



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

12 SEPTEMBER 2023

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 12 SEPTEMBER 2023 at 6.30PM

Table of Contents

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	4
2	COMMUNITY CONSULTATION	4
7.2	DA2022-0547 - DEMOLITION OF EXISTING BUILDINGS, ALLOTMENT CONSOLIDATION AND SUBDIVISION, AND CONSTRUCTION OF A CENTRE-BASED CHILDCARE FACILITY ON LOTS 52 - 56 IN DP 2356 AND LOT 1	4
7.2	DA2022-0547 - DEMOLITION OF EXISTING BUILDINGS, ALLOTMENT CONSOLIDATION AND SUBDIVISION, AND CONSTRUCTION OF A CENTRE-BASED CHILDCARE FACILITY ON LOTS 52 - 56 IN DP 2356 AND LOT 1	4
7.2	DA2022-0547 - DEMOLITION OF EXISTING BUILDINGS, ALLOTMENT CONSOLIDATION AND SUBDIVISION, AND CONSTRUCTION OF A CENTRE-BASED CHILDCARE FACILITY ON LOTS 52 - 56 IN DP 2356 AND LOT 1	4
9.8	MOTION FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023	4
9.8	MOTION FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023	4
9.8	MOTION FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023	4
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL	5
218/23	RESOLVED	5
4	DISCLOSURE OF INTEREST	5
5	MAYORAL MINUTE	5
5.1	VOLUNTARY PLANNING AGREEMENTS FOR RENEWABLE ENERGY PROJECTS	5
219/23	RESOLVED	5
6	NOTICE OF MOTION.....	6
6.1	TRANSPARENCY AND ACCOUNTABILITY	6
220/23	RESOLVED	6
	OPEN COUNCIL REPORTS	6
7	ENVIRONMENT AND PLANNING.....	6
7.1	USE OF PUBLIC FOOTPATHS FOR RESTAURANT AND OUTDOOR SEATING POLICY - PUBLIC EXHIBITION SUBMISSIONS AND FINAL POLICY	6
221/23	RESOLVED	6

7.2	DA2022-0547 - DEMOLITION OF EXISTING BUILDINGS, ALLOTMENT CONSOLIDATION AND SUBDIVISION, AND CONSTRUCTION OF A CENTRE-BASED CHILDCARE FACILITY ON LOTS 52 - 56 IN DP 2356 AND LOT 1 IN DP 44204 - 7-9 GORMAN STREET NORTH TAMWORTH NSW 2340	7
222/23	RESOLVED	7
8	INFRASTRUCTURE AND SERVICES	21
8.1	FUNDING CONTRIBUTION TO THE COST OF HOSTING THE 2024 MURRAY DARLING ASSOCIATION CONFERENCE AND ANNUAL GENERAL MEETING	21
223/23	RESOLVED	21
9	GOVERNANCE, STRATEGY AND FINANCE	22
9.1	RETURNING OFFICER	22
224/23	RESOLVED	22
9.2	METHOD OF VOTING	22
225/23	RESOLVED	22
9.3	DETERMINATION OF VOTING FOR ELECTION OF MAYOR AND DEPUTY MAYOR	22
226/23	RESOLVED	22
9.4	NOMINATIONS FOR THE POSITION OF MAYOR	23
9.5	NOMINATIONS FOR THE POSITION OF DEPUTY MAYOR	23
9.6	FUTURE USE OF COUNCIL OWNED PREMISES AT 2/218 PEEL STREET, TAMWORTH	24
227/23	RESOLVED	24
9.7	ENDORSEMENT OF SPECIAL VARIATION COMMUNICATION PLAN AND PUBLIC EXHIBITION OF REVISED LONG TERM FINANCIAL PLAN	24
228/23	RESOLVED	24
9.8	MOTION FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023	25
229/23	RESOLVED	25
10	COMMUNITY SERVICES	25
11	REPORTS TO BE CONSIDERED IN CLOSED COUNCIL	26
230/23	RESOLVED	26
	TENDER T002/2024 - CONSTRUCTION OF CIVIL WORKS FOR PEDESTRIAN INFRASTRUCTURE AROUND SCHOOLS - PACKAGE 2	26
	TENDER T022-2024 - SUPPLY AND DELIVERY OF STEEL REINFORCED CONCRETE (RUBBER RING JOINT AND FLUSH JOINT) AND FIBRE REINFORCED CONCRETE (FRC) STORMWATER PIPES AND ASSOCIATED CONCRETE PRODUCTS	26
	WINTON RURAL FIRE SERVICE - PROPOSED LAND ACQUISITION	27
	PROPOSED LEASE FOR CAPITOL THEATRE PREMISES	27
	SALE OF DRUMALBYN AND KARA - OGUNBIL	27
12	CLOSED COUNCIL REPORTS	28
12.1	TENDER T002/2024 - CONSTRUCTION OF CIVIL WORKS FOR PEDESTRIAN INFRASTRUCTURE AROUND SCHOOLS - PACKAGE 2	28
231/23	RESOLVED	28
12.2	TENDER T022-2024 - SUPPLY AND DELIVERY OF STEEL REINFORCED CONCRETE (RUBBER RING JOINT AND FLUSH JOINT) AND FIBRE REINFORCED CONCRETE (FRC) STORMWATER PIPES AND ASSOCIATED CONCRETE PRODUCTS	28
232/23	RESOLVED	28

