



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

10 MAY 2022

**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 10 MAY 2022 at 6:30PM

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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 Water and Waste, and Executive Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

7.1 DEVELOPMENT APPLICATION FOR A DUAL OCCUPANCY, RETAINING WALLS AND TORRENS TITLE SUBDIVISION” ON LOT 15 IN DP 1212417 – 13 FRANCIS AVENUE

Sam Spokes addressed the Council to speak in support of the recommendation.

7.2 DEVELOPMENT APPLICATION FOR A DUAL OCCUPANCY, RETAINING WALLS AND TORRENS TITLE SUBDIVISION ON LOT 16 IN DP 1212417 – 1 FRANCIS AVENUE

Sam Spokes addressed the Council to speak in support of the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Mears/Cr Southwell

That the Minutes of the Ordinary Meeting held on Tuesday, 26 April 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

127/22 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Brooke Southwell declared a conflict of interest in Item 7.1 “Development Application for a Dual Occupancy, Retaining Walls and Torrens Title Subdivision on Lot 15 in DP 1212417 – 13 Francis Avenue” and Item 7.2 “Development Application for a Dual Occupancy, Retaining Walls and Torrens Title Subdivision on Lot 16 in DP 1212417 – 1 Francis Avenue” of the Business Paper, for the reason that she is a family member of the developer making the application. Cr Southwell further stated that this was a significant, non-pecuniary interest and she would not remain in the Chamber.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR BROOKE SOUTHWELL - REVENUE TASKFORCE ADVISORY COMMITTEE

MOTION

Moved Cr Burke/Cr Coates

That Council:

- (i) request a Councillor Workshop on the proposed Revenue Taskforce Advisory Committee to:
 - a) confirm the need for a Revenue Taskforce Advisory Committee;
 - b) determine staff and Councillor membership requirements of a Revenue Taskforce Advisory Committee; and
 - c) discuss requirements of a draft Terms or Reference, should the establishment of a Revenue Taskforce Advisory Committee be endorsed at a future Meeting of Council.

128/22 RESOLVED

6.2 NOTICE OF MOTION – CR BROOKE SOUTHWELL - TAMWORTH REGIONAL YOUTH COUNCIL ADDITIONAL COUNCILLOR DELEGATE

MOTION

Moved Cr Southwell/Cr Betts

That Cr Southwell is included as a member of the Tamworth Regional Youth Council meetings as a Councillor representative, alongside Cr Marc Sutherland.

129/22 RESOLVED

OPEN COUNCIL REPORTS

Cr Brooke Southwell left the meeting, the time being 7:01pm

7 ENVIRONMENT AND PLANNING

7.1 DEVELOPMENT APPLICATION FOR DUAL OCCUPANCY, RETAINING WALLS AND TORREN TITLE SUBDIVISION ON LOT 15 DP 1212417, 13 FRANCIS AVENUE - FILE No. DA2021-0252 (PAN-176787)

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report "Development Application for a Dual Occupancy, Retaining Walls and Torrens Title Subdivision" on Lot 15 in DP 1212417 – 13 Francis Avenue, NORTH TAMWORTH NSW, Council:

- (i) authorise the Mayor and General Manager to enter into a Deed of Release and any

other documentation required to effect the release of a Restriction on the Use of Land affecting Lot 15 in DP 1212417;

- (ii) authorise the affixing of the Seal of Council to the Deed and any other related documents to effect the intention of the parties; and,
- (iii) grant development consent to DA2022-0252, including a Clause 4.6 exception to the development standard under the Tamworth Regional Local Environmental Plan 2010, subject to the following conditions:

GENERAL

- 1) Development shall take place in accordance with the attached endorsed plans:
 - a) Architectural Plans (as amended in red) prepared by Dunst Bros Pty Ltd, Drawings Numbered A101 – A107, Revision 2, Dated 27 January 2022; and
 - b) Proposed Subdivision Layout Plan (as amended in red) prepared by Dunst Bros Pty Ltd, Drawing Numbered A112, Dated 19 November 2021.
- 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) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
- 4) It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.
- 5) Pursuant to Section 97A(2) of the Environmental Planning and Assessment Regulation 2000, all the commitments listed in the relevant BASIX Certificate for the development shall be fulfilled at the milestones listed.
- 6) 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.
- 7) The Applicant shall consult with, as required:
 - a) Essential Energy;
 - b) Natural Gas Company;
 - 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).

