



# TAMWORTH REGIONAL COUNCIL

## ORDINARY COUNCIL MINUTES

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

### 13 DECEMBER 2022

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



# ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, Lands Building,  
Nemingha Room, 25-27 Fitzroy Street, Tamworth  
**TUESDAY 13 DECEMBER 2022 at 6:30PM**

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

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

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

An apology was announced as having been received from Cr Southwell who is unable to attend the Meeting due to personal leave.

### **MOTION**

**Moved Cr Betts/Cr Burke**

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

**371/22 RESOLVED**

## **2 COMMUNITY CONSULTATION**

Nil

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

### **MOTION**

**Moved Cr Coates/Cr Burke**

That the Minutes of the Ordinary Meeting held on Tuesday, 22 November 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**372/22 RESOLVED**

## **4 DISCLOSURE OF INTEREST**

Nil

## **5 MAYORAL MINUTE**

Nil

## **6 NOTICE OF MOTION**

Nil

## OPEN COUNCIL REPORTS

### 7 ENVIRONMENT AND PLANNING

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

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Dan Whale, Senior Development Assessment Planner

#### MOTION

##### Moved Cr Betts/Cr Coates

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

Prior to Work Commencing

1. The approved development which is the subject of this development consent must not be commenced until:
  - a) a Construction Certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier,
  - b) the person having the benefit of the development consent has;
    - i) appointed a Principal Certifying Authority for the building work, and
    - ii) notified the Principal Certifying Authority that the person will carry out the building work as an owner-builder, if that is the case, and;
  - c) the Principal Certifying Authority has, no later than two days before the building work commences;
    - i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
    - i) appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
    - ii) notified the Principal Certifying Authority of any such appointment, and
    - iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
    - iv) give at least two days' notice to the council of the persons intention to commence the erection of the building.

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

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

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

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

4. The contractors engaged to undertake development on public land or infrastructure must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
5. Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater–Soils and Construction (Landcom 2004). The ESCP is to be implemented prior to the commencement of any construction works.
6. A Traffic Management Plan (TMP) detailing how movements in and out of the site during construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council for approval. The associated Traffic Control Plans (TCP's) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-1996 and the RMS current version of the "Traffic Control at Worksites" manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve.

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

7. Pursuant to section 68 of the *Local Government Act 1993*, the following approvals must be obtained;
  - a) carry out water supply work;
  - b) carry out sewer work;

- c) carry out stormwater work; and
  - d) installation of an Onsite Sewage Management System.
8. A minimum of eight groundwater bores (four onsite and four offsite) (or otherwise as agreed to by NSW EPA and Council's Director of Liveable Communities) required for the testing and monitoring of groundwater are to be installed prior to site works commencing to enable the collection of baseline data with routine monitoring undertaken on a quarterly basis whilst the facility is in operation.

Prior to issue of a Construction Certificate

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

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

$$\$C_{PY} = \$C_{DC} \times \frac{CPI_{PY}}{CPI_{DC}}$$

Where:

$\$C_{PY}$  Is the amount of the contribution at the date of Payment

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

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

$CPI_{DC}$  Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

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

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

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

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

Guidelines for Subdivisions and Developments.

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

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

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

11. Design calculations, detailed engineering drawings and construction specifications, specific to the works, are required for the following, as a minimum, to ensure all works are designed and constructed in accordance with recognised and accepted standards and guidelines:-
  - a) leachate dam sizing and design.

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

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

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

site prior to the release of a construction certificate.

19. The following management plans shall be prepared by a suitably qualified consultant in accordance with the mitigation and management measures recommended in the endorsed supporting documents referenced in conditions 23 and 24 and implemented throughout the construction phase and operation of the facility;
- a) Construction Environmental Management Plan;
  - b) Operational Environmental Management Plan;
  - c) Noise Management Plan;
  - d) Waste Management Plan;
  - e) Pest and Weed Management Plan;
  - f) Bushfire Management Plan;
  - g) Soil and Water Management Plan;
  - h) Biosecurity Management Plan.

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

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

20. An assessment is required, to the satisfaction of Council's Director of Liveable Communities and other relevant authorities, to determine suitable locations for the installation of a series of groundwater bores and the testing parameters to monitor groundwater conditions
21. The developer is to obtain an Amended Water Supply / Use Approval from the Natural Resource Access Regulator (NRAR) for the upgrade of the existing stock and domestic bore onsite to commercial production in support of the proposal.
22. Condition moved to During Construction under Condition 65b. as amended under MOD2022-0068.
- 22a. A Fire Safety Schedule must be issued with the construction certificate in accordance with Clauses 78 and 79 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and include both existing and proposed fire safety measures pertaining to the entire building. the Fire Safety Schedule should include reference to any Fire Engineering Report that forms part of the development.

Condition added under MOD2022-0068.

- 22b. An approval for the installation of On-Site Sewer Management Facilities is to be obtained from Council, the S68 application will require

a Wastewater Management Report to be prepared and lodged with Council addressing how the effluent across the site will be managed, the Wastewater Management Report is to address the parameters within the Non-Domestic Wastewater Guidelines.

Condition added under MOD2022-0068.

#### General

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

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

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

Condition amended under MOD2022-0068.