	12.3 WINTON RURAL FIRE SERVICE - PROPOSED LAND ACQUISITION	29
233/23	RESOLVED	29
	12.4 PROPOSED LEASE FOR CAPITOL THEATRE PREMISES	29
234/23	RESOLVED	29
	12.5 SALE OF DRUMALBYN AND KARA - OGUNBIL	30
235/23	RESOLVED	30
13	RESOLUTIONS PASSED IN CLOSED COUNCIL.....	30
236/23	RESOLVED	30

Minutes

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

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

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

Cr Stephen Mears joined the meeting, the time being 06:33PM

2 COMMUNITY CONSULTATION

7.2 DA2022-0547 - DEMOLITION OF EXISTING BUILDINGS, ALLOTMENT CONSOLIDATION AND SUBDIVISION, AND CONSTRUCTION OF A CENTRE-BASED CHILDCARE FACILITY ON LOTS 52 - 56 IN DP 2356 AND LOT 1

Amanda Rooney – Spoke in opposition to the recommendation

7.2 DA2022-0547 - DEMOLITION OF EXISTING BUILDINGS, ALLOTMENT CONSOLIDATION AND SUBDIVISION, AND CONSTRUCTION OF A CENTRE-BASED CHILDCARE FACILITY ON LOTS 52 - 56 IN DP 2356 AND LOT 1

Don Pannan – Spoke in opposition to the recommendation

7.2 DA2022-0547 - DEMOLITION OF EXISTING BUILDINGS, ALLOTMENT CONSOLIDATION AND SUBDIVISION, AND CONSTRUCTION OF A CENTRE-BASED CHILDCARE FACILITY ON LOTS 52 - 56 IN DP 2356 AND LOT 1

Tulsa Heard – Spoke in opposition to the recommendation

9.8 MOTION FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023

Lyn Allen – Spoke in support of the recommendation

9.8 MOTION FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023

Jean Coady – Spoke in support of the recommendation

9.8 MOTION FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023

Denise Kane – Spoke in support of the recommendation

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Mears/Cr Tickle

That the Minutes of the Ordinary Meeting held on Tuesday, 22 August 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

218/23 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Brooke Southwell declared a conflict of interest in Item 12.4 “Proposed Lease for Capitol Theatre Premises” of the Business Paper, for the reason that during the election campaign she engaged an company linked to Centrepoin Cinema advertising. Cr Southwell further declared that this was a less than significant, non-pecuniary interest but would leave the Chamber and not participate in the debate.

Cr Brooke Southwell declared a conflict of interest in Item 12.5 “Sale of Drumalbyn and Kara - Ogunbil” of the Business Paper, for the reason that she is the part owner of a real estate business. Cr Southwell further declared that this was a less than significant, non-pecuniary interest but would leave the Chamber and not participate in the debate.

5 MAYORAL MINUTE

5.1 VOLUNTARY PLANNING AGREEMENTS FOR RENEWABLE ENERGY PROJECTS

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Russell Webb, Mayor

MOTION

Moved Cr Webb

That in relation to the report “Voluntary Planning Agreements for Renewable Energy Projects”, Council adopts as policy the following requirements for all renewable energy projects:

- (i) the proponents enter into a Voluntary Planning Agreement (VPA) consisting of a lump sum of 1.5% of capital value (adjusted annually for CPI), 50% of which is to be paid to Council on commencement of construction and the remainder to be paid on an annual basis for the life of the development;
- (ii) this payment be additional to any agreed community benefit sharing arrangement such as a community enhancement fund; and
- (iii) Council’s preference is that any community enhancement fund (and the like) be administered by a philanthropic Community Benefit Fund provider rather than Council, with Council holding a role as member.

219/23 RESOLVED

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR MARK RODDA - TRANSPARENCY AND ACCOUNTABILITY

MOTION

Moved Cr Rodda/Cr Betts

That Council develop a framework and smart device/laptop application that records and publicises interactions between developers, builders, their agents and senior council staff and Councillor(s) to provide clarity of decision making, transparency and accountability to ratepayers and residents.

220/23 RESOLVED

COUNCILLORS WHO VOTED FOR THE DECISION

1. Cr Stephen Mears
2. Cr Mark Rodda

COUNCILLORS WHO VOTED AGAINST THE DECISION

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

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 USE OF PUBLIC FOOTPATHS FOR RESTAURANT AND OUTDOOR SEATING POLICY - PUBLIC EXHIBITION SUBMISSIONS AND FINAL POLICY

DIRECTORATE:

LIVEABLE COMMUNITIES

AUTHOR:

Rachel Mann, Senior Environmental Health Officer

Reference:

Item 7.1 to Ordinary Council 11 July 2023 - Minute No. 161/23

MOTION

Moved Cr Mears/Cr Coates

That in relation to the report “Use of Public Footpaths for Restaurant and Outdoor Seating Policy - Public Exhibition Submissions and Final Policy”, Council adopt the revised “Use of Public Footpaths for Restaurant and Outdoor Seating Policy”.

