

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, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**, commencing at **6:30pm**.

ORDINARY COUNCIL AGENDA

12 NOVEMBER 2019

**PAUL BENNETT
GENERAL MANAGER**

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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 of 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, 22 October 2019, 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

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 ENGAGEMENT OF LEISURE PLANNER TO SUPPORT DESIGN OF TAMWORTH REGIONAL AQUATIC AND LEISURE CENTRE – FILE NO PROJ2019-0206

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

**Reference: Item 8.5 to Ordinary Council 12 March 2019 - Minute 63/19
Item 7.1 to Ordinary Council 18 December 2018 - Minute No 324/18**

RECOMMENDATION

That in relation to the report “Engagement of Leisure Planner to Support Design of Tamworth Regional Aquatic and Leisure Centre”, Council:

- (i) endorse the engagement of a leisure planner through an open quotation process*

to assist Council in reviewing design packages and accurately defining the lead designer's scope of works related to the substantial design of the Tamworth Regional Aquatic and Leisure Centre; and

- (ii) increase project funding by \$65,000 from the Civil Construction Reserve to supplement \$35,000 in funds remaining in the project preliminaries budget.*

SUMMARY

The purpose of this report is to seek Council endorsement to continue forward planning of the Tamworth Regional Aquatic and Leisure Centre through the allocation of additional funding for the engagement of an external leisure planning consultant.

COMMENTARY

The Project

Forward planning for the Tamworth Regional Aquatic and Leisure Centre project has been underway since early 2017. Three project phases have now been defined to outline the delivery methodology of the project.

Phase 1 of the project commenced in 2017, and has been completed. This phase included community consultation/engagement, conceptual modelling of facility arrangements, preparation of the business case, and Council's endorsement of the final business case and desired facility arrangement option. A leisure planning consultant and architect were engaged during this phase to assist the project team in developing the business case.

Phase 2 of the project involves the 50% detailed design of the facility as well as the issuing of an approved Development Application. This report relates to Phase 2, which will require the engagement of a leisure planning consultant to assist the project team.

Phase 3 of the project involves the finalisation of the design and the construction of the facility, expected to be delivered as a single design and construct contract once funding is secured.

Aquatic and Leisure Centre Design Development

It is proposed that the design of the Tamworth Regional Aquatic and Leisure Centre will be delivered in stages, with the detailed design work completed by a lead designer (architect):

- concept and schematic – drawings with preliminary layouts and facility arrangements, based on the council endorsed arrangement from the business case. This has been completed as Phase 1;
- town planning – detailed design progressed to a nominal 20% stage and associated documents to allow planning approvals to be granted. This will form the first stage of Phase 2;
- design development (50%) – further progressed designs and construction documentation to a nominal 50% stage. The completion of this stage is proposed to be the conclusion of Phase 2 of the project; and
- design finalisation (100%) – final design and construction documentation expected to be completed as part of Phase 3 under a design and construct contract.

Phase 2 will require a leisure planning consultant to assist the project team in developing a fit-for-purpose and best practice facility design. The scope of works for this consultant is proposed as follows:

- preparation of a design brief, specifications and scope of works to be used by Council to engage a lead designer. The design brief will detail the aims, objectives, and operational requirements of the facility to achieve the community outcomes within the business case;
- provision of updated professional fee estimates (for lead designer, etc.) for the scope of works within Phase 2;
- provision of professional advice during the tender assessment for the lead designer and also ongoing during the design of the facility;
- assistance with the review of architectural designs and reports at each stage of phase 2, providing commentary on the fit-for-purpose nature of the facility and best practice outcomes; and
- attendance and facilitation of councillor workshops during the design stages to provide expert advice to Council.

Estimates for the professional fees associated with a leisure planner for Phase 2 of the project are approximately \$50,000-\$80,000 with the final cost dependant on the extent of professional advice requested by Council.

Once the leisure planning consultant has produced a design brief and associated specification, a Councillor workshop and Council report, will be provided to seek Council's endorsement to proceed with a tender for the engagement of a lead designer to undertake the nominal 50% design. This awarding of this tender will be the subject of a separate report for Council approval.

