



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

10 DECEMBER 2024

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 10 DECEMBER 2024 at 6.30PM**

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Minutes

PRESENT: Cr Russell Webb (Mayor), Cr Jeff Budd, Cr Charles Impey, Cr Mark Rodda, Cr Brendon North, Cr Matt Sharpham, Cr Marc Sutherland, Cr Stephen Mears, Cr Ryan Brooke

IN ATTENDANCE: The General Manager, Director Liveable Communities, Director Regional Services, Director Water and Waste, Executive Manager Creative Communities and Experiences and Acting Executive Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

2.1 ITEM 6.2 NOTICE OF MOTION - CR MARK RODDA - QUESTIONS WITH NOTICE

Peter Gill addressed Council in support of the Notice of Motion

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Budd/Cr Sutherland

That the Minutes of the Ordinary Meeting held on Tuesday, 26 November 2024, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

Nil

348/24 RESOLVED

4 **DISCLOSURE OF INTEREST**

Nil

5 **MAYORAL MINUTE**

Nil

6 **NOTICE OF MOTION**

6.1 **NOTICE OF MOTION – CR MARK RODDA - RECISSION MOTION - ITEM 9.1 COUNCIL MEETING 25 JUNE 2024 SUNDRY DEBTOR WRITE OFF FOR 2023/2024**

Reference: **Item 9.1 to Ordinary Council 25 June 2024 - Minute No 145/24**

MOTION

Moved Cr Rodda/Cr Mears

That Council:

- (i) reverse the decision made on 25 June 2024 to write off the debt of \$649,415.64 investigate alternative means of retrieving the funds; and
- (ii) advise measures introduced to avoid similar outcomes in the future.

The Mayor declared that the original Motion was an invalid Motion and therefore Council only receive and note the report.

COUNCILLORS WHO VOTED **FOR** THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST** THE DECISION

Nil

349/24 RESOLVED

6.2 NOTICE OF MOTION – CR MARK RODDA - QUESTION WITH NOTICE

MOTION

Moved Cr Mears/Cr Rodda

That the Questions with Notice be received and noted.

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Ryan Brooke 2. Cr Jeffrey Budd 3. Cr Charles Impey 4. Cr Stephen Mears 5. Cr Brendon North 6. Cr Mark Rodda 7. Cr Matthew Sharpham 8. Cr Marc Sutherland 9. Cr Russell Webb	Nil

350/24 RESOLVED

6.3 NOTICE OF MOTION – CR JEFF BUDD - ENTRY TO TAMWORTH REGIONAL COUNCIL POOLS

MOTION

Moved Cr Budd/Cr Sutherland

That Council:

- (i) support the trial of an introduction of free pool access across Council’s pools at various locations during the summer, with the days to be determined by Council staff in accordance with operational requirements; and
- (ii) request a report at the end of the trial to a future Council Meeting.

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Ryan Brooke 2. Cr Jeffrey Budd 3. Cr Charles Impey 4. Cr Stephen Mears 5. Cr Brendon North 6. Cr Mark Rodda 7. Cr Matthew Sharpham 8. Cr Marc Sutherland 9. Cr Russell Webb	Nil

351/24 RESOLVED

6.4 NOTICE OF MOTION – CR STEPHEN MEARS - CEASING THE PROVISION OF FREE ALCOHOL TO COUNCILLORS DURING AND AFTER OFFICIAL EVENTS

MOTION

Moved Cr Mears/Cr Rodda

That Council:

- (i) cease the practice of providing free alcohol to Councillors and staff during and after official Council events, meetings, and gatherings, effective immediately. This decision reflects a commitment to fiscal responsibility, transparency, and the preservation of public trust in local government;
- (ii) request a report detailing the costs incurred by the Council on alcoholic beverages during the 2022–2023, 2023–2024 and current financial year to date; and
- (iii) acknowledge this does not apply to staff Christmas or Holiday Season Party.

MOTION DEFEATED

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Ryan Brooke	1. Cr Jeffrey Budd
2. Cr Stephen Mears	2. Cr Charles Impey
3. Cr Mark Rodda	3. Cr Brendon North
	4. Cr Matthew Sharpham
	5. Cr Marc Sutherland
	6. Cr Russell Webb

6.5 NOTICE OF MOTION – CR RYAN BROOKE - ADOPT A POLICY OF ACCEPTING RESIDENTS PETITIONS

MOTION

Moved Cr Brooke/Cr Sharpham

That Council:

- (i) develop a policy of accepting petitions presented by residents;
- (ii) require that accepted petitions be presented to Council as an item of business at the next Council Meeting after being accepted to be received and noted; and
- (iii) incorporate this Policy into the General Policy Register.

AMENDMENT

Moved Cr Sutherland/Cr Impey

That Council:

- (i) develop a policy of accepting petitions presented by residents; and
- (ii) incorporate this Policy into the General Policy Register

FORSHADOWED AMENDMENT

Cr North foreshadowed an amendment substantive that the motion is not required and that Council continues to process petitions as normal.

