

TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6.30pm**.

ORDINARY COUNCIL AGENDA

8 AUGUST 2023

PAUL BENNETT
GENERAL MANAGER

Order of Business

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	5
2	COMMUNITY CONSULTATION.....	5
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL.....	5
4	DISCLOSURE OF INTEREST	5
5	MAYORAL MINUTE	6
5.1	TAMWORTH NEW RESIDENTS WELCOME EVENTS	6
	2 ANNEXURES ATTACHED	
6	NOTICE OF MOTION	7
	OPEN COUNCIL REPORTS	8
7	ENVIRONMENT AND PLANNING	8
7.1	TAMWORTH REGIONAL COUNCIL HERITAGE ASSISTANCE FUND 2023/2024 AND TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING - 28 JULY 2023	8
	1 ANNEXURES ATTACHED	
8	INFRASTRUCTURE AND SERVICES	10
8.1	TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH - STAGE 1 DESIGN FUNDING	10
8.2	PROPOSED CHANGE TO THE POLICY - REDUCTION IN WATER CONSUMPTION CHARGES.....	25
	2 ANNEXURES ATTACHED	
8.3	AUSTRALIAN DRINKING WATER GUIDELINES INCLUSION OF MICROBIAL HEALTH BASED TARGETS	27
	1 ENCLOSURES ENCLOSED	
8.4	DUNGOWAN DAM SAFETY REVIEW PROGRAM OF WORKS	33
	2 ENCLOSURES ENCLOSED	
8.5	COOPERATIVE RESEARCH CENTRE FOR CONTAMINATION ASSESSMENT AND REMEDICATION OF THE ENVIRONMENT - ANNUAL MEMBERSHIP	40
8.6	CONNORS CREEK DAM RISK ASSESSMENT AND SAFETY REVIEW	42
	1 ENCLOSURES ENCLOSED	
9	GOVERNANCE, STRATEGY AND FINANCE.....	46
9.1	LOCAL GOVERNMENT NSW 2023 CONFERENCE	46
	1 ANNEXURES ATTACHED	
9.2	REQUEST FOR FEE WAIVER - NATIONAL REINING HORSE ASSOCIATION OCEANIA AFFILIATE CHAMPIONSHIPS 2023	47
	1 ANNEXURES ATTACHED	

10	COMMUNITY SERVICES	49
10.1	2023/2024 REGIONAL EVENTS MARKETING SUPPORT PROGRAM	49
	1 CONFIDENTIAL ENCLOSURES ENCLOSED	
11	REPORTS TO BE CONSIDERED IN CLOSED COUNCIL	52
	PROPOSED 5MW SOLAR FARM FOR TAMWORTH GLOBAL GATEWAY PARK TENANTS	52

Council

Meeting Date: 2nd and 4th Tuesday of the month commencing at 6:30pm.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *“the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of an operational plan under section 405*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.”*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Principal Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*

Membership:	All Councillors
Quorum:	Five members
Chairperson:	The Mayor
Deputy Chairperson:	The Deputy Mayor

Community Consultation Policy

The first 30 minutes of Open Council Meetings is available for members of the Public to address the Council Meeting or submit questions either verbally or in writing, on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of three minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council or Committee Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day prior to the Meeting to address the Council Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit three speakers in support and three speakers in opposition to a recommendation contained in the Business Paper. If there are more than three speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- personnel matters concerning particular individuals (other than Councillors);
- personal hardship of any resident or ratepayer;
- 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, or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
- information that would, if disclosed prejudice the maintenance of law;
- matters affecting the security of the Council, Councillors, Council staff or Council property;
- advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- on balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of the order and may be expelled.

Disclosure of Political Donations or Gifts

If you have made a relevant planning application to Council which is listed for determination on the Council Business Paper you must disclose any political donation or gift made to any councillor or employee of the Council within the period commencing two years before the application is made and ending when the application is determined (Section 147(4) Environmental Planning and Assessment Act 1979).

If you have made a relevant public submission to Council in relation to a relevant planning application which is listed for determination on the Council Business Paper you must disclose any political donation or gifts made to any councillor or employee of the Council by you as the person making the submission or any associate within the period commencing two years before the submission is made and ending when the application is determined (Section 147(5) Environmental Planning and Assessment Act 1979).

AGENDA

- 1 APOLOGIES AND LEAVE OF ABSENCE**
- 2 COMMUNITY CONSULTATION**
- 3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 25 July 2023, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

5.1 TAMWORTH NEW RESIDENTS WELCOME EVENTS

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

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth New Residents Welcome Events”, Council:

- (i) approve the establishment of a series of themed New Residents Welcome Events per year; and*
- (ii) approve the allocation of funds as outlined in the body of the report.*

SUMMARY

The Tamworth New Residents Event series has been identified as an opportunity to welcome new community members to our region.

An initial New Residents welcome event was held in May 2023 after a long hiatus due to COVID-19. New Residents were officially welcomed and had the opportunity to meet over 40 regional representatives including community organisations, service clubs, volunteer groups, sporting clubs, government service providers, the arts sector, hobby groups, property providers, educational groups and Council.

The event was an overwhelming success with attendees advocating similar events in the future.

COMMENTARY

New Residents in attendance completed a survey to gather feedback regarding their origins, reasons why and when they moved to Tamworth, how Council could assist them and what key challenges they faced, see **ATTACHED**, refer **ENCLOSURE 1**.

In addition, a survey seeking feedback from local businesses and community groups, who attended the initial New Residence event, was also conducted. The aim of the survey was to seek feedback on communication, their interest in supporting future events and any recommendations for future events, see **ATTACHED**, refer **ENCLOSURE 2**.

RECOMMENDATION

Based on the feedback received in May at the event and the ancillary feedback gathered via the survey, it is recommended that Council;

Establish a New Residents Welcome event series. The event series would;

- Be held three times per year
- Each event would be themed to attract different groups. The events would align with the season and would be held in different locations to profile Council facilities and services
- Promote the services of the region
- Provide opportunities for new residents to join community groups (volunteering, sporting, hobbies, etc)

- Provide an opportunity to meet with other new residents and local community members so as new residents feel welcomed and connected
- Allow different organisations to showcase their offerings

As an example, it is proposed that the next event be held in October. The event theme will be an outdoor “picnic” style event at Viaduct Park. This will showcase Council’s popular Skate Park and new playground and café. Being an outside event will allow some of the summer sporting organisations to potentially set up displays and attract new members leading into the new season. Dance and music performances will also be welcomed.

(a) Policy Implications

Nil

(b) Financial Implications

Additional funds of \$7,500 per financial year (or \$2,500 per event) is needed to operate the event series. Funding will be allocated from general revenue.

(c) Legal Implications

Nil

(d) Community Consultation

Community consultation has been conducted via post-event surveys to attendees and businesses.

(e) Delivery Program Objective/Strategy

Focus Area 4: Resilient and Diverse Communities

Focus Area 7: Celebrate our Cultures and Heritage

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 TAMWORTH REGIONAL COUNCIL HERITAGE ASSISTANCE FUND 2023/2024 AND TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING - 28 JULY 2023

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Rennie, Executive Assistant

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Council Heritage Assistance Fund 2023/2024 and Tamworth Regional Council Heritage Working Group Meeting - 28 July 2023”, Council:

- (i) receive and note the Minutes of the Tamworth Regional Council Heritage Working Group meeting held 28 July 2023;*
- (ii) adopt the recommendations of the Tamworth Regional Council Heritage Working Group to offer financial assistance through the Tamworth Regional Council Heritage Assistance Fund to the owners of the following properties:*
 - The Bendemeer Hotel, 112-130 Caroline Street, Bendemeer \$12,000*
 - Rural Medical Clinic, 111-115 Manilla Street, Manilla \$ 4,744*
 - Limbri Church, 17 Church Street, Limbri \$ 5,000*
 - “Mumblegum”, 34 Ten Mile Lane, Wallamore (Bithramere Hall) \$ 7,181*
 - “Elmdale Cottage”, 604 Duncans Creek Road, Woolomin \$ 2,181*
 - 108 Belmore Street, Tamworth \$ 5,000*
 - 85-87 Queen Street, Barraba \$ 5,676*
- (iii) approve the amount of \$15,218.00 remaining from the 2023/2024 Heritage Assistance Fund to be carried over to the 2024/2025 Heritage Assistance Fund.*

SUMMARY

The purpose of this report is to seek Council’s authorisation to issue \$41,782.00 in funding from the Tamworth Regional Council Heritage Assistance Fund 2023/2024. The funding allocation available is \$57,000.00 which includes \$5,500.00 (excluding GST) provided by the NSW Heritage branch grant. It should be noted that the total available funding amount was not allocated.

COMMENTARY

Applications under the 2022/2023 Tamworth Regional Council Heritage Assistance Program were invited from Monday, 5 June 2023 until Friday, 21 July 2023 (inclusive). The promotion of the funding program included a number of posts on social media together with advertisements in the Northern Daily Leader. Contact was also made with those members of

the public who had previously applied for funding and those who had registered an interest in participating in the program

The main purpose of the meeting of 28 July 2023 was to conduct a review and recommend the allocation of funding to the 2023/2024 Tamworth Regional Council Heritage Assistance Fund applications. The recommendations from the Working Group are outlined in the minutes **ATTACHED**, refer **ANNEXURE 1**.

A total of nine applications were received with total applications significantly down from previous years. It has been reported that the decrease in applications has been found in other areas and also as a result of the current economic climate.

This year's applications included a diverse range of projects from repairs and maintenance to existing residential properties, churches, halls and hotels. Tamworth Regional Council's Heritage Working Group has reviewed and assessed each application and Council's Heritage Advisor has provided Council with recommendations in relation to each proposal.

Projects offered financial assistance under Council's funding program (total of \$41,782.00). It should be noted that grant funding to be received is exclusive of GST.

(a) Policy Implications

Nil

(b) Financial Implications

The recommended funding allocations, as outlined in this report, are in accordance with the \$57,000.00 allocated under Council's adopted 2023/2024 budget.

(c) Legal Implications

Nil

(d) Community Consultation

Community consultation included promotion of the program via media and social media platforms and direct contact with those members of the public who had registered an interest in participating in the program or had previously applied for funding and were successful or unsuccessful.

(e) Delivery Program Objective/Strategy

Focus Area 7 – Celebrate our Cultures and Heritage

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH - STAGE 1 DESIGN FUNDING

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Samuel Eriksson, Sports and Recreation Strategy Officer

RECOMMENDATION

That in relation to the report “Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health - Stage 1 Design Funding”, Council:

- (i) endorse Embellishment Option 2 as the recommended option for the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health;*
- (ii) endorse Location Option 5 as the recommended location for the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health;*
- (iii) endorse the proposed funding plan for the construction of the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health Stage 1; and*
- (iv) allocate \$250,000 from the Regional Development Fund to enable a design tender to be awarded.*

SUMMARY

This report relates to the current proposal for the Tamworth Regional Aquatic Centre (TRAC) and Northern Inland Centre of Sport and Health (NISCH). The report is structured into four sections:

- overview of the Tamworth City Aquatics Strategy;
- presentation of embellishment options;
- presentation of proposed funding plan; and
- presentation of location options.

COMMENTARY

Background and Strategy

Tamworth City Aquatics Strategy

Since 2018, Tamworth Regional Council (Council) has been refining its plans for the future of aquatics within the city of Tamworth and surrounds. Council has committed to catering for all users of the city’s current aquatic facilities, including:

- family groups seeking water recreation;
- people who swim laps to exercise;
- competitive swimmers and water polo;
- visitors to our region;
- community members recovering from injury using aquatic activities; and
- those who want to learn to swim or improve their swimming ability.