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

- i) Supplementary Information – Leachate Management, prepared by Pitt and Sherry, dated 26 June 2020;
  - j) Construction Environmental Management Plan Template, prepared by Pitt and Sherry, Revision 00, dated 2 July 2020; and
  - k) Operational Environmental Management Plan Template, prepared by Pitt and Sherry, Revision 03, dated 2 July 2020;
25. The receipt and processing of waste is to be undertaken in accordance with the following stages:

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

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

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

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

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

27. Details of ongoing operations required should the trial period be deemed successful in accordance with the requirements of Condition 19. Prior to the completion of the trial period (minimum four weeks), the applicant is to provide results of the environmental compliance monitoring undertaken during the trial to Council's Director of Liveable Communities and NSW EPA for review and approval.

If Council's Director of Liveable Communities and NSW EPA are satisfied that the facility is performing to the required standards as set out in Condition 26, the receipt and processing of Stage 2 waste will no longer be limited to a

trial period. Details of environmental monitoring must be made publicly available on an annual basis.

28. The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless otherwise as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
29. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.
30. All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
31. All building work must be carried out in accordance with the provisions of the disability (Access to Premises - Buildings) Standards 2010.
32. Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.
33. To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.
34. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
35. The Applicant shall consult with, as required:
  - a) Essential Energy;
  - b) natural gas company; and
  - c) a telecommunications carrier.

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

36. The landowner must, within three months of receiving written advice from RailCorp, install and maintain fencing along the rail corridor boundary in accordance with JHR's engineering standards should RailCorp require. The landowner is liable for and indemnifies RailCorp and JHR against all claims for which RailCorp and JHR are or may become liable, in connection with the fencing between Lot 61 DP 707563, being the subject development site and Lot 1 DP 1077646 being the rail corridor.
37. Activities within electrical easements and infrastructure must meet the requirements of ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure and be carried out in accordance with the Work near Overhead Power Lines and Work near

Underground Assets Codes of Practice.

General Terms of Approval

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

During Construction

General

39. The Traffic Management Plan approved in accordance with condition 6 is to be fully complied with for the full duration of the project's construction phase.
40. The approved Traffic Control Plans (TCPs) shall be maintained at all times when work is undertaken within a dedicated road reserve.
41. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal.
42. An identification survey prepared by a Registered Surveyor is to be prepared at set out stage of the construction works to ensure that the facility is sited in accordance with the approved site plan.
43. If an item suspected to be a relic, as defined by the Heritage Act 1977 is discovered on the site or during any ancillary road works, all work must cease immediately and the Heritage Council notified as to the location of the relic. Work cannot proceed until the requirements of the Heritage Council have been fulfilled.
44. A representative from Tamworth Local Aboriginal Land Council shall be present onsite and during ancillary road works during initial vegetation clearing and topsoil stripping.
45. Consultation between the proponent(s), the Tamworth Regional Airport, and Air Services Australia is required in relation to any crane operations planned during construction.
46. Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.
47. The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Councils prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development Engineering Division.
48. If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Development Engineering Division is required.
49. Any damage caused to Council infrastructure as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
50. Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by

the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.

51. The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.

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

Monday to Friday: 7.00am to 6.00pm;

Saturday: 8.00am to 1.00pm;

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

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

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

#### Stormwater

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

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

56. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:-

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

crossing the eastern boundary of the development site (following detention of developed flows).

#### Internal Roads, Access and Parking

57. All internal driveways and parking areas shall be constructed with a base course of adequate depth to accommodate heavy vehicle loading.
58. The new vehicle crossover for access/egress on Gidley Appleby Road shall have a width designed such that two B-doubles trucks can pass each other to allow the entering / exiting concurrently. The new crossover shall be sealed from the edge of Gidley Appleby Road to the property boundary as a minimum.
59. All internal driveways, parking areas and vehicle turning areas shall be designed in accordance with the requirements of AS2890.1-2004 "Parking Facilities - Off Street Parking".
60. All parking bays shall be permanently marked out on the pavement surface and shall be clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of onsite parking and loading/unloading facilities.
61. The direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and driveway access and in the interest of traffic safety and convenience. In this regard all vehicles entering and exiting the site shall do so in a forward direction only.
- 61a. Section 138 approval from Council under the Roads Act 1998 is required to construct vehicle crossings for this development. Detailed construction plans shall be provided to Council for approval.

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

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

#### External Road Upgrades

62. The intersection of Oxley Highway with Appleby Lane shall be upgraded to incorporate a Basic Auxiliary Right Turn Treatment (BAR). The BAR shall be designed to cater for 26m B-double vehicles, and shall address the safety of pre-existing uses taking access off the current widened shoulder formation.
63. The intersection of Manilla Road with Appleby Lane shall be provided with additional advance warning signage for the left turn movement off Manilla Road on to Appleby Lane.
64. Condition moved to Continued Operations under Condition 99. as amended under MOD2022-0068.
65. The intersection of Gidley Appleby Road with Appleby Lane shall be upgraded to facilitate the movement of design vehicles in the outbound direction from Gidley Appleby Road while remaining within their designated carriageways. Additional advance warning signage shall be provided for drivers approaching the intersection in either direction on Appleby Lane.

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

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

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

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

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

#### Allotment Filling

66. Any allotment filling shall meet the requirements of AS3798-2007 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.
67. Any allotment filling that may be required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.

Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as "controlled fill".

#### Inspections

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

#### Prior to Occupation

69. The occupation or use of the whole or any part of a new building must not commence unless an occupation certificate has been issued in relation to the building or part.

#### Prior to issue of an Occupation Certificate

70. All works as required by these conditions of consent shall be complete.
71. The Operational Environmental Management Plan must be prepared by a suitably qualified person and submitted to Council's Director of Liveable Communities for approval prior to the release of an occupation certificate.
72. Prior to issue of the Occupation Certificate the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) by a suitably qualified and experienced person or company approved before appointment by Council's Director of Liveable Communities. The

Independent Environmental Audit is to verify all relevant management and mitigation measures are implemented before operations commence.

73. An independent commissioning assessment is to be undertaken which verifies the commissioning of the processing facility and its performance in accordance with relevant Australian Standards and NSW EPA Resource Recovery Orders in relation to pasteurisation. The assessment is to be completed after one (1) month of operation and provided to Council's Director of Liveable Communities and NSW EPA for review and approval.
74. If upgrade works are deemed to be required to the existing bus stop facilities along Appleby Lane, Gidley Appleby Road, Gidley Siding Road, Wallamore Road and at the intersection of Oxley Highway and Appleby Lane, all works are to be completed prior to issue of the Occupation Certificate.
75. A "No Left Turn" sign must be erected at the exit of the facility onto Gidley Appleby Road prior to the release of an occupation certificate.
76. Any signage and/or line marking approved by the Local Traffic Committee shall be installed prior to issue of an occupation certificate.
77. A Code of Conduct must be prepared and submitted to the Roads Authority for haulage operations and should include, but is not limited to, the following:
  - a) a map of the primary haulage route highlighting critical locations;
  - b) safety initiatives for haulage through residential/village areas and/or school zones;
  - c) an induction process for vehicles operators and regular toolbox meetings;
  - d) outbound traffic is restricted to right turns onto Gidley Appleby Road;
  - e) a complaint resolution and disciplinary procedure and register;
  - f) any community consultation measures for peak haulage periods.
78. The following intersections require give-way signage and line marking to be installed (if not already installed) at the minor roads interface prior to issue of an occupation certificate:
  - a) Gidley Siding Road/ Gidley Appleby Road; and
  - b) Gidley Appleby Road/ Appleby Lane/ Evans Lane.
79. In lieu of completing the landscaping nominated on the approved plan, a cash bond or bank guarantee to the value of the landscaping works must be paid to Tamworth Regional Council prior to the issue of an Occupation Certificate. The cash bond or bank guarantee will be returned when the water conservation measures allow the landscaping to be completed.
80. Sediment and erosion control measures for the site shall be established if the landscaping is unable to be completed in accordance with the approved plan. The sediment and erosion control measures must be installed prior to the issue of an Occupation Certificate and shall remain in place until such time as water conservation measures allow the landscaping to be completed.

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

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

Maintenance should include:

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

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

Condition added under MOD2022-0068.

#### Continued Operations

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

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

82. The sealing of the driveway(s), vehicular parking, manoeuvring and loading areas is to be maintained at all times.

83. All vehicle movements into and out of the development site shall be in a forward direction.

84. To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking area, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for their intended purpose. Under no circumstances are such areas to be used for the storage of goods or waste material.

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

- a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;
- b) include suitable provisions to monitor the:
  - (i) quantity, type and source of waste received on site; and
  - (ii) quantity, type and quality of the outputs produced on site; and

- c) ensure that:
  - (i) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste.
- 86. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.
- 87. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
  - a) all relevant Australian Standards;
  - b) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – Technical Bulletin (EPA, 1997).

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

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

The construction of the bund is to comply with AS1940.

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

- 89. Monthly leachate monitoring and testing is required for a period of twelve months following the commencement of operations to determine the composition of leachate generated from the facility. Based on the leachate laboratory analysis the Hazard and Risk Assessment is to be updated to provide guidance on the potential impacts on surrounding land uses and receiving water bodies. A copy of the Updated Hazard and Risk Assessment is to be provided to Council's Director of Liveable Communities. The NSW Environmental Protection Authority must be notified of any breach of conditions of consent or to Environmental Protection Licence requirements immediately.
- 90. The applicant must undertake monitoring of the performance of the biofilter, under normal operating conditions, within six months of operations commencing. Subsequent monitoring to be undertaken in accordance with the Odour Monitoring Plan prepared by the operator, which will be reflective of the feedstock accepted and processed at the facility. The performance of the biofilter should be assessed within six months of the biofilter medium being partially or fully replaced.
- 91. Any product processed at the facility is to meet the relevant standard (AS4454), Composting Guideline 2016 and / or any specific Resource Recovery Orders and Exemptions.
- 92. Within one year of the commencement of operation, and every three years after, unless Council's Director of Liveable Communities directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. Audits must:
  - a) be led and conducted by a suitably qualified, experienced and independent team of experts;

