



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the **Meeting of Tamworth Regional Council** held in the **Council Chambers, 4th
Floor Ray Walsh House, 437 Peel Street, Tamworth**

28 APRIL 2020

**PAUL BENNETT
GENERAL MANAGER**

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, 4th Floor Ray
Walsh House, 437 Peel Street, Tamworth
TUESDAY 28 APRIL 2020 at 6:30PM

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PRESENT: Cr Col Murray (Mayor), Cr Phil Betts, Cr Charles Impey, Cr Glenn Inglis, Cr Jim Maxwell, Cr Mark Rodda, Cr Helen Tickle, Cr Russell Webb and Cr Juanita Wilson.

IN ATTENDANCE: The General Manager, Director Corporate and Governance, Director Planning and Compliance, Director Business and Community, Director Regional Services and Director Water and Waste.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

2.1 ITEM 7.1 - DEVELOPMENT APPLICATION NO. DA2020-0286 FOR THE RELOCATION OF THE GOLF COURSE MAINTENANCE AND STORAGE BUILDINGS AT LOT 2 DP864981 AND LOT 120 DP1105753, BEING LONGYARD GOLF COURSE, HILLVUE - FILE NO SF5761

Mr Nick Broadbent submitted his community consultation item via video submission and was in opposition to the recommendation. Mr Broadbent's video was supplied to all Councillors and Executive Staff prior to the Meeting.

2.2 ITEM 8.5 - NAMOI SURFACE WATER RESOURCES PLAN, WATER SHARING PLAN FOR THE UPPER AND LOWER NAMOI REGULATED RIVER WATER SOURCES 2020 AND THE WATER SHARING PLAN FOR THE PEEL REGULATED RIVER WATER SOURCES - FILE NO SF514

Mr Peter Gill on behalf of the Tamworth Regional Residents and Ratepayers Association submitted his community consultation item via written submission and was in support of the recommendation. Mr Gill's written submission was read by the Director Corporate and Governance during the Meeting.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Webb/Cr Maxwell

That the Minutes of the Ordinary Meeting held on Tuesday, 24 March 2020 and Extraordinary Meeting held on Monday, 6 April 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

91/20 RESOLVED

4 **DISCLOSURE OF INTEREST**

Councillors Russell Webb and Jim Maxwell advised that they are attending the Meeting in person due to poor internet provision at their property.

Cr Glenn Inglis declared a conflict of interest in Item 7.1 “Development Application No. DA2020-0286 for the Relocation of the Golf Course Maintenance and Storage Buildings at Lot 2 DP864981 and Lot 120 DP1105753, being the Longyard Golf course, Hillvue” of the Business Paper, for the reason that his principal residence is in close geographic proximity to the development. Cr Inglis further stated that it was a pecuniary interest and that he would leave the Meeting and not participate in the debate.

Cr Glenn Inglis declared a conflict of interest in Item 7.2 “Development Application No. DA2020-0378 – Subdivision to Create Two Lots and Change of use of Existing Manager and Staff Residences to Serviced Apartments at Lot 120 DP1105753 and Lot 2 DP864981, being the Longyard Golf Course, Hillvue” of the Business Paper, for the reason that his principal residence is in close geographic proximity to the development. Cr Inglis further stated that it was a pecuniary interest and that he would leave the Meeting and not participate in the debate.

Cr Phil Betts declared a conflict of interest in Item 12.3 “T062/2020 – Tamworth Regional Astronomy and Science Centre – Buildings and Services Works” of the Business Paper, for the reason that he is a member of the Tamworth Regional Astronomy Club. Cr Betts further stated that it was a less than significant non pecuniary interest but that he would leave the Meeting and not participate in the debate.

5 **MAYORAL MINUTE**

5.1 **NAMOI UNLIMITED POSITIONS OF ADVOCACY AND LEADERSHIP – FILE NO SF8797**

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Col Murray, Mayor

MOTION

Moved Cr Murray

That in relation to the report “Namoi Unlimited Positions of Advocacy and Leadership”, Council:

- (i) review the positions of advocacy and leadership of Namoi Unlimited and provide any feedback on the document; and
- (ii) endorse the document.

AMENDMENT

Cr Wilson/Cr Tickle

That in relation to the report “Namoi Unlimited Positions of Advocacy and Leadership”, Council review the positions of advocacy and leadership of Namoi Unlimited and provide any feedback on the document.

AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

92/20 RESOLVED

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Cr Glenn Inglis declared a conflict of interest in this Item and Item 7.2 of the Business Paper, for the reason that his principal residence is in close geographic proximity to the development. Cr Inglis further stated that it was a pecuniary interest and that he would leave the Meeting and not participate in the debate..

Cr Glenn Inglis left the Meeting, the time being 6:46pm.

7.1 DEVELOPMENT APPLICATION NO. DA2020-0286 FOR THE RELOCATION OF THE GOLF COURSE MAINTENANCE AND STORAGE BUILDINGS AT LOT 2 DP864981 AND LOT 120 DP1105753, BEING THE LONGYARD GOLF COURSE, HILLVUE – FILE NO SF5761

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Emma Briggs, Senior Development Assessment Planner

MOTION

Moved Cr Webb/Cr Betts

That in relation to “Development Application No. DA2020-0286 for the Relocation of the Golf Course Maintenance and Storage Buildings at Lot 2 DP 864981 and Lot 120 DP 1105753, being the Longyard Golf Course, Hillvue”, be granted conditional approval 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, Council (if Council is not the consent authority) or an accredited Certifier;
 - b) The person having the benefit of the development consent has:
 - i) appointed a Principal Certifying Authority for the building work; and
 - ii) notified the Principal Certifying that the person will carry out the building work as an owner-builder, if that is the case;
 - c) The principal certifying authority has, no later than 2 days before the building work commences;
 - i) notified the consent authority and Council (if Council is not the consent authority) of his or her appointment; and
 - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i) appointed a principal contractor for the building work who must

- be the holder of a contractor license if any residential building work is involved;
- ii) notified the Principal Certifying Authority of any such appointment;
 - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - iv) give at least 2 days notice to Council of the persons intention to commence the erection of the building.
- 2) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
- a) must be a standard flushing toilet; and
 - b) must be connected to a public sewer; or
 - c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council.

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

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

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

- 4) 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.
- 5) Any required water, sewer or stormwater works must obtain a Section 68 approval from Council pursuant of the Local Government Act 1993.

Advisory Note: Detailed stormwater plans and calculations shall be provided to Council for approval.

- 6) 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.
- 7) The contractors engaged on the development must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be

provided to Council prior to the commencement of work and upon request, during the progress of the work.

Prior to the release of a Construction Certificate

- 8) Written confirmation from Safework NSW that satisfactory measures are proposed to satisfy Work Health and Safety legislation shall be submitted to Council prior to issue of any Construction Certificate.

