*Saturday – 8:00am to 1:00pm if audible on other residential premises, otherwise 7:00am to 5:00pm;*

*No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.*

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

- 21) *The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe an unobstructed access for pedestrians. Where necessary, application may be made by contacting Council.*
- 22) *If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Transport and Assets Division is required.*
- 23) *Any damage caused to Council infrastructure, as a result of works undertaken for the development site, shall be rectified by the Developer to the satisfaction of Council so as to ensure the integrity of Council's infrastructure.*
- 24) *Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.*
- 25) *The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated the development. This can be in the form of water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.*

#### *Stormwater*

- 26) *All roof water and concentrated surface stormwater discharging from the development site, buildings and works must be conveyed to the approved point of discharge by underground pipe drains complying with AS3500.3 (as amended) to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter Council's stormwater drainage system.*

*The approved point of discharge is the table drain fronting the development site on Country Road. The preferred location for discharges is at the northern end of the site.*
  - 27) *All new roads/driveway accesses created as part of this development shall have a pipe culvert installed over the existing table drain on Country Road. The pipe culvert shall be sized to cater for a 1:20 ARI.*
  - 28) *Detention of stormwater flows to pre-developed rates is required for this development. In this regard, a stormwater servicing strategy shall be prepared in accordance with the requirements of Part 3 of the current version of*
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*Council's Engineering Design Minimum Standards for Subdivisions and Developments and submitted to Council for approval. The stormwater strategy shall address the stormwater drainage design for the development site. This shall be undertaken prior to the commencement of construction for any stage.*

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

**External Roads (Country Road and Quarry Access)**

- 30) *Country Road shall be extended in accordance with the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments starting from the entry of the Baiada poultry hatchery and terminating at the new access to Sutton's Quarry.*
- 31) *Country Road shall be sealed for its full width starting from the end of the existing seal on Country Road and terminating at the new access to Sutton's Quarry. Additionally, where widening has been undertaken on Country Road the portion of road widened shall be sealed to full width.*
- 32) *Full width road construction that satisfies Road Design Standard Four (RDS4) of the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments is required for any widening of Country Road to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development.*
- 33) *For all roads and pavements associated with the development, a pavement design report that complies with the requirements of the current version of Council's Engineering Design Guidelines for Subdivisions and Developments shall be submitted to Council for approval.*
- 34) *A new unsealed all weather access inclusive of stormwater management devices shall be provided to Sutton's Quarry as detailed on the approved plans.*
- The nominated pavement thickness and pavement material of this access shall be approved by Council's Transport and Assets Division prior to works commencing on this component of the development.*

**Internal Roads and Access**

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- 35) *The internal private road and any proposed helipad access shall be designed in accordance with Road Design Standard Four (RDS4) of the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments with exception to the wearing surface design element which shall be either asphalt or a two coat bitumen seal.*

*Advisory Note: Council will consider the use of a structural concrete element in lieu of a composite type road pavement and seal. The performance and loading parameters for the concrete element shall be the same as for the composite pavement, and shall be designed and certified by a suitably qualified and experienced partitioner.*

- 36) *All internal driveways, parking areas, loading bays and vehicular turning areas being constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.*

*In this regard and in conjunction with Condition 7, a pavement design report that complies with the requirements of Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments shall be submitted to Council's Transport and Assets Division for approval.*

*Advisory Note: Council will consider the use of a structural concrete element in lieu of a composite type road pavement and seal. The performance and loading parameters for the concrete element shall be the same as for the composite pavement, and shall be designed and certified by a suitably qualified and experienced partitioner.*

- 37) *All internal driveways, parking areas and vehicle turning areas are to be designed in accordance with the requirements of AS452890.1-2004 "Parking Facilities – Off Street Parking".*
- 38) *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.*
- 39) *The Design Vehicle for Vehicle Turning Movements for all accesses associated with this development shall be the largest vehicle required to access the site for RFS operations but at minimum a prime mover and semi trailer (19m).*

#### **Parking**

- 40) *The new driveways accessing Country Road shall be constructed in accordance with Council's Engineering Minimum Standards for Subdivisions and Developments, and shall comply with the following:*
- a) *the alignment of the driveways across the verge shall be at right angles to Country Road;*
  - b) *the vehicle crossover shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be*

*at the Developer's expense; and*

- c) the verge adjacent to either side of the driveway shall be established with turf and finished flush with the new driveway.*

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

- 41) All parking and loading bays shall be permanently marked out on the pavement surface with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of on-site parking and loading/unloading facilities in accordance with Australian Standard 2890.*
- 42) On-site parking accommodation shall be provided for a minimum of 46 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise by the conditions of this consent.*
- 43) The vehicular entrance and exit driveways and 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 accordance with Australian Standard 2890.*

#### *Lighting*

- 44) 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 other 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.*

#### *Allotment Filling*

- 45) 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*

- 46) It is required that an appropriately qualified person undertake all critical stage inspections that are applicable to Crown Development as prescribed under the Environmental Planning & Assessment Regulations 2000. For the purposes of this requirement an appropriately qualified person may be Council or an*

*accredited certifier.*

- 47) *Notwithstanding hold points identified within the approved ITP, inspections are required to be carried out by Council for works as specified below:*
- a) *where applicable placement of formwork and reinforcement at the interface between the road and driveway(s) on Country Road;*
  - b) *pavement tests on Country Road, the common private road and helipad access;*
  - c) *inspection of the preparation of Country Road prior to applying a wearing surface; and*
  - d) *inspection of the detention basin and associated stormwater infrastructure including stormwater pipes prior to backfill.*

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

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**Prior to Occupation**

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- 48) *The occupation or use of the whole or any part of a new building must not commence unless the building has been certified as fit for occupation in relation to the building or part.*
- 49) *Deleted (MOD2018-0126)*
- 50) *A Compliance Certificate under Section 306 of the Water Management Act 2000, must be obtained from Council (as the Local Water Supply Authority) prior to occupation of building. Council requires the following to be undertaken prior to the issue of a Compliance Certificate.*

**Water**

- a) *Council's water reticulation system shall be extended to provide adequate service to the development;*
  - b) *the water reticulation extension shall include:*
    - i) *construction of a connection to the 375mm trunk distribution main in Country Road at a point north of the proposed site boundary; and*
    - ii) *construction of a reticulation main of minimum 150mm diameter along Country Road to the proposed 'Common Private Road' and along the 'Common Private Road' to the agreed point of connection to the site;*
  - c) *a single water service with appropriate backflow prevention is to be provided;*
  - d) *work shall be undertaken in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments; and*
  - e) *work on live water mains shall be undertaken by Council at full cost to the developer.*
- 51) *A Maintenance Bond in accordance with Section 1.5.3 of the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments shall be paid to Council for all external works including the quarry access.*

- 52) *One set of approved construction drawings shall be amended to show the “Work-as-Executed” and be certified by a Registered Surveyor or a Chartered Professional Civil Engineer.*

*One A1 hard copy, a scanned electronic ‘PDF version and an AutoCad ‘dwg’ version of the signed “Work-as-Executed” plans shall be submitted to Council to ensure that adequate records are maintained of community infrastructure.*

- 53) *For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council.*

#### **Ongoing Requirements**

- 54) *The sealing of the internal parking areas and vehicle crossover are to be maintained at all times.*
- 55) *The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.*
- 56) *Fire simulation vehicles utilised for training purposes shall be removed and stowed away from the training area no later than 72 hours after the conclusion of training events.*
- 56a) *The operation of the facility and helipad shall be undertaken in consultation with the Civil Aviation Safety Authority (CASA), Airservices Australia and Tamworth Regional Airport.*
- 56b) *The landscaping shall be maintained in perpetuity by the operator of the facility.*

#### **APPLICATION DETAILS:**

Application No.	MOD2018-0126
Application For:	NSW Rural Fire Service Fire Control Centre and Helipad
Date Received:	23 May 2018
Applicant:	NSW Rural Fire Service
Owner:	Tamworth Regional Council
Land/Address:	Lot 211 DP 1069964, Country Road, Westdale
Zoning:	RU4 – Primary Production Small Lots - <i>Tamworth Regional Local Environmental Plan 2010</i>

#### **SUMMARY**

The subject Modification Application has been brought back to Council, following the Council resolution to approve the modification at the Ordinary Council Meeting held on 26 May 2020. At that Meeting, Council resolved to approve the modification subject the

inclusion of a condition requiring an increase in height to an earthen mound. Being a Crown development, Council cannot impose any condition of consent except with the approval of the Applicant. On this occasion, the NSW Rural Fire Service (the Applicant) has provided written advice and justification which rejects the inclusion of the additional condition.