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Jeffrey Budd	1. Cr Ryan Brooke

- | | |
|------------------------|---------------------|
| 2. Cr Charles Impey | 2. Cr Stephen Mears |
| 3. Cr Brendon North | 3. Cr Mark Rodda |
| 4. Cr Matthew Sharpham | |
| 5. Cr Marc Sutherland | |
| 6. Cr Russell Webb | |

AMENDMENT BECOMES THE MOTION

352/24 RESOLVED

FORESHADOWED AMENDMENT LAPSED DUE TO THE AMENDMENT BECOMING THE MOTION

MOTION DEFEATED

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Ryan Brooke
2. Cr Charles Impey
3. Cr Marc Sutherland

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Jeffrey Budd
2. Cr Stephen Mears
3. Cr Brendon North
4. Cr Mark Rodda
5. Cr Matthew Sharpham
6. Cr Russell Webb

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - AMENDMENT TO THE DWELLING DENSITY MAP FOR THE ARCADIA ESTATE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Mitchell Gillogly, Team Leader – Strategic Planning
Reference: Item 7.1 to Ordinary Council 11 October 2022 - Minute No 292/22

MOTION

Moved Cr Brooke/Cr Impey

That in relation to the report “Tamworth Regional Local Environmental Plan 2010 - Amendment to the Dwelling Density Map for the Arcadia Estate”, Council request the Department of Planning, Housing and Infrastructure to amend the Tamworth Regional Local Environmental Plan 2010 in accordance with Section 3.22 of the Environmental Planning and Assessment Act 1979, to adjust the Dwelling Density Map in response to a proposed minor boundary adjustment.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

Nil

353/24 RESOLVED

7.2 DA2025-0011 - CHILDCARE CENTRE (122 PLACES) WITH ASSOCIATED CARPARKING, LANDSCAPING, BUSINESS IDENTIFICATION SIGNAGE AND LOT CONSOLIDATION (THREE LOTS INTO ONE LOT)

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Cynthia Lambert, Senior Development Assessment Planner

MOTION

Moved Cr Sharpham/Cr Sutherland

That Council, in relation to the report “DA2025-0011 - Childcare Centre (122 places) with Associated Carparking, Landscaping, Business Identification Signage and Lot Consolidation (Three Lots into One Lot) on Lot 111 DP 1279925, Lot 1004 DP 1295121 and Lot 110 DP 1279925, 9 Wedgetail Road, 4 Nankeen Avenue and 1 Sea Eagle Avenue, Moore Creek, grant Development Consent subject to the following conditions:

General Conditions of Consent

- 1) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of Council:

Project Ref No.	Sheet No.	Description	Rev No.	Revision Date	Prepared by:
23020	A001	Location Plan	5	22/10/2024	MAAS
23020	A002	Consolidation and Services Plan	5	22/10/2024	MAAS
23020	A003	Site Plan	5	22/10/2024	MAAS
23020	A004	Turning Templates	5	22/10/2024	MAAS
23020	A101	Ground Floor Plan	5	22/10/2024	MAAS
23020	A102	Roof Plan	5	22/10/2024	MAAS
23020	A501	Elevations	5	22/10/2024	MAAS
23020	A502	Sections and Details	5	22/10/2024	MAAS

MAAS290224	Sheets 1 to 5 (total 5 pages)	Landscape Plan	A	12/06/2024	JK's Garden Creations
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Project Ref.	Document Title.	Revision Date	Prepared by:
-	Statement of Environmental Effects	July 2024	MAAS Group Properties
24-2929-R2	Revised Noise Impact Assessment	Sept 2024	Reverb Acoustic
P3001 MAAS	Traffic Impact Assessment	28/06/2024	SECA solution

If there is any inconsistency between the Conditions of Consent and the documents listed above, the Conditions of Consent shall prevail to the extent of the inconsistency.

- 2) To confirm and clarify Council's terms of approval, this consent provides for the operation of a Childcare Centre, as defined by the Tamworth Regional Local Environmental Plan 2010, with a maximum of one hundred and twenty-two (122) children and a minimum of 25 car parking spaces.
- 3) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC) and where relevant, the provisions of the Disability (Access to Premises - Buildings) Standards 2010.
- 4) 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).
- 5) 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 the Commencement of Works

- 6) 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; 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 Authority that the person will carry out the building work as an owner-builder, if that is the case, and;
 - c) The principal certifying authority has, no later than 2 days before the building work commences:
 - i) Notified the consent authority and Council (if Council is not the consent authority) of his or her appointment, and
 - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved;
 - ii) Notified the Principal Certifying Authority of any such appointment;
 - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - iv) Give at least 2 days' notice to Council of the persons intention to commence the erection of the building.
- 7) Prior to commencement of works, and approval pursuant to section 68 of the Local Government Act 1993 for the following shall be obtained:
- a) carry out water supply work;
 - b) carry out sewer work;
 - c) carry out stormwater work; and
 - d) obtain a trade waste agreement (if required).

Engineering design plans, reports and calculations for internal water, stormwater and sewer, shall be prepared in accordance with Council's current version of the Engineering Design Minimum Standards, and submitted 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.

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

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

- 9) A peg out survey prepared by a Registered Surveyor is to be submitted to the Certifying Authority to confirm the building may be sited in accordance with approved plans.
- 10) 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's) are required, the TGS's shall be prepared by a person with the applicable certification from Transport for New South Wales (TfNSW) in accordance with AS 1742.3 (as amended) and the TfNSW current version of the "Traffic Control at Worksites" manual.
- 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 is to be submitted to Council for approval and implemented prior to the commencement of any construction works.
- 12) 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

Fixtures and Fittings

- 13) Prior to any works commencing on the fitouts of the kitchen within the development, the following information is required to be submitted to the Environmental Health section of Council for approval:
 - a) A Floor Plan, drawn to scale, showing all equipment, fittings and fixtures, including benches, storage cupboards, sinks, hand wash basins, door/window openings, and storage areas for cleaning equipment/chemicals and staff personal items. Details are to include finishes to walls, floors and ceilings, heights, fittings and fixtures, junctions of walls and floors and lighting provisions;
 - b) Sectional elevations of all benches, equipment and fixtures; and
 - c) Mechanical exhaust ventilation plans showing all dimensions, details and specifications of cooking equipment (i.e., gas, electricity) and external discharge points.