General

- 9) Development shall take place in accordance with the attached endorsed plans:
 - a) proposed site plan, prepared by D&C Projects, Project No. 19041, Revision 5, dated 04/12/2019;
 - b) maintenance shed location detail plan, prepared by D&C Projects, Project No. 19041, Revision 09, dated 04/03/2020;
 - c) proposed maintenance shed floor plan, prepared by D&C Projects, Project No. 19041, Revision 05, dated 04/12/2019; and
 - d) proposed maintenance shed elevations, prepared by D&C Projects, Project No. 19041, Revision 05, dated 04/12/2019.
- 10) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of Council.
- 11) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
- 12) To ensure the safety, all demolition work shall be carried out in accordance with Workcover Authority requirements and Australian Standard 2601 - The Demolition of Structures.
- 13) 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.

Earth/dirt mound

- 14) To the extent that this consent permits filling of the site for the construction of the earth/dirt mound, such fill must be virgin excavated natural material ("VENM").

VENM includes clay, gravel, sand, soil and rock that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.
- 15) Irrigation shall be installed to the landscaping on the earth mound to ensure the ongoing maintenance of such landscaping to provide a visual screen of the shed.

Lighting

- 16) No outdoor lighting shall be located at the rear of the shed.

- 17) Any outdoor lighting provided for the safety and security of employees and users of the facility, shall be in accordance with AS1158.3.1 Pedestrian Area (Category PC) Lighting shall be provided to all off-street parking areas. Any lighting installed must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting specifically addressing the properties at Eureka Place.

Stormwater

- 18) All roof water stormwater discharging from the proposed development site, buildings and works must be conveyed to the approved point of discharge by underground pipe drains complying with AS3500.3 to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
- 19) Runoff from all hardstand areas shall be captured on site and piped to the approved point of discharge in accordance with the current version of the Engineering Design Minimum Standards for Subdivisions and Developments.
- 20) Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:
- i) 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;
 - ii) temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
 - iii) all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented;
 - iv) 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;
 - v) all stormwater leaving the bunded area shall be free of pollutants including petrochemicals, fertilisers and other materials stored within the site;
 - vi) all overflow from rainwater tanks shall be collected and piped to the approved point of discharge; and
 - vii) only a single point of discharge is permitted to the approved point of discharge.
- 21) The approved point of discharge for the development site is defined as the existing overland drainage system located within the Longyard Golf Course, adjacent to the development site.
- 22) All major flows shall be directed to the existing overland drainage system so as not to impact any adjoining properties.

Internal driveway

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

Parking

- 24) Parking of vehicles associated with the golf course (including any staff or maintenance vehicles) shall be located within the dedicated parking areas associated with the golf course and shall not be parked within the Longyard Drive road reserve.

Vehicular access and egress

- 25) The new vehicle layback for access/egress on Longyard Drive shall have a width suitable for the design vehicles but include a pavement of not less than 3.5 metres and be constructed in accordance with Council Standard Drawing RD010 Driveways – Rural Access Across Table Drains. Any construction shall consider and not impede the flow of the existing table drain servicing Longyard Drive.
- 26) The new crossover on Longyard Drive shall be constructed in accordance with Council's Engineering Minimum Standards for Subdivisions and Developments, at the location shown on the drawings provided with the Development Application and shall comply with the following:
- i) the alignment of the vehicle crossover across the verge shall be at right angles to Longyard Drive;
 - ii) the vehicle crossover shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense;
 - iii) the vehicle crossover pavement shall be of adequate thickness to accommodate the design vehicle loading;
 - iv) the vehicle crossover shall be provided with a non-slip finish; and
 - v) the verge adjacent to either side of the vehicle crossover shall be established with turf and finished flush with the new vehicle crossover.

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

During Construction or Works

- 27) 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.
- 28) All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code (NCC).
- 29) The applicant must maintain the installed water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").
- 30) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials without prior written approval from Council. Approval will only be considered in extreme or highly constrained

circumstances.

- 31) If the work involved in the erection or demolition of a building 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, a hoarding or fence must be erected between the work site and the public place. If the hoarding or fencing is to be placed on or over Council land, the written approval of Council is to be obtained.
- 32) Any damage caused to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 33) 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.
- 34) Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The applicant is to ensure controls are maintained for the duration of the works and is to inspect the control for this purpose at frequent intervals. Any deficiencies are to be immediately made good.
- 35) If ground water is evident during the excavation of piers or footings, then the certifying engineer shall be contacted by the concreter/builder to seek advice. A letter from the certifying engineer shall then be submitted to Council and the Principal Certifying Authority stating what amendments are required to the piers or footings if any.
- 36) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:
 - Monday to Friday - 7.00am to 5.00pm;
 - Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

The applicant shall be responsible to instruct and control any sub-contractors regarding the hours of work.
- 37) The following hoarding requirements shall be complied with:
 - a) no third party advertising is permitted to be displayed on any hoarding/fencing proposed to be erected around the subject site; and
 - b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its operation.
- 38) The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.
- 39) The applicant must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) an approval has been issued by Council to place the waste storage container in a public place; and
- b) where located on the road, it is located only in a position where a vehicle may lawfully park in accordance with the Australian Road Rules to the extent they are adopted under the Road Transport (Safety and Traffic Management)(Road Rules) Regulation 1999.

Allotment filling

- 40) 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

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

- 42) Inspections are required to be carried out by Council for works as specified below:

- a) placement of formwork and reinforcement prior to the pouring of concrete for the vehicle layback and crossover on Longyard Drive.

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

Prior to Occupation

- 43) 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 the release of an Occupation Certificate

- 44) 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 the issue of any Occupation Certificate for the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.
- 45) Details shall be provided confirming that the site of the existing maintenance shed has been cleaned up of debris, machinery and equipment.
- 46) Remediation works within the vicinity of the existing maintenance shed location must be carried out and a Validation Report prepared by a suitably qualified person submitted, prior to the issue of a Occupation Certificate to address existing known ground contamination issues.
- 47) To ensure that the required fire safety measures are provided in accordance with the building's use and operate in accordance with the appropriate standards, the owner must submit a copy of a Fire Safety Certificate to Council and the Commissioner of the NSW Fire Brigades prior to occupation in relation to the fire safety measures required by the National Construction

Code (NCC).

- 48) 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.