PRIOR TO THE COMMENCEMENT OF WORKS:

- 8) The approved development which is the subject of this development consent must not be commenced until:
 - a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier; and
 - 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 two (2) days before the building work commences:
 - i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment;
 - 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;
- 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) given at least two (2) days' notice to the council of the person's intention to commence the erection of the building.

- 9) 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;
- c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council; or

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

- 10) 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.

- 11) 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 shall be submitted to Council and implemented prior to the commencement of any construction works.
- 12) 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. 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's 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.

- 13) 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 the Council prior to the commencement of work and upon request, during the progress of the work.
- 14) Section 68 approval from Council under the Local Government Act 1993 to carry out sewerage, water supply and stormwater drainage works for this development is required to be obtained prior to the commencement of works. Detailed stormwater plans and calculations shall be provided to Council for approval.
- 15) Section 138 approval from Council under the Roads Act 1993 for works and structures in the roadway for this development is required. Detailed construction plans shall be provided to Council for approval.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE:

- 16) a) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.11 (formerly known as S94 (Direct)) Development Contributions Plan 2013, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (\$)
Roads	\$ 1,672.00
Car Parking	\$ 0.00
Open Space Embellishment	\$ 516.00
Plan Preparation and Administration	\$ 46.00
TOTAL	\$ 2,234.00

- b) 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

- c) The monetary contributions shall be paid to Council:
- i) Prior to the issue of the first Construction Certificate where the development is for building work.

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

Council's Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au <<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

NB: This condition is restated at Condition 34 to clarify the timing of payment of contributions.

- 17) 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 a Construction Certificate. Council requires the following works to be completed and/or payments received prior to the issue of a Compliance Certificate.

Headworks (Additional)

- Water = \$4,050
- Sewer = \$1,625

Advisory Note: The above headworks contributions have been adopted under the 2021/2022 Council Annual Operational Plan. Revised rates adopted in subsequent Annual Operational Plans will apply to Headworks Contributions paid in later financial years.

NB: This condition is restated at Condition 35 to clarify the timing of payment of contributions.

- 18) Retaining walls greater than 600mm above finished ground level or other approved methods necessary to prevent movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by a qualified, practising Structural Engineer. Details are to be included with any Construction Certificate application.

DURING CONSTRUCTION OR WORKS:

General

- 19) 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.

- 20) 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.
- 21) 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.
- 22) The approved Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.
- 23) Erosion and sediment control measures in accordance with the Erosion and Sediment Control Plan are to be maintained by the developer at all times.
- 24) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials, vehicles, refuse, skips or the like (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council.
- 25) Any damage caused to Council infrastructure during 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.

Allotment Filling

- 26) 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”.

No allotment filling shall encroach on, or burden, any adjacent lots.

Stormwater

- 27) All roof water and concentrated surface stormwater discharging from the development site, buildings or works must be conveyed to the approved points of discharge by underground pipe drains complying with AS3500.3 (as amended) to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- 28) Runoff from all hardstand areas shall be captured on site and piped to the approved points of discharge in accordance with the current version of Council's Engineering Design Guidelines for Subdivisions and Developments.
- 29) The approved points of discharge for the development site are defined as the kerb and gutter located on McKay Place and / or Francis Avenue adjacent to the development site. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:
 - a) all plumbing within the site must be carried out in accordance with relevant

provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;

- b) temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
- c) all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented;
- d) any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted; and
- e) all overflow from rainwater tanks shall be collected and piped to the approved points of discharge.