Through consultation with the community, two new separate aquatic facilities are proposed to provide for future needs. The functional objectives for these facilities have been evaluated and derived based on the facilities able to be delivered within the project constraints (including site conditions, operational needs, functional uses, and financial modelling). The two facilities are:

- TRAC and NICSH Stage 1; and
- Tamworth Adventure Pool (TAP).

Key elements of these facilities and their functional objectives are noted in Table 1 below.

Table 1 – Tamworth City proposed aquatic facilities

Facility	Location	Functional Objective	Key Element Description	Existing Asset Operational Replacement
TRAC and NICSH	Northern Inland Centre of Sporting Excellence (NICSE)	Swimming as a sport	Water bodies, gym, allied health consult rooms, and sports science facility. Focus on competitive swimming, fitness, health, education, and sports science.	South and West Tamworth War Memorial Swimming Pool (Scully)
TAP	Tamworth Olympic Swimming Pool	Leisure and recreation	Lagoon style water body, splash play, play equipment, green space, lap swimming, and café. Focus on leisure and play.	Tamworth Olympic Swimming Pool

The staging for construction of these two facilities is independent, with either facility able to be constructed prior to the other being in operation. As such, the TRAC facility replaces the operational requirement of Scully pool and the TAP facility physically replaces the Tamworth Olympic Swimming Pool.

Strategic Alignment

The projects strategically align with Council's overarching Tamworth Regional Blueprint 100 strategy, Council's Sport and Recreation Plan and the NICSE Masterplan. Council acknowledges the significant contribution sport and recreation brings to the community and places high value on the benefits that engagement in passive and active recreation provides for the community.

The Tamworth Regional Blueprint 100 is an overarching strategy that provides a roadmap to take the Tamworth region towards its vision of a prosperous economy and high living standards with a population of 100,000. The TRAC and NISCH facility is a significant piece of infrastructure that is specifically referenced as an action out of the plan (action 3.9.1) and indirectly referenced as part of other planned actions.

Council's NICSE Masterplan was developed to guide, govern and manage the future development of the precinct. The NICSE Masterplan identifies the location of the TRAC and NICSH to remain a Council asset and developed for the benefit of the community.

Embellishment Options

Through the process of developing the proposal for the TRAC and NICSH facility, the ability to scale the embellishment of the facility was considered through the inclusion and exclusion of features. Consultation with the community was based on a fully embellished Stage 1 facility, which included several water bodies and ancillary infrastructure to increase the commercial return of the facility. The proposal catered to sport and also recreation/leisure needs. In light of the funding opportunities available for the project (some already secured and some yet to be secured) it was determined that Council would explore reduced scope/embellishment options.

Otium Planning Group, Council's leisure consultant engaged for the project, are in the process of developing a detailed options analysis for three tiers of available project budget. It should be noted that the capital cost of the project is heavily dependent on the enabling costs associated with the adopted location option, with the commercial viability dependant on the inclusion or exclusion of integrated commercial ventures with the Sports Dome (refer to Location Options section of this report).

Embellishment Option 1 – High-Tier – >\$60 million

The high-tier option was detailed in the Business Case for the facility in relation to financial modelling and commercial returns. This revised Business Case was submitted as part of Council's successful Centre of Excellence Fund application. This option is not expected to be achieved as Stage 1 due to Council's limited ability to fund the project.

Embellishment Option 2 – Mid-Tier – \$45 million

In order to reduce the capital cost of the facility to better match Council's anticipated financial contribution (refer to Financial Implications section of this report), consideration of a mid-tier embellishment option has been made possible through the re-focusing of the Tamworth City Aquatics Strategy into two facilities, with different functional objectives. By removing the leisure and recreational components of the TRAC facility, the number of water bodies can be reduced. This option would then include two main water bodies:

- 50m, 10 lane pool with a moveable boom and moveable floor. The functionality of the moveable boom provides the flexibility to utilise the pool as two separate 25m pools or split to allow concurrent 25m and 50m lanes. The moveable floor allows the pool to be utilised for multiple activities with set requirements on water depths, including learn to swim, competitive swimming, and water polo; and
- warm water program pool with a moveable boom and moveable floor. Similar to the 50m pool, the moveable boom and floor provide the flexibility to utilise the warm water program pool for concurrent purposes such as hydrotherapy, learn to swim, and program classes.

This option retains the commercially positive elements of the facility such as the gym, café, allied health consulting rooms, and full NICS elements.

Embellishment Option 3 – Low-Tier – \$30 million

Preliminary advice from Otium Planning Group indicates that the project's intended social, family, and market outcomes will be difficult to achieve with a low-tier option due to the number of elements that would need to be removed. The facility would be reduced to the minimum elements required and would likely include a single 50m pool with a boom, however with no moveable floor. The commercially positive elements of the facility would largely be removed to reduce the building size. These reductions would limit the commercial viability of the facility in relation to long-term operation. Otium Planning Group have also

provided advice that the ability to expand or further embellish the facility would be limited and require significantly increased capital investment, due to the required compromises in the building construction.

Proposed Funding Plan

Project Funding

Council has been successful in obtaining \$15 million for the project under the NSW Government's Centre of Excellence Funding program, with funding extending to June 2026. This is based on an application with a project budget of approximately \$62 million and a Council co-contribution of approximately \$47 million. Since the application for funding and the subsequent successful notification, Council has been developing its long-term financial plan (LTFP) and possible special rate variation application. While additional external funding has always been required for the project, the process of developing the LTFP has identified that a co-contribution of this value is not viable. A co-contribution value of \$15 million has been recommended by Council's General Manager, with funds proposed from a loan or an alternate source, with the details pending a capital expenditure review process (late 2023).

The Australian Government has recently introduced the Growing Regions Program which provides up to \$15 million to eligible projects for upgrading or construction of new community infrastructure, listing aquatic centre construction as an eligible project example. Council is currently in the process of preparing an expression of interest, which is due in August 2023. If successful, Council will be invited to submit a formal application later in the year with successful projects expected to be announced in early 2024.

With this in mind the project budget is now anticipated to be approximately \$45 million, consisting of:

- \$15 million from the NSW Government's Centre of Excellence Fund;
- \$15 million from the Australian Government's Growing Regions Program; and
- \$15 million from Council.

This aligns with the recommended Embellishment Option 2 as outlined within this report. While total project funding is not currently secured, the project team is confident of securing the federal contribution based on the close alignment and benefits arising from the project in relation to the funding guidelines.

Preliminary Approval Pathway and Design Activities

The development of the facility requires the submission of a formal Development Application. In this instance the regional scale of the TRAC and NICSH will trigger the need for a Regional Development Consent. Regional development is defined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 and includes development with a capital investment value over \$5 million which is Council related.

A regional development needs to be notified and assessed by Council and then determined by the relevant Regional Planning Panel (RPP) outside of Sydney.

Confirmation of funding from the Growing Regions Program will not be obtained until early 2024, with works required to be completed by December 2025 for this program and June 2026 for the Centre of Excellence Fund. Based on these timeframes, the project critical path requires the engagement of a lead designer to commence design activities to allow a Development Application to be submitted as soon as possible.

In order to submit a Development Application, preliminary investigations and design work is required to be undertaken to accurately inform the planning authority.

The proposal involves a tender to engage a lead designer (architect) to progress the design to a 50% detailed design stage, noting planning applications will be made at the 20% design stage, with input from their sub-consultants as required, including hydraulic/structural/electrical engineers and compliance consultants.

Council's contract with the architect is intended to include provision to expand their scope to progress the design to a 90% detailed design stage if deemed appropriate by the project team. This would then allow a further tender to be advertised for a contractor to finalise the remaining design and construct the facility.

Location Options

As part of further community consultation in 2022, it was identified that other locations needed to be explored in addition to the original location immediately east of the Sports Dome within the NICSE. Six locations have therefore been assessed for the new TRAC and NICSH facility. A summary of these options is provided below with an indicative markup of these locations in Figure 1, including colour references:

- Location Option 1 – Yellow – east of Sports Dome;
- Location Option 2 – Blue – west of hockey fields and proposed site for future stadium;
- Location Option 3 – Orange – split facility to either side of Sports Dome;
- Location Option 4 – Blue and orange – TRAC to be located west of hockey fields and proposed stadium and NICSH located east of Sports Dome;
- Location Option 5 – Purple – west of hockey fields and proposed site with no stadium; and
- Location Option 6 – Not shown – external to NICSE.

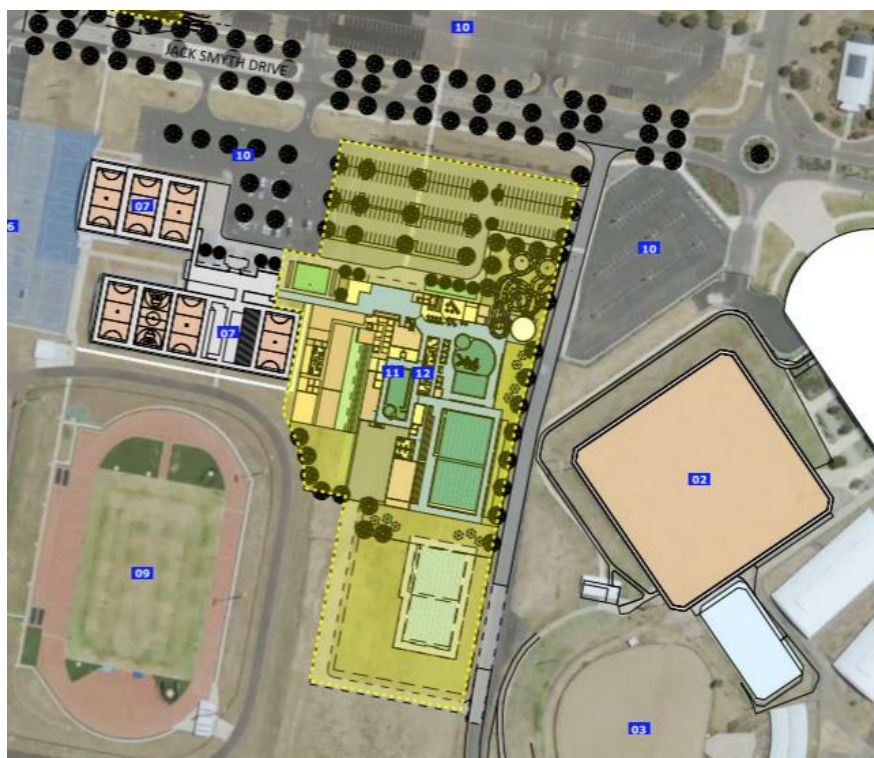


Figure 2 – Location Option 1 markup

The 2018 and 2022 consultation with the community related to a facility located to the east of the Sports Dome. This consultation involved the ultimate arrangement of the facility, with further stages including a slide tower, outdoor pool and play areas. Key benefits, issues, and considerations for this option are noted below:

- the site is noted as the location for the TRAC in the adopted NICSE Masterplan;
- extensive consultation has been completed for this option;
- architectural concept layouts are available;
- the site is largely green field with minimal impact on existing services and infrastructure;
- the new facility is fully integrated with the existing Sports Dome, with operational efficiencies achieved through the sharing of administration and functional infrastructure;
- commercial viability of the TRAC and NICSH commercial elements are maximised through direct integration with the Sports Dome increasing the total visitation numbers;
- the site is currently used for day parking associated with the Australian Equine and Livestock Events Centre (AELEC);
- AELEC stakeholders, user groups and facility management are not in favour of the location; and
- significant impacts to AELEC operations due to reduction in available day parking, increased buffer zone requirements for livestock quarantining, expansion limitations, and access limitations.

Location Option 2 – West of Tamworth Regional Hockey Centre (Blue) and Proposed Future Stadium

Figure 4 below shows the markup of location option 2.