Ongoing Requirements

- 49) Delivery vehicles associated with the operation of the golf course and use of the maintenance shed shall be restricted to accessing the site between 8.00am and 5.00pm Monday to Friday.
- 50) Offensive noise should be minimised with activities/works to undertaken within the maintenance shed. Offensive noise is defined in the Protection of the Environment Operations Act 1997, as noise that by reason of its level, nature, character or quality, or the time at which the noise is made can be considered offensive or unreasonably interferes with the comfort or repose of a person who is outside of the premises from which the noise is emitted.
- 51) Delivery vehicles shall be loaded or unloaded standing wholly within the premises or as otherwise provided in accordance with the conditions of this consent to ensure that the proposed development does not give rise to street loading or unloading operations with consequent accident potential and reduction in road efficiency. Under no circumstances are vehicles to be loaded or unloaded at the kerb side, or across the public footpath.
- 52) To ensure that the internal driveways and associated manoeuvring areas are able to function efficiently for their intended purpose, proposed driveways and turning areas shall be maintained clear of obstruction and be used exclusively for purposes of loading and unloading, and vehicle access respectively and under no circumstances are such areas to be used for the storage of goods or waste materials.
- 53) No machinery, plant or equipment owned or operated in connection with the conduct of the golf course shall be stored outside of the storage shed.
- 54) No stockpiling of any product or material shall occur outside of the storage shed. This excludes sand which can be stored within the designated stockpile as shown on the approved plan.
- 55) The washing down of any machinery or equipment on the site is prohibited.
- 56) Burning of any green waste on the site is prohibited.
- 57) All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.
- 58) 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 35% of the total volume of all containers stored within the bund. The bunded area is to be covered with a suitable roof to prevent the collection of rainwater within the bunded area.
- 59) The bund is to comply with AS1940-2004: The Storage and Handling of Flammable and Combustible Liquids.
- 60) A spill kit designed to handle all types of products handled/stored on the site must be kept adjacent to where the products are being handled and/or

stored.

- 61) The landscaped area of the development is to be maintained at all times.
- 62) The sealing to all vehicular crossovers, parking, manoeuvring and loading areas is to be maintained at all times.
- 63) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.

Advice

- 64) The proponent is reminded of their obligations to comply with the relevant Work Health and Safety legislation.

93/20 RESOLVED

COUNCILLORS WHO VOTED FOR THE DECISION

1. Cr Phil Betts
2. Cr Charles Impey
3. Cr Jim Maxwell
4. Cr Col Murray
5. Cr Helen Tickle
6. Cr Russell Webb
7. Cr Juanita Wilson

COUNCILLORS WHO VOTED AGAINST THE DECISION

1. Cr Mark Rodda

7.2 DEVELOPMENT APPLICATION No. DA2018-0378 - SUBDIVISION TO CREATE TWO LOTS AND CHANGE OF USE OF EXISTING MANAGER AND STAFF RESIDENCES TO SERVICED APARTMENTS AT LOT 120 DP1105753 AND LOT 2 DP864981, BEING THE LONGYARD GOLF COURSE, HILLVUE – FILE No SF5761

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Emma Briggs, Senior Development Assessment Planner

MOTION

Moved Cr Webb/Cr Maxwell

That in relation to Development Application No. DA2018-0378 - Subdivision to Create Two Lots and Change of Use from Existing Manager and Staff Residences to Serviced Apartments at Lot 120 in DP 1105753 and Lot 2 in DP 864981, being the Longyard Golf Course, Hillvue, be granted conditional approval subject to the following conditions:

Prior to Work Commencing

- 1) Any building works required to bring the existing building (proposed serviced apartments) into compliance with the National Construction Code (NCC) must not be commenced until:
 - a) a Construction Certificate for any building works has been issued by the consent authority, Council or an accredited Certifier;
 - b) the person having the benefit of the development consent has;
 - i) appointed a Principal Certifying Authority for the work, and
 - ii) notified the Principal Certifying that the person will carry out

the work;

- c) the Principal Certifying Authority has, no later than 2 days before the building work commences:
 - i) notified Council 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;
 - ii) notified the Principal Certifying Authority of any such appointment;
 - iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - iv) give at least 2 days notice to Council of the persons intention to commence the erection of the building.

2) The approved subdivision development which is the subject of this development consent must not be commenced until a Subdivision Works Certificate has been issued by a certifier (either Council or an accredited certifier) in accordance with the requirements of Division 6.4 of the Environmental Planning and Assessment Act 1979.

- 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 Council.

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

- 4) 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;
 - 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.

- 5) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue

Book").

- 6) The contractors engaged on the work on the water and sewer construction (associated with the subdivision) works 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.
- 7) Pursuant to Section 68 of the Local Government Act 1993, the following approvals must be obtained for the change of use to “serviced apartments”:
 - a) carry out water supply work;
 - b) carry out sewer work; and
 - c) carry out stormwater work.
- 8) 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).
- 9) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Prior to the release of a Construction Certificate (building works)

- 10) In accordance with Section 7.12 of The Environmental Planning & Assessment Act 1979 and the Tamworth Regional Council Section 7.12 (Formerly S94(A)) Development Contributions Plan 2013, a Cost Summary Report must be submitted to Council and applicable monetary contribution paid prior to the issue of a Construction Certificate.

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

- 11) A Fire and Access Upgrade Report for the proposed serviced apartments is to be prepared by an A1 or A2 Accredited Certifier to ensure compliance with the National Construction Code (NCC) is achieved (in terms of fire separation, protection of openings, installation of essential fire safety measures, and provision for access). This report shall be lodged with the Certifying Authority prior to issue of any Construction Certificate.

Advisory Note: Council’s assessment concludes that the serviced apartments will be classified as a Class 3 building under the NCC-2016 and advises that the building shall be upgraded to protect the occupants consistent with Class 3 building requirements.

Prior to the release of a Subdivision Works Certificate

- 12) A Compliance Certificate under the Water Management Act 2000 must be obtained from Council (as the Local Water Supply Authority). The following information shall be provided to Council prior to the issue of a Subdivision Works Certificate:

Sewer

Engineering design drawings prepared in accordance with Council's Engineering Minimum Standards for Subdivisions and Developments for the extension of the sewer system shall be submitted to and approved by Council prior to issue of a Subdivision Works Certificate, noting that:

- a) Council's sewerage system shall be extended to provide adequate service to proposed Lot 1;
- b) a single sewer service to be provided to proposed Lot 1;
- c) works shall be undertaken in accordance with Council's Minimum Standards for Subdivisions and Developments (as amended from time to time);
- d) work on live sewer mains is to be undertaken by Council at full cost to the developer; and
- e) details to be provided regarding the decommissioning of the existing OSSM system.

All engineering design drawings and the associated specifications are to be certified by a Chartered Professional Engineer, a person qualified, or a Registered Surveyor

General

- 13) To confirm and clarify the terms of this approval, consent is granted for:
 - a) a change of use of the existing manager and staff residences to three serviced apartments; and
 - b) subdivision involving the creation of two lots being:
 - proposed Lot 1 having an area of 2.9 hectares and contains the existing Longyard Golf Course manager and staff residences converted to serviced apartments; and
 - proposed Lot 2 having an area of 63.3 hectares and contains the existing Longyard Golf Course and associated facilities.