External Roads

- 30) Should any works within the road reserve of Francis Avenue and / or McKay Place necessitate installation, extension, removal, disposal, or reinstatement of any existing infrastructure or materials, all works and costs will be at the Developer's expense.

Inspections

- 31) 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.

PRIOR TO THE RELEASE OF A SUBDIVISION CERTIFICATE:

- 32) To confirm and clarify the terms of Council's approval, a Subdivision Certificate shall not be issued until either:
 - a) the development is completed in accordance with Development Application No. DA2022-0252 and an Occupation Certificate has been issued in respect to each dwelling; or
 - b) a restriction as to User, pursuant to Section 88B of the Conveyancing Act 1988, is submitted which provides that development of the lot may only be carried out in accordance with the comprising Development Application No. DA2022-0252.
- 33) Certification being provided that each lot is serviced with electricity and telecommunications infrastructure in accordance with recognised standards.
- 34) a) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.11 (formerly known as S94 (Direct)) Development Contributions Plan 2013, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (\$)
Roads	\$ 1,672.00
Car Parking	\$ 0.00
Open Space Embellishment	\$ 516.00

Plan Preparation and Administration	\$ 46.00
TOTAL	\$ 2,234.00

- b) 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

- c) The monetary contributions shall be paid to Council:
- i) Prior to the issue of the first Subdivision Certificate where the development is for subdivision.

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

Council's 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.

NB: This condition is restated at Condition 16 to clarify the timing of payment of contributions.

- 35) 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 a Subdivision Certificate. Council requires the following works to be completed and/or payments received prior to the issue of a Compliance Certificate.

Water

- a single water service is to be provided to each lot;
- proposed Lot 64 shall use the existing connection on the south west corner of the lot;
- proposed Lot 65 shall be serviced from the existing water main DN100 located on the northern side of Francis Avenue;

- 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 is to be provided to each lot;
- proposed Lot 64 shall use existing connection on the south west corner of the lot;
- proposed Lot 65 shall be serviced by a new connection off existing Council DN150 sewer main on McKay Place;
- work shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments; and
- work on live sewer mains shall be undertaken by Council at full cost to the developer.

Headworks (Additional)

- Water = \$4,050
- Sewer = \$1,625

Advisory Note: The above headworks contributions have been adopted under the 2021/2022 Council Annual Operational Plan. Revised rates adopted in subsequent Annual Operational Plans will apply to Headworks Contributions paid in later financial years.

NB: This condition is restated at Condition 17 to clarify the timing of payment of contributions.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

- 36) 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.
- 37) The occupation or use of the whole or any part of a new building shall not commence unless a Section 68 certificate of completion has been issued by Council. The certificate of completion shall not be issued until such time as all relevant conditions of the Section 68 approval have been complied with and all applicable documents received by council. This includes the following works:
 - a) the installation of additional underfloor drainage pipes to enable an external greywater reuse device to be connected.
- 38) To ensure compliance with the Tamworth Regional Council Development Control Plan (2010), the following works shall be completed prior to the issue of an Occupation Certificate:
 - a) a letter box must be provided for each dwelling / unit at the front property boundary in accordance with Australia Post requirements;
 - b) clothes drying facilities must be provided for each dwelling / unit. Clothes lines and hoists shall be located at the rear of the development and adequately screened where visible from the street; and
 - c) evidence must be provided confirming the landscaped areas are installed as per the endorsed plans.