Figure 4 – Location Option 2 markup

The NICSE Masterplan proposes the construction of an oval sports stadium within the available land to the west of the existing hockey fields. This stadium proposal includes warm up fields, cricket nets, indoor warm up and player break out space, grand stand seating, earth bund seating, and ancillary infrastructure. An option for the TRAC and NISCH facility to be integrated with the stadium has been explored as per Figure 4. In order to facilitate the facility footprint, amendments to the stadium proposal are required. Key benefits, issues, and considerations for this option are noted below:

- the site is a green field site with minimal impact on existing services and infrastructure;
- gravity sewer is possible from this location without extensive excavation in rock;
- the site resolves stakeholder concerns from AELEC users;
- circulation space within the facility is impaired;
- future expansion of the facility is severely limited;
- the floor space of all NISCH elements is reduced, providing compromised functionality;
- car parking is increased, with no existing spaces removed;
- the facility is not integrated with the Sports Dome and so both the facility and the Sports Dome do not benefit from any infrastructure efficiencies or commercial advantages from increased visitation;
- the aesthetics of the facility are not limited by any adjacent building and so the architectural design is free to create a bespoke and stunning facility;

- the facility will be constructed prior to stadium and so will initially be located in an isolated location of the NICSE; and
- extensive compromises to the proposed stadium are required, including the shifting of the playing field towards the existing hockey fields to the east, reduction in overall quantity of earth bund seating, removal of warm up fields, removal of circulation space around the grandstands, and removal of the indoor warm up and player break out space.

Location Option 3 – West and East of Sports Dome (Orange)

Figure 5 below shows the markup of location option 3.



Figure 5 – Location Option 3 markup

An option to leverage the integration with the Sports Dome as well as to address AELEC stakeholder concerns was explored whereby the TRAC component of the facility would be constructed to the west of the Sports Dome and the NICSH component constructed on the eastern frontage. This option requires the relocation of the existing netball courts as well as the realignment of the twin 132kV high voltage electrical transmission lines that run along Jack Smyth Drive. Key benefits, issues, and considerations for this option are noted below:

- the new facility is fully integrated with the existing Sports Dome, with operational efficiencies achieved through the sharing of administration and functional infrastructure;
- commercial viability of the TRAC and NICSH commercial elements are maximised through direct integration with the Sports Dome increasing the total visitation numbers;
- the site partially resolves stakeholder concerns from AELEC users, with the NISCH proximity to the boundary impacting on buffer zones for livestock quarantine;

- the facility requires extensive reworking of carparking to the north of the Sports Dome and existing netball courts, resulting in an overall loss of car parking spaces;
- the site requires the 132kV high voltage electrical transmission lines to be relocated down Jack Smyth Drive at an estimated cost of \$1.5 million;
- the site requires the netball courts to the west of the Sports Dome to be relocated at an estimated cost of \$5 million;
- the redevelopment of the netball courts results in a uniform court surface, which is not currently provided, and increases the number of courts from 18 to 19;
- the sport of netball will be impacted during the relocation of courts and the construction of the facility;
- extensive earthworks and retaining walls are required on the southern and western extents of the relocated netball courts due to the natural fall of the existing ground;
- circulation space within the facility is impaired due to the spatial constraints arising out of the relocated netball courts; and
- future expansion of the facility is limited.

Location Option 4 – TRAC located west of Tamworth Regional Hockey Centre and proposed future stadium and NICSH located east of Sports Dome (Blue and Orange Combination)

Figure 6 below shows the markup of location option 4.



Figure 6 – Location Option 4 markup

A hybrid option was explored between Location Option 2 and 3 in order to minimise the required compromises of the proposed stadium and NICSH elements and to increase the extent of the new facilities integrated with the Sports Dome. This option retains the TRAC component of the facility adjacent to the proposed stadium as shown in Figure 6 above and locates the NICSH component adjacent to the Sports Dome as represented in Location Option 4. Key benefits, issues, and considerations for this option are noted below:

- the TRAC is located on a green field site with minimal impact on existing services and infrastructure;
- gravity sewer for the TRAC facility is possible from this location without extensive excavation in rock;
- the site resolves stakeholder concerns from AELEC users;
- circulation space within the facility is improved through the splitting of the facilities;
- future expansion of the facility is limited;
- the NICSH facility requires extensive rework to the existing carpark to the north of the Sports Dome, including an overall loss of car parking spaces;
- the TRAC facility is not integrated with the Sports Dome and so does not benefit from any infrastructure efficiencies or commercial advantages from increased visitation;
- the aesthetics of the TRAC facility are not limited by any adjacent building and so the architectural design is free to create a bespoke and stunning facility;
- the TRAC facility will be constructed prior to stadium and so will be located in an isolated location of the NICSE;
- compromises to the proposed stadium are required, including the shifting the playing field towards the existing hockey fields to the east, reduction in overall quantity of earth bund seating, removal of warm up fields; and
- compared with Location Option 2, the stadium retains circulation space around the grandstands, and the indoor warm up and player break out space.

Location Option 5 – West of the Tamworth Regional Hockey Centre with no stadium (Purple)

Figure 7 below shows the markup of location option 5.

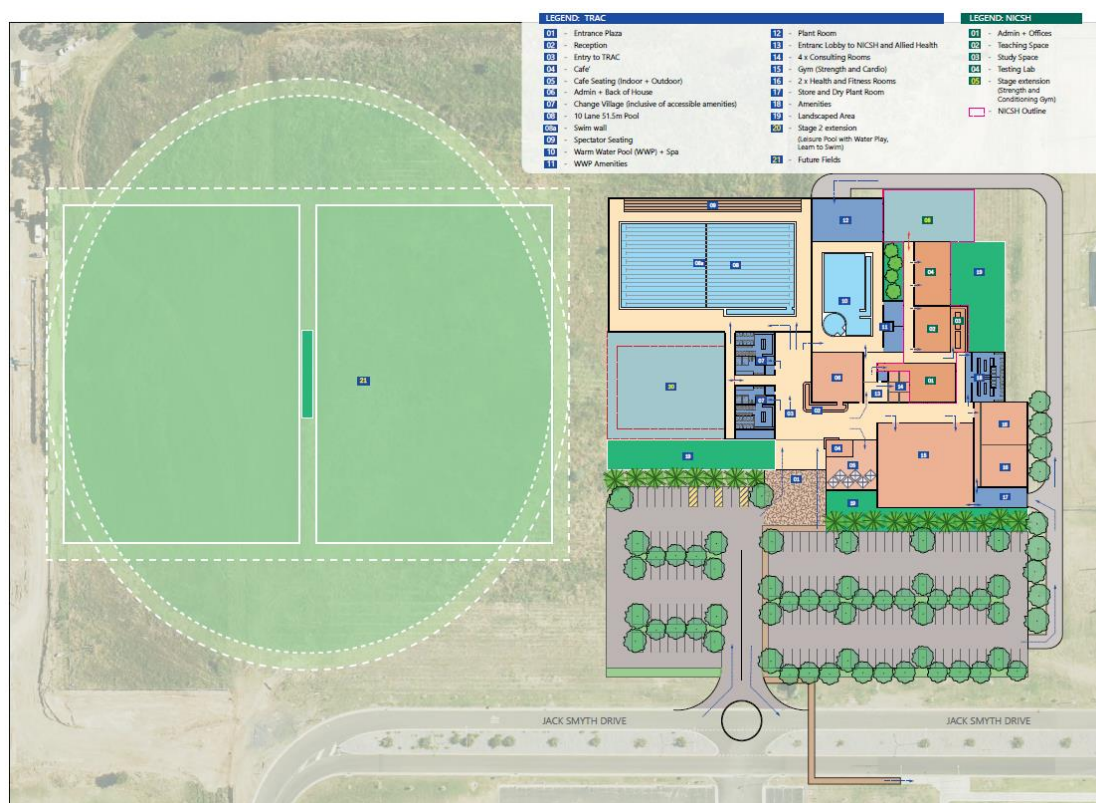


Figure 7 – Location Option 5 markup

An option to alleviate the issues relating to the proximity to the AELEC facility as well as the spatial confinement of being co-located with the proposed stadium, an additional option has been explored that constructs the TRAC and NICSH components of the facility on the site of the proposed stadium to the west of the Tamworth Regional Hockey Centre. The proposed stadium would therefore be removed from the overall NICSE master plan. The markup provided in Figure 7 is for illustration purposes only. Key benefits, issues, and considerations for this option are noted below:

- the site is a green field site with minimal impact on existing services and infrastructure;
- gravity sewer is possible from this location without extensive excavation in rock;
- the site resolves stakeholder concerns from AELEC users;
- circulation space within the facility is achieved;
- future expansion of the facility is wholly permitted;
- car parking is increased, with no existing spaces removed;
- the facility is not integrated with the Sports Dome and so both this facility and the Sports Dome do not benefit from any infrastructure efficiencies or commercial advantages from increased visitation;
- the aesthetics of the facility are not limited by any adjacent building and so the architectural design is free to create a bespoke and stunning facility;

- the proposed stadium is not able to be located within the NICSE precinct and will either need to be located elsewhere (possibly a future recreation precinct in Moore Creek) or downgraded to a smaller facility as per the following point; and
- a smaller field is able to be constructed in lieu of the fully fledged stadium with grandstands which is currently proposed, with ancillary training facilities included where possible.

Location Option 6 – Outside of the NICSE

Consideration of the facility located outside of the NICSE was not focused on any specific location and was instead based on the likely impact of not having the facility within the NICSE.

The primary consideration was in relation to the NSW Government's Centre of Excellence Fund contribution, already secured for the project. This funding is predominantly focussed on progressing swimming as a sport and facilitating swimming athlete growth at all levels within the context of establishing a centre of excellence. This strategic focus requires the facility to be established within the NICSE amongst other sporting excellence facilities. This option is in contradiction to the NSW Office of Sport's Regional Sports Hub Model which aims to deliver integrated and coordinated sporting infrastructure in a primary location. This is the model that the NICSE was developed on. With the NSW Office of Sport being the current funding partner, it is possible that this funding may be forfeited if the facility is constructed outside of the NICSE and as such is not considered a viable option.

Furthermore, locating the new TRAC facility outside of the NICSE precinct would eliminate all opportunities for functional and administrative efficiencies through integration and shared infrastructure with existing sporting facilities.

Conclusion

In summary, and in consideration of community consultation (existing and future), funding limitations (existing and future), the recent Councillor Workshop and intended outcomes of the proposed facility, it is recommended that Council:

- endorse Embellishment Option 2 and the proposed funding plan (\$45 million);
- endorse the preferred location for the proposed facility on the western side of the Tamworth Regional Hockey Centre (Location Option 5), acknowledging that this does not impact on any ongoing AELEC operation; and
- allocate design funding to commence detailed designs.

It is anticipated that financial modelling will show a slight decrease in revenue due to the lack of integration with the Sports Dome. This modelling is currently being developed.

The layouts provided throughout the report are conceptual, with the final layout of the actual facility to be developed as part of the project design phase and is likely to be different to that shown.

This recommended option ensures that the community receives a facility with the best forecasted financial return for the investment, while obtaining the highest benefits and outcomes accommodated within the overall constraints.

(a) Policy Implications

Nil

(b) Financial Implications

Should Embellishment Option 2 and Location Option 5 be adopted, the anticipated project budget will be approximately \$45 million, consisting of:

- \$15 million from the NSW Government's Centre of Excellence Fund – funding is secured with the program deadline currently June 2026;
- \$15 million from the Australian Government's Growing Regions Program – funding is not secured, with EOI process in July and formal submission later in 2023, with successful projects announced in early 2024; and
- \$15 million from Council – funding has been recommended by the General Manager, with funds sourced from a loan or an alternate source, with the details pending a capital expenditure review process (late 2023).