### COMMENTARY

Consent was granted to a modification application to the development, subject to the inclusion of condition 12b), by Council at the Ordinary Council Meeting held on 26 May 2020. The approved plan set is **ATTACHED**, refer **ANNEXURE 1**, and Locality Plan **ATTACHED**, refer **ANNEXURE 2**. The Council Report and Minutes from the Ordinary Meeting held 26 May 2020, is **ATTACHED**, refer **ANNEXURE 3**.

At the Meeting, Council resolved to include condition 12b) which required:

*“That the earthen mound adjacent to Lot 3 DP 1036984 shall be constructed 2.5m high and include appropriate vegetation screening comprising of native trees and shrubs. Details of the vegetation screening shall be included in the landscape plan required by condition 10 of this consent.”*

The development is proposed to be undertaken as Crown Development. In accordance with Clause 4.33(1)(b) of the *Environmental Planning & Assessment Act 1979*, Council cannot impose a condition of consent to a Crown development application, except with approval of the Applicant. The Applicant has provided the following written advice rejecting the inclusion of condition 12b), Councils responses are also provided:

*“NSW Rural Fire Service objects to the proposed condition of consent 12b for the following reasons:*

- a. *The development of the site is severely constrained due to site topography. the current site arrangement has been carefully planned with due consideration to all operational, safety and environmental factors and is considered the most suitable use of the site;*

#### Council Comment

The location of building and infrastructure has been carefully considered in relation to proximity to adjoining landholders, Tamworth Airport, natural topography and other land uses associated with the site (Suttons Quarry and future solar farm). It is considered the proposed location is the most suitable for the site.

- b. *The earthen mound has been designed with suitable grade so as to be maintainable. Increasing the earthen mound height would result in a batter too steep for maintenance.*

#### Council Comment

Based on the increase in height and without additional widening the earthen mound it would not comply with the minimum grades requirements. In order to comply, the base of the mound would need to be widened which would require it to be moved to the south, due to the location of the electrical easement on the northern boundary. It is noted the base of the earthen mound is currently 20m wide.

- c. *The batter width cannot be increased as it would impact the storm water retention basin required in accordance with Council engineering standards. The site is not sufficient to enable a wider earthen mound.*

Council Comment

The increase in height would result in the widening of the base of the earthen mound which will impact on the overall layout of the site and in particular the stormwater basin design.

- d. *The earthen mound has not been altered from the original development application for which development approval has previously been issued. The earthen mound is currently approved at 1.8mH and 20mW with vegetation screening. The modification does not seek to alter the already approved earthen mound.”*

Council Comment

Whilst the Applicant has not sought any changes to the earthen mound on the northern boundary, the relocation of the helipad closer to a residential receiver raises noise and visual considerations which directly relate to the suitability of the approved earthen mound. However, based on the information provided in this report, it is considered the approved 1.8 metre height of the earthen mound and proposed landscaping will provide suitable screening to the control centre from the adjoining property (Lot 3 DP 1036984).”

Following discussions between Council and the NSW Rural Fire Service (RFS) a cross section of the site and adjoining site to the north (Lot 3 DP 1036984) has been submitted, to clarify the expected visual impact when viewing from either property.

The submitted cross section and sightline plan is **ATTACHED**, refer **ANNEXURE 4**.

As demonstrated the control centre and helipad will be screened from the adjoining property (Lot 3 DP 1036984) based on the natural topography, the 1.8m high earthen mound, and proposed/existing structures and landscaping.

The site falls at 2.5% (approx.) from the control centre to the residence on the adjoining property which assists with the visual screening. Furthermore, the earthen mound in conjunction with landscaping and the adjoining farm shed results in the site being reasonably screened from the adjoining residential property.

An additional landscape plan has been provided which nominates species types and sizes of native tree species. The flora selection is a mixture of trees and shrubs which are drought and frost tolerant species and contains a mixture of low forming screening plants and larger trees to provide suitable visual screening. The Applicant has advised that maintenance of the landscaping will be via either automatic sub ground irrigation or watering by the RFS, however the final design will occur as part of the detailed design phase. Details regarding the maintenance of the landscaping are required prior to the commencement of works as per Condition 10 of the consent.

The Applicant has advised that they are committed to maintaining the vegetation throughout the lifespan of the development. A condition of consent is recommended which requires landscaping to be maintained for the entirety of the operation of the facility.

The submitted landscape plan is **ATTACHED**, refer **ANNEXURE 5**.

Based on the supplementary information, it is considered the approved 1.8m height of the earthen mound and proposed landscaping will provide suitable screening to the control centre from the adjoining property (Lot 3 DP 1036984) and therefore it is recommended the application be determined by granting consent, as per the recommended conditions of



consent which does not include Condition 12b) that requires the earthen mound to be at 2.5 metres in height.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The modification was notified to adjoining landholders from 12 June 2018 to 26 June 2018. Three submissions were received during the notification period.

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

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

Development Application No 2016/0333 was determined by Council at an Ordinary Council meeting held on 12 April 2016.

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

A Prosperous Region – P11 Support and facilitate economic development and employment.

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - GENERAL - 1 JULY 2020**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Murray Russell, Manager Infrastructure and Works**

**2 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Local Traffic Committee Meeting – General – 1 July 2020”, Council:*

- (i) install a Left Turn Only sign on Dean Street, opposite the exit of the correctional facility and relocate the existing No Stopping sign that is six metres from the edge of driveway to 10 metres; and*
- (ii) approve installation of line marking for New Winton Road in accordance with the endorsed plan.*

#### **SUMMARY**

The purpose of this report is to advise Council of two recommendations made by the Tamworth Regional Local Traffic Committee at the meeting held via video conference in July 2020.

#### **COMMENTARY**

The Minutes of the meeting held 1 July 2020 are **ATTACHED**, refer **ANNEXURE 1**.

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### 43/2020 - New Winton Road, Winton line marking

Road widening and pavement rehabilitation has recently been completed approximately 100 metres east of Dobsens Lane, to 200 metres west of Willans Lane on New Winton Road, Winton.

This was done as part of Stage 3 of upgrade works, as required by BMR Quarries under DA0199/2012 and MOD0009/2013, to allow for an increased volume of heavy vehicles travelling this route.

The proposed line marking plan is **ATTACHED**, refer **ANNEXURE 2**.

**COMMITTEE RECOMMENDATION:** the Committee support the proposed line marking for New Winton Road, Winton, to provide physical delineation of lanes, and better inform motorist behaviour along the stretch of road that contains three intersections; that of Dobsens Lane, Willans Lane and Hartigans Lane, Winton.

### 63/2020 - Tamworth Correctional Centre exit on Dean Street, North Tamworth

There have been several near misses at the exit of Tamworth Correctional Centre. The facility has several precautions, including a boom gate, which controls the exit speed of all vehicles, however near misses continue. Concerns extend to risks posed should an escort or emergency vehicle with inmates be involved in an accident and require a transfer of inmates.