Prior to Issue of a Construction Certificate

- 14) In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 Development Contributions Plan 2013, \$29,349 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development. If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the

provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

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

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:

- a) Prior to the issue of the first Construction Certificate where the development is for building work.

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 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.

- 15) Pursuant to Section 306 of the Water Management Act 2000, Council (as the Local Water Supply Authority) requires the following contributions to be paid and design plans and certification supplied prior to the release of a Construction Certificate:

Headworks

- Water = \$59,961.60
- Sewer = \$46,009.20

Note - The above headworks contributions have been adopted under the 2024/2025 Council Annual Operation Plan. Revised rates adopted in subsequent Annual Operation Plans will apply to Headworks Contributions paid in later financial years.

Sewer

For sewer mains greater than 1.5 metres deep, Council's Policy for Sewer 'Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains', requires that structures/footings located within the Zone of Influence of Council's sewer main (applicable to the proposed building and brickwork wall/signage panel) be designed and constructed to ensure the following:

- i) The structure (including piling) is not to be constructed within 2.0

metres of Council's sewer main - measured horizontally from the centreline of the sewer;

- ii) The structure will not suffer damage should the sewer trench subside or be re-excavated for maintenance; and
- iii) The foundation design ensures no loading from the structure is transmitted to the main.

A certificate signed by a suitably experienced and qualified structural engineer that the design satisfies these conditions is required for approval prior to the issue of a Construction Certificate.

(Note: For additional information please refer to Council's Policy for "Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains")

- 16) An approval pursuant to Section 138 of the Roads Act 1993, must be obtained from Council for all works associated with this development that will be undertaken in the road reserve, including but not limited to the proposed driveway, footpaths, and stormwater drainage works. The ongoing maintenance and/or repair of the vehicle crossing and associated infrastructure is the responsibility of the owner in accordance with Section 142 of the Roads Act 1993.

Notwithstanding the requirements of the Engineering Design Minimum Standards, items to be addressed as part of the Section 138 Application shall include, but not be limited to:

- a) Stormwater infrastructure connecting to Council's kerb inlet pit;
- b) A 1.5m wide concrete footpath the entire frontage of Wedgetail Road connected to existing footpaths on Nankeen Avenue and Sea Eagle Avenue, with pram ramps as required; and
- c) Certification being provided in accordance with Annexure A of Council's current version of the Engineering Design Minimum Standards.

Advisory Note 1: Council requires works-as-executed (WAE) plans to be prepared and submitted in accordance with Council's Engineering Design Minimum Standards for any footpaths gifted as part of this development.

Advisory Note 2: All plans are to include details of the location of all existing utility services.

Advisory Note 3: Any line marking and/or regulatory signage shown on any plan is required to be reviewed and approved by the Local Traffic Committee.

- 17) Prior to issue of a Construction Certificate, the Registered Certifier is to be satisfied that the Structural Engineering design for the approved development will ensure loads are not imposed on the registered easement and that the building is supported independently of the easement.
- 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.
- 19) To ensure that the building design facilitates suitable entry, movement and sanitary facilities for people with a disability, disabled access and facilities are to be provided in accordance with the National Construction Code (NCC), Australian Standards and the Premises Standard. Details of compliance must be nominated on the plans prepared to accompany a Construction Certificate.

- 20) 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.
- 21) Prior to issue of a Construction Certificate, details of the proposed mechanical plant shall be provided to the acoustic consultant for review to ensure they meet the requirements of Section 7.3, 7.4 or 7.5 of the Revised Noise Impact Assessment, Report No.24-2929-R2, dated September 2024. Confirmation of their suitability and completed review by the acoustic consultant shall be provided to Council prior to issue of a Construction Certificate.
- 22) Acoustic barriers must be installed along the western boundary of the allotment. Barriers shall have a minimum height of 1.8m from ground level and be constructed from suitable impervious materials, with no significant gaps to allow the transmission of sound. The details of the barrier construction shall be provided to an acoustic consultant for review and suitability prior to issue of a Construction Certificate.

During works

- 23) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

Monday to Friday - 7.00am to 5.00pm;

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

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

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

- 24) A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal.
- 25) 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, 2021. The owner may appoint either Council or an accredited certifier to be the PCA.

The applicant must maintain the installed water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").

- 26) 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.
- 27) 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.

- 28) The public way (outside of any construction works zone) must not be obstructed by any construction fencing, materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.
- 29) If any unexpected contamination is discovered during construction works, the appropriate actions shall be taken in accordance with SEPP (Resilience and Hazards) 2021, work health and safety and environmental protocols to address any issues relating to human health and environmental protection. Councils' Environmental Health Division must be notified and all work in the area of discovery is to be immediately ceased until clearance is obtained from Council.