\$250,000 from the Regional Development Fund is proposed to be allocated to progress the design. Should the Growing Regions Fund application be successful, this \$250,000 could be refunded by Council's co-contribution. Should it be unsuccessful, either the project budget is re-assessed at \$30 million and the \$250,000 could again be refunded by Council's co-contribution, or if the project is terminated the \$250,000 could be utilised to develop the designs as far as funding permits.

It should also be noted that if the project is terminated for any reason, it is likely that Council will need to spend between \$10million and \$20 million on the two existing and aging swimming pool facilities over the next 10 years. This estimate is currently being developed/refined with the Otium Planning Group and will be available when Council next considers the revised Business Case and Council's Long Term Financial Plan.

(c) Legal Implications

Council will need to enter into funding deed agreements with all funding partners, including the NSW Office of Sport for the state administered Centre of Excellence Fund contribution (secured funding), and potentially the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for the federally administered Growing Regions Program contribution (unsecured funding).

Council may need to enter into a loan arrangement with an internal fund or an external entity, pending the outcome of a capital expenditure review.

Subject to Council approval through a future report, a design consultant is proposed to be engaged under the provisions of an Australian Standard general conditions of contract. Council will act as the Principal.

(d) Community Consultation

In the last quarter of 2018 Council undertook extensive community consultation regarding the then proposed TRAC, wholly located within the NICSE. A total of 1,289 respondents completed the online survey and a further 9 submitted a written response. Key results from the survey included:

- 93% of respondents rated a new facility as 'very important' or 'somewhat important'; and
- 90% of respondents want to see both indoor and outdoor pools in a new facility.

Noting the above, further concepts were developed to address the aquatic needs of the region.

In November 2022, Council relaunched communication with the community regarding aquatics within the Tamworth region. This campaign included information on a revised TRAC model and introduced the TAP concept. The information clearly detailed the alignment of both facilities with Blueprint 100 and how they address the obstacles identified by the Community in the 2018 consultation. During this information period, Council received 92 letters/emails, with the majority of the correspondence specifically relating to the TAP and being in support of the project. The concept of a body of water retained in the CBD and the provision of lap swimming were well supported.

The 2022 consultation identified that the Scully pool will remain open until the TRAC was constructed. Tamworth Olympic Swimming Pool was not noted as being left open until the facility was constructed. The correspondence specifically relating to the TRAC and NICSH was largely supportive of the concept, however the proposed location was generally unsupported by a sector of the community. Concerns were raised from the equine industry in regards to the construction of the facility adjacent to AELEC and subsequent perceived negative impacts on its operation. Significant discussions have been held over the last two months between the project team and AELEC management to identify/address the impact of the proposed facility of the operations of AELEC.

It should be noted that a 28-day public notification/exhibition period will be required in accordance with Council's recently adopted "Managing Conflict of Interest in Council Related Development Applications Policy" should the TRAC and NICSH proceed and a Development Application submitted.

The community will be provided with extensive information on the final proposal for the TRAC and NICSH, including further information on the technology implemented to increase the functionality of the facility i.e. moveable floor and moveable boom, as well as the extensive provision of ancillary infrastructure i.e. the TRAC is not just an indoor 50m pool.

In terms of community consultation during the Development Application process for the TRAC and NICSH, Council should note that a 28-day public notification/exhibition period will be required in accordance with Council's recently adopted "Managing Conflict of Interest in Council Related Development Applications Policy".

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

8.2 PROPOSED CHANGE TO THE POLICY - REDUCTION IN WATER CONSUMPTION CHARGES

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

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Proposed Change to the Policy - Reduction in Water Consumption Charges”, Council agree:

- (i) to the proposed changes to the policy;*
- (ii) to place the amended policy on public display for a period of not less than 28 days seeking comments on the proposed changes;*
- (iii) in the event that no submissions are received, adopt the policy; and*
- (iv) if any submissions are received, request the Director Water and Waste prepare a further report to Council with details of the submissions for Councils’ further consideration.*

SUMMARY

For some years, Council has had a policy which authorises staff to process reductions in water consumption charges if certain criteria are met. With the ongoing roll out of the Automatic Meter Reading (AMR) devices the policy can no longer be applied in certain situations.

To address this issue, changes to the current policy are proposed.

COMMENTARY

Council’s current policy titled – Reduction in Water Consumption Charges - is **ATTACHED**, refer **ANNEXURE 1**. The policy refers to another Council Policy titled – Water – Stopped or Inaccurate Water Meters – this policy is also **ATTACHED**, refer **ANNEXURE 2**.

Under the Reduction in Water Consumption Charges Policy a property owner, requesting a reduction in water charges due to an unexplained increase in water consumption, must first pay for a meter test to ensure the water meter is reading accurately. A meter test is not required if the property owner is claiming the higher consumption charges are as a result of an internal leak and evidence can be provided of the leak and that it has been repaired.

Whilst there are other conditions that must be met before a reduction in charges will be processed, for both an unexplained increase and an internal leak, an issue has arisen in relation to meter tests.

When a new AMR device is installed on a property, a photo is taken of the meter reading on the old manual meter, the old meter is removed and a new AMR device installed. A water consumption invoice is then prepared and issued to the owner of the property serviced by that meter, based on the reading on the old manual meter. All future water consumption invoices, for the same property, will be calculated based on the readings from the new AMR device.

Once the old manual meter is removed it is discarded. As a result, if a property owner believes their water consumption invoice, based on the last reading from the manual meter is too high, they cannot find a leak on their property and therefore, they apply to Council for a

reduction in charge due to an unexplained increase in water consumption, they will be asked to pay to have the old manual meter tested. Given the old meter has been discarded, testing the meter is not possible and therefore staff will not be able to process the reduction request, even if the circumstances satisfy all other requirements of the Policy.

To address this issue, it is proposed to change the current Policy. At present the Policy reads

1. FOR INCREASES WHICH THE PROPERTY OWNER IS UNABLE TO EXPLAIN

1.1 Meter Test

A property owner requesting a reduction in water charges due to an unexplained increase in water consumption, must first pay for a meter test to ensure the water meter is reading accurately. See Council Policy Water – Stopped or Inaccurate Water Meters.

To the following (changes are shown in italics and highlighted).

1. FOR INCREASES WHICH THE PROPERTY OWNER IS UNABLE TO EXPLAIN

1.1 Meter Test

A property owner requesting a reduction in water charges due to an unexplained increase in water consumption must first pay for a meter test to ensure the water meter is reading accurately – See Council Policy Water – Stopped or Inaccurate Water Meters, ***except where the consumption is based on the last reading of the old manual meter servicing the property. In this circumstance Council will waive the necessity of having the old meter tested.***

Furthermore, should Council agree to this change, then the amended Policy will have to be advertised for a minimum of 28 days, before Council could consider formally adopting the Policy. This being the case, it is possible that property owners who have had the meter servicing their property changed to an AMR and have had a water consumption invoice issued, which they would like to dispute under the new Policy, may not be able to satisfy other provisions which includes that such claims must be made within 90 days of the date of the invoice which is under dispute.

To address this possibility, it is proposed to make a further change as follows;

5. LIMIT ON WHEN CLAIMS CAN BE MADE

Property owners must make a claim for reduction in water consumption charges within 3 months (90 days) of the date of Council's invoice which details charges based on increased consumption.

To the following (changes are shown in italics and highlighted)

5. LIMIT ON WHEN CLAIMS CAN BE MADE

Property owners must make a claim for reduction in water consumption charges within 3 months (90 days) of the date of Council's invoice which details charges based on increased consumption. ***Except when the invoice under dispute is dated before 30 June 2023 and relates to the last reading of the old manual meter servicing the property. In this case the period for making a claim under this Policy will be 120 days.***

No further changes to either Policy are considered necessary.

Councillors may also like to note that once the roll out of AMR's has been completed, it is considered the Policy – Reduction in Water Consumption Charges - will no longer be required. A further report will be provided to Council in relation to this matter in due course.

(a) Policy Implications

Council has had a Policy which authorises staff to process reductions in water consumption charges if certain criteria are met. With the ongoing roll out of the AMR devices the Policy can no longer be applied in certain situations

(b) Financial Implications

The 2022-2023 financial year saw Council forgo \$85,707 in revenue due to claims which met the criteria under the current Policy.

(c) Legal Implications

Nil

(d) Community Consultation

Should Council agree to the proposed changes, then the amended Policy will be placed on public display for no less than 28 days seeking public comment on the proposed changes.

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security.

8.3 AUSTRALIAN DRINKING WATER GUIDELINES INCLUSION OF MICROBIAL HEALTH BASED TARGETS

DIRECTORATE:	WATER AND WASTE
AUTHOR:	Daniel Coe, Manager - Water and Environmental Operations
Reference:	Item 8.9 to Ordinary Council 22 November 2016 - Minute No. 355/16 Item 8.5 to Ordinary Council 13 December 2022 - Minute No. 378/22

1 ENCLOSURES ENCLOSED

RECOMMENDATION

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

- (i) receive and note the report; and*
- (ii) request the Director Water and Waste prepare further reports in relation to this matter as required.*

SUMMARY

The purpose of this report is to update Council on the inclusion of microbial health based targets by the National Health and Medical Research Council in the Australian Drinking Water Guidelines.

COMMENTARY

At its meeting of 13 December 2022, a report was presented to Council in relation to the adoption of microbial health based targets in the Australian Drinking Water Guidelines (ADWG). The ADWG have been developed by the National Health and Medical Research Council (NHMRC) and are designed to provide an authoritative reference to the Australian community and the water supply industry on what defines safe, good quality drinking water, how it can be achieved and how it can be assured. The ADWG undergo continuous revision to ensure they represent the latest and best scientific evidence on good quality drinking water.

During 2016 the NHMRC first raised the potential inclusion of microbial health based targets within the ADWG. The NHMRC at the time released a draft framework for microbial health based targets for public consultation. The purpose of the proposed introduction of microbial health based targets was to define a tolerably low level of microbial risk for drinking water and then detail how this target helps define performance targets for treatment barriers.

The NHMRC released the Draft Framework for Microbial Health Based Targets on 5 September 2016, for public comment. The consultation period concluded 4 November 2016.

At the time it was identified that the issue of microbial health based targets would impact all water authorities in NSW. As such, the NSW Water Directorate, which is a voluntary member based organisation that represents approximately 90% of NSW local water utilities, and over 40% of all the water utilities in Australia completed a submission on behalf of its members (including Tamworth Regional Council) in relation the draft framework for microbial health based targets prepared by the NHMRC. The key conclusion of the submission was as follows:

'It is the position of the NSW Water Directorate that it is too early to consider implementation of microbial health based targets. The evidence on which the Draft Health Based Targets Framework is based is insufficient to justify the enormous infrastructure investment that would be required to meet the Framework. Specific concerns include:

- *typical catchments for western NSW were not well considered in the Deere et al (2014) paper on which the bin or category classification is based;*
- *no credits are given for environmental land and water inactivation of pathogen infectivity; and*
- *little recognition of the proximity of the activity relative to the source water offtake, particularly for run of river systems.*

Following early consultation, and the feedback from water utilities that the adoption of microbial health based target would require significant capital investment throughout NSW and Australia to allow water authorities to comply with the targets, there was very little feedback, or further consultation from NHMRC in relation to the adoption of microbial health based targets, until the inclusion in the latest version of the ADWG in September 2022.

In September 2022, the ADWG guidelines were updated and included guidance on microbial health based targets. Prior to the inclusion of the targets, the only testing recommended for water microbial safety in the ADWG was the absence of *Escherichia coli* (*E. coli*) per 100 millilitres of water. The revised ADWG microbial health based targets also consider viral and protozoan pathogens.