To improve driver behaviour and sight lines, it is proposed to install a All Traffic Turn Left sign, and relocate the existing No Stopping sign further down Johnston Street from its present position.



Figure 1: Showing sign placements for Tamworth Correctional Centre exit.

**ACTION:** Council, Police and Transport NSW to re-visit the matter to view complexities and address other concerns that may require investigation in the street.

**Update:** Both NSW Police and Transport for NSW support Council's proposal to apply the following measures:

- 1) installation of Left Turn Only sign opposite the exit of the correctional facility; and
- 2) relocation of existing No Stopping sign that is approximately six metres from the edge of driveway to approximately 10 metres.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

43/2020 - will be funded from the Infrastructure and Works signs and line marking budgets.

63/2020 - will be funded from the Infrastructure and Works signs and line marking budgets.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

63/2020 – Engaged with Tamworth Correctional Facility

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

An Accessible Region – A23 Traffic management and traffic safety planning.

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**8.2 2020 LOCAL GOVERNMENT WATER MANAGEMENT CONFERENCE - NARRABRI 6 TO 8 OCTOBER 2020**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Jo Binks, Executive Assistant

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “2020 Local Government Water Management Conference – Narrabri 6 to 8 October 2020”, Council nominate representatives to attend this Conference as appropriate.*

**SUMMARY**

The purpose of this report is to advise Council that the 2020 Local Government Water Conference, will be hosted by Narrabri Shire Council at The Crossing Theatre on 6 to 8 October 2020, inclusive.

**COMMENTARY**

The Draft Program is **ATTACHED**, refer **ANNEXURE 1**. The programme includes the following speakers and topics:

- The Hon. Melinda Pavey MP Federal Minister for Water, Property and Housing will provide the Official opening address discussing Water Resources Management and what this means for urban water suppliers;
  - The Hon. Keith Pitt MP Federal Minister for Resources. Water and Northern Australia will provide a (pre-recorded) address on Water Security and federal initiatives;
-

- Adam Lovell Executive Director and Danielle Francis Project Manager for Water Services Association of Australia will provide a presentation “All Options On the Table” on Community Engagement on purified recycled water for drinking;
- Dr Jane Doolan Commissioner for Productivity Commission will provide the Keynote address on Challenges in urban water supply from a Productivity Commission perspective, *Inquiry into National Water Initiative (NWI)*;
- Jim Bentley Chief Executive Officer, Water Department of Planning, industry and Environment will discuss Strategic planning for Water and Wastewater Services across NSW including Regional Strategies;
- Darren Raeck, Former Director Infrastructure Delivery and Bilal Akhtar, Manager Water Services Narrabri Shire Council will do a presentation and discussion on the Narrabri Water Augmentation Project and Baan Baa Water Supply Project. This will be followed by a site visit to the Water Storage Treatment site and a site visit to Baan Baa Water Supply Project; and
- Council’s Sustainability Coordinator Ms Tracey Carr will be a member of the panel discussing initiatives of Councils in responding to drought.

The Water and Waste Director and the Manager of Water and Waste Operations are proposing to attend the Conference.

It should be noted that the Conference’s Welcome Reception and Registration is on Tuesday 6 October 2020, from 3:00pm. The Welcome Reception and Registration will commence at 6:30pm to 8:30pm at the Tourist Hotel on Tuesday 6 October 2020, with the Conference commencing on Wednesday 7 October 2020, at 8:00am at The Crossing Theatre Auditorium, and concluding on Thursday 8 October 2020.

**(a) Policy Implications**

Councillor(s) authorised to attend the 2020 Local Government Water Management Conference, in accordance with Council’s policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

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

**(b) Financial Implications**

Councillors have been allocated funds to specifically provide for attendance at Local Government Sector Conferences, workshop, industry working parties and community non Council functions and events.

Authorisation of the attendance of Councillors is by way of resolution of Council. Authorisation and the payment of the expenses involved will only be provided by Council where the conference, workshop or industry working party is directly related to the Councillor’s Civic Functions and responsibilities and/or the Local Government Sector.

Conference Early Bird Registration, if paid in full by Friday 28 August 2020, will be \$550.00 per person and normal Conference Registration will be \$695.00 per person if paid in full by Wednesday 23 September 2020.

**(c) Legal Implications**

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

**(d) Community Consultation**

Nil

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

A Region of Progressive Leadership L22 – To be a leader in best practice for Local Government.

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**8.3 TAMWORTH GLOBAL GATEWAY PARK - ROAD WIDENING FOR GODDARD LANE AND ROAD DEDICATION FOR STAGE 1 INTERNAL ROADS**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Project Engineer  
**Reference:** Item 12.4 to Ordinary Council 11 February 2020 - Minute No 26/20

1 ENCLOSURES ENCLOSED

**RECOMMENDATION**

*That in relation to the report “Tamworth Global Gateway Park – Road Widening for Goddard Lane and Road Dedication for Stage 1 Internal Roads”, Council:*

- (i) approve the dedication of a portion of Council owned Lot 21 DP 1236205 for the purposes of one metre of road widening along Goddard Lane;*
- (ii) approve the dedication of a portion of Council owned Lot 22 DP 1236205 for the purposes of six metres of road widening along Goddard Lane;*
- (iii) approve the dedication of a portion of Council owned Lot 22 DP 1236205 for the purposes of road dedication from Goddard Lane for internal Tamworth Global Gateway Park roads; and*
- (iv) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council's resolution.*

**SUMMARY**

This report seeks Council approval for the widening of Goddard Lane into land owned by Council to accommodate the services along Goddard Lane, and the dedication of new roads within land owned by Council as part of the Tamworth Global Gateway Park. The road dedication is limited to the internal roads that provide access from Goddard Lane to the proposed Tamworth Intermodal Freight Facility and the first section of the main ring road.

**COMMENTARY**

**Background**

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

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Stage 1 infrastructure construction involves the construction of public infrastructure along Goddard Lane and internally within the north-western section of the TGGP. The dedication of the internal roads includes the first section of the ring road, designed to ultimately connect to the Country Road roundabout on the Oxley Highway, as well as the intermodal access road, which provides access to the Tamworth Intermodal Freight Facility. Figure 1 provides guidance on the project reference for each road. A plan indicatively identifying the extent of road widening and road dedication required for this infrastructure is **ENCLOSED**, refer **ENCLOSURE 1**.