Stormwater

- 30) The stormwater drainage system shall be designed and constructed to comply with the following requirements as a minimum:
 - a) All plumbing within the site must be designed and constructed in accordance with the relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage and Council's current version of the Engineering Design Minimum Standards;
 - 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. Gates/fences located on drainage easements shall be open-styled; and
 - e) No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- 31) The approved points of discharge for the development site are defined as the preinstalled interallotment drainage pits located within the drainage easement and Council's kerb inlet pit located in the Sea Eagle Avenue road reserve.
- 32) All major flows shall be conveyed to the Wedgetail Road road reserve so as not to impact any adjoining properties.

Allotment Filling

- 33) 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 AS 3798 (as amended).

Traffic and Parking

- 34) All internal driveways, parking areas, loading bays, vehicle turning areas and barriers are to be designed and constructed to comply with Australian Standard (AS/NZS) 2890.1 Parking Facilities – Off-street parking and AS 2890.6 Parking Facilities – Off-street parking for people with disabilities.
- 35) All internal driveways, parking and loading areas to 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.

- 36) A 1.5m wide concrete footpath is to be constructed along the verge fronting Wedgetail Road and connected to existing footpaths on Nankeen Avenue and Sea Eagle Avenue, with pram ramps as required.
- 37) On-site parking 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.

Lighting

- 38) To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS 1158.3.1 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 AS 4282 Control of Obtrusive Effects of Outdoor Lighting.

Heritage

- 39) While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:
 - a) the work in the area of the discovery must cease immediately;
 - b) the following must be notified:
 - i) for a relic – the Heritage Council; or
 - ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85;

Site work may recommence at a time confirmed in writing by:

- c) for a relic – the Heritage Council; or
- d) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Food Preparation Area

- 40) Any mechanical ventilation system to be installed must comply with the Australian Standard AS1668- 2002: The use of ventilation and air-conditioning in buildings.
- 41) A separate hand wash basin will be required additional to any food preparation sink and shall be used only for the purpose of hand washing. Hand basins must be provided in accessible and convenient locations. The basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and long enough tap handle to facilitate hands free operation will be acceptable. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand basin.
- 42) All fixtures and fittings shall be designed, constructed, located and installed to ensure the following:
 - a) They will not cause any food contamination;
 - b) They are able to be easily and effectively cleaned;

- c) They do not provide harbourage for pests where practicable;
 - d) They must be located to ensure adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively cleaned;
 - e) They may be supported on:
 - i) Legs: Legs for fittings and fixtures must be constructed of non-corrosive, smooth metal or moulded plastic, and have a clearance space between the floor and underside of the fitting of at least 150mm.
 - ii) Plinths: If fixtures are built into the walls and floors and cannot be moved for cleaning then plinths must be an integral component of the design. They must be constructed of materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be sealed to plinths to ensure there are no gaps, cracks or crevices.
- 43) All Mechanical Exhaust Ventilation shall be provided above any cooking appliances and constructed in accordance with Australian Standard 1668.2 – 1991 – ‘The use of mechanical ventilation and air conditioning in buildings – Part 2: Mechanical ventilation for acceptable indoor-air quality’. An exhaust hood must completely cover the equipment to be ventilated and extended at least 200mm beyond the perimeter of the equipment (Australian Standard 1668.2 – 1991).
- 44) The exhaust hood (if required) must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. The hood must be constructed so as to finish flat against the wall surface. The low edge of a canopy type exhaust hood must be at least 2000mm above floor level (Australian Standard 1668.2 – 1991). A certificate of compliance will be required for the exhaust system prior to operations commencing.

Flooring

- 45) The floor construction in a food preparation area must be finished to a smooth and non-slip surface. Recessed coving must be provided at all intersections of the floor with the walls within all food preparation areas. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.

Lighting

- 46) The premises must provide sufficient natural or artificial light for the activities conducted at the premises. Lighting in the food preparation must be provided with covers, or have shatterproof bulbs to prevent food contamination in case of a breakage.

Storage of Garbage and Recyclable Matter

- 47) The premises must have facilities for the storage of waste and recyclable matter which adequately contain the volume of waste generated, and enclose waste to prevent access by pests and animals. Waste receptacles must also be designed to ensure they are easily cleaned and sanitised.

Pest control

- 48) The premises must be designed in such a way that all practicable measures have been taken to prevent the entry and harbourage of pests and vermin within

the premises. This means ensuring there are no gaps, cracks or crevices for pests to access and harbour within, providing screens for doors and windows where practical, and weather strips to the bottom of doors.

Water

- 49) The premises must have connection to an adequate supply of hot and cold potable water in compliance to the relevant Food Safety Standards and relevant legislation, where water is to be used for activities conducted at the food premises.

Sewage and wastewater disposal

- 50) The premises must have a sewage and wastewater system which effectively disposes waste without the possibility of contaminating the premises water supply or food.

Landscaping

- 51) New landscaping shall comprise only low maintenance, drought and frost tolerant native species as indicated in the approved Landscape Plan.

Prior to issue of an Occupation Certificate

- 52) 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.

- 53) All works as required by these conditions of consent shall be complete.

- 54) Pursuant to Section 306 of the Water Management Act 2000, Council (as the Local Water Supply Authority) requires the following works to be completed prior to the release of a Compliance Certificate:

Water

- a) A single water service is to be provided to the lot;
- b) Redundant water connections shall be removed;
- c) 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;
- d) If the existing water service requires upsizing or relocation then the existing service is to be removed and disconnected from the water main;
- e) Works shall be undertaken in accordance with Council's current version of the Engineering Design Minimum Standards; and
- f) Work on live water mains is to be undertaken by Council at full cost to the developer.