The process of microbial health based targets requires water authorities to complete a risk assessment of the water supply catchment to determine the risks of bacteria, virus and

protozoan pathogens that are potentially present. Water supply catchments are separated into four risk categories as follows:

- 1) **protected catchment** - this catchment would consist of natural bushland protection supported by enforced regulation. Low intensity/low risk activities may be allowed in the outer catchment, but active source protection (e.g. ranger patrols) would be practiced to ensure negligible contamination risk;
- 2) **moderately protected catchment** - this catchment would consist of a bushland inner catchment area, low-density rural outer catchment area. Stock would be fully fenced out of main feeder streams to the reservoir, and these streams would be lined with vegetated buffer zones. Protection would be supported by enforced regulation. Low level and low intensity activities may be allowed within the outer catchment, but active source protection (e.g. ranger patrols) would be practiced to minimise contamination risk;
- 3) **poorly protected catchment** - this catchment would consist of medium density rural development in the outer catchment, possibly including some limited areas of urban development. Wastewater plant effluent within the catchment would be filtered and disinfected and the potential for sewer spills would be actively minimised. Major sewer overflows or treatment failures into source water would lead to the shutdown of any downstream water treatment plant or the issuing of a boil water advisory. Stock may have access to main feeder streams in the outer catchment area. Protection supported by enforced regulation within inner catchment area; and
- 4) **unprotected catchment** - This catchment would consist of urban inputs, the total quantity of treated sewage or stormwater effluent flowing into the catchment is sufficiently limited so that the Phase two Australian Guidelines for Water Recycling need not be applied. Reasonable upper limits are flows that consist of no more than 10% treated sewage effluent and 30% stormwater runoff. Any sewage or intensive agricultural effluent would be treated (filtered and disinfected) and potential for spills would be actively minimised. Major sewer overflows or treatment failures into source water would lead to the shutdown of any downstream water treatment plant or the issuing of a boil water advisory.

Once the above catchment risk assessment has been completed, a review of the water treatment barriers used is completed to determine if the microbial health based targets are achieved. The water treatment technologies required to be implemented for each category of water supply catchment is provided in the following table:

Source water type	Minimum treatment requirements expressed as LRV targets ¹			Indicative specified treatment technologies ²
	<i>Cryptosporidium</i>	Bacteria	Viruses	
Protected groundwater	0.0	0.0	0.0	None
Protected surface water (no human or livestock waste in catchment)	0.0	4.0	0.0	Chlorination
Shallow groundwater or surface water with moderate levels of protection	2.5	5.0	3.0	Direct filtration and chlorination
Shallow groundwater or surface water with poor levels of protection	3.5	5.0	4.0	Conventional filtration and chlorination
Unprotected surface water	5.5	6.0	6.0	Conventional filtration, UV irradiation and chlorination

LRV refers to Log Reduction Value of pathogens

1 USEPA (2006, 2010), New Zealand (2008) and Canadian Guidelines (2001, 2012)

2 Adapted from USEPA 2006, 2010

By way of explanation:

Depending on the source of water for a drinking water treatment plant and the assessed risks associated with contamination of water from the source, a range of treatment technologies will be required at the plant to adequately address the risk of contamination in the final drinking water. Each technology is considered to have an effective ability to reduce pathogens expressed as a log reduction value – for example Chlorination is considered to effectively remove pathogens to the value of 4 LRV. Therefore, with reference to the table above, if the raw water at a water treatment plant came from a protected surface water catchment, then chlorination would be the only treatment technology required. Additional treatment technologies maybe required if the risk from contamination from the raw water source requires greater than 4 Log reduction removal.

Tamworth Regional Council's Current Position

In March 2016, Council engaged Atom Consulting to review Council's position in relation to proposed microbial health based targets for each of its water supplies. The primary reason for this was Council was in the process of designing new water treatment infrastructure at Manilla and Nundle. It was the view of staff, given the expected design life of this infrastructure (in excess of 50 years), that the designs needed to have capacity to meet any future microbial health based targets or allow treatment infrastructure to be easily modified in the future at minimal capital cost to Council.

The key findings, in respect to each of Council's water supply treatment systems, was as follows:

- Attunga – additional protozoan barriers, such as a direct filtration plant or UV disinfection may be required;
- Barraba – additional protozoan barriers, such as UV disinfection may be required;
- Bendemeer – additional protozoan barriers, such as UV disinfection may be required;
- Manilla – additional protozoan barriers, such as UV disinfection may be required;
- Nundle – additional protozoan barriers, such as UV disinfection; and
- Tamworth total system – additional protozoan barriers, such as UV disinfection.

In respect to the works now completed for Manilla and Nundle water treatment systems, the designs of the new water treatment facilities at the time allowed for the incorporation of UV disinfection, if and when, microbial health-based targets were introduced. The UV systems were not installed because a detailed review of the treatment plant filtration performance would be required to justify the further capital expense of UV treatment i.e. it may not be required to meet risk criteria presented by microbial health based targets.

For other water supply systems, the proposed approach was to incorporate the consideration of microbial health based targets in Council's water treatment renewal and capital works program. For example, UV disinfection has recently been installed at Attunga and filter optimisation and renewal works have been undertaken at all other water treatment plants. A number of other operational improvements have been completed, in the past five years, including significant investment in on-line water quality monitoring and control. Within Tamworth, staff have commenced long term planning for future required capacity upgrades at the Calala Water Treatment Plant i.e. further 35 years of operation. This work is being undertaken in conjunction and alignment with Council's Blueprint 100 growth strategy. As part of this work, concept design and costing estimates have commenced for treatment risk reduction.

As reported to Council on 13 December 2022, further work had commenced reviewing microbial health based targets and associated risks of all of Council's water supplies i.e. similar to the work completed in 2016. This report has now been finalised and is **ENCLOSED**, refer **ENCLOSURE 1**. The outcome of the report, is similar to earlier work completed and identifies that Council's water supplies that source surface water are likely to be in the highest risk category of unprotected catchments. To achieve full compliance with microbial health based targets these treatment facilities i.e. Tamworth, Manilla, Barraba, Nundle and Bendemeer are likely to require the installation of UV disinfection, or similar, in the future.

NSW Health have recently provided guidance on the use of microbial health based targets. The advice states the position of NSW Health and the Department of Planning and Environment (DPE) for addressing microbial health based targets is as follows:

- local water utilities should develop a plan in their Drinking Water Management System Improvement Plan and other relevant strategic planning documents to address microbial health based target shortfalls in all existing water supplies;
- utilities should review NSW Health Cryptosporidium risk ratings and the Guidelines catchment categorisation, and identify any microbial health based target shortfalls for pathogens. Utilities should engage with NSW Health and DPE to determine the priority for managing the LRV deficits in their supplies;
- new water treatment plants should be designed to meet microbial health based targets;

- existing water treatment plants should be upgraded to meet the microbial health based targets when a new source is introduced that has a higher catchment risk than the original source; and
- existing water treatment plants may be incrementally upgraded to address a microbial health based target deficit in an existing source, such as where there are not sufficient funds to meet the microbial health based targets.

In respect to the above, the completed report has reviewed all of Council's water supplies and recommends discussions be held with NSW Health to confirm source water categorisation, in line with the above guidance from NSW Health. Whilst Council has included identified future treatment improvements in its strategic plans and capital works program, discussion with NSW Health and DPE will ensure implementation timeframes are deemed appropriate. In addition, these discussions will allow Council to investigate if NSW Government funding is available to implement treatment improvements.

(a) Policy Implications

Nil

(b) Financial Implications

Nil at this time. Future capital works programming and budgeting may be impacted if NSW Government regulators disagree with Council's approach to aligning treatment facilities with microbial health based targets.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security

8.4 DUNGOWAN DAM SAFETY REVIEW PROGRAM OF WORKS

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations
Reference: Item 8.4 to Ordinary Council 24 May 2022 - Minute No 142/22
2 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Dungowan Dam Safety Review Program of Works”, Council:

- (i) receive and note the report;*
- (ii) allocate \$825,000 from the water reserve to undertake the following projects at Dungowan Dam in 2023/2024:*
 - Power Supply Battery Backup \$200,000;*
 - Debris Boom Replacement \$300,000;*
 - Dam Gate Maintenance \$250,000; and*
 - Scoping of Dam Safety Investigations \$75,000.*
- (iii) request the Director Water and Waste prepare a submission for the NSW and Federal Water Ministers detailing the costs incurred by Council given the decision not to proceed with the new Dungowan Dam and request consideration of funding contribution to reduce Dam safety risks at Council’s existing Dungowan Dam.*

SUMMARY

The *Dams Safety Act 2015* and *Dams Safety Regulation 2019* requires declared dam risks be below a Safety Threshold and that Risks must be reduced so far as is reasonably practicable (SFAIRP).

The existing Dungowan Dam has had two risk studies completed in the past five years (2016 and 2021). The first study was completed by AECOM who were engaged directly by Council, the second report was completed by SMEC, as part of the proposed new Dungowan Dam project. Council participated in this project as a stakeholder. The outcomes of both reports indicate the existing Dungowan Dam lies below Dams Safety NSW’s Safety Threshold, but there are potential options to further reduce Dam risks.

With the announcement of construction of the new Dungowan Dam, several actions (including risk report recommendations) were placed on hold as these would have been resolved with the construction of the new Dam and proposed decommissioning of the existing Dam.

With the decision from both Federal and State Governments to not proceed with a new Dungowan Dam at this time, Council need to consider the outstanding items related to dam safety for the existing Dungowan Dam including site investigations, detailed studies and capital works at the Dungowan Dam.

COMMENTARY

As reported to Council at its meeting of 24 May 2022, in 2013, the NSW Government initiated a review of the *Dams Safety Act 1978* and its associated regulatory framework. The

government-initiated review identified a need to improve dam safety regulation by providing clear, enforceable safety requirements that dam owners must comply with. It also recognised the need for an independent regulator to enforce compliance.

The review resulted in the development of new legislation - the *Dams Safety Act 2015*, and identified the need to establish a new regulator - Dams Safety NSW.

The *Dams Safety Act 2015* and the *Dams Safety Regulation 2019*, commenced on 1 November 2019. The Regulation sets out the operational details of the Act, and safety standards that declared dam owners must comply with. Penalties apply to declared dam owners who do not comply with the requirements.

Council is the owner of three dams that are declared under the *NSW Dams Safety Act 2015*. These Dams are classified as per the Dams Safety Regulation 2019 with the following consequence categories:

Dam	Sunny Day Consequence Category	Flood Consequence Category
Dungowan Dam	High A	High A
Connors Creek Dam	Low	High C
Calala Raw Water Storage	High C	High C

The consequence categories reflect the societal and individual risk should a failure occur at any of the prescribed dams.

The main changes under the new legislation included the following:

- establishes a new regulator, Dams Safety NSW, which comprises independent governing members;
- provides declared dam owners with a clear set of minimum requirements;
- allows the regulator to audit and enforce these standards; and
- significantly increases the penalties for non-compliance up to \$1.1 million for corporations and \$250,000 for individuals.

The changes to legislation have the following implications to dam owners including Council:

- Dams Safety NSW will be active in auditing compliance with regulatory requirements, including field-auditing of operations and maintenance activity;
- owners of declared dams are required to implement a Dams Management System based on internationally recognised asset management system requirements;
- declared dam owners will have flexibility to explore a broad range of options to deliver the required level of public safety; and
- penalties have been increased significantly from those in the previous *Dams Safety Act 1978*, and are relative to the potential consequences of dam failure.

A two-year transition period was included with the legislative changes to allow dam owners to implement new regulatory requirements. This transitional period commenced on 1 November 2019, and ended on 1 November 2021.