Pending Council's approval, it is estimated that the lead designer tender will be advertised in April 2020, with the contract awarded in June 2020. Should this work proceed, the completion of 50% design documentation, approved development application, and updated construction cost estimate is expected to be completed by June 2021.

The completion of 50% design will allow Council to seek funding from the Australian and/or NSW Governments on the basis that the project is 'shovel ready' for a design and construct contract.

(a) Policy Implications

Nil

(b) Financial Implications

\$35,000 of existing funding is remaining within the Tamworth Regional Aquatic and Leisure Centre preliminaries budget. Up to \$65,000 of additional funding will be required to be allocated from the Regional Services Civil Construction Reserve to provide \$100,000 for the engagement of a leisure planner and for internal project management staff expenses.

Item	Estimate (ex. GST)
Leisure Planning Consultant	\$50,000 - \$80,000
TRC Project Management	\$20,000

(c) Legal Implications

Council will enter into a standard consultant contract under AS4122 for the services of a suitably qualified leisure planning consultant.

(d) Community Consultation

Extensive community consultation was completed for the Tamworth Regional Aquatic Centre, culminating in Council's endorsement of the business case, refer to Item 8.5 to Ordinary Council 12 March 2019 – Minute No 63/19. This included endorsement of the high embellishment option, namely Option 1, with two 50 metre pools and an adventure slide zone.

By undertaking the design in keeping with the endorsed option and business case intent, the expectations of the community arising from the early consultation are met.

(e) Delivery Program Objective/Strategy

A Spirit for Community – C12 Provide high-quality sporting facilities to meet the diverse needs of the community.

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

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Ordinary Council Meeting 14 February 2017 Item 8.8 Minute No. 13/17
Ordinary Council Meeting 12 June 2018 Item 8.3 Minute No. 190/18
Ordinary Council Meeting 24 July 2018 Item 8.3 Minute No. 116/18
Ordinary Council Meeting 10 September 2019 Item 8.5 Minute No. 297/19
Ordinary Council Meeting 22 October 2019 Item 8.4 Minute No. 377/19

3 ANNEXURES ATTACHED

RECOMMENDATION

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

- (i) prepare a submission based on the points detailed in the report;*
- (ii) write to the NSW Minister for Water, Property and Housing expressing Council's concerns including:*
 - a. the review of the current Water Sharing Plans should be delayed until after the current drought is over and the lessons learnt can be incorporated;*
 - b. the lack of changes proposed in the Water Sharing Plan for Peel Regulated*

River Water Sources 2020 to improve the reliability and security of Tamworth and Moonbi Kootingal's water supply into the future; and

c. other points as detailed in the report.

SUMMARY

The NSW Government has recently announced the public exhibition of the Namoi Surface Water Resource Plan and the Water Sharing Plans for the Upper and Lower Namoi Regulated River Water Sources 2020 and the Peel Regulated River Water Sources 2020. Public comments on these plans close on 15 November 2019.

COMMENTARY

As reported to Council at its Meeting of 14 February 2017, Water Resource Plans (WRP) are a key requirement of the Commonwealth Basin Plan 2012, and the NSW Government must complete WRP's for all valleys in the Murray Darling Basin by the end of 2019. The document **ATTACHED**, refer **ANNEXURE 1**, released by the NSW Government in October 2016, provides details of what is in a WRP, how the plan was developed, including consultation and timeframes.

Some other details that were relevant in February 2017, in relation to this matter are detailed below:

- there will only be one WRP produced for the Namoi Valley, which will include the Peel Valley, even though there is currently two Water Sharing Plans – one for the Peel and one for the Namoi;
- the current Water Sharing Plans (WSP) for the Namoi and Peel will become part of the WRP for the Namoi Valley;
- the intention is not to revisit all aspects of the current WSP, including Sustainable Diversion Limits (SDL's) etc;
- stakeholder Advisory Panels (SAP's) will be established to provide a forum for discussion of competing interests in relation to the WRP;
- two SAP's will be established for the Namoi WRP – one for Namoi stakeholders and one for Peel stakeholders;
- the Director Water and Waste will be Council's representative on the two SAP's; and
- the review is now being administered by the NSW Department of Planning, Industry and Environment - Water (DPIE).