- b) be carried out in consultation with the relevant agencies;
  - c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any strategy, plan or program required under this consent;
  - d) review the adequacy of any approved strategy, plan or program required under this consent;
  - e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent; and
  - f) be made public within three months of receipt of the report.
93. Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by Council's Director of Liveable Communities, a copy of the audit report must be submitted to Council's Director of Liveable Communities and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Council's Director of Liveable Communities. The audit report together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations must also be made public within three months of receipt of the report.
94. The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
95. The site must be maintained in a neat and tidy condition at all times.
96. The installed landscaping is to be maintained in a good condition at all times with diseased or dead plants being replaced as soon as possible.
97. The mitigation, commitment and management measures recommended in the endorsed environmental impact statement and supporting reports shall be implemented for the entirety of the development.
98. The facility operator shall comply with the Biosecurity Act 2015.
99. The interim management measures of additional advance warning signage for the left turn movement off Manilla Road on to Appleby Lane for the intersection of Manilla Road with Appleby Lane are to be monitored and the safety performance is to be reviewed on an annual basis for five years from the commencement of operation of the facility. At the end of the five-year monitoring period the intersection is to be upgraded to include the Austroads shortened auxiliary left-turn (AUL-S) treatment as detailed in the TfNSW Correspondence, dated 4 September 2020.
- Condition moved from During Construction (previously Condition 64) as amended under MOD2022-0068.

COUNCILLORS WHO VOTED **FOR**  
THE DECISION

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

COUNCILLORS WHO VOTED **AGAINST**  
THE DECISION

Nil

**373/22 RESOLVED**

**7.2 STREET TREES - URBAN SUBDIVISIONS - FINAL ADOPTION**

**DIRECTORATE:**

**LIVEABLE COMMUNITIES**

**AUTHOR:**

**Steve Brake, Manager Development Engineering**

**Reference:**

**Item 7.5 to Ordinary Council 26 October 2021 - Minute No 303/21**

**MOTION**

**Moved Cr Tickle/Cr Sutherland**

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

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

**374/22 RESOLVED**

## 8 INFRASTRUCTURE AND SERVICES

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

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Jonathon Dunlop, Projects Engineer (Rotation)

#### MOTION

##### Moved Cr Betts/Cr Sutherland

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

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

**375/22 RESOLVED**

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

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

#### MOTION

##### Moved Cr Burke/Cr Sutherland

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

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

**376/22 RESOLVED**

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

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Gina Vereker, Director Liveable Communities  
Callum Fletcher, Senior Project Engineer

**Reference:** Item 12.6 to Ordinary Council 11 October 2022 - Minute No 310/22

#### **MOTION**

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

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

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

**377/22 RESOLVED**

### **8.4 REPAIR OF JEWRY STREET HEADCUT**

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

#### **MOTION**

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

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

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

**378/22 RESOLVED**

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

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

### **MOTION**

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

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

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

**379/22 RESOLVED**

## **8.6 DRAFT ENVIRONMENTAL SUSTAINABILITY STRATEGY**

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

### **MOTION**

#### **Moved Cr Betts/Cr Sutherland**

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

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

**380/22 RESOLVED**

## 9 GOVERNANCE, STRATEGY AND FINANCE

### 9.1 RENEWAL OF TAMWORTH REGIONAL ALCOHOL FREE ZONES

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Ross Briggs, Manager Compliance

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

#### MOTION

##### Moved Cr Betts/Cr Mears

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

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

Woodward Avenue, Petra Avenue and Links Avenue and including Hobbs Lane;

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

**381/22 RESOLVED**

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

**DIRECTORATE:**

**LIVEABLE COMMUNITIES**

**AUTHOR:**

**Kay Burnes, Senior Place Manager**

**Jodie Archer, Community Working Group Officer**

### **MOTION**

**Moved Cr Coates/Cr Burke**

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

- (i) receive and note the Minutes of the following Committees:
  - Attunga Public Hall and Youth Hall Committee AGM - 30 August 2022;
  - Attunga Public Hall and Youth Hall Committee - 30 August 2022;
  - Barraba Showground Management Committee AGM - 18 August 2022;
  - Barraba Showground Management Committee - 18 August 2022;
  - Barraba Sportsground Committee AGM - 26 June 2022;
  - Duri Progress Association - 16 August 2022;
  - Duri Progress Association - 20 September 2022;
  - Duri Progress Association - 18 October 2022;
  - Duri Progress Association - 15 November 2022;
  - Hanging Rock Community Hall Committee - 22 October 2022;
  - Kootingal Recreational Reserve Committee-Extraordinary - 24 August 2022;
  - Kootingal Recreational Reserve Committee AGM - 28 September 2022;
  - Limbri Public Hall and Recreation Reserve Local Committee AGM - 6 November 2022;