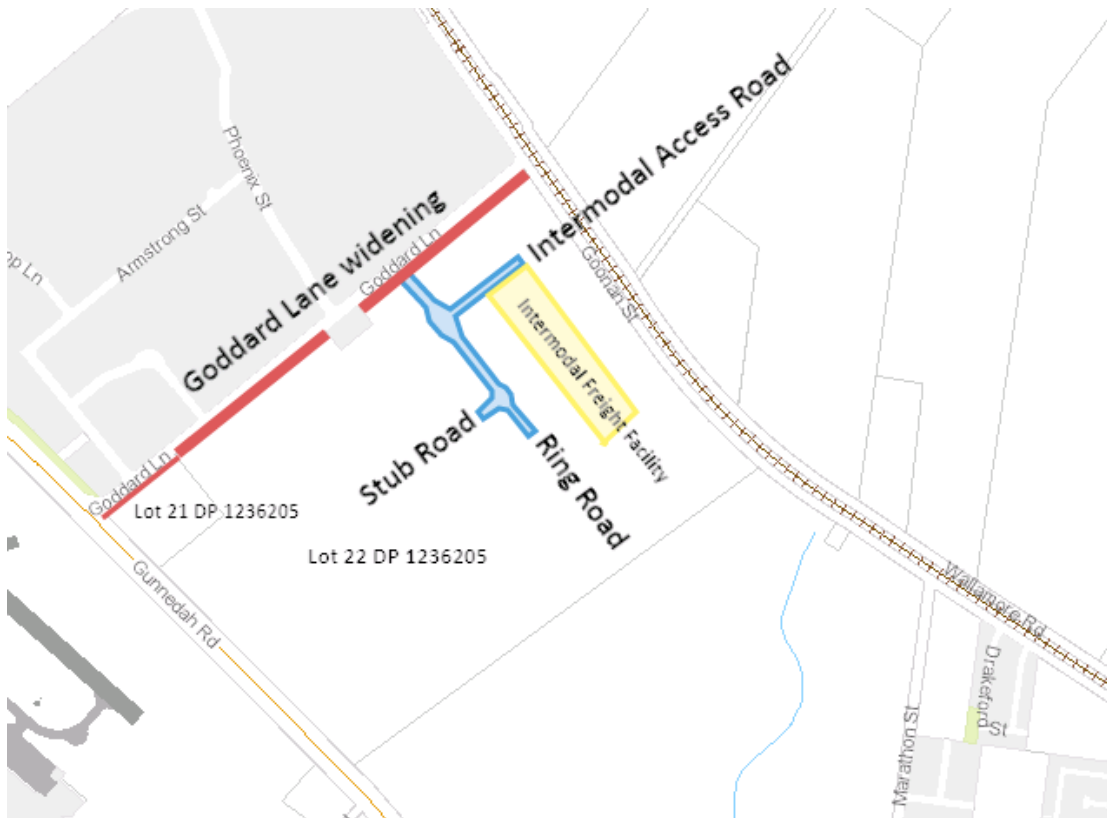


Figure 1 – Project reference naming for Goddard Lane widening (red) and TGGP internal roads (blue) proposed to be constructed as Stage 1 of the TGGP.

### Goddard Lane Road Widening

In order to provide a parking lane along the eastern edge of Goddard Lane and install service mains infrastructure and lot servicing infrastructure along the frontage proposed for industrial development, the Goddard Lane road reserve is required to be widened by one metre into Lot 21 DP 1236205 and by six metres into Lot 22 DP 1236205, totalling approximately 225m<sup>2</sup> and 6,000m<sup>2</sup> respectively. Both parcels of land are owned by Council and the allocation of services has been undertaken with the view of minimising the required road widening in order to achieve a road reserve of approximately 33 metres.

No widening of the road reserve is proposed adjacent to the existing Essential Energy zone substation due to the inability to install service infrastructure between the road and the substation. The parking lane will be constructed as per the other sections of Goddard Lane, however all services will be installed around the rear of the substation.

### **Internal Roads Dedication**

In order to construct public access roads within the proposed TGGP development and to access the proposed Tamworth Intermodal Freight Facility, new public road reserves are required to be created within Lot 22 DP 1236205 through the dedication of a portion of the Council owned land for public roads, totalling approximately 22,500m<sup>2</sup>.

The road reserve widths for the intermodal access road and stub road have been adopted as 28 metres and the ring road has been adopted as 32 metres. These widths have been approved by the TGGP Project Control Group and provide an appropriate width for 2 x 3.5 metre travel lanes, 2 x 5.5 metre parking lanes and 2 x 5 metre road verges (2 x 7 metre for the ring road) suitable for service allocations, landscaping and footways.

The proposed boundaries also have splays at each intersection to allow for service allocations around the intersections and improved sight distances for vehicles. A roundabout is proposed to be constructed at the intersection of the ring road and the intermodal access road, with larger splays required than a typical T-intersection.

Further dedication of land for the purposes of a public road will be required for the TGGP development as additional infrastructure is designed and scheduled for construction to allow additional lots to be brought to market.

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

Nil

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

Survey costs and fees associated with the road dedication and plan preparation will be funded from the current design allocation for the Goddard Land roadworks and intermodal access works as per Item 12.4 to the Ordinary Council Meeting of 11 February 2020 – Minute No 26/20.

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

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

The Local Government (General) Regulation 2005, Clause 400(4), requires that the Seal of Council must not be affixed to a document unless the document relates to the business of Council and Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

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

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

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

A Prosperous Region – P11 Support and facilitate economic development and employment opportunities.

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## 8.4 ENERGY SUSTAINABILITY SIX MONTHLY REPORT

<b>DIRECTORATE:</b>	<b>WATER AND WASTE</b>
<b>AUTHOR:</b>	<b>Tim Hurcum, Sustainability Officer</b>
<b>Reference:</b>	<b>Item 8.9 to Ordinary Council 14 February 2017 - Minute No 14/17</b>
	<b>Item 8.1 to Ordinary Council 27 August 2019 - Minute No 274/19</b>
	<b>Item 12.5 to Ordinary Council 27 August 2019 - Minute No 290/19</b>
	<b>Item 6.2 to Extraordinary Council 17 October 2019 - Minute No 369/19</b>
	<b>Item 12.5 to Ordinary Council 28 April 2020 - Minute No 120/20</b>

### RECOMMENDATION

*That in relation to the report “Energy Sustainability Six Monthly Report” Council receive and note the report.*

### SUMMARY

The purpose of this report is to update the Council on energy sustainability activities presently underway, as well as projects planned to be implemented.

### COMMENTARY

The main focus of the energy sustainability role is to reduce energy usage, energy costs and carbon emissions. Several methods are used to achieve the energy sustainability goals, such as energy account management, energy reduction programs, energy efficiency improvements and solar PV installations.

Council has almost 300 Electricity connections with 30 sites classified as large market sites by the Australian Energy Regulator and the remainder small market sites. The following table shows energy consumption, cost and emissions over the past three years. There have been significant energy rate increases since the 2017/2018 financial year. A reduction in consumption is the result of the LED street light upgrade and the drought reducing energy use for water infrastructure.

	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
Energy Consumption	18,870,572 kWh	18,221,832 kWh	17,085,166 kWh
Energy Cost	\$3,725,374	\$4,029,891	\$4,051,675
Green House Gas Emissions	13,690 tones	12,486 tones	11,895 tones

There is currently a total of 120 kW of solar panels installed across Council sites. In the past 12 months, the solar system generated 200 MWh and saved approximately \$35,000. An additional 540 kW of solar across 11 sites; is scheduled to be commissioned in the coming weeks and is expected to provide a further saving of \$116,000 per annum.



### **Retail supply for large market electricity sites**

Council's retail supply of electricity agreement for large sites expired on 30 December 2019, the agreement had been in place for six months. An energy procurement consultant, Sourced Energy, was engaged to assist Council in renewing the electricity agreement. At the Ordinary Council Meeting of 27 August 2019, Council resolved to seek requests for proposals from the market as part of buying group of Councils from Central NSW Joint Organisation (CNSWJO). The buying group assisted in Council securing better value for money rates and allowed for the procurement cost to be shared among the Councils in the group.

Due to a volatile energy market, prices fluctuate day to day, and retailers only validate offers for a few days. A two-stage process was used. Stage was to collect information on contract terms. The second stage was to seek final prices that had to be accepted by all Councils in the Group within two days. An Extraordinary Council Meeting was required for Council to consider the final offers, meet time frames set by the retailers and fit in with other Councils in the buying group.

At the Extraordinary Council Meeting of 17 October 2019, Council engaged Energy Australia to supply retail electricity supply at large sites for a three-year term, which will end 31 December 2022.