Consultation has now been completed and a draft Namoi Surface Water Resource Plan, and Water Sharing Plans for the Upper and Lower Namoi Regulated River Water Sources 2020, and for the Peel Regulated River Water Sources 2020, have been placed on public exhibition.

It should be noted that the Director Water and Waste and others involved in the SAP process, believed the Namoi Surface Water Resource Plan would be placed on public display first, and once the WRP was finalised, the Water Sharing Plans for the Upper and Lower Namoi and Peel Regulated River Sources would be drafted and placed on public display for public comment. This is not the case, the WRP and the relevant WSP's have been placed on public exhibition together and once the public exhibition period ends it will be up to the NSW Water Minister to make the various Plans.

The SAP process has taken a long time and discussions have at times been quite heated, however, despite that, it is fair to say the Namoi Surface Water Resource Plan and the associated WSP's contain very little that changes the way water is shared in these sources over the previous WSP's, the documents they replace.

Changes that have been made, or a re-proposed, are shown below:

Water Sharing Plan for the Peel Regulated River Source 2020

The new Water Sharing Plan for the Peel Regulated River Water Source 2020 contains the following changes:

- various administrative changes to allow compliance with the Murray Darling Plan;
- the previous WSP included unregulated, alluvium and fractured rock water sources as well as the regulated water source. The new WSP is only for the regulated river source and other WSP's have been, or will be, developed for the other sources;
- the draft WSP includes consideration of allowing conversion of regulated river entitlements (high security) from downstream regulated river water sources to access licenses in connected upstream, unregulated river water sources; and
- changes to the conversion factor from 0.4 to 0.5 for permanent water traded from the Regulated Peel Water Source to the Regulated Namoi Water Source, to more accurately reflect transmission losses.

The changes noted above have no significant direct effect on Council as an entitlement holder and it is therefore not proposed to comment on these specific changes further.

Water Sharing for the Upper and Lower Namoi Regulated Water Source

The new Water Sharing Plan for the Upper and Lower Namoi Regulated River Water Sources 2020 contains the following changes:

- various administrative changes to allow compliance with the Murray Darling Plan;
- increase the maximum volume that may be held in a general security water allocation account in the Upper Namoi regulated river water source;
- DPIE is proposing to increase the maximum allocation that may be held in a water allocation account at any time from 1.0 ML per unit of share of entitlement to 1.5 ML per unit of share of entitlement in the Upper Namoi. This change will provide slightly better reliability to the water users in the Upper Namoi water source and will have no noticeable impact on other water users or the environment;
- supplementary flow access rule;

When the water sharing plan for the Upper Namoi and Lower Namoi Regulated River Water Sources was first gazetted in 2003, the supplementary flow sharing arrangements in the Lower Namoi water source were as follows. There was 90% for the environment and 10% (90:10) for water users between July and October each year, and 50:50 for the rest of the year. From 5 March 2015 to 30 June 2019, a trial was undertaken of 50:50 supplementary flow sharing throughout the year. During the trial period, a scientific study was undertaken by NSW Government agencies and partner organisations. The study assessed whether increasing access to supplementary flow events in the July to October period had any adverse impact on planned environment water and environmental outcomes. This study concluded that the 50:50 sharing arrangement did not provide the same level of protection to the environment compared

with the 90:10 arrangements. A six month extension of the trial period has been proposed, and is currently under consideration. The NSW DPIE is investigating alternative supplementary water flow sharing rule options. If an acceptable alternative is not found, it is proposed to revert to the 90:10 supplementary flow sharing rule over the July-October period;

- restrict permanent water trading from Lower to Upper Namoi Water Sources;

It is proposed to cap trade from the Lower Namoi water source to Upper Namoi water source at the entitlement level in the Upper Namoi water source at the commencement of the remade water sharing plan. If water is traded out of the Upper Namoi water source, an equal amount would be able to be traded back into the Upper Namoi water source. The capping of trade is being undertaken to limit the potential negative impacts on reliability of Upper Namoi water users, particularly in drier periods. There is also the potential for an increase in take in the Upper Namoi water source which could result in compliance issues in this water source;

- trade between regulated and unregulated water sources (Part 9 Minister's note):