During the two-year transition period, Dams Safety NSW conducted site visits/trial audits to assist dam owners to determine their level of compliance with the legislative changes. Dams NSW completed an audit on Tamworth Regional Council's Dams Management System in March 2021. Since the completion of the audit, staff have worked on the identified improvements and advised Dams Safety NSW of actions completed. Council has subsequently completed further internal audits on its Dams Management System and has participated in a pilot program, funded by the Department of Planning and Environment, working with WaterNSW and two other Councils in identifying methods to improve Dams Management Systems across the water industry in NSW. All Dam Owners are required to complete an Annual Dams Safety Standards Report and submit to Dams Safety NSW. As detailed in this report, Council has fully implemented a Dams Safety Management System and identified a continuous improvement program to continue to develop and improve the system. A key element of the Dams Safety Management System is the completion of Dam Risk Assessments. Council has completed risk assessments on all of its dams and this report focuses on the identified issues with the existing Dungowan Dam.

As Council would be aware, in 2019 both the NSW and Federal Government announced the construction of a new Dungowan Dam and associated pipeline to Tamworth. The primary driver of the project was to secure long term water security for Tamworth; however, the project also had the benefit of improving Dam asset quality and removing all existing Dungowan Dam safety risks.

With the announcement of the new Dungowan Dam, several actions (including risk report recommendations) were placed on hold as the expense of undertaking this work could not be justified, as all risks would be resolved with the construction of the new Dam and proposed decommissioning of the existing Dam.

With the recent decision from both Federal and State Governments to not proceed with a new Dungowan Dam at this time, Council will need to consider the outstanding items related to dam safety for the existing Dungowan Dam including site investigations, detailed studies and capital works at the Dungowan Dam and develop an implementation plan.

In accordance with the *Dams Safety Regulation 2019*, a risk report is a written report that a dam owner must produce on all foreseeable risks to their declared dam. The owner of a declared dam must produce a risk report at the time the new dam is being designed. Similarly, a risk report is required to be produced when a major change to a declared dam is being designed. Council completed a Risk report for Dungowan Dam in 2016 and a further risk report was developed by Water Infrastructure NSW in 2021 as part of the design of the new Dungowan Dam.

The new regulation mandates that dam owners must ensure safety SFAIRP. SFAIRP requires a dam owner to determine what the available practicable precautions are and then tests which of these are reasonable. There are two elements a dam owner must consider:

- 1) what can be done, i.e. what is possible in the circumstances for ensuring safety; and
- 2) whether it is reasonable in the circumstances to do all that is possible, including an assessment of the safety benefits against the costs.

What is reasonably practicable is determined objectively. This means that a dam owner must meet the standard of behaviour expected of a reasonable person in the dam owner's position and who is required to comply with the same duty.

The preparation of a dam risk assessment includes the following steps:

Step 1 – Assess whether the available information is sufficient to formally assess SFAIRP.

Step 2 – Identify any critical data gaps necessary to inform SFAIRP.

Step 3 – Determine the critical hazards for the dam.

Step 4 – For each critical hazard:

- 1) identify the existing control measures;
- 2) identify potential additional control measures; and
- 3) assess the opportunity to add or improve the control measures.

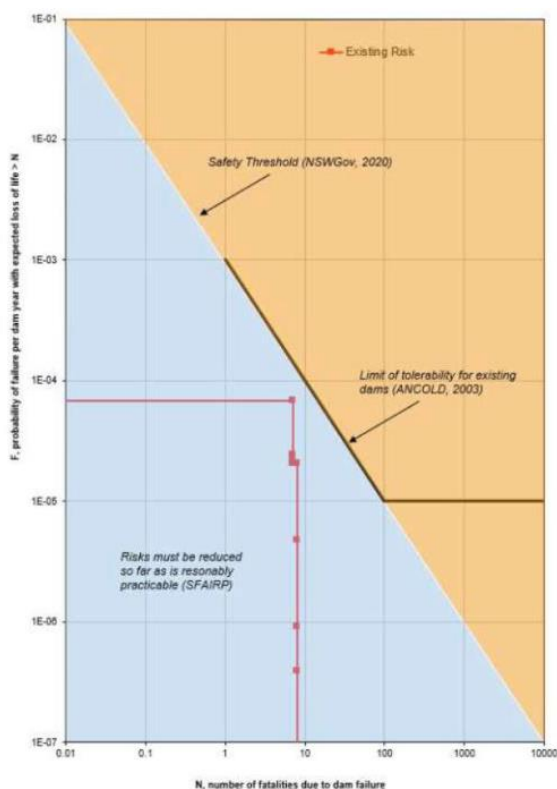
Step 5 – Identify which additional control measures are reasonably practicable under the circumstances. This takes into account the relevant matters, including:

- 1) likelihood;
- 2) harm;
- 3) control measures;
- 4) cost;
- 5) confidence existing risk is below the Safety Threshold; and
- 6) other matters.

Step 6 – Prepare a risk report.

As part of the new Dungowan Dam Project, a risk assessment and associated SFAIRP report were prepared in 2021 for the existing Dungowan Dam. These reports are **ENCLOSED**, refer **ENCLOSURE 1** and **ENCLOSURE 2**.

The reports conclude that the societal risk of Dungowan Dam currently sits below the Dam Safety NSW (2019) Safety Threshold for existing dams. See below:



The key failure mode is the stability of the existing dam that contributes 85.5% of the risk. The remaining risk is mainly made up of piping / internal erosion failure modes.

The key uncertainties identified during the preparation of the reports included the following:

- consequences of failure;
- condition of the original rock toe filters;
- stability of the embankment;
- liquefaction potential of the foundation;
- embankment material properties; and
- structural capacity / stability of concrete structures.

The SFAIRP report recommended the following further investigations and assessments should be undertaken, to reduce the uncertainties. These investigations include:

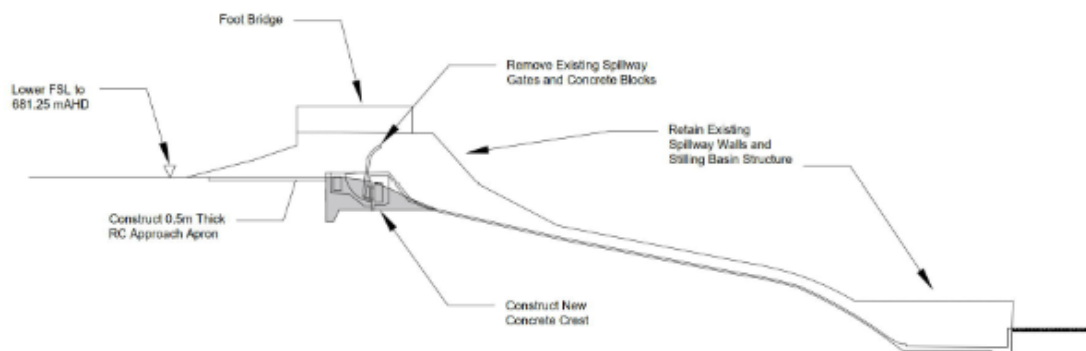
- revised consequence assessment;
- geotechnical investigations to determine material properties of the original embankment, raised embankment and foundation alluvium/gravels; and
- stability modelling, liquefaction assessment and other assessments to verify assumptions made in the risk assessment.

The SFAIRP report identified two potential construction works packages that would reduce the risk of the existing Dungowan Dam:

Construction Work Package 1 - Includes the construction of a filter buttress to stabilise the embankment and reduce the probability of piping through the embankment, around the outlet tunnel and adjacent to the spillway abutment wall. This work package is illustrated below.



Construction Work Package 2 - Removal of the primary spillway gates (resulting in a loss of about 30% of the 6.3 GL storage in the dam); and/or other methods to stabilise the embankment such as foundation pressure relief wells.



The estimated costs for the above construction packages ranged from \$25 million to \$200 million. Work package 2 is the lowest cost option, but requires the reduction in dam water storage of 30% i.e. reduction in water volume of approximately two Gigalitres, in turn reducing Tamworth's water security.

Based on the cost estimates prepared, the report concluded that the justification to complete any of the nominated upgrade work packages is considered to be poor as per Australian National Committee on Large Dams Guidelines (2003) and not required by the cost-benefit analysis.

However, the report also recommends further investigations to confirm the safety risks of Dungowan Dam and allow Council to make a better informed decision on any capital works required to further reduce the Dam safety risk including:

- updated hydrology study including calibration to recent events and 2D dam break modelling. Estimated cost \$200,000;
- site investigations, detailed engineering studies, wholistic Safety Review and Risk Report including risk reduction options. Estimated cost \$1,300,000; and
- options development and remedial works design (dependent on safety review, risk report and SFAIRP assessment). Estimated cost \$900,000.

It is proposed that Council provide \$75,000 from the water reserve in 2023/2024 to undertake the following;

- review of work completed on the new Dungowan Dam project i.e. some of the work undertaken may reduce the requirements of investigations on the current Dam for example geotechnical investigations; and
- prepare a scope of works and delivery program to undertake the required Dam safety investigations. This would allow a more accurate estimate of costs to be prepared and allow inclusion in Councils Annual Operating Plan and Budget for 2024/2025 and subsequent years.

Finally, a number of maintenance and operational improvement projects were placed on hold due to timeframes to implement, costs and the solution of decommissioning the old dam would have made the projects obsolete. As the decision by Governments to not proceed with the new Dungowan Dam was made during Council's budget process, these items have not been included in Council's current works program. Identified operational improvements and maintenance projects required at Dungowan Dam include;

- 1) power supply battery backup – to ensure dam CCTV and telemetry monitoring in the event of an extended power outage i.e. up to seven days. Estimated cost \$200,000;

- 2) debris boom replacement. Estimated cost \$300,000;
- 3) dam gate maintenance – improved screen to existing gate to ensure ongoing operation. Estimated cost \$250,000; and
- 4) improved piezometer monitoring. Estimated cost \$500,000.

It is proposed that Council provide funding from the water reserve to fund items one, two and three in 2023/2024 with item four being included in the Annual Operating Plan and Budget for 2024/2025.

The decision to not proceed with the new Dungowan Dam, will mean that significant costs will be incurred by Council to complete operational improvements, maintenance, investigations and potential capital works. It is recommended that Council continue to engage with both State and Federal Governments for funding opportunities. To this end it is also recommended Council request the Director Water and Waste prepare a submission to the NSW and Federal Water Ministers detailing the costs incurred by Council given the decision not to proceed with the new Dungowan Dam and request consideration of funding contribution to reduce Dam Safety Risks.

(a) Policy Implications

Nil

(b) Financial Implications

Funding from Council's water reserve is proposed to be allocated to the following projects for delivery in 2023/2024.

- 1) power Supply Battery Backup – \$200,000;
- 2) debris Boom Replacement. \$300,000;
- 3) dam Gate Maintenance – \$250,000; and
- 4) scoping of Dam Safety Investigations - \$75,000.

(c) Legal Implications

The *Dams Safety Act 2015* and *Dams Safety Regulation 2019* requires declared dam risks be below a Safety Threshold and that Risks must be reduced SFAIRP. The existing risk studies (2016 and 2021) indicate that Dungowan Dam lies below Dams Safety NSW's Safety Threshold but further investigation to confirm the risks would be required should the new Dungowan Dam not proceed.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security.

8.5 COOPERATIVE RESEARCH CENTRE FOR CONTAMINATION ASSESSMENT AND REMEDIATION OF THE ENVIRONMENT - ANNUAL MEMBERSHIP

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

RECOMMENDATION

That in relation to the report “Cooperative Research Centre for Contamination Assessment and Remediation of The Environment - Annual Membership”, Council:

- (i) receive and note the report;*
- (ii) provide \$5,000 from the sewer reserve to fund annual membership with Cooperative Research Centre for Contamination Assessment and Remediation of The Environment; and*
- (iii) request the Director Water and Waste review membership following the initial 12 months and report to Council on any potential projects as required.*

SUMMARY

The purpose of this report is to advise Council of a potential opportunity to work with the University of Newcastle and the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment (crcCARE) by becoming a member of crcCARE.