221/23 RESOLVED

7.2 DA2022-0547 - DEMOLITION OF EXISTING BUILDINGS, ALLOTMENT CONSOLIDATION AND SUBDIVISION, AND CONSTRUCTION OF A CENTRE-BASED CHILDCARE FACILITY ON LOTS 52 - 56 IN DP 2356 AND LOT 1 IN DP 44204 - 7-9 GORMAN STREET NORTH TAMWORTH NSW 2340

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Alice Elsley, Senior Development Assessment Planner

MOTION

Moved Cr Betts/Cr Coates

That Council, in relation to Development Application No. DA2022-0547 for the demolition of existing buildings and subdivision, and construction of a centre-based child care facility on Lots 52 – 56 in DP 2356 and Lot 1 in DP 44204, 7-9 Gorman Street NORTH TAMWORTH NSW 2340, grant consent subject to the following conditions:

General Conditions of Consent

1) Development shall take place in accordance with the attached endorsed plans:

Project Ref No.	Sheet No.	Rev No.	Revision Date	Prepared by: (consultant)
21128	01	F	21/06/2023	Baini Design
21128 Site Analysis Plan	03	F	21/06/2023	Baini Design
21128 Tree Management Plan	04	F	21/06/2023	Baini Design
21128 Shadow Diagrams	05-06	F	21/06/2023	Baini Design
21128 Site Plan	07	F	21/06/2023	Baini Design
21128 Demolition and Amalgamation Plan	08	F	21/06/2023	Baini Design
21128 Ground Floor Plan	09	F	21/06/2023	Baini Design
21128 First Floor Plan	10	F	21/06/2023	Baini Design
21128 Roof Plan	11	F	21/06/2023	Baini Design
21128 West and East Elevation	12	F	21/06/2023	Baini Design
21128 North and South Elevation	13	F	21/06/2023	Baini Design
21128 Section A-A and B-B	14	F	21/06/2023	Baini Design

21128 Bathroom Elevations	15	F	21/06/2023	Baini Design
21128 Laundry and Kitchen Elevations	16	F	21/06/2023	Baini Design
21128 Nappy Change Detail	17	F	21/06/2023	Baini Design
21128 Craft Bench Detail	18	F	21/06/2023	Baini Design
21128 Bottle Prep Detail	19	F	21/06/2023	Baini Design
21128 Schedule of Materials	20	F	21/06/2023	Baini Design
21128 Indoor Play Area	23-25	F	21/06/2023	Baini Design
21128 Floor Fencing Plan	26	F	21/06/2023	Baini Design
2021/093 Detailed Survey	1	2	24/04/2023	RAP Surveying
Addendum to Traffic and Parking Statement	-	-	28/02/2023	Hemanote Consultants
Proposed Line Marking and Sign Installation Plans	-	-	10/08/2023	Hemanote Consultants
Statement of Environmental Effects	-	-	24/03/2023	Think Planners Pty Ltd
Acoustic Assessment Ref 15728-401/4	-	-	17/03/2023	RCA Australia
Arboricultural Impact Assessment and Tree Management Plan	-	2	10/02/2023	Horticultural Management Services
Preliminary Site Investigation Report	-	2	06/02/2023	Environmental Consulting Services
Waste Management Plan	-	-	June 2023	Dickens Solutions
Landscape Plan	1-2	-	March 2023	iScape Landscape

				Architecture
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- 2) 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 the Council.
- 3) To confirm and clarify Council's terms of approval, this consent provides for the operation of a centre-based child care facility, as defined by the Tamworth Regional Local Environmental Plan 2010, with a maximum of 100 children.
- 4) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC) and the disability (Access to Premises - Buildings) Standards 2010.
- 5) The recommendations contained in the Arboricultural Impact Assessment and Tree Management Plan (dated 10 February 2023), Acoustic Assessment (Dated 17 March 2023) and Preliminary Environmental Site Investigation Report (dated 6 February 2023) shall be implemented as part of the development approved by this consent.
- 6) 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).
- 7) 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 Direction No. 11 Preservation of Survey Infrastructure published by Spatial Services NSW. In this regard, the Principal Contractor is responsible for the protection of the mark.

Prior to Works Commencing

- 8) A peg-out survey prepared by a Registered Surveyor is to be submitted to the Principal Certifier to confirm the development can be sited in accordance with approved plans.
- 9) The approved development which is the subject of this development consent must not be commenced until:
 - a) a Construction Certificate for the building work has been issued by the consent authority, Council (if Council is not the consent authority) or an accredited Certifier;
 - b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier for the building work; and
 - (ii) notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case;
 - c) the Principal Certifier has, no later than two days before the building work commences:

- (i) notified the consent authority and Council (if Council is not the consent authority) of his or her appointment; and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
- d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- (i) appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved;
 - (ii) notified the Principal Certifier of any such appointment;
 - (iii) unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - (iv) given at least two days notice to Council of the person's intention to commence the erection of the building.
- 10) 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;
 - 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.

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

- 11) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
- a) the name, address and telephone number of the Principal Certifier for the work; 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.

- 12) 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.
- 13) Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and

sediment control plan (ESCP) is to be prepared in accordance with the “Blue Book” Managing Urban Stormwater – Soils and Construction (Landcom 2004). The ESCP is to be implemented prior to the commencement of any construction works.

- 14) A Traffic Management Plan (TMP) detailing how movements in and out of the site during the construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council for approval. This TMP shall consider both vehicular and pedestrian movements. Where the TMP is of a level of complexity that Traffic Guidance Schemes (TGS) are required, the TGS shall be prepared by a person with the applicable certification from Transport for NSW (TfNSW) in accordance with AS1742.3-2009 and the TfNSW current version of the "Traffic Control at Worksites" manual.
- 15) The applicant shall notify all adjoining residents at least five working days prior to the commencement of demolition works. Such notification is to be clearly written, stating the date demolition is to begin. The notification must be placed in the letterbox of every premises (including units, villas if any) either side of and immediately behind the demolition site.