DPIE is considering the potential option of allowing the conversion of regulated (high security) entitlements from downstream regulated river water sources to access licences in connected upstream unregulated river water sources;

- permanent water trading from Regulated Peel Water Source to the Regulated Lower Namoi Water Source:

Permanent trade is permitted from the Peel Regulated River Water Source to the Lower Namoi Water Source and is subject to:

- a conversion factor to account for transmission losses between the Peel Water Source and the Lower Namoi Water Source
- a volumetric trade limit

To ensure alignment with the Basin Plan 2012 requirements, we propose to amend the value of the conversion factor from the existing value of 0.4 to 0.5, in order to more accurately reflect transmission losses; and

- temporary water trading from the Regulated Peel Water Source to the Regulated Lower Namoi Water Source:

It is proposed to repeal the temporary water trading provisions between the Peel to Lower Namoi regulated river water sources, which was included in the water sharing plan for these water sources in the 2014/15 water year. The trade regime was demonstrated to have an impact on Lower Namoi water users who did not participate in trading between the two water sources.

The changes noted above have no significant direct affect on Council as an entitlement holder and it is therefore not proposed to comment on these specific changes further.

However, the following general comments are made in relation to one or both Plans and it is recommended should be included in Council's submission to the NSW Government.

NSW Natural Resource Commission is reviewing the old WSP's

At its Meeting of 10 September 2019, Council considered a report advising the NSW Natural Resource Commission has a statutory role under Section 43A of the Water Management Act 2000, to undertake independent reviews of water sharing plans

approaching expiry and report its findings to the NSW Minister for Water. These reviews help to identify opportunities to improve water sharing provisions and associated outcomes. The Minister considers the Commission's report before deciding to extend or make a new water sharing plan.

Council did make a submission to the Commission's review and the Director Water and Waste will meet with the Commissioner to further discuss Council's concerns on 12 November 2019. A verbal update from this meeting will be provided to Councillors at the Meeting.

The following concern will be discussed with the Commissioner:

How does the Commission's review of the old WSP's and the NSW DPIE (Water) current review and release of a new WSP's work together – for instance:

- if a provision in the Water Sharing Plan is reviewed by the Natural Resource Commission and the Commission recommends amendment, but that amendment is not supported, by the Namoi Water Resource Plan, what happens then; and
- likewise if the WRP signifies a change in WSP that is not recommended by the Commission, what happens then.

Confusion in relation to the process to be followed

As mentioned above, the Director Water and Waste and others involved in the SAP process were of the understanding that the Namoi Surface Water Resource Plan would be placed on public display first, and once the WRP was finalised, the Water Sharing Plans for the Upper and Lower Namoi and Peel Regulated River Sources would be drafted and placed on public display for public comment. This is not the case, the WRP and the relevant WSP's have been placed on public exhibition together and once the public exhibition period ends it will be up to the NSW Water Minister to adopt the various Plans. Given the minor changes that are proposed then perhaps this is not a major issue but it does add to the level of disillusionment associated with the process.

Why complete the review now

The North West of NSW is experiencing the worst drought on record. The rules as set down in the current Water Sharing Plans have been followed and town water supplies, irrigators and other customers now find themselves in the current situation, including a real threat to the continued provision of water for local town water supplies.

The proposed minor changes to both WSP's will essentially see the rules as per the old WSP's brought forward into the new WSP's. How the government and agencies expect a different outcome in the future, if the same or worse conditions occur, when the same rules are being applied, is not clear.

This point was raised at the public meeting in Tamworth on 23 October 2019 where it was suggested that the government postpone the review of the WSP's until after the current drought has broken, so that the lessons learned can be considered and, where necessary, incorporated in the new Plans. Whilst it was conceded by representatives of the NSW Government at the meeting that the new Dungowan Dam, funding for which was recently announced, would require changes to the Peel WSP, it was noted the relevant NSW Minister could make changes to the WSP at any time and the review and making of the new Plan would continue.

Additionally, during the current drought Tamworth and Moonbi Kootingal are fortunate that there are capital works that can be undertaken quickly, and that the NSW

Government has funded, to improve the reliability and security of the Chaffey Dam supply. It is considered similar capital works will not be so easily identified if a similar drought occurs in the future, so changes to the way water is shared is considered the most appropriate way to prevent similar situations from reoccurring in the future.