### **Solar PV Installations**

At the Ordinary Council Meeting of 25 June 2019, Council resolved to engage Akcome Power to supply and install solar photovoltaic (PV) systems on 11 Council owned facilities. The bulk of the work for solar installations has been completed. However, due to COVID-19 restrictions, there have been some delays, as the Contractor sources a majority of the materials from China. Additionally, COVID-19 resulted in some Contractors from Brisbane being unavailable to complete some of the work under the proposed schedule. The sites are now scheduled to be commissioned in the following weeks. The estimated final cost of the installation across the 11 sites is \$541,000 and the expected savings in energy costs are \$110,608 annually.

### **E21 upgrade**

The Energy Sustainability Officer works with consultants from E21 Energy Plus to coordinate Council's energy and carbon management and reporting system. An Energy Management system is used to monitor and measure buildings electrical loads. The E21 Energy Plus system records the data from the electricity meters and compares the data and charges from retailers, to ensure there are no anomalies with energy charges. A recent upgrade has given Council the ability to include automated data imports, automated payment file exports and carbon reporting. The upgraded system has:

- improved the accuracy of the data;
- simplified the payment process;
- significantly reduce time accounts payable spend processing data;
- provided carbon reporting; and
- reports energy and account anomalies.

### **Sites added/removed**

There have been several new electrical sites recently added to Council. Temporary work sites, new buildings and significant electrical upgrades are all treated as new sites. New sites involve liaisons with:

- internal site asset owners;
- accounts payable;
- electrical contractors;
- meter service provider;
- energy retailer (Origin Energy); and
- network provider (Essential Energy).

All of the parties involved in the new connection must also be notified of a disconnection. Several sites including temporary worksites and sites no longer operated by Council have been transferred to other parties or disconnected.

Recent, and in progress, electricity connections and major upgrades include:

- the flight college at the Tamworth Airport, recently acquired by Council, has three electricity connections;
- the Manilla Water treatment plant and associated pumping stations have three electricity connections;
- the Tamworth Regional Astronomy Centre;
- the Namoi River fire Shed;
- an electricity connection at Parry House was rolled into Council's agreement; and
- one of the electrical connections at Peel House has been transferred to Council.

#### **Missed meter reads and meter upgrades**

A majority of the electricity meters at Council-owned sites are manually read with a meter reader visiting the site to record consumption data. From time to time meter readers are unable to access the sites. 18 Council-owned sites had access issues that meant the meter reader was unable to access the sites during the last reading period. The Energy Sustainability Officer has worked with facility managers to ensure meters can be read at the next programmed read date. Ongoing access issues at the Tamworth Olympic Pool, South and West Pool, and Airport Workshop has resulted in a meter upgrade that has automated communication and will now not require site visits. All new sites now require a communication meter that sends the data to retailers meaning site visits are no longer required. A small fee to operate communication meters is applied to energy accounts; however, the cost to have the meter manually read is no longer applied. In most cases, the communication meter cost is less than the cost to read the accumulation meter manually.

#### **Meter upgrades**

Changes to the Australian Energy Regulator rules and some additional requirements from Council's large site retailer Energy Australia require most of Council's large sites to have meter upgrades. The meter upgrades are at no cost to Council and in most cases can be upgraded without a power outage. However, the Energy Sustainability Officer has had to coordinate site access for the meter technicians. There are requirements for Contactors to complete COVID-19 declarations in addition to the existing Health and Safety requirements for works.

#### **Street lighting**

At the Ordinary Council Meeting of 14 February 2017, Council resolved to upgrade eligible minor road street lighting to LED technology as part of Essential Energy's bulk lamp

replacement. The project was completed in August 2018, and the LED street light upgrade continues to save approximately \$240,000 each year.

During the previous street light upgrade Council engaged an Accredited Certificate Provider (ACP) to create Energy Savings Certificates (ESCs). Council had to collect data from Essential Energy and pass the information to the ACP. The ACP is responsible for registering and selling the ESCs and transferring the proceeds back to Council. From the bulk street lighting upgrade works Council received a total of \$150,000 for the sale of the ESCs. The process worked well for the bulk upgrade. However, when upgrades involve a small number of lights cost to create the ESCs can be more than the value of the credit received.

Essential Energy is proactively upgrading streetlights to LED and has engaged an ACP to create ESCs across the Essential Energy network. Essential Energy had offered to Councils the services of the ACP for street light upgrades on an ongoing basis. Due to the scale of the Essential Energy network, small or one-off lighting upgrades can be combined with other local government areas to create ESCs. The return from the ESCs from each area is then transferred to the relevant Council. At the Ordinary Council Meeting of 28 April 2020, Council resolved to accept the offer for Essential Energy and place proceeds from ESCs created, in the future, into a reserve to part-fund future energy sustainable projects.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

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

A Region for the Future – F22 Encourage efficient use of resources to improve environmental sustainability.

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## **9 GOVERNANCE, STRATEGY AND FINANCE**

### **9.1 ASTRONOMY AND SCIENCE EDUCATION CENTRE DEVELOPMENT LOAN APPLICATION**

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** Chris Weber, Director Corporate and Governance

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **RECOMMENDATION**

*That in relation to the report “Astronomy and Science Education Centre Development Loan Application”, Council approve the interest free loan of \$40,000 for the Astronomy and Science Education Centre development with the loan to be repaid by the Tamworth Regional Astronomy Club Inc (TRAC) based on the terms in the body of the report.*

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## SUMMARY

Council has received an application from the Tamworth Regional Astronomy Club seeking an interest free loan for the Astronomy and Science Education Centre development.

## COMMENTARY

The members of Tamworth Regional Astronomy Club Inc. have committed to providing \$40,000 in contribution to the works being undertaken at the “Astronomy & Science Education Centre”.

To meet this commitment Council has received correspondence from the Tamworth Regional Astronomy Club Inc (TRAC) **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**, seeking an interest free loan from Council of \$40,000 for the Astronomy and Science Education Centre development to be repaid on terms to be agreed.

Council’s staff and contractors have commenced construction of the complex from the NSW Government’s Regional Growth Grants, scheduled for completion in 2020. TRAC will also be providing \$38,000 of “in-kind” support to the project.

TRAC are proposing a 15 year term (as per the schedule below), with nil repayments in the first year to allow establishment of the complex and business plan objectives, however TRAC would like to retain the ability to bring forward repayments.

The club initially considered a 10 year term but have extended the proposal due to the uncertainty with the COVID-19 situation.

### **Supporting background to the application**

TRAC is an incorporated body and among its key objectives, are to promote Astronomy and the Sciences to the wider community, supporting tourism and promotion of our STEM commitment to the 200+ schools across the region.

TRAC’s “Astronomy and Science Education Centre” will provide for an additional diversification of tourist and economic activity for Tamworth. This Centre will also attract and enable astro-science research collaboration between TRAC’s amateur astronomers and members, school seniors and professional astronomers around the globe.

This will be the first publically assessable astro-science centre in the region where visitors or all ages and our many schools can see, learn, use and undertake research using a variety of amateur and professional telescopes and instruments.

Unlike other astronomy facilities, this project offers the integration of observatories, a planetarium and a multi-purpose science centre where students and visitors can have a hands-on astro-science experience.

The Centre is supported by a very active Tamworth Regional Astronomy Club (TRAC) who have an extensive mix of executive members from the science and astronomy field, and strong connections to leading Australian and international researchers and astronomers. TRAC already has a collection of some very significant telescope equipment including one of the largest amateur telescopes in Australia, e.g. the 36 inch Jos Roberts Telescope and the historic 34 inch Hewitt Camera, being one of only two in the world and having been recently digitised by the club to undertake Pro-Am projects.