COMMENTARY

Council’s Executive Team have had a number of meetings with representatives from the University of Newcastle to identify how Council and the University can work together on a number of mutually beneficial projects. An opportunity exists for Council to work with industry experts from the University of the Newcastle on environmental remediation and sustainability projects through the crcCARE research program. The crcCARE program was launched in 2005, as part of the Australian Government’s Cooperative Research Program. The crcCARE program supports collaboration between industry, researchers and the Community. The program participants comprise leading universities (including the University of Newcastle), the CSIRO and industry partners including private and Government sectors.

The crcCARE is an independent organisation that performs research, develops technologies and provides policy guidance in relation to environmental contamination and sustainability. The research program focuses on the following areas:

- 1) **Understanding Emerging Chemicals:** developing new principles, indicators and strategies to support the development of new policy frameworks and a national guidance framework for environmental remediation.
- 2) **Preventing Pollution, Avoiding Landfill and Recovering Resources:** developing next-generation analytical methods and innovative field technologies to provide fast and more efficient assessment of site contamination.
- 3) **Next-Generation Clean-Up Technologies:** conducting research into the fate of volatile chemicals, groundwater discharge into surface water ecosystems, and determining the effect of contaminant behaviour over time.
- 4) **Risk Management:** developing the necessary technologies, indicators and strategies for in situ management of contaminated site remediation.

Council has a number of projects that could benefit from working with the crcCARE program, particularly in relation to emerging technologies associated with wastewater treatment, including the management of potential emerging contaminants such as PFAS within wastewater biosolids produced at wastewater treatment facilities, the treatment and management of high strength wastewater such as landfill leachate and the ongoing soil sustainability of effluent reuse schemes. The crcCARE program is funded by an annual membership fee of \$5,000 for participants. This allows participants to engage with industry experts. Should a particular research opportunity be identified, the project funding would consist of potential government grants and funding by the participating organisation (Council).

It is proposed that Council become a member of the crcCARE program for a period of 12 months to assess the benefits and opportunities of working with industry leaders in regards to environmental remediation and sustainability. It is proposed that funding for the annual membership would be provided from Council's sewer reserve as the majority of identified potential project opportunities relate to wastewater treatment.

(a) Policy Implications

Nil

(b) Financial Implications

Should Council agree to become a member of crcCARE, \$5,000 would be allocated from the sewer reserve to fund membership for a period of 12 months.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 6 – Working with and protecting our environment.

8.6 CONNORS CREEK DAM RISK ASSESSMENT AND SAFETY REVIEW

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 8.4 to Ordinary Council 24 May 2022 - Minute No 142/22

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Connors Creek Dam Risk Assessment and Safety Review”, Council receive and note the report.

SUMMARY

The *Dams Safety Act 2015*, and Dams Safety Regulation 2019, requires declared dam risks be below a Safety Threshold and that risks must be reduced so far as is reasonably practicable.

Council was required by Dams Safety NSW to complete a risk assessment on Connors Creek Dam by the end of December 2022. A risk assessment for the Dam was completed in accordance with the new guidelines/regulation by staff and specialist consultants.

The outcome of the risk assessment for Connors Creek Dam identified the dam has a very low risk of failure and societal risk. This report to Council details the risk assessment requirements, process and outcomes.

COMMENTARY

As reported to Council at its meeting of 24 May 2022, in 2013, the NSW Government initiated a review of the *Dams Safety Act 1978* and its associated regulatory framework. The government-initiated review identified a need to improve dam safety regulation by providing clear, enforceable safety requirements that dam owners must comply with. It also recognised the need for an independent regulator to enforce compliance.

The review resulted in the development of new legislation - the *Dams Safety Act 2015*, and identified the need to establish a new regulator - Dams Safety NSW.

The *Dams Safety Act 2015*, and the *Dams Safety Regulation 2019*, commenced on 1 November 2019. The Regulation sets out the operational details of the Act, and safety standards that declared dam owners must comply with. Penalties apply to declared dam owners who do not comply with the requirements.

Council is the owner of three dams that are declared under the *NSW Dams Safety Act 2015*. These Dams are classified as per the Dams Safety Regulation 2019 with the following consequence categories:

Dam	Sunny Day Consequence Category	Flood Consequence Category
Dungowan Dam	High A	High A
Connors Creek Dam	Low	High C
Calala Raw Water Storage	High C	High C

The consequence categories reflect the societal and individual risk should a failure occur at any of the prescribed dams.

The main changes under the new legislation included the following:

- establishes a new regulator, Dams Safety NSW, which comprises independent governing members;
- provides declared dam owners with a clear set of minimum requirements;
- allows the regulator to audit and enforce these standards; and
- significantly increases the penalties for non-compliance up to \$1.1 million for corporations and \$250,000 for individuals.

The changes to legislation have the following implications to dam owners including Council:

- Dams Safety NSW will be active in auditing compliance with regulatory requirements, including field-auditing of operations and maintenance activity;
- owners of declared dams are required to implement a Dams Management System based on internationally recognised asset management system requirements;
- declared dam owners will have flexibility to explore a broad range of options to deliver the required level of public safety; and
- penalties have been increased significantly from those in the previous *Dams Safety Act 1978*, and are relative to the potential consequences of dam failure.

A two-year transition period was included with the legislative changes to allow dam owners to implement new regulatory requirements. This transitional period commenced on 1 November 2019 and ended on 1 November 2021.

During the two-year transition period, Dams Safety NSW conducted site visits/trial audits to assist dam owners to determine their level of compliance with the legislative changes. Dams NSW completed an audit on Tamworth Regional Council's Dams Management System in March 2021. Since the completion of the audit, staff have worked on the identified improvements and advised Dams Safety NSW of actions completed. Council has subsequently completed further internal audits on its Dams Management System and has participated in a pilot program, funded by the Department of Planning and Environment, working with WaterNSW and two other Councils in identifying methods to improve Dams Management Systems across the water industry in NSW. All Dam Owners are required to complete an Annual Dams Safety Standards Report and submit to Dams Safety NSW. As detailed in this report, Council has fully implemented a Dams Safety Management System and identified a continuous improvement program to continue to develop and improve the system. A key element of the Dams Safety Management System is the completion of Dam risk Assessments. Council has completed risk assessments on all of its dams and this report focuses on the outcomes of the recently completed risk assessment undertaken for Connors Creek.

In alignment with the new legislation, Council was required by Dam Safety NSW to prepare a risk assessment and safety review for Connors Creek Dam by the end of December 2022. Specialist consultants were engaged to undertake the project on behalf of Council during 2022.

Connors Creek Dam was constructed by the NSW Public Works Department in 1934 as a water supply dam for Barraba. The dam is located approximately four kilometres northeast of Barraba, and is a constant radius concrete arch dam having a maximum height of nine

metres, and crest length of 110 metres. The dam has a catchment area of approximately 71 square kilometres and the original design storage was 360ML. Due to siltation since construction, the dam storage capacity has reduced to approximately 156ML. The dam was the primary water supply for Barraba up until 2016 when the pipeline from Split Rock Dam to Barraba was completed. At this time connections on the raw water pipeline were supplied water from the Barraba water network and the pipeline disconnected from the dam. As such, the dam no longer provides any water supply to Barraba.

The new regulation mandates that dam owners must ensure safety 'so far as is reasonably practicable' (SFAIRP). SFAIRP requires a dam owner to determine what the available practicable precautions are and then tests which of these are reasonable. There are two elements to a dam owner must consider:

- 1) what can be done, i.e. what is possible in the circumstances for ensuring safety; and
- 2) whether it is reasonable in the circumstances to do all that is possible, including an assessment of the safety benefits against the costs.

What is reasonably practicable is determined objectively. This means that a dam owner must meet the standard of behaviour expected of a reasonable person in the dam owner's position and who is required to comply with the same duty.

The preparation of a dam risk assessment includes the following steps:

Step 1 – Assess whether the available information is sufficient to formally assess SFAIRP.

Step 2 – Identify any critical data gaps necessary to inform SFAIRP.

Step 3 – Determine the critical hazards for the dam.

Step 4 – For each critical hazard:

- identify the existing control measures;
- identify potential additional control measures; and
- assess the opportunity to add or improve the control measures.

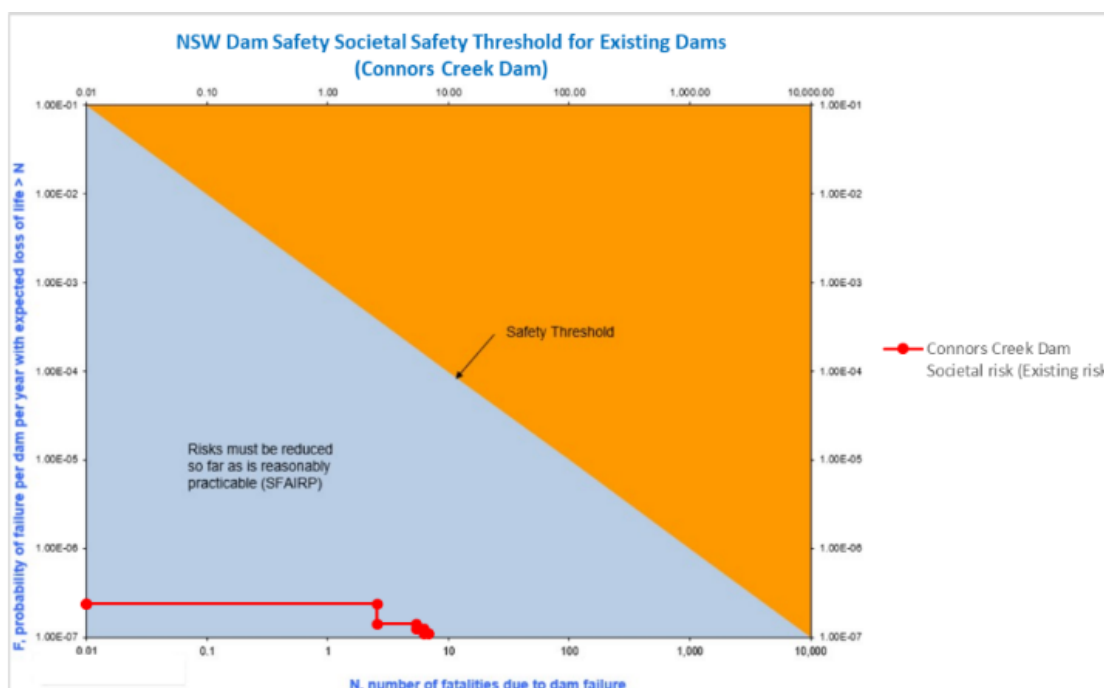
Step 5 – Identify which additional control measures are reasonably practicable under the circumstances. This takes into account the relevant matters, including:

- likelihood;
- harm;
- control measures;
- cost;
- confidence existing risk is below the Safety Threshold; and
- other matters.

Step 6 – Prepare a risk report.

Connors Creek Dam Risk Assessment Outcome

The outcome of the risk assessment for Connors Creek Dam identified the dam has a very low risk of failure and potential Societal Safety risk. This is illustrated below.



The completed risk assessment provides recommendations regarding further work at Connors Creek Dam including;

- grouting of expansion joints;
- installation of survey points to the top of the dam to monitor deformation in winter/summer; and
- continued dam monitoring following flood events to monitor abutments scouring.

Staff are currently scoping the requirements for the grouting and survey projects. These projects will be included in the 2024/2025 Annual Operating Plan and Budget for Council's consideration.