Advisory Note: as stated in Condition No. 41 of this consent. An Occupation Certificate for the change of use of the existing manager and staff residences to three serviced apartments on proposed Lot 1 must be issued prior to issue of a Subdivision Certificate for the creation of the two new lots.

The assessment of this application has not considered whether the new Lot 1 created by this consent can be developed for a use which is permissible within the zone (other than for the serviced apartment use forming part of this consent), or one that requires a planning proposal such as "medium density housing" as nominated in the statement of environmental effects. For this reason, it is important that there are no assumptions made as to the suitability of the new Lot 1 for future development on the basis of this consent, other than for the use of serviced apartments.
- 14) Development shall take place in accordance with the attached endorsed plans:
 - a) Subdivision Plans prepared by Anthony Daintith Town Planning, Reference 2017-144SU, Sheets 1, 2 and 2A dated 28.04.2020;
 - b) Proposed Serviced Apartments Site Plan prepared by Anthony Daintith Town Planning, Reference 2017-144SU, Sheet 3 dated

13.03.2020;

- c) Proposed Serviced Apartments Ground Floor Plan prepared by Anthony Daintith Town Planning, Reference 2017-144SU, Sheet 4 dated 13.03.2020; and
 - d) Proposed Serviced Apartments 1st Floor Plan prepared by Anthony Daintith Town Planning, Reference 2017-144SU, Sheet 5 dated 13.03.2020.
- 15) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of Council.
 - 16) The development is to comply with Council's Engineering Minimum Standards for Subdivisions and Developments
 - 17) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
 - 18) All building work must be carried out in accordance with the provisions of the disability (Access to Premises - Buildings) Standards 2010.
 - 19) 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.
 - 20) The internal driveway shall be constructed from the existing concrete entrance on Peak Drive for a distance of 50 metres with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.
 - 21) 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).
 - 22) Any future fencing is to remain outside of a TransGrid structure's 20m exclusion zone.
 - 23) Any future fencing located adjacent to the existing TransGrid easement will be required to be installed to TransGrid's Fencing Guidelines.

During Construction or Works (associated with either the change of use or subdivision)

- 24) 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.
- 25) Work on the project shall be limited to the following hours to prevent

unreasonable disturbance to the amenity of the area:

Monday to Friday - 7.00am to 5.00pm;

Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

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

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

- 26) The applicant must maintain the installed water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").
- 27) Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The applicant is to ensure controls are maintained for the duration of the works and is to inspect the control for this purpose at frequent intervals. Any deficiencies are to be immediately made good.
- 28) 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, a hoarding or fence must be erected between the work site and the public place. If the hoarding or fencing is to be placed on or over Council land, the written approval of Council is to be obtained.
- 29) The following hoarding requirements shall be complied with:
 - a) no third party advertising is permitted to be displayed on any hoarding/fencing proposed to be erected around the subject site; and
 - b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its operation.
- 30) The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.
- 31) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council.
- 32) Any damage caused to Council infrastructure during construction in, on or under the road reserves or within private property shall be rectified by the owner or developer to the satisfaction of Council so as to ensure the integrity of Council's infrastructure.
- 33) Should any contaminants or potential contaminants be discovered during the construction of the subdivision, all work must cease immediately and Council's Environment and Health Division must be contacted to arrange for an inspection of the site.
- 34) Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within these locations must be undertaken

in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Inspections

- 35) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.
- 36) Inspections and testing of water and sewer infrastructure associated with the subdivision are required to be carried out by Council for works as follows:

Sewer

- a) inspections of pipes in trench prior to backfill;
- b) air testing on sewerage lines; and
- c) hydrostatic testing on manholes.

Please note: Council requires a minimum of 48 hours notice to undertake inspections. Phone Council's Water and Waste Enterprises Directorate on 6767 5804 and quote the Development Application number and property description to ensure the inspection is confirmed.

Prior to the release of an Occupation Certificate

- 37) An applicant must not effect a change of building use for the whole or any part of an existing building unless an Occupation Certificate has been issued in relation to the building or part.
- 38) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent relating to the serviced apartments shall be completed prior to the issue of any Occupation Certificate for the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.
- 39) The serviced apartments shall be connected to Council's reticulated sewerage system and the existing on-site waste management system shall be decommissioned.
- 40) To ensure that the required fire safety measures are provided in accordance with the building's use and operate in accordance with the appropriate standards, the owner must cause a copy of a Fire Safety Certificate to be given to Council and the Commissioner of the NSW Fire Brigades prior to Occupation in relation to the fire safety measures required by the National Construction Code (NCC).

Prior to the release of a Subdivision Certificate

- 41) An Occupation Certificate for the change of use of the existing manager and staff residences to three serviced apartments on proposed Lot 1 shall be issued prior to issue of any Subdivision Certificate.
- 42) A Compliance Certificate under the Water Management Act 2000 must be obtained from Council (as the Local Water Supply Authority). Council requires the following works to be completed prior to the issue of the Subdivision Certificate.

Water

- a) proposed Lot 1 shall be provided with a appropriately sized water service from the existing DN200 main in Peak Drive;
- b) works shall be undertaken in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments; and
- c) work on live water mains is to be undertaken by Council at full cost to developer.

Sewer

- a) Council's sewerage system shall be extended to provide adequate service to proposed Lot 1;
 - b) a single sewer service to be provided to proposed Lot 1;
 - c) works shall be undertaken in accordance with Council's Minimum Standards for Subdivisions and Developments (as amended from time to time); and
 - d) work on live sewer mains is to be undertaken by Council at full cost to the developer.
- 43) Easement/s shall be created for any existing electrical infrastructure. The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.
- 44) Easements for utilities and services, including water, stormwater and sewer, in favour of the lots benefiting and/or Council shall be provided where services are located on adjoining lots and/or overland flows traverse adjoining lots.
- 45) A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) shall be issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.
- 46) A written acknowledgement that all conditions of consent have been complied with and the subdivision plan is in accordance with the approved Development Application is to be submitted.
- 47) A copy of the final inspection sign off form from Council's Water and Waste Directorate or written confirmation that all required conditions of consent imposed by Council's Water and Waste Directorate have been satisfactorily addressed is to be submitted.
- 48) A copy of the final inspection sign off form from Council's Development Engineering Division or written confirmation that all required conditions of consent imposed by Council's Development Engineering Division have been satisfactorily addressed is to be submitted
- 49) One A1 set of approved construction drawings shall be amended to show the "work-as-executed" and submitted to Council for approval. The drawings shall be revision/version "W" and be certified by a Registered Surveyor or a Chartered Professional Civil Engineer.

A scanned 'pdf' version of the signed "work-as-executed" plans shall also be submitted to Council to ensure that adequate electronic records are

maintained of community infrastructure.

- 50) An 'AutoCAD' file of the "work-as-executed" plans is required to upload into Council's Geographic information System.