Tamworth Regional Astronomy Club has excellent potential to undertake activities to generate revenue and is currently engaging in several diverse programs that will further the scientific tributes for the Region:

- the proposal by the Australian National University, Research School of Astronomy & Astrophysics to develop an accredited International Dark-Sky Site in the Region - Gamilaraay country (Only 2 sites in Australia at present);
- the collaboration with the UK Department of Defense (agreed by Aust Defense) to undertake a joint Satellite Survey program to improve the accuracy of satellite position data;
- affiliation with several professional astronomers in the USA (US Space Science Institute & University of California, Department of Physics and Astronomy);
- we also have club members participating in the international “Pro-Am Collaborative Astronomy” (PACA) project. The internationally rated conference is held bi-annually in Australia and draws in many international astronomers; and
- the club also has strong affiliations with the Australian National University (ANU) and key personnel at Siding Spring Observatory. TRAC operates a promotional stand at the Siding Spring StarFest Open Day, annually.

All of these programs are already attracting the interest of national and international astronomers, and visitors to the region.

TRAC and its members have a major interest in promoting and developing the Tamworth Region.

The financial statements of TRAC are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 2**, along with the Income/Expenditure assessment of the Club’s proposed turnover once the facility is established **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 3**, as supporting documentation.

The proposed repayment plan is outlined in the table below:

**Tamworth Regional Astronomy Club Inc.**  
**Proposed Loan Repayment Plan.** 8/07/2020

Year	Commence	Proposed Repayments	Project Status
1	Jan-21	0	Handover to TRAC Jan 2021 & set-Up
2	Jan-22	\$1,000	Establishment of facility & Surrounds
3	Jan-23	\$1,000	Establishment of International Courses
4	Jan-24	\$2,000	
5	Jan-25	\$2,500	<b>NOTE.</b> TRAC was originally aiming for a 10 yr Plan but given the uncertainties of the Covid pandemic and the local & international effects, we have extended it to 15yrs as income may be affected in at least yrs 1-2  TRAC would like to retain the the ability to pay the loan out early.
6	Jan-26	\$3,000	
7	Jan-27	\$3,500	
8	Jan-28	\$3,500	
9	Jan-29	\$3,500	
10	Jan-30	\$3,500	
11	Jan-31	\$3,500	
12	Jan-32	\$3,500	
13	Jan-33	\$3,500	
14	Jan-34	\$3,500	
15	Jan-35	\$2,500	
<b>Total =</b>		<b>\$40,000</b>	

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The loan amount requested by the Tamworth Regional Astronomy Club Inc is \$40,000. The Club will also be providing \$38,000 of in-kind services to the project as stated in the correspondence **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

The financial statements of TRAC are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 2**, along with the Income/Expenditure assessment of the Club's proposed turnover once the facility is established **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 3**.

The proposed repayment plan is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

**(c) Legal Implications**

An agreement for the interest free loan would be put in place.

**(d) Community Consultation**

Nil

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

A Regional of Progressive Leadership – L12 represent and advocate community needs.

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**9.2 SPONSORSHIP OF NATIONAL RUGBY LEAGUE PREMIERSHIP GAME**

**DIRECTORATE: BUSINESS AND COMMUNITY**

**AUTHOR: John Sommerlad, Director Business and Community**

**Reference: Item 10.3 to Ordinary Council 10 March 2020 - Minute No 60/20  
1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Sponsorship of National Rugby League Premiership Game”, Council approve the allocation of \$20,000 (ex GST) from the General Fund for the purpose of sponsorship of the New Zealand Warriors v Newcastle Knights game to be hosted in Tamworth on 29 August 2020.*

**SUMMARY**

At its Ordinary Meeting on 10 March 2020, Council approved sponsorship of \$20,000 (ex GST) for the National Rugby League (NRL) game between the Wests Tigers and the Canberra Raiders at Scully Park, Tamworth on 9 May 2020. The game was cancelled because of the COVID-19 pandemic and the sponsorship money was not paid. The National Rugby League has now approved for a game between the New Zealand Warriors and the Newcastle Knights to be played in Tamworth as part of its revised competition. The game will be hosted by the Wests Entertainment Group, but COVID-19 restrictions will limit the number of people able to attend within the Scully Park Regional Sporting Precinct ground.

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## COMMENTARY

Tamworth has successfully hosted a National Rugby League competition fixture during the past two seasons. The Wests Tigers agreed to play a home game in Tamworth as part of the NRL's agenda to take more games to regional areas in 2019 and 2018. Each of the games has been played at the Scully Park Regional Sporting Precinct ground and have been televised to a national audience through the Foxtel network.

The Wests Entertainment Group has been the pivotal connection to secure the games, contributing financially to make the events viable for the host club. On each occasion Council has provided sponsorship to help offset the cost of the fixture and to also obtain national exposure for Tamworth and the region.

The game on 29 August 2020, also honours a commitment made by the New Zealand Warriors to bring one of its home games to Tamworth in recognition of the city's assistance when the squad came to Tamworth to undertake 14 days of mandatory quarantine when the NRL season was revived.

It is understood other Councils are investing heavily to secure NRL fixtures in their major centres. The \$20,000 price tag attached to the Tamworth fixture is considered excellent value for money. Council also has no risk associated with the staging of the event.

Further, amongst the gloom of the COVID-19 pandemic crisis this event is deemed important to the city of Tamworth, both financially and psychologically. While most other events to be staged in the city have had to be cancelled, the NRL game is a welcome drawcard event.

Due to COVID-19 restrictions the ground crowd will be restricted to 3000 people with social distancing requirements in place. It is expected some Newcastle Knights and Warriors fans will travel to the city for the game, providing additional economic activity.

In return for its sponsorship, which includes provision of crowd control barriers at no cost, Council will receive a number of promotional benefits. These opportunities are to be utilised to promote Tamworth, through the Destination Tamworth brand, as a place to work, visit and live.

As an event partner Council will receive:

- use of a 50 metre virtual sign for tourism related marketing;
- the Destination Tamworth and Tamworth Regional Council logos to be included on event marketing and promotional collateral;
- 20 general admission tickets to be used as promotional giveaways; and
- receipt of ticketing data, including ticket purchase postcodes, and data from a post event survey.

This information will be useful for future promotional purposes. **ATTACHED**, refer **ANNEXURE 1**.

In recognition of its previous sponsorship, Council has received permanent signage at the Scully Park ground and these signs are used to promote the Tamworth destination. These signs also provide additional exposure during television broadcast events.

The total economic benefit for this event is difficult to calculate due to the impact of COVID-19 restrictions. The economic value will be less than in previous years due to the reduced ground capacity. With more people expected to watch the game on television, the promotional value for Tamworth is increased. There will also be additional media coverage of the game including free-to-air television news coverage.

Council's sponsorship will be paid to the Wests Entertainment Group.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The sponsorship allocation of \$20,000 will be provided through a budget adjustment utilising unrestricted cash.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

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

A Prosperous Region – P21 Utilise the Destination Tamworth brand to market the Region as a destination for living, working and leisure.

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**9.3 MINUTES FROM THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Karen Litchfield, Manager Governance

1 ENCLOSURES ENCLOSED

**RECOMMENDATION**

*That in relation to the report “Minutes from the Audit, Risk and Improvement Committee Meeting”, Council receive and note the Minutes of the meeting held 22 July 2020.*

**SUMMARY**

The purpose of this report is to present to Council the Minutes of the Audit, Risk and Improvement Committee meeting held Wednesday, 22 July 2020.

**COMMENTARY**

The quarterly meeting of the Audit, Risk and Improvement Committee was held on Wednesday 22 July 2020. The Minutes of the meeting are **ENCLOSED**, refer **ENCLOSURE 1**.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Costs associated with the Internal Audit function are budgeted in the 2020/2021 Annual Operational Plan.

**(c) Legal Implications**

Nil

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**(d) Community Consultation**

Nil

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

A Region of Progressive Leadership – L21 Transparency and accountability of government.