Prior to Issue of a Subdivision Works Certificate

- 16) Engineering design plans, reports and calculations prepared in accordance with Council's current version of the Engineering Design Minimum Standards for Subdivision and Development as required for stormwater drainage, water and sewer mains shall be submitted to Council for approval prior to Issue of a Subdivision Works Certificate.

Completed 'Information to be shown on drawings' and 'Checklists' contained within Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments for each asset category shall be submitted as confirmation that all works are designed in accordance with recognised and accepted guidelines.

Notwithstanding the requirements of the Engineering Design Minimum Standards, the following items shall be addressed as part of the submission at a minimum:

- extension of Council stormwater infrastructure for the development;
- water services sizes and locations;
- sewer junctions and new inspection opening location;
- a 1.5m wide footpath within the verge fronting the development site;
- a safety in design report;
- all plans are to include details of the location of all existing utility services;
- certification shall be provided in accordance with Annexure A of Council's current version of the Engineering Design Guidelines for Subdivisions and Developments;
- an Inspection Test Plan (ITP) for the construction of Council infrastructure required for the development shall be submitted to Council for approval; and
- All plans are to include details of the location of all existing utility services.

Prior to the Issue of a Construction Certificate

- 17) A Subdivision Works Certificate must be obtained prior to the issue of a Construction Certificate.
- 18) 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 (detailed stormwater plans and calculations shall be provided to Council for approval); and
- d) a trade waste agreement.

Engineering drawings for internal water and sewer, and stormwater shall be provided to Council for approval. All plans are to include details of the location of all existing utility services. All engineering drawings and the associated specifications are to be certified by a suitably qualified and experienced design practitioner.

- 19) A Section 138 approval must be obtained from Council under the Roads Act 1993 for works associated with this development that occur in the Gorman Street, Piper Street, and Johnston Street road reserves. Detailed construction plans shall be provided to Council for approval.

Advisory Note 1: To allow for adequate sight visibility and vehicle operations on Gorman Street, "No Stopping" signage will be required for a portion of 6.5m extending both sides of the proposed crossover.

Advisory Note 2: Any line marking and/or regulatory signage shown on any plan is required to be reviewed and approved by the Local Traffic Committee prior to approval of any plan(s).

- 20) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 (formerly Section 94A) Development Contributions Plan 2013, \$23,187.17 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development. Note: Please contact Council's Development Hub on (02) 6767 5507 or Email: development@tamworth.nsw.gov.au to obtain a tax invoice.

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:

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

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 Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

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

- 21) A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the Local Water Supply Authority) prior to the issue of an Occupation Certificate. Council requires the following payments to be made prior to the issue of a Construction Certificate:

Headworks (Additional)

- Water – \$31,316.22
- Sewer – \$19,398.60

Advisory Note – The above headworks contributions have been adopted under the 2023/2024 Council Annual Operation Plan. Revised rates adopted in subsequent Annual Operation Plans will apply to Headworks Contributions paid in later financial years. Please contact Council's Development Hub on (02) 6767 5507 or Email: development@tamworth.nsw.gov.au to obtain a tax invoice.

- 22) The Construction Certificate drawings are to incorporate the acoustic control measures as identified within the Noise Assessment, prepared by RCA Australia (dated 17 March 2023).
- 23) Details of all kitchen fixtures, fittings, equipment and their finishes shall be provided to Council for review prior to issue of a Construction Certificate.
- 24) 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 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 construction.
- 25) The developer must produce written evidence that an agreement can be put in place with Council's Water and Waste Directorate or a waste collection contractor for the collection of rubbish bins from private property prior to issue of any Construction Certificate.
- 26) Prior to the release of the Construction Certificate, a detailed noise management plan (NMP) must be prepared to control and reduce noise pollution during the demolition stage, construction stage and operation of the proposed child care centre. The NMP should be consistent with the Child Care Plan of Management (condition 60). The NMP must adopt and implement the recommendations in the Acoustic Assessment, prepared by RCA Australia (Dated 17 March 2023), in accordance with the ACCG Guidelines.

- 27) Prior to the release of the Construction Certificate, a detailed Construction Management Plan must be provided to Council for approval.

During Construction or Work

General

- 28) 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.

- 29) The Developer shall be responsible to instruct and control their contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
- 30) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials or construction fencing without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.
- 31) 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.
- 32) 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.
- 33) A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
- 34) The approved Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Guidance Scheme) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.
- 35) Erosion and sediment control measures in accordance with the approved Erosion and Sediment Control Plan (ESCP) are to be maintained by the developer at all times.
- 36) The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.

Allotment Filling

- 37) 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

Stormwater

- 38) All stormwater discharging from the proposed development site, buildings and works must be conveyed to the existing points of discharge by underground pipe drains complying with AS3500.3 (as amended) to the satisfaction of Council.
- 39) The stormwater drainage system must be constructed to comply with the following requirements as a minimum:
 - (i) stormwater detention for the range of 1:1 to 1:100-year ARI events to reduce development flows to predeveloped flows;
 - (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; and
 - (v) no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- 40) All major flows shall be directed to the Gorman Street road reserve so as not to impact any adjoining properties.
- 41) The approved point of discharge for the development site is Council's kerb inlet pit located downstream on Gorman Street, fronting 5 Gorman Street NORTH TAMWORTH NSW 2340 (Lot 50 in DP 2356).