Ongoing Requirements for Serviced Apartments

- 51) The ongoing operation of the service apartments shall be in accordance with the definition as per the Tamworth Regional Local Environmental Plan 2010, which is:
 "serviced apartments" means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.
- 52) Potable water to the serviced apartments shall be supplied by Council's reticulated water supply. Alternatively, the proponent is required to develop and implement a quality assurance program for the private water supply associated with the serviced apartments. Part 5 of the Regulation specifies the details that must be contained within the quality assurance program that is to be submitted to NSW Health.
- 53) Operations associated with the serviced apartments shall be contained wholly within the premises.
- 54) To ensure that the required parking, loading/unloading facilities and associated driveways for the serviced apartments are able to function efficiently for their intended purpose, proposed parking areas, driveways and turning areas shall be maintained clear of obstruction and be used exclusively for purposes of car parking and vehicle access respectively and under no circumstances are such areas to be used for the storage of goods or waste materials.
- 55) The landscaped area of the serviced apartments shall be maintained at all times.
- 56) The sealing to all vehicular parking and manoeuvring areas to the serviced apartments and loading areas shall be maintained at all times.

94/20 RESOLVED

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Phil Betts 2. Cr Charles Impey 3. Cr Jim Maxwell 4. Cr Col Murray 5. Cr Mark Rodda 6. Cr Helen Tickle 7. Cr Russell Webb 8. Cr Juanita Wilson	Nil

Cr Glenn Inglis returned to the Meeting, the time being 7:00pm.

7.3 LOT 7 JEWRY STREET ROAD WIDENING – FILE NO LF32462

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Steve Brake, Manager Development Engineering

MOTION

Moved Cr Wilson/Cr Tickle

That in relation to the report “Lot 7 Jewry Street Road Widening”, Council:

- (i) endorse the widening of the Jewry Street road reserve generally in accordance with the details provided in the body of this report;
- (ii) authorise the Mayor and General Manager to sign the plan of road widening and any documentation required to give effect to the resolution;
- (iii) affix the Seal of Council to the plan of road widening and any other documents required to give effect to the resolution; and
- (iv) note the modification to the DA pertaining to the proposed development on Lot 7 Jewry Street.

95/20 RESOLVED

7.4 LOT 14 DP 1171224 GOONOO GOONOO ROAD – LONGYARD DRIVE ROAD WIDENING – FILE NO LF356

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Steve Brake, Manager Development Engineering

MOTION

Moved Cr Maxwell/Cr Impey

That in relation to the report “Lot 14 DP1171224 Goonoo Goonoo Road - Longyard Drive Road Widening”, Council:

- (i) endorse the widening of the Longyard Drive road reserve generally in accordance with the details provided this report;
- (ii) authorise the Mayor and General Manager to sign the plan of road widening and any other documentation required to give effect to the resolution;
- (iii) affix the Seal of Council to the plan of road widening and any other documentation required to give effect to the resolution; and
- (iv) note the modification to the DA pertaining to the proposed subdivision of Lot 2 DP864981 Greg Norman Drive.

96/20 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 4 MARCH 2020 – FILE NO SF1387

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works

MOTION

Moved Cr Webb/Cr Betts

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting – General – 4 March 2020”, Council:

- (i) approve the installation of two disability access bays on Crown Street West Tamworth, adjacent to the existing kerb ramp at Saint Patrick’s Church;
- (ii) approve the installation of BB lines at the crest on Gill Street Nundle, at the intersection with Rudder Street;
- (iii) approve the installation of a disability access bay on Strafford Street Manilla, adjacent to the Manilla Post Office;
- (iv) approve implementation of a ten metre No Stopping Zone on Brewery Lane North Tamworth, on the left side when exiting the Spotlight carpark;
- (v) approve the installation of an edge line at the service road adjacent Duri Road South Tamworth, from 68 Duri Road to the access in front of 72 Duri Road;
- (vi) approve the following changes to parking restrictions on the streets surrounding West Tamworth Public School:
 - a. remove the No Stopping zone on William Street, and install a disability access bay at the existing layback;
 - b. change the No Parking on William Street, between Denne Street and Church Street, to 15 minute during school zone hours only;
 - c. change the existing No Parking zone during school hours on Denne Street to 15 minute during school zone hours and extend the zone to the staff carpark driveway (approximately 90 metres); and
 - d. extend the existing Bus Zone on Church Street to 45 metres to allow space for three buses;
- (vii) approve the installation of new signage and line marking for a shared zone with cyclists, on Locks Lane West Tamworth; and
- (viii) approve the installation of a transverse line at the existing give way sign, and Keep Clear marking, at the Roses Lane intersection with Porcupine Lane Kootingal, pending traffic analysis.

97/20 RESOLVED

8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 1 APRIL 2020 – FILE NO SF1387

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works

MOTION

Moved Cr Wilson/Cr Betts

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

- (i) approve a series of changes to parking restrictions around Tamworth Public School:
 - on Bourke Street between Napier and Upper Street:
 - line mark 45 degree rear angle parking adjacent to the school;
 - install 15 Minute parking during school zone times, adjacent to the school, from the children’s crossing to the corner of Bourke Street and Napier Street;
 - on Napier Street:
 - line mark four parallel parking bays between the roundabout and children’s crossing and install 15 minute parking;
 - line mark parallel parking bays along the length of Napier Street, from the children’s crossing to the corner of Bourke Street and Napier Street;
 - on Brisbane Street, between Napier and Upper Street:
 - remove “kiss and drop” zone and No Parking signs, and replace with 15 minute parking during school zone hours;
 - remove the no stopping zone adjacent to ANZAC Park, replace with unrestricted parking, and line mark parking bays;
- (ii) approve the installation of 45 degree rear angle parking signs and line marking on the side of Beaufort Street adjacent to 360 Fitness Club, from the cul de sac to Wirraway Street, Taminda;
- (iii) approve the installation of line marking and signage, for the proposed roundabout at Hillvue Road and Garden Street intersection including an enlarged no parking zone adjacent to Lot 300 DP 581076; and
- (iv) approve the installation of edge line marking on Attunga Street and Cross Street, Attunga.

98/20 RESOLVED

8.3 CHAFFEY PARK MANILLA MASTERPLAN – FILE NO PROJ2019-0133

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation

MOTION

Moved Cr Maxwell/Cr Webb

That in relation to the report “Chaffey Park Manilla Masterplan”, Council adopt the masterplan titled “Chaffey Park Manilla Masterplan”.

99/20 RESOLVED

8.4 ASSET MANAGEMENT POLICY UPDATE – FILE NO SF3960

DIRECTORATE: WATER AND WASTE
AUTHOR: James McLoughney, Corporate Assets Coordinator

MOTION

Moved Cr Inglis/Cr Webb

That in relation to the report “Asset Management Policy Update”, Council agree as follows:

- (i) place the draft Asset Management Policy on public display seeking submissions/comments from the public for a period of 28 days; and
- (ii) in the event that no objections are received to the draft policy the policy be adopted without further reference to Council; or
- (iii) in the event that objections are received the Director of Water and Waste prepare a report to Council detailing the objections for Council's consideration.