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## **10 COMMUNITY SERVICES**

### **10.1 DRAFT TAMWORTH REGIONAL GALLERY STRATEGIC PLAN**

**DIRECTORATE:** BUSINESS AND COMMUNITY  
**AUTHOR:** Bridget Guthrie, Director Tamworth Regional Gallery and Museums

#### **RECOMMENDATION**

*That in relation to the report “Draft Tamworth Regional Gallery Strategic Plan”, Council adopt the Tamworth Regional Gallery Strategic Plan 2020/2021 to 2023/2024.*

#### **SUMMARY**

The draft Tamworth Regional Gallery Strategic Plan 2020/2021 to 2023/2024 (the Plan) has been on public exhibition for 28 days and received no public submissions. The Plan is to be utilised by Council to govern a highly professional and well-managed process for the operation and management of the Tamworth Regional Gallery over the next four years.

#### **COMMENTARY**

The Draft Tamworth Regional Gallery Strategic Plan outlines a framework for the support and management of the Tamworth Regional Gallery.

The plan was developed via consultation with key stakeholders between June 2019 and May 2020, and is supported by prior research and consultation contained in existing collection or community documentation including:

- collection Significance Statements;
- the 100-year anniversary Gallery research;
- forward planning sessions with stakeholders;
- other consultation undertaken by Tamworth Regional Council staff; and
- various other Council planning documents.

For over 100 years, Tamworth Regional Gallery has provided access to the arts in a regional centre. The Gallery continues the philosophy of its founder John Salvana to provide ‘access to the arts in the country’ to foster, promote and enhance understanding and enjoyment of the visual arts through its collections, temporary exhibitions and public programs.

Tamworth Regional Gallery is a cultural and community service managed by Tamworth Regional Council which offers a distinctive connection to place and a curatorial agenda that creates meaningful art experiences for all. The Tamworth Regional Gallery collection exists for its audiences – to comprehend the past, to navigate the present, and as a potent avenue

for imagining the future. Placing art, access and audiences at the very heart of who we are guides the Gallery's artistic and public programs. Tamworth Regional Gallery contributes positively to cultural cohesion, social wellbeing, creativity, engaged citizenship, and the economic life in Tamworth and the surrounding region.

**(a) Policy Implications**

Upon adoption, the Tamworth Regional Gallery Strategic Plan 2020/2021 to 2023/2024 will be included on the Tamworth Regional Gallery's website. This Plan compliments and supports the Tamworth Regional Gallery Collection Policy.

**(b) Financial Implications**

The implementation of the Plan uses the existing budget allocation and staffing resources. This plan is also a requirement of the Create NSW multi-year funding application.

**(c) Legal Implications**

Implementation of this Plan will assist with Council's forward planning and risk management processes

**(d) Community Consultation**

The draft Tamworth Regional Gallery Strategic Plan 2020/2021 to 2023/2024 was on public exhibition for 28 days from Monday 29 June 2020, and closed 5:00pm on Monday 20 July 2020. The Plan was promoted in The Northern Daily Leader and on the Council and Gallery's website. No public submissions were received.

During the writing and development of the Plan there has been a series of community consultation processes used to engage all stakeholders, including informal meetings with stakeholders and support organisations, telephone conversations, the distribution of the draft plans to all relevant stakeholders and formal community consultation workshops and feedback sessions.

Consultation and Feedback has been received from:

- Museums and Galleries of NSW;
- Regional Arts NSW;
- Regional Public Galleries of NSW;
- Dr Roslyn Russell, author of the Gallery's significance assessment;
- Tamworth Regional Gallery Friends and volunteers;
- Tamworth Regional Gallery and Cultural Services staff; and
- Tamworth Region Arts Advisory Committee Members (TRAAC).

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

A Spirit of Community – C22 provide accessible, functional, multi-purpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

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## 10.2 THE GALAXY OF STARS WAX MUSEUM COLLECTION

**DIRECTORATE:** BUSINESS AND COMMUNITY  
**AUTHOR:** Bridget Guthrie, Director Tamworth Regional Gallery and Museums

1 CONFIDENTIAL ENCLOSURES ENCLOSED

### RECOMMENDATION

*That in relation to the report “The Galaxy of Stars Wax Museum Collection”, Council:*

- (i) accept the Galaxy of Stars Wax Museum into the Tamworth Regional Council collection as a cultural gift; and*
- (ii) formally thank the donor for the generous donation.*

### SUMMARY

The Galaxy of Stars Wax Museum collection has been offered to the Tamworth Regional Council under the Cultural Gift Program. The Galaxy of Stars Wax Museum collection is significant to Tamworth, the region and to Australia because it encapsulates the stories of Australian country music pioneers and stars.

### COMMENTARY

The Galaxy of Stars Wax Museum collection is historically significant because it contains objects and outfits from key events and personalities in Australian country music. The Museum contains vignettes of the fathers of Australian country music, Tex Morton and Buddy Williams; it pays homage to the king of Australian country music, Slim Dusty; and it preserves memorabilia from key events, such as the Up Close and Personal Concerts from 2011 to 2018.

The wax figures and outfits showcase careful craftsmanship (many of the costumes of older country music stars were homemade). Thus the collection has artistic significance. The Galaxy of Stars Wax Museum is also socially significant because it reinforces Tamworth’s identity as the “Australian Country Music Capital”. The Museum is considered a pilgrimage point for Australian country music fans.

The Museum was established in 1983. The record of ownership of this museum is well documented. Most of the clothing, musical instruments and equipment in the collection have been donated by the artists. The Galaxy of Stars Wax Museum is one of the only wax museums in Australia and it is the only wax museum dedicated to Australian country music. The provenance, history and rarity reinforce the significance and authenticity of the collection.

The collection aligns with the draft Tamworth Regional Museums Collection Policy to acquire objects that fit thematically for a “Music City”. The Galaxy of Stars Wax Museum is unique because it is the only wax museum dedicated to Australian country music. The Museum is historically significant because it provides an overview of Australian country music personalities and their achievements.

This donation will increase cultural awareness of Australian country music; will be an ongoing resource for the community, and compliment Tamworth’s existing country music assets. The Galaxy of Stars Wax Museum is also an ideal introduction to the newly established National Guitar Museum.

**(a) Policy Implications**

This donation has been achieved through the Cultural Gift Program.

The donation complies under the existing Cultural Gifts Policy, which sets out the requirements that Council must comply with as a registered and endorsed Deductible Gift Recipient. The donation also aligns with the new draft Tamworth Regional Council Museums Collection Policy, under the theme Tamworth as a Music City.

In recognition of the important contribution the Cultural Gift Program makes to Australia's public collecting institutions, the government asks that Council acknowledge the Program when referring to donated items in display labels, publications and promotional materials.

The Council will acknowledge this contribution using the following wording "Donated through the Australian Government's Cultural Gift Program by the Coultan family."

**(b) Financial Implications**

The Tamworth Regional Council paid for the two independent external valuations and the consultant's travel costs to achieve the Cultural Gift Program requirements **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. The Galaxy of Stars Wax Museum collection will now form part of the Tamworth Regional Council's Collection and be insured as a Council asset. It will also be placed on Council's Assets Register.

This collection can be managed through existing staffing resources. Any on-going costs for the care and preservation of this collection can be secured through the income stream from ticket sales of visitors attending the museum at the Visitor Information Centre.

**(c) Legal Implications**

As part of the cultural gift donation process the Galaxy of Stars Wax Museum collection will transfer ownership from the donor Shawdownport Pty Ltd, Director Tom Coultan to the Tamworth Regional Council.