The Peel WSP should be changed to provide Local Water Utilities with 100% of their allocation in year 1 and 100% allocation in year two.

Council has considered a number of reports on this matter previously, before resolving to write the then NSW Water Minister, Niall Blair **ATTACHED**, refer **ANNEXURE 2**, seeking a change to the Peel Water Sharing Plan that would see Local Water Utilities receive 100% of their allocation in Year 1 and 100% in year two. Minister Blair replied, **ATTACHED**, refer **ANNEXURE 3**, to Council advising the NSW Government would not support such a change.

The current drought highlights the need to provide more water security for the City of Tamworth and Moonbi/Kootingal. It is considered the points raised in the letter to the Minister remain valid and the reasons given in the Minister's reply can be questioned given the position Tamworth finds itself in relation to water security.

Losses are not adequately considered in the current Peel WSP

If the permanent pipeline from Chaffey Dam to the existing Dungowan Pipeline is constructed then this issue will no longer be of concern for Council. However, if the pipeline is not constructed then it is considered the WSP does not accurately cater for in stream losses in the Peel River particularly during drought. Councillors have heard many times that, at the present time, for every one Megalitre of water required at the Peel River Intake, two Megalitres must be released from Chaffey Dam – 50% of all water released from Chaffey Dam is lost during in stream travel. It is understood the WSP assumes an allowance of 30% for in stream losses which may be appropriate for wetter or normal periods but during drought, when water security is at a premium, the WSP should accurately represent losses actually experienced.

The process for determining allocations appears flawed in the current Peel WSP.

Prior to the augmentation of Chaffey Dam, when the storage level hit 50% Council introduced Level 1 water restrictions which generally coincided with the time when the general security allocation reduced to 0%. This meant that water from Chaffey Dam was not being released for any other purpose but for Local Water Utility supplies and some high security entitlement holders, when water restrictions were introduced in Tamworth. Essentially then, from this point, the rate of fall of Chaffey Dam was controlled by the level of water restrictions in place in Tamworth and by the public's compliance with those restrictions.

Contrast that to the present drought which saw Council introduce water restrictions in Tamworth and Moonbi Kootingal on 14 January 2019, with the augmented dam at 38% (Council offices were closed for Christmas when the dam passed 40%, the trigger for level 1 restrictions). At that time general security allocation was 38% where it remained for the remainder of the water year. On 1 July 2019, the storage at Chaffey had reached 23.11% and general security allocation went to 0%. The allocation for general security entitlement holders meant the introduction and escalation of water restrictions by Council, despite good compliance by the community, did not have a significant impact on the rate of fall of the dam storage because the bulk of the water released during this period was for irrigation requirements.

The process for determining allocations under the Peel WSP needs to be reviewed in light of the present drought to ensure the City of Tamworth and Moonbi Kootingal are not on water restrictions during periods when the city is not the main consumer of water from the Dam.

The current Peel WSP does not provide adequate security for the City of Tamworth and Moonbi/ Kootingal

The current drought in this part of the state is officially the worst on record. The urban centres reliant on water from Chaffey Dam are now on Level 5 restrictions, the highest level possible under Council's Drought Management Plan, with very real concerns supplies may continue to fall.

Provision of water for local water utilities is fourth highest priority of the plan, behind only water for the environment, water for domestic and stock rights, and water for native title rights. Given this priority it could be argued the current plan has not achieved its objectives and security of supply for Local Water Utilities needs to be reviewed and provisions strengthened.

Treatment for water held in storage for losses after Chaffey Pipeline is constructed is a critical consideration

The current Peel WSP includes provision for storing water in Chaffey Dam to address water losses associated with the holding and delivery of water to meet license holder requirements. How much water is stored in Chaffey Dam to mitigate against losses is unknown, but considering Water NSW believes in 2018-19 over 17,000 Megalitres of water was lost instream, the volume of water stored in the dam to offset losses may be considerable.