- Limbri Public Hall and Recreation Reserve Local Committee – 6 November 2022;
  - Manilla Matters Committee - 10 August 2022;
  - Manilla Matters Committee - 14 September 2022;
  - Manilla Matters Committee - 5 October 2022;
  - Nemingha Hall and Reserve Committee - 5 October 2022;
  - Piallamore Recreation Reserve Committee AGM - 21 September 2022;
  - Piallamore Recreation Reserve Committee - 21 September 2022;
  - Piallamore Recreation Reserve Committee AGM - 8 November 2022;
  - Somerton War Memorial Hall and Recreation Ground Committee – 19 April 2022;
  - Somerton War Memorial Hall and Recreation Ground Committee - 28 June 2022;
  - Victoria Park Coordination Committee AGM - 18 August 2022;
  - Victoria Park Coordination Committee - 18 August 2022;
  - Weabonga Hall and Recreation Reserve Local Committee – 20 September 2022;
  - Woolbrook Hall and Park Committee Extraordinary - 4 October 2022;
  - Woolbrook Hall and Park Committee AGM - 18 October 2022;
  - Woolbrook Hall and Park Committee - 18 October 2022;
- (ii) adopt the recommendation of the Attunga Public Hall and Youth Hall Committee's Annual General Meeting held 30 August 2022, to appoint the following executive members:
- Chairperson                      Lorraine Abra
  - Deputy Chairperson          Margaret Markwick
  - Secretary                         Ian Regan
  - Treasurer                         Vacant
  - Booking Officer                 Daron Johnson and Margaret Markwick
  - Committee members: Robyn Mowbray, Noel Hollis, Vinnie Todd and Warren Brinkley;
- (iii) adopt the recommendation of the Barraba Showground Management Committee's Annual General Meeting held 18 August 2022, to appoint the following executive members:
- Chairperson                      Campbell Tonkin
  - Deputy Chairperson          Sinclair Hughson
  - Secretary                         Don Roberts
  - Treasurer                         Albert Graves
  - Committee members: Tim Crowley, Dave Penna and Warren Lavender (Barraba P.A & H Association), Leon Cummins and Sinclair Hughson (Barraba Jockey Club), Greg Smith (Trainer), Di Etheridge and Leah

Watkins (Barraba Pony Club), Des Britain (Groundsman) David Penna (Meter Reader), Tania Alderton, Kylie Stanger, Chris Forbes and Pat Sherwood;

- (iv) adopt the recommendation of the Barraba Sportsground Committee's Annual General Meeting held 23 June 2022, to appoint the following executive members:

- Chairperson Dave Pennar
- Deputy Chairperson Adam Cabot
- Secretary Jenny Middlemiss
- Treasurer Alison Gadd
- Booking Secretary Sinclair Hughson;
- Committee members: Nickie Cabot, Jane Randall and Ben Hann (Junior Rugby), Simon Koopman, Shane Middlemiss and Amy Middlemiss (Senior Rugby), Ben Freeman, Emily Kelso and Natalie Philpot (Touch Football), Shane Maloney, Luke Davis and Jarrod Greenwood (Central School), Simon Fleming and Natalie Anderson (Blue School) and David Smith (Groundsman);

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

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

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

- Chairperson Don Grant
- Deputy Chairperson Lad Jones
- Secretary Greg Crowe
- Treasurer Verona Gimbergh
- Booking Officer Alan Betts
- Committee members: Kevin Seery, Kerrie Betts, Melissa Woods, Joanne Jones, Kirsty Hogan and Yvonne Meintjes.

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

- Chairperson Jane Daly
- Deputy Chairperson 'vacant'
- Secretary Lisa Nies
- Treasurer Jane Daly
- Committee members: Ross Doak, Beryl Doak, Phil Gaynor, Kathy Gaynor, Peter Barsoum, Ella Barsoum, Linda Nicholls, Eugene Nicholls, Jenny

Case, Neville Case, Greg Daly, Brett Nies, Sandy Hawley, Sarah Bradfield and Terri Moore;

- (ix) adopt the recommendation of the Nemingha Hall and Reserve Committee's Ordinary Meeting held 5 October 2022, to accept the resignation of Lyn Ohlback as Booking Officer and to appoint Kevin Squires as Booking Officer;
- (x) adopt the recommendation of the Piallamore Recreation Reserve Committee's Annual General Meeting held 21 September 2022, to appoint the following executive members:
  - Chairperson Mark Stass
  - Deputy Chairperson Bob Hutt
  - Secretary/ Treasurer Jo-Anna Heenan
  - Booking Officer Mark Stass
  - Committee members: Sue Stass, John Wood, Stuart Garland, Chris Johnston, Ann McCormack, A McClelland, Bob Abra, Jo-Anna Heenan, Nicolette Moss, Allan Moss, Barry Moss, Wendy Cheetham, Richard Cheetham, Erica Mordue, Kristie Connors, Michael Connors, Cameron Tongue, Meredith Abrams, Colin McCormack, Olwyn McCormack, Bob Hutt, Fran Hutt, Kate Garland, Monty Maguire, David Heenan, J Dodds, M Mitchell, M Owers, G Owers and Brendan Woods;
- (xi) adopt the recommendation of the Piallamore Recreation Reserve Committee's Ordinary Meeting held 21 September 2022, to appoint Chris Johnston as a new member;
- (xii) adopt the recommendation of the Victoria Park Coordination Committee's Annual General Meeting held 18 August 2022, to appoint the following executive members:
  - Chairperson Martin O'Rourke
  - Secretary Mark Smith
  - Committee members: David Scott (Tamworth and District Model Engineers), Sonya Hardin and Doreen Goddard (Friends of Tamworth Regional Botanic Garden), Geoff Tall, Garry Copper and Bernard McNamara (Tamworth Regional Astronomy Club Inc) and Geoff Allen (Tamworth Community Men's Shed); and
- (xiii) adopt the recommendation of the Woolbrook Hall and Park Committee's Annual General Meeting held 4 October 2022, to appoint the following executive members:
  - Chairperson Anthony (Tony) Haling
  - Deputy Chairperson Timothy Laurie
  - Secretary Belinda Laurie
  - Treasurer Natalie Clifford
  - Booking Officer Belinda Laurie
  - Committee members: Richard Prior, Joe Guerrini, Kylie Matthews, Mark Riordan, Gary Olrich, Rhonda Olrich, Janelle Smith, Alan Steane, Jessica Goodwin, Michael Pullin, Ellie Huskiens and Barabra Fawcett.