Access and Egress

- 42) The redundant laybacks and crossovers to the site shall be removed and the kerb and gutter reinstated. The verge behind the kerb and gutter shall be rehabilitated to match the adjacent verge with a 1.5m wide footpath and grass established to the satisfaction of Council.
 - 43) All internal driveways, parking areas, loading bays, vehicle turning areas and barriers are to be designed and constructed to comply with Australian Standard 2890.1 Parking Facilities – Off-street parking and AS2890.6 Parking Facilities – Off-street parking for people with disabilities.
 - 44) All internal driveways, parking and loading areas must be constructed with a base course of adequate depth to accommodate the design vehicle loading, being sealed with either asphaltic concrete, concrete or interlocking pavers.
 - 45) To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS1158.3.1 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – performance and design requirements shall be provided to all off-street parking areas. The lighting installed must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.
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- 46) On-site parking accommodation shall be provided for a minimum of 25 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such parking must be set out generally in accordance with the details indicated on the submitted plans, except as otherwise stated by the conditions of this consent.

Demolition

- 47) Demolition of existing structures must occur within the provisions of AS2601-2001 “the demolition of structures”. Demolition must occur with suitable best practise methods used to suppress dust and noise nuisance to nearby residential receptors.
- 48) All services (including water, sewer, electricity and gas) must be effectively discontinued by appropriately qualified tradespersons.
- 49) Any material not reclaimed for recycling must be disposed of to a licensed landfill facility and documentation retained to demonstrate the disposal location.
- 50) A portable toilet with appropriate washing facilities will be required on site prior to commencement of demolition. Demolition works involving the removal and disposal of asbestos containing material (ACM) must only be undertaken by contractors who hold an asbestos removal licence and a demolition licence.
- 51) The demolition site must have a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm and is to be erected in a prominent visible position on the worksite. The sign must be erected before demolition works commence and must remain in place until such time that all ACM has been removed from the site to an approved waste facility.
- 52) All asbestos laden waste must be disposed of at a landfill licensed by the NSW Environment Protection Authority (EPA). All disposal receipts must be maintained as evidence of proper disposal.
- 53) If any chemicals or substances are discovered during the demolition that are identifiable as potentially poisonous and harmful to people, animals, or the environment then Council’s Environmental Health Officers must be notified. Demolition in the area of discovery is to be ceased immediately until a clearance is obtained from Council.
- 54) All soils and materials, both liquid and solid, removed from the site must be classified by a certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal. All waste materials must be disposed of at an appropriately licensed waste facility for the specified waste. Receipts for the disposal of waste must be provided to the Principal Certifier within 30 days of the waste being disposed. All waste must be transported by a licenced contractor without spillage and in accordance with all relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Inspections

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

Prior to the release of an Occupation Certificate

- 56) All works, as required by these conditions of consent, shall be completed.
- 57) Where detention tanks are utilised, detention tank(s) shall have signage installed to clearly indicate the detention tank purpose. The orifice for the detention tank(s) must be readily accessible and the orifice outlet diameter shall be clearly indicated on the detention tank signage plate.
- 58) 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 AS3798 (as amended).
- 59) 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
- 60) A Child Care Plan of Management must be developed for the day to day operations of the child care centre and to minimise any adverse effects upon neighbours. The Child Care Plan of Management must include, but be not limited to, the following:
 - staffing/parents/children arrival and departure procedures (Drop off and pick up procedures);
 - Day to Day Operations Policy;
 - Noise Management Plan (prepared as part of Condition 26);
 - Traffic and Parking Management Plan to discourage visitor and / or staff car parking on Gorman Street;
 - Security and Safety Plan; and
 - any requirements of the Education and Care Services National Regulations.
- 61) An asbestos clearance certificate must be supplied to the General Manager of Tamworth Regional Council or delegate by an independent licensed asbestos assessor confirming that the site is free from all asbestos upon completion of the demolition. The clearance certificate must be provided prior to the issue of any Occupation Certificate.
- 62) Documentary evidence of lodgement of the plan of subdivision with NSW Land Registry Services for the consolidation of Lots 54-56 IN DP2356 and 1 in DP44204, and two separate parcels (Lots 52-53 in DP2356) must be provided to the Principal Certifier prior to issue of any Occupation Certificate.
- 63) Prior to the issue of an Occupation Certificate, an identification survey prepared by a Registered Surveyor is to be provided to the Principal Certifier to confirm that the development has been located in accordance with the endorsed plans.
- 64) Prior to the issue of an Occupation Certificate, the landscaped areas on the site shall be completed as per the endorsed plans.

Prior to the Issue of a Subdivision Certificate

- 65) A Positive Covenant pursuant to Part 6, Division 4 of the Conveyancing Act 1919 shall be created with registration of the plan of subdivision to nominate that the development (proposed Lot 1) requires detention in accordance with the approved storage volume and discharge rates specified in the stormwater strategy and detailed design. The covenant shall also include details of maintenance responsibilities and schedules. This information shall be submitted to Council prior to issue of a Subdivision Certificate.
- 66) Pursuant to Section 306 of the Water Management Act 2000, Council requires the following works to be undertaken prior to the issue of a Compliance Certificate.