CONTINUED OPERATIONS:

- 39) Vehicle crossovers, on-site stormwater systems and landscaped areas on the site are to be maintained at all times.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

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

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

Nil

130/22RESOLVED

7.2 DEVELOPMENT APPLICATION FOR DUAL OCCUPANCY, RETAINING WALLS AND TORRENS TITLE SUBDIVISION ON LOT 16 DP 1212417, 1 FRANCIS AVENUE, NORTH TAMWORTH - FILE NO. DA2022-0253 (PAN-176605)

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report "Development Application for a Dual Occupancy, Retaining Walls and Torrens Title Subdivision" on Lot 16 in DP 1212417 – 1 Francis Avenue, North Tamworth, Council:

- (i) authorise the Mayor and General Manager to enter into a Deed of Release for the release of a Restriction on the Use of Land affecting Lot 16 in DP 1212417;
- (ii) authorise the affixing of the Seal of Council to the Deed and any other related documents to effect the intention of the parties; and,
- (iii) grant development consent to DA2022-0253, including a Clause 4.6 exception to the development standard under the Tamworth Regional Local Environmental Plan 2010, subject to the following conditions:

GENERAL

- 1) development shall take place in accordance with the attached endorsed plans:
 - a) Architectural Plans (as amended in red) prepared by Dunst Bros Pty Ltd, Drawings Numbered A101 – A107, Revision 2, Dated 27 January 2022; and
 - b) Proposed Subdivision Layout Plan (as amended in red) prepared by Dunst Bros Pty Ltd, Drawing Numbered A112, Dated 18 November 2021.
- 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) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
- 4) It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.
- 5) Pursuant to Section 97A(2) of the Environmental Planning and Assessment

Regulation 2000, all the commitments listed in the relevant BASIX Certificate for the development shall be fulfilled at the milestones listed.

- 6) 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.
- 7) The Applicant shall consult with, as required:
 - a) Essential Energy;
 - b) Natural Gas Company;
 - 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).

PRIOR TO THE COMMENCEMENT OF WORKS:

- 8) The approved development which is the subject of this development consent must not be commenced until:
 - a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier;
 - b) the person having the benefit of the development consent has:
 - i) appointed a Principal Certifying Authority for the building work;
 - ii) notified the Principal Certifying Authority 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 two days before the building work commences:
 - i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment;
 - 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;
 - 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) given at least two (2) days' notice to the council of the person's intention to commence the erection of the building.
- 9) 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; or

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

- 10) 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.

- 11) 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 shall be submitted to Council and implemented prior to the commencement of any construction works.
- 12) 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. 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's 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.
- 13) 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 the Council prior to the commencement of work and upon request, during the progress of the work.
- 14) Section 68 approval from Council under the Local Government Act 1993 to carry out sewerage, water supply and stormwater drainage works for this development is required to be obtained prior to the commencement of works. Detailed stormwater plans and calculations shall be provided to Council for approval.
- 15) Section 138 approval from Council under the Roads Act 1993 for works and structures in the roadway for this development is required. Detailed construction plans shall be provided to Council for approval.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE:

- 16) a) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.11 (formerly known as S94 (Direct)) Development Contributions Plan 2013, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the

development:

Description	Contribution (\$)
Roads	\$ 1,672.00
Car Parking	\$ 0.00
Open Space Embellishment	\$ 516.00
Plan Preparation and Administration	\$ 46.00
TOTAL	\$ 2,234.00

- b) 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

- c) The monetary contributions shall be paid to Council:
- i) Prior to the issue of the first Construction Certificate where the development is for building work.

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

Council's Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au <<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

NB: This condition is restated at Condition 34 to clarify the timing of payment of contributions.

- 17) 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 a Construction Certificate. Council requires the following works to be completed and/or payments received prior to the issue of a Compliance Certificate.

Headworks (Additional)

- Water = \$4,050
- Sewer = \$1,625

Advisory Note: The above headworks contributions have been adopted under the 2021/2022 Council Annual Operational Plan. Revised rates adopted in subsequent Annual Operational Plans will apply to Headworks Contributions paid in later financial years.

NB: This condition is restated at Condition 35 to clarify the timing of payment of contributions.

- 18) Retaining walls greater than 600mm above finished ground level or other approved methods necessary to prevent movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by a qualified, practising Structural Engineer. Details are to be included with any Construction Certificate application.

DURING CONSTRUCTION OR WORKS:

General

- 19) 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.