The complete risk assessment for Connors Creek Dam is **ENCLOSED**, refer **ENCLOSURE 1**. The risk assessment has been provided to Dam Safety NSW.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

The *Dams Safety Act 2015*, and *Dams Safety Regulation 2019*, requires declared dam risks be below a SFAIRP. The risk assessment completed for Connors Creek Dam is well below the Safety Threshold and has been provided to Dam Safety NSW.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security.

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 LOCAL GOVERNMENT NSW 2023 CONFERENCE

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Local Government NSW 2023 Conference”, Council:

- (i) determine issues that are important to Tamworth Regional Council for motions to be drafted and request a further report to be prepared for approval;*
- (ii) authorise the Mayor, Deputy Mayor and two Councillors to attend the 2023 Local Government NSW Conference as Voting Delegates together with the General Manager; and*
- (iii) nominate other interested Councillors to attend the Conference as observers in accordance with Council’s Policy for the attendance of observers.*

SUMMARY

This purpose of this report is to determine Council motions to submit to Local Government NSW (LGNSW) for the State Conference and to nominate Councillor delegates to attend the Annual Conference on the 12-14 November, at Rosehill Gardens Racecourse.

COMMENTARY

The 2023 Local Government NSW Annual Conference will be held at Rosehill Gardens Racecourse from Sunday 12, to Tuesday 14 November 2023. The Draft Program for the conference is available to view on the Annual Conference Page on the LGNSW website.

Motions are to be submitted by Friday, 15 September 2023. Proposed motions should be strategic, affect members state-wide and introduce now or emerging policy issues and actions, the Motions Submission Guide is **ATTACHED**, refer **ANNEXURE 1**, for reference. Members are encouraged to review the Action Reports from previous conferences before submitting motions for the 2023 Conference. Action reports from previous conferences are available on the Annual Conference page on the LGNSW website.

Tamworth Regional Council has been allocated four Voting Delegates, with additional Councillors to attend as observers. Each member must nominate its delegate(s) to the Conference by Friday, 27 October 2023. The Conference offers an early bird discount for registrations completed prior to Thursday, 28 September 2023.

(a) Policy Implications

Councillor(s) are authorised to attend the LGNSW Annual Conference in accordance with Council’s policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

Approval arrangements for Councillor discretionary trips, attendance of Councillors at conferences, seminars, forums, workshops, professional development programs and/or other significant expenses and facilities under this policy and for insurance purposes must be authorised by way of a formal resolution of an Ordinary Meeting of the Council.

(b) Financial Implications

Councillors have been allocated the sum of \$2,000 annually to specifically provide for attendance at the Local Government NSW Annual Conference. Authorisation of the attendance of Councillors is by way of a resolution of the Council.

Costs associated with the attendance of Tamworth Regional Council staff at the Conference would be funded from their respective budgets.

(c) Legal Implications

Council's formal resolution for the attendance of any Delegate is required for insurance purposes whilst the Representatives are performing bona fide Council duties.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus area 9: Open and Collaborative Leadership

9.2 REQUEST FOR FEE WAIVER - NATIONAL REINING HORSE ASSOCIATION OCEANIA AFFILIATE CHAMPIONSHIPS 2023

DIRECTORATE: GROWTH AND PROSPERITY

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Request for Fee Waiver - National Reining Horse Association Oceania Affiliate Championships 2023", Council decline the request to support the event with a \$3,000 fee waiver

SUMMARY

The National Reining Horse Association (NRHA) Oceania Affiliate Championships have contacted Council regarding financial assistance for their event at the Australian Equine and Livestock Events Centre (AELEC) from August 6 to 13, 2023.

COMMENTARY

Council received a letter, see **ATTACHED**, refer **ENCLOSURE 1**, from National Reining Horse Association (NRHA) on 8 June 2023, requesting a \$3,000 fee waiver for their event from 6 to 13 August, 2023 at AELEC.

NRHA are a non-for-profit club based in Dubbo NSW supported by the Victorian Reining Horse Association (VRHA).

The predicted competitors numbers provided by NRHA for this event are relatively small (90) compared to the many events held at AELEC. As this is a new event to AELEC, the

economic benefit including any associated visitors for the region is very difficult to predict. NRHA have provided estimated visitor numbers noting that the majority will be utilising onsite camping at AELEC. Therefore, the visitor multiplier used to calculate overnight visitor spend is not applicable. See **Figure 1** below regarding the event's economic contribution.

The proposed National Reining Horsing Association Oceania Affiliate Championships event is planned to start on August 13th, 2023 and to run for 8 days. It is an event of Region significance and is estimated to attract 90 visitors per day over the 8 days, with an average spend per person per day of \$46. This equals a total visitor spend of \$33,120 attributed to this event. Assuming the event will be held in Tamworth Regional Council, it is calculated to have the following potential impact:

Event Impact Summary				export
Tamworth Regional Council - Modelling the effect of \$33,120 from a Sports and Recreation Activities event with Region significance				
	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)	
Direct impact	28,470	11,946	0.3	
Industrial impact	15,355	6,530	0.1	
Consumption impact	11,149	4,703	0.0	
Total impact on Tamworth Regional Council economy	54,974	23,178	0	
Source: National Institute of Economic and Industry Research (NIEIR) ©2023. ©2021. Compiled and presented in economy.id by .id (informed decisions).				

Figure 1: Event Economic Contribution

RECOMMENDATION

It is recommended that Council;

- decline the fee waiver of \$3,000 due to the uncertainty of the event and the uncertainty of its economic return for the Tamworth Region
- assess the data post the 2023 NRHA Oceania Affiliate Championships to ascertain event performance and economic return should the event return in 2024

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 3: Prosperity and Innovation

Focus Area 8: A strong and vibrant identity

10 COMMUNITY SERVICES

10.1 2023/2024 REGIONAL EVENTS MARKETING SUPPORT PROGRAM

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Linda Bridges, Coordinator Visitor Economy

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “2023/2024 Regional Events Marketing Support Program”, Council;

- (i) support the recommended events as noted within the body of this report; and*
- (ii) approve the allocation of funds as outlined in the body of the report*

SUMMARY

The purpose of this report is to seek authorisation to allocate \$22,250 from the 2023/2024 Regional Events Marketing Support Program budget to support pre-qualified local regional events.

COMMENTARY

Applications under the 2023/2024 Regional Events Marketing Support Program were invited from 2 June to 27 June 2023, inclusive, which included an extension after initial application numbers were low. Promotion of the funding program included a media launch, direct email to database of previous applicants, email to Section 355 committees, e-news, social posts and Northern Daily Leader Column.

Council's Regional Events Marketing Support Program provides financial and/or in-kind marketing support for marketing activity for events and festivals held within the Tamworth region. Applicants are required to complete a Regional Events Marketing Support Program application in full, including all supporting documentation as listed in the checklist on the application form.

In order to qualify for funding, an event must exhibit and be able to report back on three key focus areas:

- the economic benefit of the event to the Tamworth region;
- an increase in overnight visitation to the Tamworth region, and
- event feasibility for new events, or for existing/established events demonstrate how the event will grow.

There are 3 tiers of funding available, up to a maximum of \$5,000 per event.

1. \$100 - \$750
2. \$751 - \$2,000
3. \$2,001 - \$5,000 (maximum)

All applications are assessed against the economic assessment model to determine the economic benefit based on external impact from a median to upper limit. Based on this assessment the applications, including the recommended offer of marketing support, are detailed in the attached closed report. Due to the commercial nature of a number of

applications a closed attachment is provided with full financial details, see **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE**, for each event.

The total economic benefit for all applications for the 2023/2024 Regional Events Marketing Support Program equate to \$6,670,087 with \$5,005,932 generated by estimated external visitation.

RECOMMENDATION

It is recommended that:

- Council supports the following applications and associated events:

Applicant	Event	Recommended Support (ex. GST)	Economic Return
North & North West Show Jumping Club	2023 Tamworth World Cup Show	\$5,000	\$832,817
Barraba Community Inc.	Frost Over Barraba	\$3,000	\$212,044
Barraba Pastoral, Agricultural and Horticultural Association Inc.	Barraba Show	\$2,000	\$245,136
Nundle Public School P&C Association	The Great Nundle Dog Race 2024	\$2,500	\$152,706
Bullimbal Public School Parents and Citizens Association	Bullimbal Spring Fair	\$1,000	\$163,424
Kootingal Recreational Reserve Committee (S355)	Kootingal Country Fair	\$3,000	\$229,059
Nundle Public School P&C Association	Nundle Twilight Christmas Market	\$750	\$63,373
Texas Star Performance Horses	TSPH Clinic Participants Campdraft	\$3,000	\$356,921
Tamworth Jockey Club	Tamworth Jockey Club – Tamworth Cup Race Day	\$2,000	\$204,280

- Council does not support the following application and associated event due to the fact that this event does not increase overnight visitation, which is a key focus of the funding:

Applicant	Event	Recommended Support (ex. GST)	Economic Return
Tamworth Junior Chamber	Tamworth Junior Chamber Progressive Dinner	\$0	\$27,193

- Council does not support the following application and associated event due to the fact that this organisation received a \$15,000 fee waiver for their 2024 event (approved at Council Meeting on 29 June 2023):

Applicant	Event	Recommended Support (ex. GST)	Economic Return
National Cutting Horse Association	2024 NCHA Futurity	\$0	\$3,664,394

(a) Policy Implications

Nil

(b) Financial Implications

The Growth and Prosperity directorate has an Event Support Marketing Program budget. Funding of \$22,250 will be deducted from this budget.

(c) Legal Implications

Nil

(d) Community Consultation

Direct marketing, social and advertising were conducted to promote the availability of the program. A full marketing report is available on request.

(e) Delivery Program Objective/Strategy

Focus Area 3 – Prosperity and innovation

Focus Area 8 – A strong and vibrant identity

11 *REPORTS TO BE CONSIDERED IN CLOSED COUNCIL*

RECOMMENDATION

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.

PROPOSED 5MW SOLAR FARM FOR TAMWORTH GLOBAL GATEWAY PARK TENANTS

DIRECTORATE: WATER AND WASTE

AUTHOR: Ashleigh Smith, Sustainability Coordinator

2 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (a),(d)i,(f)&(h) of the local Government Act 1993 on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, details of systems and/or arrangements that have been implemented to protect Council, Councillors, staff and Council property and information concerning the nature and location of a place or an item of Aboriginal significance on community land.

SUMMARY

In the past few years more and more businesses are looking to improve their sustainability credentials and demonstrate a commitment to sustainability. One of these ways is by accessing green (renewable) energy sources including electricity. During the planning stages of the Tamworth Global Gateway Park (TGGP) the TGGP Project Control Group, which consists of all members of Council's Executive and various other staff as stakeholders in the project, discussed whether it would improve the marketability and attractiveness of the TGGP to business, if Council could offer green energy to property owners and/or tenants in the TGGP.

To progress this discussion a consultant with expertise in this area, 100% Renewables, was engaged to assist and a number of options were investigated. Following consideration of the options available the TGGP Project Control Group called for Expressions of Interest (EOI) from electricity suppliers/retailers with the intent of:

- finding renewable energy solutions scalable to align with the staged release of land in the TGGP;
- finding renewable energy solutions which provide the same reliability and security of energy supply as would be available to occupants of the TGGP from the grid;
- ensuring renewable energy makes a significant contribution to the overall future energy demand of the TGGP; and
- ensuring the final cost of the energy for the future customers at the TGGP is cheaper than the regular grid energy cost.

Six companies/consortiums submitted EOI's. Following consideration of the submissions, and further discussion with the companies involved, the TGGP Project Control Group considered that the submission from Flow Power was the most appropriate and discussion/negotiation with Flow Power has been ongoing. These discussions have now reached a point where direction from Council is required in relation to this matter.