Water

- a single water service shall be provided to each lot;
- the existing water service on Lot 56 may be utilised to service the proposed development (proposed Lot 1);
- the developer will be responsible for engaging a hydraulic engineer to determine the fire fighting and domestic demands, and to determine an appropriate service size for the development;
- if the existing water service requires upsizing or relocation then the existing service is to be removed and disconnected from the water main;
- proposed Lot 2 shall be serviced by a new water service;
- works shall be undertaken in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments; and
- work on live water mains is to be undertaken by Council at full cost to the developer.

Sewer

- A single sewer service shall be provided to each lot;
 - the existing sewer junction in Lot 54 may be utilised to service the proposed development (proposed Lot 1);
 - the existing sewer junction in Lot 53 may be utilised to facilitate future development on proposed Lot 2;
 - redundant sewer junctions shall be removed and sewer main reinstated;
 - an inspection opening shall be installed to the Council sewer main traversing the lot and extended to be flush with the carpark surface. The inspection point shall be near the dead end at the sewer junction servicing 95-99 Johnston Street;
 - a three (3) metre wide sewer easement shall be created over the Council sewer within the proposed lot;
 - works shall be undertaken in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments; and
 - work on live sewer mains is to be undertaken by Council at full cost to the developer.
- 67) A Certificate of Compliance under Section 307 of the Water Management Act 2000 shall be obtained from the Council (as the Local Water Supply Authority) prior to the issue of a Subdivision Certificate. All payments and works required under Section 306 of the Water Management Act 2000 must be completed prior to the issue of a Certificate of Compliance.
- 68) A Maintenance Bond in accordance with the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments shall be paid to Council for all infrastructure works.

- 69) One set of approved construction drawings shall be amended to show the “Work-as-Executed” and be certified by a Registered Surveyor or a Chartered Professional Civil Engineer, in accordance with Council’s Engineering Design Minimum Standards.
- 70) A scanned electronic ‘PDF version and an AutoCAD ‘dwg’ version of the signed “Work-as-Executed” plans shall be submitted to Council to ensure that adequate records are maintained of community infrastructure.
- 71) All test results, material certificates, non-conformance reports and signed off Hold/Witness Points as required by the Inspection and Test Plan (ITP) shall be submitted for the review of Council to verify the quality of the completed product.
- 72) 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 AS3798 (as amended).
- 73) Certification being provided that each lot is serviced with telecommunications and electricity infrastructure in accordance with recognised standards.
- 74) Easements for utilities and services, in favour of the lots benefiting and/or Council shall be provided where services are located on private properties and/or overland flows traverse private property, in accordance with the current version of Council’s Engineering Design Minimum Standards.

Ongoing Requirements

- 75) The approved hours of operation are:

Staff hours	Monday to Friday: 7:00am – 6:00pm
Operation of child care centre	Monday to Friday: 7:00am – 6:00pm

- 76) All outdoor lighting shall be limited to the approved hours of operation for the development.
- 77) The Child Care Plan of Management must be adhered to at all times.
- 78) All vehicle movements into and out of the development site shall be in a forward direction.
- 79) Illuminated outdoor signage is not permitted.
- 80) Any signage is subject to a separate approval unless it satisfies the development standards and land requirements to be exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 81) Noise emissions from the ongoing operation of the development shall not exceed the AAAC Guideline base criteria of 45dB LAeq (15 min) for residential receivers, as identified in the Acoustic Assessment prepared by RCA Australia, Dated 17 March 2023.

Advisory Note: Daytime - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays.

A noise validation assessment may be required should Council receive noise related complaints regarding the development, to confirm that the development is meeting the nominated AAAC Guideline base criteria as nominated in the RCA acoustic

assessment.

- 82) The sealing, marking and lighting to all crossovers, vehicular parking, manoeuvring and loading areas is to be maintained at all times.
- 83) The landscaped areas on the site shall be maintained at all times.
- 84) The construction, fit-out and operation of the food preparation and storage areas must comply with the Food Act 2003.
- 85) The child care centre shall comply with the Education and Care Services National Regulations.
- 86) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 87) Vehicles shall be loaded or unloaded, standing wholly within the development site and within loading zones designated on the submitted plans with the development application, or as otherwise provided in accordance with the conditions of this consent, to ensure that the proposed development does not give rise to street loading or unloading operations with consequential accident potential and reduction in road efficiency. Under no circumstances are vehicles to be loaded or unloaded at the kerb side or across the public footpath.
- 88) To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking areas, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for purposes of car parking, 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.
- 89) The waste storage area is to be maintained in a clean and tidy manner at all times.

Advice Note(s)

Note 1: Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 requires the owner of a building to which an essential fire safety measure is applicable to maintain each essential fire safety measure as identified by virtue of a fire safety schedule, to a standard no less than that specified in the schedule inclusive of the entire building.

Note 2: Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule for the entire building. The statement must only be in the form specified by Clause 92 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade. Email address for lodgement of Annual Fire Safety Statement - afss@fire.nsw.gov.au and a copy must also be sent to Council development@tamworth.nsw.gov.au

Note 3: At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.

MOTION LOST

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Phil Betts 2. Cr Bede Burke 3. Cr Helen Tickle 4. Cr Russell Webb	1. Cr Judy Coates 2. Cr Stephen Mears 3. Cr Mark Rodda 4. Cr Brooke Southwell 5. Cr Marc Sutherland

MOTION

Moved Cr Mears/Cr Sutherland

That Council, in relation to Development Application No. DA2022-0547 for the demolition of existing buildings and subdivision, and construction of a centre-based child care facility on Lots 52 – 56 in DP 2356 and Lot 1 in DP 44204, 7-9 Gorman Street NORTH TAMWORTH NSW 2340, refuse the application for the following reasons:

- (i) concerns around the validity of the traffic modelling provided; and
- (ii) the development is not in the public interest with regard to community safety.