Sewer

- g) A single sewer service is to be provided to the lot;
 - h) Redundant sewer services are to be removed and disconnected from the sewer main;
 - i) Works shall be undertaken in accordance with Councils Engineering Design Minimum Standards; and
 - j) Work on live sewer mains is to be undertaken by Council at full cost to developer.
- 55) A Certificate of Compliance under Section 307 of the Water Management Act

2000 shall be obtained from Council (as the Local Water Supply Authority) prior to the provision of any Occupation Certificate. All payments and works required under Section 306 of the Water Management Act 2000 must be received and completed prior to the release of a Certificate of Compliance.

- 56) Prior to issue of an Occupation Certificate, the Principal Certifier (PC) must be satisfied all landscaping have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

Lot consolidation

- 57) The consolidation of lots shall be registered prior to the provision of any Occupation Certificate, including easements for utilities and services, in particular sewer and stormwater, in favour of the Lot(s) benefiting and/or Council, shall be provided where services are located on private properties and/or overland flows traverse private property. This information shall be submitted to Council for approval.

Fire Safety

- 58) To ensure that the requires fire safety measures are provided in accordance with the building's use and operate in accordance with the appropriate standards, the owner must cause a copy of a Fire Safety Certificate to be given to Council and the Commissioner of the NSW Fire Brigades prior to occupation in relation to the fire safety measures required by the National Construction Code (NCC).

Noise Management

- 59) Waste collection shall be restricted between 7.00am to 6.00pm.
 60) The Noise Management Plan (NMP) should adopt and implement acoustic criteria from the Revised Noise Impact Assessment Report (prepared by Reverb Acoustics, dated September 2024), being:

Noise Source (Measured at the boundary of receiver)	Noise Level (dbA)	Applicable Time Period
Mechanical plant and vehicles	43 dB(A) LAeq 15min	During Operation Hours
Outdoor Playing Area	45 dB(A) LAeq 15min	During Operation Hours
Sleep Disturbance Criteria (at façade of residence)	35-40	During Operation Hours

The following management measures/procedures must also be included in the NMP:

- a) separate daily programs for both warmer and cooler months in order to

regulate the total time spent outdoors and indoors. The program should be made publicly available to parents and neighbours;

- b) contact phone numbers for the overall facility manager or director should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the childcare centre;
 - c) details of the typical number of children anticipated to be present in the outdoor play area;
 - d) procedure to ensure that crying children are taken inside the childcare centre building and comforted;
 - e) details of plans and procedures to ensure that the behaviour of children is monitored and modified as required by adequately trained teachers and childcare workers, to assist in ensuring compliance with overall noise guidelines;
 - f) a procedure to ensure that parents and guardians are informed regarding the importance of noise minimisation when entering the site, and dropping off or picking up children;
 - g) procedures as required to ensure that staff control the level of their voices while outside; and
 - h) minimisation or control of any use of amplified music to ensure compliance with noise management guidelines.
- 61) All acoustic control measures as identified within the Noise Assessment Revised Noise Impact Assessment Report (prepared by Reverb Acoustics, dated September 2024), are to be incorporated into the construction and operation of the development so as to manage and mitigate noise impacts appropriately. This must include the following:

a) Acoustic Fence:

Construction of an impervious barrier around the outdoor play area to the western boundary of the project and extending along the northern boundary of outdoor area 2 as indicated in in Figure 2, page 15 of the Revised Noise Impact Assessment Report. The barrier should be constructed to an RL of 1.8m above the relative ground level of the project site. Acceptable forms of construction include Colorbond (minimum 0.46mm BMT), lapped and capped timber, Hebel Powerpanel, masonry or retaining wall fence combination. No significant gaps should remain in the fence to allow the passage of sound below the recommended height. Other construction options are available if desired, providing the fence or wall is impervious and of equivalent or greater surface mass than the above options. Administrative noise control in regard to use of the outdoor play area, i.e. ensure individual groups of children are in the play areas at different times. Implementation of the above strategy will result in a further 2-3dB(A) reduction in noise such as separate daily programs for both the warmer and cooler months in order to regulate the total time spent outdoors and indoors. The program should be made publicly available to parents and neighbours. The outdoor play areas must not be used prior to 7am.

A noise validation assessment may be required to quantify noise emissions and confirm that they meet the conditioned PNTL if Council receives future noise complaints relating to the operation of the development.

- 62) Prior to issue of an Occupation Certificate, all acoustic fencing and required acoustic treatments related to the mechanical plant (if relevant) as recommended in the Revised Noise Impact Assessment Report (prepared by Reverb Acoustics, dated September 2024) shall be completed.

Ongoing use

- 63) The approved hours of operation are:

Staff hours	Monday to Friday: 6:30am – 6:30pm
Operation of childcare centre	Monday to Friday: 7:00am – 6:00pm

- 64) The approved Childcare Centre shall comply with the Education and Care Services National Regulations.
- 65) The sealing and marking of crossovers and all vehicular parking, manoeuvring and loading areas, and landscaped areas on the site are to be maintained at all times.
- 66) All vehicle movements into and out of the development site shall be in a forward direction.
- 67) Vehicles shall be loaded or unloaded, standing wholly within the development site and within loading zones if designated on the approved plans, to ensure that the proposed development does not give rise to street loading or unloading operations. Under no circumstances are vehicles to be loaded or unloaded at the kerb side or across the verge.
- 68) Proposed parking areas, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of vehicle parking and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- 69) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 70) The landscaped area of the development is to be maintained at all times.