100/20 RESOLVED

8.5 NAMOI SURFACE WATER RESOURCES PLAN, WATER SHARING PLAN FOR THE UPPER AND LOWER NAMOI REGULATED RIVER WATER SOURCES 2020 AND THE WATER SHARING PLAN FOR THE PEEL REGULATED RIVER WATER SOURCES 2020 – FILE NO SF514

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.8 to Ordinary Council 14 February 2017 - Minute No 13/17
Item 8.3 to Ordinary Council 12 June 2018 - Minute No 190/18
Item 8.3 to Ordinary Council 24 July 2018 - Minute No 116/18
Item 8.5 to Ordinary Council 10 September 2019 - Minute No 297/19
Item 8.4 to Ordinary Council 22 October 2019 - Minute No 372/19
Item 8.2 to Ordinary Council 12 November 2019 - Minute No 398/19
Item 8.8 to Ordinary Council 14 February 2017 - Minute No 13/17

MOTION

Moved Cr Inglis/Cr Webb

That in relation to the report “Namoi Surface Water Resources Plan, Water Sharing Plan for the Upper and Lower Namoi Regulated River Water Sources 2020 and the Water Sharing Plan for the Peel Regulated River”, Council:

- (i) write to the Minister for Water, Housing and Property expressing it's dissatisfaction with the proposed Water Sharing Plans for both the Peel and Namoi Valleys and that no changes are being made to improve the reliability and security of town water supplies;

- (ii) Council conduct a media campaign to educate residents about the proposed Water Sharing Plans and encourage residents to write to the NSW Government via the Member for Tamworth seeking change; and
- (iii) that Council request the Member for Tamworth to make urgent arrangements for the Minister for Water, Housing and Property to meet with Council in Tamworth to find a solution to securing more reliable water supplies.

101/20 RESOLVED

8.6 BULK WATER FILLING STATIONS - REVIEW OF ACCESS RULES – FILE NO SF8593

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

MOTION

Moved Cr Maxwell/Cr Inglis

That in relation to the report “Bulk Water Filling Stations – Review of Access Rules”, Council:

- (i) apply access restrictions to a bulk water filling station when the centre that station is located in, moves to Level 3 water restrictions or, when the volume of water taken from that station has an adverse impact on the ability of the system, the station is in, to meet demand; and
- (ii) relax access restrictions on a bulk water filling station in each centre as restrictions in that centre are relaxed to Level 2 water restrictions or lower, but reserve the right to restrict access to a particular station if demand at that station is compromising supply capacity in the centre the station is located in.

102/20 RESOLVED

8.7 CHAFFEY DAM PIPELINE - OWNERSHIP, OPERATION, MAINTENANCE AND RENEWAL – FILE NO SF9695

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

MOTION

Moved Cr Wilson/Cr Rodda

That in relation to the report “Chaffey Dam Pipeline – Ownership, Operation, Maintenance and Renewal”, Council continue to lobby the Member for Tamworth and Minister for Better Regulation, the Hon. Kevin Anderson MP, and the NSW Minister for Water, Property and Housing, the Hon. Melinda Pavey MP to have the ownership and/or operation of the pipeline from Chaffey Dam to the Dungowan Recreation Ground transferred to Council.

103/20 RESOLVED

8.8 MARIUS STREET BORE - USE FOR CONSTRUCTION INDUSTRY – FILE NO SF8593

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste

MOTION

Moved Cr Inglis/Cr Wilson

That in relation to the report “Marius Street Bore – Use for Construction Industry”, Council:

- (i) approve the commencement of the supply of groundwater to the construction industry as detailed in the body of the report; and
- (ii) consider increasing the price charged for accessing the Marius Street Raw Water Bulk Filling Station as part of the review of fees and charges for the 20-21 financial year.

104/20 RESOLVED

8.9 DROUGHT MANAGEMENT PLAN AMENDMENT - DUNGOWAN DAM OPERATION – FILE NO SF9442

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste

Reference: Item No 8.1 to Ordinary Council 22 August 2017 - Minute No 259/17

MOTION

Moved Cr Webb/Cr Maxwell

That in relation to the report “Drought Management Plan Amendment – Dungowan Dam Operation”, Council approve the amendment to Council’s Drought Management Plan to aim to maintain the minimum storage volume of Dungowan Dam volume at/or above 50 percent.

105/20 RESOLVED

8.10 REGULAR UPDATE ON DROUGHT RESPONSE AND WATER SUSTAINABILITY – FILE NO SF9442

DIRECTORATE: WATER AND WASTE
AUTHOR: Tracey Carr, Sustainability Coordinator

Reference: Item 8.5 to Ordinary Council 25 February 2020 - Minute No 39/20
Item 8.5 to Ordinary Council 11 June 2019 - Minute No 188/19

MOTION

Moved Cr Tickle/Cr Wilson

That in relation to the report “Regular Update on Drought Response and Water Sustainability”, Council receive and note the report.

106/20 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SECTION 355 COMMITTEE MINUTES – FILE NO SF2256

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Kay Burnes, Senior Place Manager

MOTION

Moved Cr Webb/Cr Maxwell

- (i) That in relation to the report “Section 355 Committee Minutes”, Council receive and note the Minutes of the following Committees:

Woolomin Recreation Reserve Committee 14 August 2019

Limbri Public Hall and Recreation Reserve Local
Committee - AGM 25 August 2019

Manilla Showground Committee - AGM 12 September 2019

Woolomin Recreation Reserve Committee - AGM 2 October 2019

Moore Creek Hall and Reserve Committee - AGM 29 October 2019;

- (ii) accept the recommendation of the Woolomin Recreation Reserve Committee’s General Meeting held 14 August 2019, to appoint Nigel Hoad as a committee member;

- (iii) accept the recommendation of the Limbri Public Hall and Recreation Reserve Local Committee’s Annual General Meeting held 25 August 2019, to appoint the following as executive members:

Chairperson Jane Daly

Vice Chairperson Ross Doak

Secretary Lisa Nies

Treasurer Jane Daly;

- (iv) accept the recommendation of the Manilla Showground Committee’s Annual General Meeting held 12 September 2019, to appoint the following as executive members:

Chairperson Jim Maxwell

Deputy Chairperson Chris Lake

Secretary Lou Ellen Overton

Publicity Officer Jane Martin;

- (v) accept the recommendation of the Woolomin Recreation Reserve Committee’s Annual General Meeting held 2 October 2019, to appoint the following as executive members and members:

Chairperson Tiane Wilson

Deputy Chairperson Wayne Olive

Secretary Terrie Walton

Treasurer Council

Publicity Officer Terrie Walton

Booking Officer Kylie Douglas

User Group Bush Cricket Representative

Wayne Olive

Members: Emma Douglas, George Olive, Quinton Bluett, Vicki McDonald, John McDonald, John Goodhew and Dawn Gallagher;

- (vi) accept the recommendation of the Moore Creek Hall and Reserve Committee's Annual General Meeting held 29 October 2019, to appoint the following as executive members and members:

Chairperson

Steve Hawkins

Deputy Chairperson

Peter Bell

Secretary

Phil Hetherington

Treasurer

Peter Judd

Booking Officer

Marty Russell and Robyn Russell

Tennis Committee: Graham Denniss, Marty Russell, Peter Tape, Gordon Redgwell, David Darlington and Steve Lynch;

- (vii) accept the amendment to the delegated function of the Watson's Creek Public Hall and Recreation Reserve Committee to the management and operation of the Watson's Creek Public Hall and Recreation Reserve;
- (viii) accept the amendment of Section 355 Committee name from Moonbi Hall and Reserve Local Committee to Moonbi War Memorial Hall and Recreation Reserve Committee; and
- (ix) accept the amendment to the delegated function of the Kootingal Recreation Reserve to the management and operation of the Kootingal Recreation Reserve.

107/20 RESOLVED

9.2 COUNCILLOR SUPERANNUATION DISCUSSION PAPER – FILE No SF828

DIRECTORATE:

CORPORATE AND GOVERNANCE

AUTHOR:

Karen Litchfield, Manager Governance

MOTION

Moved Cr Maxwell/Cr Wilson

That in relation to the report "Councillor Superannuation Discussion Paper", Council:

- (i) receive and note the report; and
- (ii) determine to make a submission supporting the compulsory payment of superannuation of Councillors in addition to their fee (Option 4 in the body of the report); and
- (iii) acknowledge in the submission the support for the option for voluntarily payment of superannuation of Councillors in addition to their fee allowing a Council to take into account their resources and their communities' views (Option 3 in the body of the report).

108/20 RESOLVED

9.3 COUNCIL INVESTMENTS MARCH 2020 – FILE NO SF9655

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services

MOTION

Moved Cr Inglis/Cr Webb

That in relation to the report “Council Investments March 2020”, Council receive and note the report.

109/20 RESOLVED

9.4 ANNUAL OPERATIONAL PLAN 2019/2020 BUDGET VARIATION REPORT - MARCH 2020 – FILE NO SF9146

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services
Reference: Item 9.1 to Ordinary Council 25 June 2019 - Minute No 204/19

MOTION

Moved Cr Inglis/Cr Betts

That in relation to the report “Annual Operational Plan 2019/2020 Budget Variation Report – March 2020”, Council note and approve the variations to the existing budget included in the attached Annexure.

110/20 RESOLVED

9.5 INTEGRATED PLANNING AND REPORTING - EXHIBITION OF DRAFT 2020/21 DELIVERY PROGRAM AND ANNUAL OPERATIONAL PLAN – FILE NO SF9955

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services
Reference: Item 9.2 to Ordinary Council 24 March 2020 - Minute No 74/20

MOTION

Moved Cr Inglis/Cr Wilson

That in relation to the report “Integrated Planning and Reporting – Exhibition of Draft 2020/21 Delivery Program and Annual Operational Plan”, Council:

- (i) place the proposed Draft 2020/21 Delivery Program and Annual Operational Plan, on public exhibition for a period of 28 days in accordance with section 402 (6), 404 (4) and 405 (3) of the Local Government Act 1993; and
- (ii) require a further report to be submitted at the completion of the formal exhibition period detailing any submissions received during exhibition for Council’s consideration and final adoption; and
- (iii) Council in recognition of its disclosure and accountability obligations notes that due to the extreme economic volatility and ongoing fiscal uncertainty in the COVID-19 impacted environment Councils forecasted financial results are expected to be subject to material variances.

111/20 RESOLVED

9.6 COVID-19 RELIEF PACKAGE - UPDATE APRIL 2020 – FILE No SF10194

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Chris Weber, Director Corporate and Governance
Reference: Item 4.1 to Extraordinary Council 6 April 2020 - Minute No 90/20

MOTION

Moved Cr Webb/Cr Rodda

That in relation to the report “COVID-19 Relief Package – Update April 2020”, Council:

- (i) receive and note the report; and
- (ii) will reimburse the water and sewer headworks charges that have been paid for any parcel of land developed and with a linen release date after 1 March 2018 that was submitted for release prior to 31 March 2020 (dates inclusive) that currently remains unsold. The reimbursed amount will be subject to legal agreement and will become a charge due or payable pursuant to section 603 of the Local Government Act 1993 as a charge against the land, payable upon settlement for the sale of the land.

112/20 RESOLVED

10 COMMUNITY SERVICES

10.1 ACQUISITIONS TO THE TAMWORTH REGIONAL GALLERY COLLECTION 2019 – FILE No SF820

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

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report “Acquisitions to the Tamworth Regional Gallery Collection 2019”, Council formally accept the identified artworks into the visual art collection.

113/20 RESOLVED

10.2 KING GEORGE V AVENUE WORKING GROUP - MINUTES 12 FEBRUARY 2020 – FILE No SF8127

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report “King George V Avenue Working Group – Minutes 12 February 2020”, Council receive and note the Minutes of the meeting.

114/20 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 8:16pm, 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.

There was no written response from the public. 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 advised that it is a requirement of Clause 253 of the Local Government (General) Regulation 2005, that any resolution passed in Closed Council, be made public as soon as practicable after the Meeting has ended. At the end of the Closed Council Meeting and upon resumption in Open Council, the Chairperson will provide a summary of those resolutions passed in Closed Council.

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MOTION

Moved Cr Inglis/Cr Betts

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.

115/20 RESOLVED

11.1 RENEWAL OF LEASE TO CAPITAL 4WD CENTRE PTY LIMITED - 30-32 BRIDGE STREET, WEST TAMWORTH – FILE NO LF698

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 14.4 to Ordinary Council 14 June 2016 - Minute No 171/16

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c)&(d) 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.