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Judy Coates 2. Cr Stephen Mears 3. Cr Mark Rodda 4. Cr Brooke Southwell 5. Cr Marc Sutherland	1. Cr Phil Betts 2. Cr Bede Burke 3. Cr Helen Tickle 4. Cr Russell Webb

222/23 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 FUNDING CONTRIBUTION TO THE COST OF HOSTING THE 2024 MURRAY DARLING ASSOCIATION CONFERENCE AND ANNUAL GENERAL MEETING

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

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report “Funding contribution to the cost of hosting the 2024 Murray Darling Association Conference and Annual General Meeting”, Council;

- (i) agree to make available up to \$10,000 in kind and direct financial support to host the 2024 Murray Darling Association Conference and Annual General Meeting in Tamworth, should Council’s application to host the event be successful; and
- (ii) fund Council’s contribution equally from the water and wastewater reserves.

223/23RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 RETURNING OFFICER

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

MOTION

Moved Cr Burke/Cr Southwell

That the advice in relation to the role of the Returning Officer for any election required for the position of Mayor and Deputy Mayor be received and noted and the General Manager act as the Returning Officer.

224/23 RESOLVED

9.2 METHOD OF VOTING

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

MOTION

Moved Cr Mears/Cr Betts

That the advice in relation to the methods of voting for any election required for the position of Mayor and Deputy Mayor be received and noted.

225/23 RESOLVED

9.3 DETERMINATION OF VOTING FOR ELECTION OF MAYOR AND DEPUTY MAYOR

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

MOTION

Moved Cr Burke/Cr Coates

That Council elect the Mayor and Deputy Mayor for the ensuing term by Ordinary Ballot.

226/23 RESOLVED

9.4 NOMINATIONS FOR THE POSITION OF MAYOR

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

In accordance with Schedule 7 of the Local Government (General) Regulation 2021 the General Manager as the Returning Officer announced that one nomination had been received for the position of Mayor. The Returning Officer announced that the nomination was for Cr Russell Webb.

As there was only one nomination received for the position of Mayor, the Returning Officer declared that Cr Russell Webb had been elected to the position of Mayor for the 2023/2024 term.

9.5 NOMINATIONS FOR THE POSITION OF DEPUTY MAYOR

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

In accordance with Schedule 7 of the Local Government (General) Regulation 2021 the General Manager, as the Returning Officer, announced that three nominations had been received for the position of Deputy Mayor. The Returning Officer announced that the three nominations were for Cr Phil Betts, Cr Judy Coates, and Cr Marc Sutherland.

As there were three nominations received for the position of Deputy Mayor, the Returning Officer announced that an election for the position of Deputy Mayor would be conducted by Ordinary Ballot.

Following the conduct of an election by Ordinary Ballot for the position of Deputy Mayor, the Returning Officer declared that Cr Judy Coates had been elected to the position of Deputy Mayor for the 2023/2024 term with a majority of five votes.

9.6 FUTURE USE OF COUNCIL OWNED PREMISES AT 2/218 PEEL STREET, TAMWORTH

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Bridget Guthrie, Director Art Gallery and Museums

Reference: Item 6.1 to Ordinary Council 22 August 2023 - Minute No 202/23

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “Future use of Council owned premises at 2/218 Peel Street, Tamworth”, Council adopt Option 1 as outlined in the body of this report.

227/23 RESOLVED

9.7 ENDORSEMENT OF SPECIAL VARIATION COMMUNICATION PLAN AND PUBLIC EXHIBITION OF REVISED LONG TERM FINANCIAL PLAN

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Rami Abu-Shaqra, Chief Financial Officer

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report “Endorsement of Special Variation Communication Plan and Public Exhibition of Revised Long Term Financial Plan”, Council:

- (i) endorse the draft Long Term Financial Plan as part of the Updated Resourcing Strategy, ATTACHED, refer ANNEXURE 1, for public exhibition for a period of 28 days, commencing 17 September 2023;
- (ii) endorse the undertaking of community engagement on a potential application to the Independent Pricing and Regulatory Tribunal for a proposed permanent Special Variation (SV) of 18.5 per cent in 2024-2025 (including the forecasted rate peg of 3.5 per cent) and 15.0 per cent in 2025-2026 (including the forecasted rate peg of 2.5 per cent), representing a cumulative Special Variation of 36.3 per cent over two years, which is the Sustainability Scenario – Two-year SV option in the draft Long Term Financial Plan; and
- (iii) receive a further report regarding the outcome of community engagement undertaken to determine any final application to be made to the Independent Pricing and Regulatory Tribunal for a Special Variation.

228/23 RESOLVED

9.8 MOTION FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023

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

Reference: Item 9.1 to Ordinary Council 8 August 2023 - Minute No. 194/23

MOTION

Moved Cr Southwell/Cr Betts

That in relation to the report “Motion for the Local Government NSW Annual Conference 2023”, Council authorises the following motions to be submitted to the Local Government NSW Annual Conference 2023:

- (i) responsible pet ownership, as outlined in the body of the report; and
- (ii) that the NSW Local Government Association advocates to The Australian Local Government Association (ALGA) to pursue an increase in federal roads funding by \$1 billion dollars, as per the recent research report developed by the Gratton Institute which has uncovered a \$1 billion shortfall in National Roads Funding, which is having a detrimental impact on regional and rural roads.