**(d) Community Consultation**

Extensive consultation as been conducted with the donor as part of the Cultural Gift Program

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

A Spirit of Community – C22 provide accessible, functional, multi-purpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

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**10.3 AUSTRALIAN COUNTRY MUSIC HALL OF FAME - DEED OF GIFT**

**DIRECTORATE:** BUSINESS AND COMMUNITY  
**AUTHOR:** Bridget Guthrie, Director Tamworth Regional Gallery and Museums

**Reference:** Item 9.4 to Ordinary Council 22 October 2019 - Minute No 381/19

**1 ANNEXURES ATTACHED**  
**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

## **RECOMMENDATION**

*That in relation to the report “Australian Country Music Hall of Fame - Deed of Gift”, Council:*

- (i) approve the draft Australian Country Music Hall of Fame Deed of Gift;*
- (ii) authorise the affixing of the Seal of Council to the Australian Country Music Hall of Fame Deed of Gift Agreement; and*
- (iii) commence the implementation of the Australian Country Music Hall of Fame Strategic Plan 2020-2024 with updated timeframes due to the effects of COVID-19.*

## **SUMMARY**

The Australian Country Music Hall of Fame Deed of Gift will transfer the legal ownership of the Australian Country Music Foundation’s museum collection to Tamworth Regional Council. This transfer will ensure the collection is cared for and preserved for future generations and endorses the implementation of the draft Australian Country Music Hall of Fame Strategic Plan 2020-2024.

## **COMMENTARY**

Over five years Council has worked in partnership with the Australian Country Music Hall of Fame towards a shared vision and future goals. The Australian Country Music Hall of Fame is currently managed by the Australian Country Music Foundation (ACMF).

The ACMF supports and reflects key cultural themes for Tamworth and region, and is of significant importance in the tourism landscape. The Museum combines with other Tamworth music-themed products to offer a ‘whole package experience’ for niche markets seeking to immerse themselves in a country music escape.

The ACMF is a volunteer-run, not-for-profit organisation with the charter to collect, protect, preserve and promote the history and heritage of Australasian country music. The Australian Country Music Foundation was established in 1991, and is the administrator of the Australian Country Music Hall of Fame. The Australian Country Music Foundation will continue to operate as an independent entity but after the 1 December 2020, will no longer hold ownership of the collection.

The Deed of Gift will transfer the legal ownership of the Australian Country Music Hall of Fame collection and intellectual property of the name ‘The Australian Country Music Hall of Fame’ to Tamworth Regional Council. The draft Australian Country Music Hall of Fame Deed of Gift is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

The adoption of the Deed of Gift will endorse the implementation of the Australian Country Music Hall of Fame Strategic Plan 2020-2024, with updated timeframes due to the effects of COVID-19. The Draft Australian Country Music Hall of Fame Strategic Plan 2020-2024 with updated timeframes due to the effects of COVID-19 is **ATTACHED**, refer **ANNEXURE 1**.

The Plan provides for Council to take over the operation and management of the Australian Country Music Hall of Fame from 1 September 2020, and the Deed of Gift transfers the collection as of 30 November 2020.

**(a) Policy Implications**

The Draft Australian Country Music Hall of Fame Strategic Plan 2020-2024 (the Plan) is a partnership between Tamworth Regional Council and the Australian Country Music Foundation Inc (ACMF). The Plan provides for Council to take over the operation and management of the Australian Country Music Hall of Fame from 1 September 2020.

The plan will be supported by the Donations and Cultural Gifts Policy and the draft Tamworth Regional Museums Collection Policy.

Furthermore, Tamworth Regional Council strives for best practice in the museum sector to support the care and preservation of its collections. Tamworth Regional Council will adhere to state and national legislation and museum standards that govern the acceptance and ownership of objects.

These include but are not limited to:

- Museums Australia Code of Ethics, 1984 revised 1999;
- International Council of Museums Code of Ethics for Museums (ICOM), 2003;
- Burra Charter of ICOMOS Australia, 1999;
- Principles and Guidelines for Australian Museums working with Aboriginal and Torres Strait Islander Cultural Heritage, 2005;
- Protection of Moveable Cultural Heritage (PMCH) Act, 1986;
- Protection of Moveable Cultural Heritage Regulations, 1987; and
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003.

**(b) Financial Implications**

The current Tamworth Regional Council budget for 2020/2021 reflects the implementation of the draft Australian Country Music Hall of Fame Strategic Plan. Further to the previous Council meeting on 22 October 2019 at which the draft plan was endorsed, the financial allocation is included in the current Tamworth Regional Council's operational budget and forward estimates. There are no additional implements to current or future budgets.

**(c) Legal Implications**

The Deed of Gift confirms that the Donor wishes to Gift to the Council the Collection and the Intellectual Property as defined herein on the schedule ('Gift') as at 30 November 2020, and the Council agrees to accept the Gift upon the terms and conditions contained in this Deed.

The Seal of Council will need to be affixed to the Licence Agreement. The Local Government (General) Regulation 2005, Clause 400(4) requires that the Seal of Council must not be affixed to a document unless the document relates to the business of Council and the Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

The approval of the draft Australian Country Music Hall of Fame Strategic Plan 2020-2024 is subject to a Deed of Gift being finalised between the ACMF and Tamworth Regional Council.

**(d) Community Consultation**

The development of the Draft Australian Country Music Hall of Fame Strategic Plan 2020-2024 and the corresponding Deed of Gift involved many stakeholders.

Consultation with partners and stakeholders included:

- ACMF Working Group;
- ACMF volunteers;
- Museums and Galleries of NSW; Tamara Lavrencic and Michael Rolfe Museum Consultant: Kim Biggs; Arts North West: Caroline Downer;
- Museum Consultant/Significance Assessor:
- Roslyn Russell;
- Tamworth Regional Council staff:  
Director, Art Gallery and Museums - Bridget Guthrie; Manager, Events Barry Harley; Coordinator Economic and Destination Development, Kate Bake; Manager, Cultural and Community Services, Kay Delahunt; Cultural Collections Officer, Anna Gregory; Manager, Property and Legal Services, Kirralee Ringland; Director, Business and Community, John Sommerlad and
- Stacks Law Firm.

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

A Spirit of Community – C22 provide accessible, functional, multi-purpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

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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.*

#### **11.1 NEW WINTON ROAD WESTDALE - LAND ACQUISITION FOR ROAD REALIGNMENT AND TRANSFER OF PROPOSED PART ROAD CLOSURE - PROJ2019-00775**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Kirralee Ringland, Manager Property and Legal Services  
**Reference:** Item 12.1 to Ordinary Council 26 May 2020 - Minute No 144/20  
**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

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**

This report is to advise Council of the outcome following advertising of the proposed part road closure adjacent to Lot 15 DP 225063 New Winton Road Westdale.

### **11.2 RENEWAL OF LEASE - PART TAMWORTH WAR MEMORIAL TOWN HALL**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Kirrilee Ringland, Manager Property and Legal Services  
**Reference:** Item 14.4 to Ordinary Council 28 March 2017 - Minute No 709/17  
Item 14.7 to Ordinary Council 12 September 2017 - Minute No 309/17

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

#### **SUMMARY**

The purpose of this report is to advise Council of a request from the Tamworth and District Chamber of Commerce and Industry Pty Limited for a new lease of the space they currently occupy at the Tamworth Town Hall.

### **11.3 TENDER T008/2021 - PARADISE PUMP STATION RECREATIONAL AREA**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager Water and Waste  
**Reference:** Item 7.2 to Ordinary Council 12 February 2019 – Minute No 6/19  
Item 8.1 to Ordinary Council 14 May 2019 - Minute No 150/19  
**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

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**

The purpose of this report is to consider the Tender submissions received and to recommend acceptance of a Tender for demolition and remediation of the old Paradise Pump Station on the corner of King George Avenue and Old Scott Road.



## **CLOSED COUNCIL**

### **Confidential Reports**

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

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

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

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

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

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

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

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

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

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

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

#### **Resolutions passed in Closed Council**

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