- 20) 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.
- 21) 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.
- 22) The approved Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.
- 23) Erosion and sediment control measures in accordance with the Erosion and Sediment Control Plan are to be maintained by the developer at all times.
- 24) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials, vehicles, refuse, skips or the like (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council.
- 25) Any damage caused to Council infrastructure during 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.

Allotment Filling

- 26) 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".

No allotment filling shall encroach on, or burden, any adjacent lots.

Stormwater

- 27) All roof water and concentrated surface stormwater discharging from the development site, buildings or works must be conveyed to the approved points of discharge by underground pipe drains complying with AS3500.3 (as amended) to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- 28) Runoff from all hardstand areas shall be captured on site and piped to the approved points of discharge in accordance with the current version of Council's Engineering Design Guidelines for Subdivisions and Developments.
- 29) The approved points of discharge for the development site are defined as the kerb and gutter located on McKay Place and / or Francis Avenue adjacent to the development site. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:
- a) all plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
 - b) temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
 - c) all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented;
 - d) any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted; and
 - e) all overflow from rainwater tanks shall be collected and piped to the approved points of discharge.

External Roads

- 30) Should any works within the road reserve of Francis Avenue and / or McKay Place necessitate: installation, extension, removal, disposal, or reinstatement of any existing infrastructure or materials, all works and costs will be at the Developer's expense.

Inspections

- 31) 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.

PRIOR TO THE RELEASE OF A SUBDIVISION CERTIFICATE:

- 32) To confirm and clarify the terms of Council's approval, a Subdivision Certificate shall not be issued until either:
- a) the development is completed in accordance with Development Application No. DA2022-0253 and an Occupation Certificate has been issued in respect to each dwelling; or
 - b) a restriction as to User, pursuant to Section 88B of the Conveyancing Act 1988, is submitted which provides that development of the lot may only be carried out in accordance with the comprising Development Application No. DA2022-0253.
- 33) Certification being provided that each lot is serviced with electricity and telecommunications infrastructure in accordance with recognised standards.

- 34) a) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.11 (formerly known as S94 (Direct)) Development Contributions Plan 2013, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (\$)
Roads	\$ 1,672.00
Car Parking	\$ 0.00
Open Space Embellishment	\$ 516.00
Plan Preparation and Administration	\$ 46.00
TOTAL	\$ 2,234.00

- b) 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

- c) the monetary contributions shall be paid to Council:

- i) Prior to the issue of the first Subdivision Certificate where the development is for subdivision.

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

Council's 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.

NB: This condition is restated at Condition 16 to clarify the timing of payment of contributions.

- 35) 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 a Subdivision Certificate. Council requires the following works to be completed and/or payments received prior to the issue of a Compliance Certificate.

Water

- A single water service is to be provided to each lot;
- proposed Lot 63 shall use the existing connection on the north-east corner of the Lot;
- proposed Lot 62 shall be serviced from the existing water main DN100 located on the northern side of Francis Avenue;
- 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 is to be provided to each lot;
- proposed Lot 62 shall use existing connection on the north west corner of the Lot;
- proposed Lot 63 shall be serviced by a new connection off existing Council DN150 sewer main on McKay Place;
- work shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments; and
- work on live sewer mains shall be undertaken by Council at full cost to the developer.

Headworks (Additional)

- Water = \$4,050
- Sewer = \$1,625

Advisory Note: The above headworks contributions have been adopted under the 2021/2022 Council Annual Operational Plan. Revised rates adopted in subsequent Annual Operational Plans will apply to Headworks Contributions paid in later financial years.