Childcare Plan of Management

- 71) A Childcare 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 Childcare Plan of Management must include, but not limited to, the following:
- a) Staffing/parents/children arrival and departure procedures (Drop off and pick up procedures);
 - b) Day to Day Operations Policy;
 - c) Noise Management Plan (prepared as part of Condition 60);
 - d) Traffic and Parking management procedures, including an induction program for parents regarding arrivals and departure times to minimise congestion in the carpark;
 - e) Security and Safety Plan; and
 - f) Any requirements of the Education and Care Services National Regulations.
- 72) The Childcare Plan of Management must be adhered to at all times.

Signage

- 73) Signage shall be maintained in good structural condition, kept clean, neatly painted and to be of professional standard of design and appearance.
- 74) Should any signage become redundant, such signage should be removed immediately.
- 75) Any additional signage (other than business identification signs approved as part of this consent) 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.
- 76) During ongoing use of the premises signage of the building street number and building name (where applicable) shall be clearly displayed.

Food preparation

- 77) The kitchen and any associated food production and storage areas must comply with the requirements of the Food Act 2003. The premises are also required to comply with Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment within the Food Standards Code.

Noise management

- 78) Offensive noise should not be generated from the continuing operation of this development activity. Offensive noise is defined in the Protection of the Environment Operations Act 1997 as noise that by reason of its level, nature, character or quality, or the time at which the noise is made can be considered offensive or unreasonably interferes with the comfort or repose of a person who is outside of the premises from which the noise is emitted.
- 79) All acoustic control measures as identified within Section 4.4 Recommendations (pp.14-17) of the Revised Noise Impact Assessment Report (prepared by Reverb Acoustics, dated September 2024), shall be incorporated into the construction and operation of the development so as to managed and mitigate noise impacts appropriately.

Advice Notes

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 - <https://www.fire.nsw.gov.au/page.php?id=9418> and a copy must also be sent to Council development@tamworth.nsw.gov.au

COUNCILLORS WHO VOTED **FOR** THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd

COUNCILLORS WHO VOTED **AGAINST** THE DECISION

1. Cr Stephen Mears
2. Cr Mark Rodda

3. Cr Charles Impey
4. Cr Brendon North
5. Cr Matthew Sharpham
6. Cr Marc Sutherland
7. Cr Russell Webb

354/24 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 FUTURE USE OF 'THE RANCH' - 226 OXLEY LANE WESTDALE

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

MOTION

Moved Cr Brooke/Cr Budd

That in relation to the report "Future Use of 'The Ranch' - 226 Oxley Lane Westdale", Council:

- (i) undertake an Expression of Interest process for the future use of the property; and
- (ii) request the Director Water and Waste submit a report to Council with the results of the Expression of Interest Process.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

Nil

355/24 RESOLVED

8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 6 NOVEMBER 2024

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Manager - Strategy, Assets and Design
Steven Marshall, Strategy, Assets and Design Engineer

MOTION

Moved Cr Budd/Cr Sharpham

That in relation to the report "Tamworth Regional Local Traffic Committee Meeting - 6 November 2024", Council:

- (i) approve the proposed signage and line marking plan for the Carthage Street

Pavement Rehabilitation project;

- (ii) approve the Barraba Memorial Clock Centenary Event and the associated road impacts along Queen Street and Maude Street in Barraba from 9.00am to 1.00pm on Monday 11 November 2024;
- (iii) approve the line marking and signage plan associated with the new Kootingal Multi-Purpose Centre car park; and
- (iv) approve the proposed concrete splitter islands, new painted median and associated signage and line marking on Robert Street, South Tamworth in accordance with the design.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

Nil

356/24 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SCHEDULE FOR COUNCIL MEETINGS FOR 2025

DIRECTORATE:

OFFICE OF THE GENERAL MANAGER

AUTHOR:

Lisa May, Coordinator Governance and Executive Services

MOTION

Moved Cr Mears/Cr Brooke

That in relation to the report “Schedule of Council Meetings for 2025”, Council fix the dates and times for Council Meetings for 2025 as follows:

	Time	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025	Jun 2025	July 2025	Aug 2025	Sept 2025	Oct 2025	Nov 2025	Dec 2025
Ordinary Council	6:30 pm	-	11 th	11 th	8 th	13 th	10 th	8 th	12 th	9 th	14 th	11 th	2 nd
		-	25 th	25 th	29 th	27 th		22 nd	26 th	23 rd	28 th		16 th

COUNCILLORS WHO VOTED **FOR**
THE DECISION

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham

Nil

- 8. Cr Marc Sutherland
- 9. Cr Russell Webb

357/24RESOLVED

9.2 2025 AUSTRALIA DAY EVENTS

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Lisa May, Coordinator Governance and Executive Services

MOTION

Moved Cr Mears/Cr Impey

That in relation to the report “2025 Australia Day Events ”, Council nominate Councillors to attend and participate in the Australia Day celebrations and activities at:

- Barraba Cr Mears
- Kootingal Cr Sharpham
- Manilla Cr Impey and Cr Mears
- Nundle Cr Impey
- Tamworth Mayor Russell Webb

COUNCILLORS WHO VOTED FOR	COUNCILLORS WHO VOTED AGAINST
THE DECISION	THE DECISION

- | | |
|---|------------|
| <ul style="list-style-type: none"> 1. Cr Ryan Brooke 2. Cr Jeffrey Budd 3. Cr Charles Impey 4. Cr Stephen Mears 5. Cr Brendon North 6. Cr Mark Rodda 7. Cr Matthew Sharpham 8. Cr Marc Sutherland 9. Cr Russell Webb | <p>Nil</p> |
|---|------------|

358/24 RESOLVED

9.3 COUNCIL INVESTMENTS NOVEMBER 2024

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Stuart Brandon, Statutory Accountant
 Robyn Barnes, Accountant

MOTION

Moved Cr Mears/Cr Sutherland

That in relation to the report “Council Investments November 2024”, Council receive and note the report.

COUNCILLORS WHO VOTED FOR	COUNCILLORS WHO VOTED AGAINST
THE DECISION	THE DECISION

- | | |
|--|------------|
| <ul style="list-style-type: none"> 1. Cr Ryan Brooke 2. Cr Jeffrey Budd 3. Cr Charles Impey | <p>Nil</p> |
|--|------------|

4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

359/24 RESOLVED

9.4 ANNUAL OPERATIONAL PLAN 2024/2025 BUDGET VARIATION REPORT - NOVEMBER 2024

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Laura Mills, Corporate Accountant
Reference: Item to Ordinary Council 25 June 2024 - Minute No 148/24

MOTION

Moved Cr North/Cr Budd

That in relation to the report "Annual Operational Plan 2024/2025 Budget Variation Report - November 2024", Council note and approve the variations to the existing budget as listed in ATTACHED refer ANNEXURE 1 to the report.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

Nil

360/24 RESOLVED

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 8.19pm, 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 Budd/Cr Mears

That the confidential reports as listed be considered in a Meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.

COUNCILLORS WHO VOTED **FOR** COUNCILLORS WHO VOTED **AGAINST**

THE DECISION	THE DECISION
1. Cr Ryan Brooke	Nil
2. Cr Jeffrey Budd	
3. Cr Charles Impey	
4. Cr Stephen Mears	
5. Cr Brendon North	
6. Cr Mark Rodda	
7. Cr Matthew Sharpham	
8. Cr Marc Sutherland	
9. Cr Russell Webb	

361/24 RESOLVED

12.1 PROPOSED LEASE OF PART INTERNATIONAL FLIGHT TRAINING TAMWORTH (IFTT) FACILITY - TAMWORTH REGIONAL AIRPORT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Nicholas Hawkins, Commercial Property Officer
Billy Gleeson-Barker, Manager Aviation Precinct

Reference: Item 12.8 to Ordinary Council 13 August 2024 - Minute No. 226/24

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.

12.2 PROPOSED LEASE OF BAR AREA AT THE INTERNATIONAL FLIGHT TRAINING TAMWORTH (IFTT) FACILITY

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Nicholas Hawkins, Commercial Property Officer

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.

12.3 TENDER T036-2025 PRINTING AND DISTRIBUTION OF RATES, WATER AND ANCILLARY NOTICES, AND ASSOCIATED PAYMENT GATEWAY FACILITY SERVICES

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Hannah Allwood, Accountant

Seon Millsted, Revenue Accountant

2 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.

12.4 TENDER T050/2025 - SUPPLY AND DELIVERY OF INDUSTRIAL HARDWARE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: George Shearman, Manager - Plant Fleet and Building Services

Sebastian Lees, Technical Officer - Plant and Supply

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

12.5 TENDER T128-2024 - PERIOD CONSULTANCY PROVISION OF WATER AND SEWERAGE CONSULTING SERVICES

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

12.6 Q040-2025 - DURBIN STREET BRIDGE REPLACEMENT NUNDLE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery
Lachlan Mackiewicz, Project Engineer

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.

12.7 T029-2025 - DESIGN AND CONSTRUCTION OF RIVERSIDE SHARED PATH LIGHTING

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery
Leonie Brown, Project Administrator

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(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, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

r Ryan Brooke left the Meeting, the time being 8:20pm

Cr Stephen Mears left the Meeting, the time being 8:20pm

Cr Marc Sutherland left the Meeting, the time being 8:20pm

Cr Brendon North left the Meeting, the time being 8:20pm

Cr Stephen Mears returned to the Meeting, the time being 8:21pm

Cr Marc Sutherland returned to the Meeting, the time being 8:22pm

Cr Ryan Brooke returned to the Meeting, the time being 8:22pm

Cr Stephen Mears left the Meeting, the time being 8:22pm

Cr Brendon North returned to the Meeting, the time being 8:24pm

Cr Stephen Mears returned to the Meeting, the time being 8:25pm

Minutes

12 CLOSED COUNCIL REPORTS

12.1 PROPOSED LEASE OF PART INTERNATIONAL FLIGHT TRAINING TAMWORTH (IFTT) FACILITY - TAMWORTH REGIONAL AIRPORT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Billy Gleeson-Barker, Manager Aviation Precinct