Should the Chaffey Dam pipeline be constructed then one of the main contributors to this high volume of water stored in the dam, the allowance for losses associated with the delivery of water for Tamworth's requirements will be significantly reduced. How the water presently stored in the dam for losses but no longer required, is dealt with will have serious consequences for the water security of Tamworth. For example, if, as a result of the pipeline, water stored for losses is set aside in the assessment and not allocated, the security of Tamworth's supply will increase; however, if the volume is allowed to form part of the resource to be allocated, it will improve water availability and productivity for general security license holders, but not improve water security for Tamworth.

It would seem ludicrous for the NSW Government to spend an estimated \$40 Million on a pipeline to secure Tamworth's water supply only for the Water Sharing Plan to then erode that security by allocating water previously held for losses to other uses.

How this water is treated in the future will be included in the Water Sharing Plan and therefore the review of the Peel WSP needs to consider this issue.

Upper and Lower Namoi WSP – Treatment of Water for Manilla

As reported to Council meeting of 22 October 2019, there is real concerns that water presently stored in Split Rock Dam may be released to satisfy general security irrigation requirements. If this proposal proceeds then Split Rock Dam may be at dead storage levels by April 2020, and Manilla, which relies on releases from Split Rock for town water, will be effectively out of water. The proposed releases are in accord with provisions set down in the current WSP. Obviously then, it is considered the current

WSP should be amended to prevent the release of water from Split Rock dam where those releases will see an end to the supply of water for Manilla.

It is recommended Council prepare a submission as part of the review process, and further, because of very real concerns the current review is essentially recommending no change to the way water is currently shared, particularly in the Peel Valley, Council should write to the responsible NSW Minister and make our concerns known direct.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region for the Future – F11 Sound asset management planning.

8.3 FURTHER FUNDING FOR WATER STRATEGIC PLANNING – FILE NO SF6771

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

RECOMMENDATION

That in relation to the report “Further Funding for Water Strategic Planning”, Council provide an additional \$150,000 from the Water Reserve in the current financial year to fund additional works in this area.

SUMMARY

The purpose of this report is to seek further funding from Council to fund strategic planning and investigation works in the water area that are required largely because of the current drought.

COMMENTARY

Each financial year Council provides \$200,000 in both the water and wastewater area to fund investigations of a strategic nature. In the water area these funds are usually expended on review and development of the water model across Tamworth, investigation work associated with areas of future development and other strategies and the preparation of concept designs etc. to allow estimates of the cost of construction of new proposed works to facilitate development and cater for growth to be developed.

The funding provided is usually sufficient, however in the current financial year the current level of funding has been exhausted and further funding will be required to continue drought related investigations.

The table below shows, for the current financial year, the major works that have already been completed or commenced:

Item	Details	Est. Cost	Status
Update aerial imagery and LiDAR information Dungowan Dam and Dungowan Pipeline	This updated information will be of particular importance during the design of the new Dungowan Dam and Pipeline. The work is being done in conjunction with the capture of other information across the Council area.	\$10,800	About to commence
Water quality information – Chaffey Dam	When the pipeline from Chaffey Dam is connected to the existing Dungowan Pipeline the quality of the water received at the Calala Lane Water Treatment Plant will change – mostly for the worse. This work will help to identify the quality of the water to be received whether any changes are needed to the treatment process to adequately treat this water.	\$32,000	Underway
Size and route of the new Dungowan Pipeline from Dungowan Village to the Calala Lane Water Treatment Plant	Once the new pipeline from Chaffey is in place, Council will have to consider how quickly the section of the old Dungowan Pipeline that connects to Calala Lane Water Treatment Plant is replaced and the diameter and route of the replacement pipeline.	\$46,100	Underway
Glen Artney Enterprise Area	A strategy for the delivery of treated water to the new Glen Artney Enterprise Area has to be developed.	\$6,720	Underway
Water balance – backwash water	Council now has the capability to send all the backwash water produced during the production of drinking water at the Calala Lane Water Treatment Plant back to the head of the works for re-treatment. Previously this water was made available to the Longyard Golf Course and to the AELEC Recycled water scheme for use at AELEC, the sports dome, hockey centre and now the NICSE. Council will need to decide how this water is shared in the future and a water balance will inform this decision	\$17,570	Underway