**382/22 RESOLVED**

### 9.3 COMMUNICATIONS STRATEGY

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Karlee Cole, Manager Communications and Engagement

#### MOTION

##### Moved Cr Betts/Cr Coates

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

**383/22 RESOLVED**

### 9.4 SCHEDULE OF COUNCIL MEETINGS FOR 2023

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

#### MOTION

##### Moved Cr Burke/Cr Mears

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

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

**384/22 RESOLVED**

## **9.5 2023 AUSTRALIA DAY EVENTS**

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

### **MOTION**

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

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

|           |                 |
|-----------|-----------------|
| Barraba   | Cr Helen Tickle |
| Bendemeer | Cr Judy Coates  |
| Kootingal | Cr Phil Betts   |
| Manilla   | Cr Marc Rodda   |
| Nundle    | Cr Steve Mears  |
| Tamworth  | Cr Russell Webb |
|           | Cr Bede Burke   |

**385/22 RESOLVED**

## **9.6 COUNCIL INVESTMENTS NOVEMBER 2022**

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

### **MOTION**

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

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

**386/22 RESOLVED**

## **9.7 SUNDRY DEBTOR WRITE OFF**

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

### **MOTION**

#### **Moved Cr Betts/Cr Burke**

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

**387/22 RESOLVED**

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

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER

**AUTHOR:** Sherrill Young, Finance Manager

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

### **MOTION**

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

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

**388/22 RESOLVED**

## **10 COMMUNITY SERVICES**

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

**DIRECTORATE:** LIVEABLE COMMUNITIES

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

### **MOTION**

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

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

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

**389/22 RESOLVED**

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

At 7.23pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

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

### **MOTION**

#### **Moved Cr Burke/Cr Mears**

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*.

### **390/22 RESOLVED**

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

##### **DIRECTORATE: WATER AND WASTE**

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

**Reference:** Item 8.2 to Ordinary Council 10 August 2021 –  
Minute No 233/21

Item 12.2 to Ordinary Council 26 October 2021 - Minute  
No 315/21

Item 12.2 to Ordinary Council 14 June 2022 - Minute No 176/22

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

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

##### **DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR:** Jacqueline O'Neill, Director - Growth and Prosperity

**Reference:** Item 12.11 to Ordinary Council 15 December 2020 –  
Minute No 412/20

Item 12.2 to Ordinary Council 13 July 2021 – Minute No 199/21

**4 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

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

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR:** Sebastian Lees, Technical Officer Plant and Supply

**Reference:** Documents Tabled

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

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

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR:** Sebastian Lees, Technical Officer Plant and Supply

**Reference:** Documents Tabled

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

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

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR:** Blake Mammarella, Sports and Recreation Development Officer

Paul Kelly, Manager Sports and Recreation

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

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

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

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR:** John Sommerlad, Commercial Director - Airport, Aviation, Events and Projects

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (d)ii of the *Local Government Act 1993* on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a competitor of Council.

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

#### **DIRECTORATE: REGIONAL SERVICES**

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

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

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

#### **DIRECTORATE: REGIONAL SERVICES**

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

**Reference:** Item 12.4 to Ordinary Council 13 July 2021 – Minute No 201/21  
Item 12.2 to Ordinary Council 12 October 2021 – Minutes No 288/21  
Item 8.1 to Ordinary Council 26 October 2021 – Minutes No 306/21  
Item 8.3 to Ordinary Council 14 June 2022 – Minute No 160/22

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

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

#### **DIRECTORATE: REGIONAL SERVICES**

**AUTHOR:** Amos Fenn, Project Officer

Paul Kelly, Manager Sports and Recreation

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(i) of the *Local Government Act 1993* on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. and alleged contraventions of any code of conduct requirements applicable under section 440..

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

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR:** Amos Fenn, Project Officer

**Paul Kelly, Manager Sports and Recreation**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c),(d)&(i) of the *Local Government Act 1993* on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. and alleged contraventions of any code of conduct requirements applicable under section 440.

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

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR:** Amos Fenn, Project Officer

**Paul Kelly, Manager Sports and Recreation**

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

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

**DIRECTORATE: WATER AND WASTE**

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

**Reference:** Item 14.3 to Ordinary Council 27 September 2016 - Minute No 293/16

Item 14.5 to Ordinary Council dated 12 June 2018 - Minute No 202/18

Item 16.11 to Ordinary Council 24 September 2019 - Minute No 337/19

Item 8.1 to Ordinary Council 27 September 2022 - Minute No 275/22

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

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

**DIRECTORATE: WATER AND WASTE**

**AUTHOR:** Morne Hattingh, Manager - Waste and Resource Recovery

**Reference:** Item 12.2 to Ordinary Council 28 September 2021 - Minute No 273/21  
Item 12.3 to Ordinary Council 22 November 2022 - Minute No 369/22  
Item 12.5 to Ordinary Council 9 August 2022 - Minute No 235/22