NB: This condition is restated at Condition 17 to clarify the timing of payment of contributions.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

- 36) 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.
- 37) The occupation or use of the whole or any part of a new building shall not commence unless a Section 68 certificate of completion has been issued by Council. The certificate of completion shall not be issued until such time as all relevant conditions of the Section 68 approval have been complied with and all applicable documents received by council. This includes the following works:
- a) the installation of additional underfloor drainage pipes to enable an external greywater reuse device to be connected.
- 38) To ensure compliance with the Tamworth Regional Council Development Control Plan (2010), the following works shall be completed prior to the issue of an Occupation Certificate:
- a) a letter box must be provided for each dwelling / unit at the front property boundary in accordance with Australia Post requirements;
 - b) clothes drying facilities must be provided for each dwelling / unit. Clothes lines and hoists shall be located at the rear of the development and adequately screened where visible from the street; and
 - c) evidence must be provided confirming the landscaped areas are installed as per the endorsed plans.

CONTINUED OPERATIONS:

- 39) Vehicle crossovers, on-site stormwater systems and landscaped areas on the site are to be maintained at all times.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

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

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

Nil

131/22RESOLVED

Cr Brooke Southwell returned to the meeting, the time being 7:12pm.

8 INFRASTRUCTURE AND SERVICES

8.1 PROPOSED CHANGES TO DOMESTIC WASTE MANAGEMENT CHARGES IN 2022-2023

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

MOTION

Moved Cr Sutherland/Cr Betts

That in relation to the report “Proposed Changes to Domestic Waste Management Charges in 2022-2023”, Council receive and note the report.

132/22 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 PAYMENT OF SUPERANNUATION CONTRIBUTIONS TO COUNCILLORS

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

MOTION

Moved Cr Southwell/Cr Betts

That in relation to the report “Payment of Superannuation Contributions to Councillors”, Council approve the payment of superannuation as a contribution to a superannuation account nominated by Councillors, starting from the financial year commencing on 1 July 2022.

133/22 RESOLVED

9.2 INTEGRATED PLANNING AND REPORTING - EXHIBITION OF DRAFT COMMUNITY PLAN, DELIVERY PLAN, ANNUAL PLAN, RESOURCING PLAN, REVENUE POLICY AND ANNUAL FEES & CHARGES

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Anna Russell, Manager Strategy and Performance
Reference: Item 9.2 to Ordinary Council 12 April 2022 - Minute No 99/22
Item 9.4 to Ordinary Council 26 April 2022 - Minute No 116/22

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report “Integrated Planning and Reporting – Exhibition of Draft Community Plan, Delivery Plan, Annual Plan, Resourcing Plan, Revenue Policy and Annual Fees & Charges”, Council:

- (i) place the proposed Draft documents (including amendments to the map showing the Remote Collection Zone in the draft revenue policy) 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;
- (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 of the documents.
- (iii) Include a further option in the Revenue Policy under Waste Management Charges where the proposed Domestic Waste Base Charge – Regional Remote for property owners of property located in the Regional Remote zone/area may increase to cover the cost of retaining/manning the Niangala and Watson’s Creek waste facilities in a manner similar to the other regional Small Vehicle Transfer Stations.

134/22 RESOLVED

9.3 LOAN APPROVAL AUTOMATIC WATER METER READERS

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Leah Sing, Expenditure Accountant
Reference: Item 8.2 to Ordinary Council 27 June 2017 - Minute Number 190/17
Item 12.6 to Closed Council on 26 April, 2022 - Minute Number 124/22

MOTION

Moved Cr Betts/Cr Southwell

That in relation to the report “Loan Approval Automatic Water Meter Readers”, Council authorises the affixing of the Seal of Council to the loan documents and any other documents required for the completion of the loan transaction.

135/22 RESOLVED

10 **COMMUNITY SERVICES**

10.1 **LOAN OF ARTWORKS FROM THE VISUAL ART COLLECTION**

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums

MOTION

Moved Cr Southwell/Cr Burke

That in relation to the report “Loan of Artworks from the Visual Art Collection”, Council approves the loan of these artworks to:

- (i) Ararat Gallery Textile Art Museum Australia (TAMA), and;
- (ii) Wagga Wagga Art Gallery.

136/22 RESOLVED

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

Nil

Closure: There being no further business the Ordinary Meeting of Council concluded at 7:31pm.

Cr Russell Webb, Chairperson

Tuesday, 24 May 2022

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