229/23 RESOLVED

Cr Stephen Mears left the meeting, the time being 08:55PM

10 COMMUNITY SERVICES

Nil

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

At 8.56pm, 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 Coates/Cr Southwell

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.

230/23 RESOLVED

TENDER T002/2024 - CONSTRUCTION OF CIVIL WORKS FOR PEDESTRIAN INFRASTRUCTURE AROUND SCHOOLS - PACKAGE 2

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery

**Reference: Item 8.5 to Ordinary Council 22 August 2023 - Minute No.208/23
Item 12.6 to Ordinary Council 8 November 2022 - Minute No 344/22**

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 T022-2024 - SUPPLY AND DELIVERY OF STEEL REINFORCED CONCRETE (RUBBER RING JOINT AND FLUSH JOINT) AND FIBRE REINFORCED CONCRETE (FRC) STORMWATER PIPES AND ASSOCIATED CONCRETE PRODUCTS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Darin Beard, Warehouse Supervisor

2 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.

WINTON RURAL FIRE SERVICE - PROPOSED LAND ACQUISITION

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery

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) 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 FOR CAPITOL THEATRE PREMISES

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Nicholas Hawkins, Commercial Property Officer

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.

SALE OF DRUMALBYN AND KARA - OGUNBIL

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

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

Item 12.12 to Ordinary Council 13 December 2022 - Minute No 401/22

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.

12 CLOSED COUNCIL REPORTS

12.1 TENDER T002/2024 - CONSTRUCTION OF CIVIL WORKS FOR PEDESTRIAN INFRASTRUCTURE AROUND SCHOOLS - PACKAGE 2

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery
Reference: Item 8.5 to Ordinary Council 22 August 2023 - Minute No.208/23
Item 12.6 to Ordinary Council 8 November 2022 - Minute No 344/22

MOTION

Moved Cr Sutherland/Cr Southwell

That in relation to the report "Tender T002/2024 - Construction of Civil Works for Pedestrian Infrastructure around Schools - Package 2", Council note that a contract was awarded to Brycon Civil Pty Ltd (ABN 66 637 618 378) for an initial lump sum amount of \$132,274.50 excluding GST to construct civil works for the Pedestrian Infrastructure Around Schools Project.

231/23 RESOLVED

12.2 TENDER T022-2024 - SUPPLY AND DELIVERY OF STEEL REINFORCED CONCRETE (RUBBER RING JOINT AND FLUSH JOINT) AND FIBRE REINFORCED CONCRETE (FRC) STORMWATER PIPES AND ASSOCIATED CONCRETE PRODUCTS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Darin Beard, Warehouse Supervisor
2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Burke/Cr Betts

That in relation to the report "Tender T022-2024 - Supply and Delivery of Steel Reinforced Concrete (Rubber Ring Joint and Flush Joint) and Fibre Reinforced Concrete (FRC) Stormwater Pipes and Associated Concrete Products", Council:

- (i) award the contract for Category 1: Steel Reinforced Concrete (RRJ and FJ) Pipes and Associated Concrete Products to Holcim (Australia) Pty Ltd (ABN: 87 099 732 297) trading as Humes, as the panel source supplier for the period 1 October 2023 to 30 September 2025, along with the provision for a 12-month extension based on satisfactory supplier performance;
- (ii) not award any supplier the contract for Category 2: Fibre Reinforced Concrete (FRC) Stormwater Pipes and Associated Products; and
- (iii) approve freight and delivery rates as tendered by Holcim (Australia) Pty Ltd (ABN: 87 099 732 297) trading as Humes.

232/23 RESOLVED

12.3 WINTON RURAL FIRE SERVICE - PROPOSED LAND ACQUISITION

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Tickle/Cr Coates

That in relation to the report “Winton Rural Fire Service - Proposed Land Acquisition”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of the proposed acquisition;
- (ii) authorise the execution by Council of Deeds of Agreement and plans of subdivision; and
- (iii) authorise the affixing of the Seal of Council to the Deeds of Agreement, plans and any other documents required to give effect to Council’s resolution.

233/23 RESOLVED

Cr Brooke Southwell left the meeting, the time being 09:01PM

12.4 PROPOSED LEASE FOR CAPITOL THEATRE PREMISES

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Burke

That in relation to the report “Proposed Lease for Capitol Theatre Premises”, Council:

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

234/23 RESOLVED

12.5 SALE OF DRUMALBYN AND KARA - OGUNBIL

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

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
Item 12.12 to Ordinary Council 13 December 2022 - Minute No 401/22

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report "Sale of Drimalbyn and Kara - Ogunbil", Council

- (i) receive and note the report;
- (ii) authorise the Mayor and General Manager to negotiate the sale of Kara for the highest possible amount not less than the final bid made for the property at the auction on Wednesday 6 September 2023; and
- (iii) authorise the Director Water and Waste to execute the sale contract for Kara.

235/23 RESOLVED

Cr Brooke Southwell returned to the meeting, the time being 09:07 PM

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Sutherland/Cr Tickle

That Council move into Open Council.

236/23 RESOLVED

At 9.07pm 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 9.09pm.

Cr Russell Webb, Chairperson

Tuesday, 26 September 2023

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