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

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

**DIRECTORATE: WATER AND WASTE**

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

**Reference:** Item 13.4 to Ordinary Council 13 December 2011 – Minute No 446/11  
Item 12.5 to Ordinary Council 22 February 2022 – Minute No 56/22

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

## 12 CLOSED COUNCIL REPORTS

### 12.1 FURTHER LEASE EXTENSION 284 GIDLEY APPLEBY ROAD

**DIRECTORATE:**

**WATER AND WASTE**

**AUTHOR:**

**Bruce Logan, Director Water and Waste**

**Reference:**

**Item 8.2 to Ordinary Council 10 August 2021 - Minute No 233/21**

**Item 12.2 to Ordinary Council 26 October 2021 - Minute No 315/21**

**Item 12.2 to Ordinary Council 14 June 2022 - Minute No 176/22**

#### **MOTION**

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

That in relation to the report "Further Lease Extension 284 Gidley Appleby Road", Council agree to offer the current lessees TF and JF Barwick, a further extension of 6 months, to continue the lease under the same conditions as those previously agreed, to 30 June 2023.

**391/22 RESOLVED**

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

**DIRECTORATE:**

**GROWTH AND PROSPERITY**

**AUTHOR:**

**Jacqueline O'Neill, Director - Growth and Prosperity**

**Reference:**

**Item 12.11 to Ordinary Council 15 December 2020 – Minute No 412/20**

**Item 12.2 to Ordinary Council 13 July 2021 – Minute No 199/21**

**4 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **MOTION**

##### **Moved Cr Burke/Cr Tickle**

That in relation to the report "Proposed Sale of Land at Tamworth Global Gateway Park", Council:

- (i) authorise the Mayor and General Manager to finalise the sale of land in the Tamworth Global Gateway Park identified in the body of the report, and;
- (ii) authorise the affixing of the Seal of Council to any Contracts, Plans or other documentation required to give effect to the matters set out in the body of this report

**392/22 RESOLVED**

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

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

#### **MOTION**

#### **Moved Cr Burke/Cr Mears**

That in relation to the report “Panel Tender T146-2022 - Dry Hired Plant”, Council:

- (i) accept the compliant tenders received, prior to the closing deadline, as a panel for the supply of dry hired plant to Tamworth Regional Council on a price, availability and satisfactory level of service basis, for a period of two years commencing 1 January 2023;
- (ii) accept the late pricing received from suppliers who submitted tenders prior to the closing deadline;
- (iii) accept the suppliers under review upon submission of the omitted documentation;
- (iv) accept the late tender received, subject to successfully satisfying the requirements of the evaluation criteria;
- (v) accept the option for up to 12-month extension of the panel tender in the event that a satisfactory panel of suppliers cannot be completed by the deadline; and
- (vi) accept the supplier onboarding process in accordance with the contract.

**393/22 RESOLVED**

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

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

#### **MOTION**

#### **Moved Cr Betts/Cr Burke**

That in relation to the report “Panel Tender T040-2023 - Wet Hired Plant”, Council:

- (i) accepts the compliant tenders received, prior to the closing deadline, as a panel for the supply of wet hired plant to Tamworth Regional Council on a price, availability and satisfactory level of service basis, for a period of five years commencing 1 January 2023;
- (ii) accepts the late pricing received from suppliers whom submitted tenders prior to the closing deadline;
- (iii) accepts the suppliers under review upon submission of the omitted documentation;
- (iv) approves the option for up to 12-month extension of the panel tender in the event that a compliant process cannot be completed by the deadline; and
- (v) accepts the supplier onboarding process in accordance with the contract.

**394/22 RESOLVED**

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

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

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

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **MOTION**

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

That in relation to the report “Proposed Lease to Pirates Rugby Club Incorporated of Part Lot 4 in Deposited Plan 211713”, Council:

- (i) authorise the Mayor and General Manager to enter into a Deed of Surrender on terms acceptable to Council in order to allow the parties to enter into a new lease;
- (ii) authorise the Mayor and General Manager to negotiate the terms of a new lease to Pirates Rugby Club Incorporated as set out in the body of this report; and
- (iii) authorise the affixing of the Seal of Council to the Deed of Surrender, the new lease and any other associated documentation in order to give effect to Council's resolution.

**395/22 RESOLVED**

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

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

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **MOTION**

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

That in relation to the report “Civil Aviation Safety Authority Lease - Tamworth Regional Airport”, Council:

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

**396/22 RESOLVED**

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

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

### **MOTION**

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

That in relation to the report “T061/2023 - Construct Accessible Transport Hub Shelter”, Council:

- (i) accept the tender submitted by Rice Construction Group Pty Ltd (ABN 32 149 851 114) for all items associated with the construction of the roof shelter for the accessible transport hub;
- (ii) authorise the affixing of the Seal of Council to this Contract; and
- (iii) approve an additional funding amount of \$90,100 from Local Roads and Community Infrastructure Phase 3 to construct the shelter in full.