11.2 OUTCOME OF T055/2020 - NICSE STAGE 2 - HOCKEY CENTRE POWER SUPPLY UPGRADE – FILE NO T055/2020

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Claire Turnor, Projects Engineer

Reference: Item 12.5 to Ordinary Council 12 November 2019 - Minute No 416/19

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (d)i&(d)ii 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 and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

11.3 T062/2020 - TAMWORTH REGIONAL ASTRONOMY AND SCIENCE CENTRE – BUILDINGS AND SERVICES WORKS – FILE NO T062/2020

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Angela Webb, Operations Engineer, Road Infrastructure

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

11.4 EXPRESSION OF INTEREST FOR THE SALE OF THE FORMER SALEYARDS SITE AT GLEN ARTNEY – FILE NO SF8884

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 14.1 to Ordinary Council 13 June 2017 - Minute No 175/17
Item 14.9 to Ordinary Council 12 June 2018 - Minute No 206/18
Item 14.5 to Ordinary Council 30 October 2018 - Minute No 265/18
Item 16.4 to Ordinary Council 17 December 2019 - Minute No 476/19

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

11.5 COUNCIL'S ENERGY SAVING CERTIFICATES NOMINATION – FILE NO SF219

DIRECTORATE: WATER AND WASTE

AUTHOR: Tim Hurcum, Sustainability Officer

Reference: Item 8.9 to Ordinary Council 14 February 2017 - Minute No 14/17
Item 14.3 to Ordinary Council 9 May 2017 - Minute No 135/17

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

11.6 TENDER FOR THE SUPPLY AND INSTALLATION OF CLOSED CIRCUIT TELEVISION (CCTV) INFRASTRUCTURE - STAGE 3 - – FILE NO T104/2020

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Tracey Rolls, Manager Business Systems and Solutions

4 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

12 CLOSED COUNCIL REPORTS

12.1 RENEWAL OF LEASE TO CAPITAL 4WD CENTRE PTY LIMITED - 30-32 BRIDGE STREET, WEST TAMWORTH – FILE NO LF698

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 14.4 to Ordinary Council 14 June 2016 - Minute No 171/16

MOTION

Moved Cr Betts/Cr Webb

That in relation to the report “Renewal of Lease to Capital 4WD Centre Pty Limited – 30-32 Bridge Street, West Tamworth”, Council:

- (i) authorise the Mayor and General Manager to enter into a renewal of the Lease Agreement on the terms as detailed in confidence in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the Lease document and any associated documents.

116/20 RESOLVED

12.2 OUTCOME OF T055/2020 - NICSE STAGE 2 - HOCKEY CENTRE POWER SUPPLY UPGRADE – FILE NO T055/2020

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Claire Turnor, Projects Engineer

Reference: Item 12.5 to Ordinary Council 12 November 2019 - Minute No 416/19

MOTION

Moved Cr Betts/Cr Webb

That in relation to the report “Outcome of T055/2020 – NICSE Stage 2 – Hockey Centre Power Supply Upgrade”, Council be advised of the contract details and the tender evaluation process employed to determine the successful tenderer.

117/20 RESOLVED

Cr Phil Betts declared a conflict of interest in this Item of the Business Paper, for the reason that he is a member of the Tamworth Regional Astronomy Club. Cr Betts further stated that it was a less than significant non pecuniary interest but that he would leave the Meeting and not participate in the debate.

.Cr Phil Betts left the Meeting, the time being 8:22pm.

12.3 T062/2020 - TAMWORTH REGIONAL ASTRONOMY AND SCIENCE CENTRE – BUILDINGS AND SERVICES WORKS – FILE NO T062/2020

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Angela Webb, Operations Engineer, Road Infrastructure

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Webb/Cr Wilson

That in relation to the report “T062/2020 – Tamworth Regional Astronomy and Science Centre – Buildings and Services Works”, Council:

- (i) award the tender to Rice Construction Group Pty Ltd (ABN 32 149 851 114) for the Firm Lump Sum Amount of \$1,001,955 excluding GST, for construction of buildings and associated services at the Tamworth Regional Astronomy and Science Centre; and
- (ii) authorise the Seal of Council to be affixed to this contract and any associated documents.

118/20 RESOLVED

Cr Phil Betts returned to the Meeting, the time being 8:27pm.

12.4 EXPRESSION OF INTEREST FOR THE SALE OF THE FORMER SALEYARDS SITE AT GLEN ARTNEY – FILE NO SF8884

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 14.1 to Ordinary Council 13 June 2017 - Minute No 175/17
Item 14.9 to Ordinary Council 12 June 2018 - Minute No 206/18
Item 14.5 to Ordinary Council 30 October 2018 - Minute No 265/18
Item 16.4 to Ordinary Council 17 December 2019 - Minute No 476/19

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Tickle/Cr Impey

That in relation to the report “Expression of Interest for the Sale of the Former Saleyards Site at Glen Artney”, Council authorise the Mayor and the General Manager to negotiate with the Purchaser in relation to the Purchaser’s request outlined within the body of this report.

119/20 RESOLVED

12.5 COUNCIL'S ENERGY SAVING CERTIFICATES NOMINATION – FILE NO SF219

DIRECTORATE: WATER AND WASTE
AUTHOR: Tim Hurcum, Sustainability Officer

Reference: Item 8.9 to Ordinary Council 14 February 2017 - Minute No 14/17
Item 14.3 to Ordinary Council 9 May 2017 - Minute No 135/17

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Rodda

That in relation to the report “Council’s Energy Saving Certificates Nomination”, Council:

- (i) rescind previous agreement with Sigma Global Company to create Energy Savings Certificates under the energy savings scheme;
- (ii) accept Option 3 from Essential Energy to Nominate National Carbon Bank as Accredited Certificates Provider for street lighting upgrades and request Essential Energy create energy savings certificates for LED street light upgrades; and
- (iii) agree to placing proceeds from Energy Savings Certificates into a reserve to fund/part fund future sustainability projects.

120/20 RESOLVED

12.6 TENDER FOR THE SUPPLY AND INSTALLATION OF CLOSED CIRCUIT TELEVISION (CCTV) INFRASTRUCTURE - STAGE 3 - – FILE NO T104/2020

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Tracey Rolls, Manager Business Systems and Solutions

4 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Webb/Cr Maxwell

That in relation to the report “Tender for the Supply and Installation of Closed Circuit Television (CCTV) Infrastructure – Stage 3”, Council:

- (i) receive and note the report;
- (ii) approve the purchase of CCTV cameras and endpoint infrastructure including all allocated cabling, power and data cabinets for the Tamworth and Kootingal installations from Mick Martin Electronic Security;
- (iii) approve the purchase of CCTV cameras and endpoint infrastructure including all allocated cabling, power and data cabinets for the Barraba and Manilla installations from Advanced Inland Security;
- (iv) approve the purchase of Milestone device licences for all site installations from Advanced Inland Security;
- (v) approve the purchase of data storage solution from Advanced Inland Security; and
- (vi) approve the purchase and installation of Wireless network infrastructure from SAF Australia.

121/20 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Maxwell/Cr Betts

That Council move into Open Council.

122/20 RESOLVED

At 8:39pm the Meeting moved back into Open Council.

In accordance with clause 253 of the Local Government (General) Regulation 2005, the Chairperson provided a summary of the resolutions passed in Closed Council.

Closure: There being no further business the Ordinary Meeting of Council concluded at 8:40pm.

Cr Col Murray, Chairperson

Tuesday, 26 May 2020

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