Item	Details	Est. Cost	Status
Review of groundwater at Attunga and Bendemeer	To get a better understanding of the life of groundwater supplies at Bendemeer and at Attunga, particularly for Attunga when the Peel River stops flowing on 1 December 2019.	\$14,600	Underway
Level 5 restrictions	Detailed analysis about where treated water is consumed across Tamworth and what business and commercial activities use what water. This will inform engagement activities with business and commercial.	\$31,661	Complete
Geotechnical Investigation - new Dungowan Dam	When Council was pursuing the NSW Government for funding to start preconstruction investigation of the new Dungowan Dam, particularly the geotechnical investigation, the government asked Council for a plan for a plan of the works proposed and an estimate of cost.	\$49,870	Complete
Total		\$209,321	

In addition to the works already underway or complete it is considered other works will be required whilst the current drought prevails, including, for instance, work on a concept plan for a pipeline from Split Rock Dam to Manilla. An estimated cost for this work has not yet been received however given work done to date and the potential for other works it is requested Council provides a further \$150,000 in funding for water strategic works.

(a) Policy Implications

Nil

(b) Financial Implications

Council provides \$200,000 for water strategic investigations each financial year. Should Council agree with the recommendation a further \$150,000 in funds will be required from the Water Reserve for the current financial year only.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region for the Future – F11 Sound Asset Management Planning.

8.4 DROUGHT ASSISTANCE - POSSIBLE USE OF THE DUNGOWAN PIPELINE TO PROVIDE WATER – FILE NO LF19080

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

RECOMMENDATION

That in relation to the report “Drought Assistance - Possible Use of the Dungowan Pipeline to Provide Water”, Council:

- (i) agree that where it is possible to help, Council will consider providing assistance to owners of active high security and/or stock and domestic entitlements in the regulated Peel River to maintain some access to water; and*
- (ii) agree to provide assistance to the property owner of 260 Fishers Lane and to the Loomberah Heights Water Users Association under the conditions detailed in the report.*

SUMMARY

Council has been approached in relation to the possibility of consumers who presently rely on flow in the Peel River to access their water entitlements from the Peel to access those same entitlements via Council’s Dungowan Dam pipeline. The purpose of this report is to seek Council’s direction in relation to this approach.

COMMENTARY

As Council would be aware WaterNSW is currently undertaking works to further secure Tamworth and Moonbi Kootingal’s Water supply during the current drought. Stage 1 of the works is the installation of a temporary weir across the Peel River adjacent to the Dungowan Recreation Ground and the commissioning of a temporary pump station to pump water from the weir pool, formed by the weir, into the adjacent Dungowan Pipeline.

The temporary weir and pump station are to be installed and commissioned on 30 November 2019 and therefore as of 1 December 2019, the Peel River downstream of the temporary weir will cease to flow. Whilst general security entitlement holders already have zero allocation in the Peel and therefore the cease to flow announcement will have no further detrimental effect on them, high security and stock and domestic entitlement holders still have an allocation of 50% and 70% respectively, and this announcement will see those allocations, for entitlement holders located downstream of the temporary weir, reduced to zero. Also owners of property with frontage to the Peel River have what is called basic land owner rights (BLR) which allow them to access water from the Peel for limited purposes, and limited volumes but includes stock and domestic type uses. Again stopping flow in the Peel as of 1 December 2019, will have a significant impact on BLR for property downstream of the temporary weir.

In an effort to mitigate the effects of stopping flow in the Peel River WaterNSW has been compiling a list of property owners who fall into three categories – BLR, Stock and Domestic with an entitlement and High Security entitlement holders along the full length of the Peel, in an effort to understand the extent of the impact, which entitlement holders have no alternate water supply, how much water those entitlement holders need and how could that water be provided. This work is still ongoing.

However, two entitlement holders have been identified and have subsequently approached Council with a request to access their entitlement via the Dungowan Pipeline rather than the Peel River.

The first is the property owner at 260 Fishers Lane. Relevant points in relation to this matter are detailed below:

- the property is crossed by the Dungowan Pipeline and has an existing connection to the pipeline; and
- the property owner has a 50 Megalitre high security entitlement, presently with a 50% allocation from the Peel River which adjoins the property.