**397/22 RESOLVED**

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

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

### **MOTION**

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

That in relation to the report “Tamworth Global Gateway Park - Extension to Stage 3 and Update on Lot Sales”, Council:

- (i) allocate \$850,000.00 from the Westdale Land Reserve to fund the construction of civil infrastructure to service the extended lot within Stage 3B;
- (ii) allocate \$370,000.00 from the Westdale Land Reserve to increase the budget for Stage 3A due to material and subcontractor cost increases;
- (iii) authorise the General Manager to act as the landowner for Stage 3B;
- (iv) approve the dedication of a portion of Council-owned Lot 97 DP 1286236 for the purposes of road dedication for internal Stage 3B roads;
- (v) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council’s resolution; and
- (vi) note the current status of lot sales and indicative time frame for the release of future lots.

**398/22 RESOLVED**

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

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

**MOTION**

**Moved Cr Betts/Cr Sutherland**

That in relation to the report “Tender T078-2023 - Design, Supply and Installation of Public Amenities at Centenary Park, Manilla Cemetery and Moonbi Recreation Ground”, Council:

- (i) accept the tender submitted by Fabranamics PTY LTD T/A as Pureablu (ABN: 72 001 599 444) based on their tender submission of \$369,067.00 excluding GST;
- (ii) award the abovementioned tender submission as a single lump sum contract; and
- (iii) authorise the Seal of Council to be affixed to this contract.

**399/22 RESOLVED**

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

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

**MOTION**

**Moved Cr Sutherland/Cr Betts**

That in relation to the report “Tender T077-2023 - Design, Supply and Installation of Playgrounds at Viaduct Park Youth Hub, Moore Creek Recreation Ground and Northern Inland Centre of Sporting Excellence”, Council

- (i) accept the tender submitted by Creative Recreation Solutions (ABN: 93 129 278 299) based on their tender submission of \$669,220.50 excluding GST;
- (ii) award the abovementioned tender submission as a single lump sum contract; and
- (iii) authorise the Seal of Council to be affixed to this contract.

**400/22 RESOLVED**

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

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

**MOTION**

**Moved Cr Coates/Cr Tickle**

That in relation to the report “Tender T076-2023 - Design, Supply and Installation of Rubber Softfall at the Tamworth Regional Playground”, Council;

- (i) award the tender submitted by Wet Pour Safety Surface Specialists (ABN: 37 859 250 238) for an initial lump sum contract of \$262,480.00 excluding GST for the design, supply and installation of rubber softfall at the Tamworth Regional Playground; and
- (ii) authorise the Seal of Council to be affixed to this contract.

**401/22 RESOLVED**

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

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

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**MOTION**

**Moved Cr Coates/Cr Mears**

That in relation to the report “Proposed Sale of Drumalbyn and Kara – Ogunbil Road, Ogunbil”, Council:

- (i) undertake the sale of the property following the end of the current lease as per the details included in the report; and
- (ii) approve the allocation \$100,000.00 from the water reserve to undertake property improvements as detailed in the report prior to sale.

**402/22 RESOLVED**

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

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Morne Hattingh, Manager - Waste and Resource Recovery

**Reference:** Item 12.2 to Ordinary Council 28 September 2021 - Minute No 273/21  
Item 12.3 to Ordinary Council 22 November 2022 - Minute No 369/22  
Item 12.5 to Ordinary Council 9 August 2022 - Minute No 235/22

#### **MOTION**

##### **Moved Cr Coates/Cr Sutherland**

That in relation to the report "Tamworth Regional Council Small Materials Recycling Facility Old Corrugated Containers (Cardboard) Contract Proposal", Council:

- (i) subject to successful negotiations as detailed in the body of the report, authorise the Mayor and General Manager on behalf of Council to enter into an Old Corrugated Container (cardboard) processing contract with Opal Packaging Australia Pty Ltd as per the following:
  - a. the contract term for two (2) years commencing 13 December 2022;
  - b. the sale of all Old Corrugated Containers delivered to the Small Vehicle Recycling Facility (SMRF) to Opal; and
  - c. the processing of Opal customer Old Corrugated Containers;
- (ii) authorise the affixing of the seal of Council to documentation associated with this Agreement.

**403/22 RESOLVED**

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

**DIRECTORATE:** WATER AND WASTE

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

**Reference:** Item 13.4 to Ordinary Council 13 December 2011 - Minute No 446/11  
Item 12.5 to Ordinary Council 22 February 2022 - Minute No 56/22

### **MOTION**

#### **Moved Cr Betts/Cr Sutherland**

That in relation to the report “New Dungowan Pipeline - Potential Connection of Tullamore Heights Rural Subdivision”, Council agrees to provide connection to the Tullamore Heights Rural Subdivision to the new Dungowan Pipeline subject to the following:

- (i) legal advice which indicates Council can enter into an Agreement with the Association which details the terms and conditions, and responsibilities of the Association and Council on the basis that Council is supplying bulk water to the Association at two discrete metering points and it is the responsibility of the Association to distribute that water to its members and enforce the agreed conditions;
- (ii) Council's license conditions in relation to the existing and or new Dungowan Dam and/or Chaffey Dam can be changed to allow the delivery of water to the Association via the new Dungowan Pipeline; and
- (iii) the connections and metering points are provided at no cost to Council and in accordance with Council's requirements.

**404/22 RESOLVED**

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

### **MOTION**

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

That Council move into Open Council.

**405/22 RESOLVED**

At 7.49pm the meeting moved back into Open Council.

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

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 7.50pm.

Cr Russell Webb, Chairperson

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