Reference: Item 12.8 to Ordinary Council 13 August 2024 - Minute No. 226/24

MOTION

Moved Cr Sharpham/Cr Brooke

That in relation to the report "Proposed Lease of Part International Flight Training Tamworth (IFTT) Facility - Tamworth Regional Airport", Council:

- (i) authorise the Mayor and General Manager to negotiate a lease agreement and licence agreement as set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the lease agreement, licence agreement and any other associated documents in order to give effect to Council's Resolution.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

Nil

362/24 RESOLVED

12.2 PROPOSED LEASE OF BAR AREA AT THE INTERNATIONAL FLIGHT TRAINING TAMWORTH (IFTT) FACILITY

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicholas Hawkins, Commercial Property Officer

MOTION

Moved Cr Mears/Cr Budd

That in relation to the report "Proposed Lease of Bar Area at the International Flight Training Tamworth (IFTT) Facility", 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;
- (ii) authorise the affixing of the Seal of Council to the lease agreement and any other associated documents; and
- (iii) authorise for notice to terminate the current lease agreements to be provided to the tenant as set out in the body of this report.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

Nil

363/24 RESOLVED

12.3 TENDER T036-2025 PRINTING AND DISTRIBUTION OF RATES, WATER AND ANCILLARY NOTICES, AND ASSOCIATED PAYMENT GATEWAY FACILITY SERVICES

DIRECTORATE:
AUTHOR:

OFFICE OF THE GENERAL MANAGER
Hannah Allwood, Accountant
Seon Millsted, Revenue Accountant

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Mears/Cr Sharpham

That in relation to the report "Tender T036-2025 Printing and Distribution of Rates, Water and Ancillary Notices, and Associated Payment Gateway Facility Services", Council accept the tender submitted by the IVE Group for a three-year contract to commence from 1 July 2025 with the option for three one-year extensions.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

Nil

364/24 RESOLVED

12.4 TENDER T050/2025 - SUPPLY AND DELIVERY OF INDUSTRIAL HARDWARE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager - Plant Fleet and Building Services
Sebastian Lees, Technical Officer - Plant and Supply

MOTION

Moved Cr North/Cr Budd

That in relation to the report “Tender T050/2025 - Supply and Delivery of Industrial Hardware”, Council award the contract to J Blackwoods & Son Pty Limited (Blackwoods) (ABN: 43 000 010 300) from 1 January 2025 to 31 December 2027.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

Nil

365/24 RESOLVED

12.5 TENDER T128-2024 - PERIOD CONSULTANCY PROVISION OF WATER AND SEWERAGE CONSULTING SERVICES

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

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Budd/Cr Impey

That in relation to the report “Tender T128-2024 - Period Consultancy Provision of Water and Sewerage Consulting Services”, Council enter into a Consultancy Services Agreement to supply water and sewer consulting services to Council with Beca hunterH2O for a period of three years with an option to extend the Agreement for further two years.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Ryan Brooke
2. Cr Jeffrey Budd
3. Cr Charles Impey
4. Cr Stephen Mears
5. Cr Brendon North
6. Cr Mark Rodda
7. Cr Matthew Sharpham
8. Cr Marc Sutherland
9. Cr Russell Webb

Nil

366/24 RESOLVED

12.6 Q040-2025 - DURBIN STREET BRIDGE REPLACEMENT NUNDLE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery
 Lachlan Mackiewicz, Project Engineer

MOTION

Moved Cr Mears/Cr Brooke

That in relation to the report “Q040-2025 - Durbin Street Bridge Replacement Nundle”, Council accept the price submitted by TPE Enterprises Pty Ltd (ABN 96 643 471 050) for the lump sum amount of \$219,870.88 (excluding GST) for all items associated with the replacement of the bridge on Durbin Street, Nundle.

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Ryan Brooke 2. Cr Jeffrey Budd 3. Cr Charles Impey 4. Cr Stephen Mears 5. Cr Brendon North 6. Cr Mark Rodda 7. Cr Matthew Sharpham 8. Cr Marc Sutherland 9. Cr Russell Webb	Nil

367/24 RESOLVED

12.7 T029-2025 - DESIGN AND CONSTRUCTION OF RIVERSIDE SHARED PATH LIGHTING

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery
 Leonie Brown, Project Administrator

MOTION

Moved Cr North/Cr Brooke

That in relation to the report “T029-2025 - Design and Construction of Riverside Shared Path Lighting”, Council accept the price submitted by Havencord Pty Ltd trading as Floodlighting Australia (ABN 46 003 987 602) for the lump sum amount of \$254,850.00 (excluding GST) for all items associated with the design and construction of Riverside Shared Path Lighting.

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Ryan Brooke 2. Cr Jeffrey Budd 3. Cr Charles Impey 4. Cr Stephen Mears 5. Cr Brendon North 6. Cr Mark Rodda 7. Cr Matthew Sharpham	Nil

8. Cr Marc Sutherland
9. Cr Russell Webb

368/24 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Budd/Cr Brooke

That Council move into Open Council.

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
<ol style="list-style-type: none">1. Cr Ryan Brooke2. Cr Jeffrey Budd3. Cr Charles Impey4. Cr Stephen Mears5. Cr Brendon North6. Cr Mark Rodda7. Cr Matthew Sharpham8. Cr Marc Sutherland9. Cr Russell Webb	Nil

369/24 RESOLVED

At 8.36pm 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 8.37pm

Cr Russell Webb, Chairperson
Tuesday, 17 December 2024

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