The second is the Loomberah Heights Water Users Association. Relevant points in relation to this matter are detailed below:

- the Association represents 31 privately owned lots located in the Loomberah area. The Dungowan pipeline traverses one or two of the Association's members property but there is no connection to the pipeline;
- the Association has a 60 Megalitre stock and domestic entitlement, presently with 70% allocation, from the Peel River;
- water is pumped from the Peel River to 2 storages owned by the Association which are located within 240 meters of the Dungowan Pipeline; and
- water is then reticulated under gravity to members from these storages.

Before considering details associated with providing water to 260 Fishers Lane and the Association, it is suggested Council should consider the general question of whether it should be endeavouring to assist to provide water at all to property owners supplied water from the Peel River and, if so, any criteria for determining which properties are assisted. In considering this question the following information is considered relevant;

- high security (HS) entitlement holders pay a premium, as does Council, for a more reliable water supply from Chaffey Dam;
 - advice from WaterNSW is that there are 13 high security entitlement holders in the Peel. Of those 13, eight are actively using water;
 - stock and domestic entitlement holders also pay a premium for a more reliable water supply from Chaffey Dam;
 - advice from Water NSW is that there are 19 stock and domestic entitlement holders in the Peel and all are active;
 - high security and stock and domestic entitlement holders would continue to have access to water from the river except for the actions being undertaken to further secure Tamworth's water supply;
 - BLR holders pay nothing to access water;
 - if Chaffey Dam did not exist then it is possible, during drought, those with BLR could be without water;
 - General Security (GS) entitlement holders do not pay a premium for more reliable water from Chaffey Dam;
 - GS allocation in the current financial/water year is already 0%;
 - Peel Alluvium (PA) entitlement holders are treated differently from surface water entitlement holders;
-

- PA entitlement holders pay no charges to Water NSW towards owning and running Chaffey dam and the level of water in the storage at Chaffey Dam plays little part in determining the annual allocations for PA water;
- under the present Peel Water Sharing Plan even if Chaffey has 0% storage, PA entitlement holders would still be able to access 51% of their entitlement; and
- there is no high security entitlements for alluvium water.

Based on the points above it is suggested that if Council was considering assisting entitlement holders, where possible, who have been adversely effected by the installation of the temporary weir, then Council should limit that assistance to owners of active high security and stock and domestic entitlements in the Peel. It should be noted that it may not be possible for Council to help all of the entitlement holders in these two groups but, where possible, Council would consider assisting in some way.

Assuming Council agrees with this suggestion then in relation to the two approaches to Council requesting access to entitlement via the Dungowan Pipeline, if Council was prepared to assist, then water could be made available from the pipeline based on the following general conditions:

- Council will not be held liable for the quality of the water and the applicant acknowledges and agrees:
 - the water to be provided is raw in nature;
 - it is not fit for human consumption;
 - the quality of the water can change quickly; and
 - Council does not warrant that the water is fit for any purpose.
- Council reserves the right to restrict flow as required and at its sole discretion;
- the connection is temporary and will be disconnected once river operations in the Peel return to normal, or at Councils sole discretion;
- as to fees and charges:
 - given the connection is simply allowing access to an entitlement that was previously available from Chaffey Dam via Dungowan Pipeline, the applicant should continue to pay the WaterNSW and other charges associated with accessing water from the river but the metering point will be a meter on the Dungowan pipeline;
 - in addition, given it costs Council money to operate and maintain the Dungowan Pipeline the applicant should contribute towards this cost. Over the last three years the cost of operating and maintaining the Dungowan pipeline per Megalitre through the pipeline is \$124. It is recommended this would be an appropriate charge for access to water via Dungowan Pipeline;
- Council will not be held liable for any cost including compensation should water provided from the Dungowan Pipeline not be provided in sufficient volumes to meet requirements; and
- Council does not guarantee water will be provided from the Pipeline 24/7, and supply could be interrupted at any time and for varying periods. Council will not be held liable for any cost, including compensation, for any interruption of the water supply.

In addition to the general conditions listed above the following specific conditions are considered appropriate for each connection should Council agree with each request:

260 Fishers Lane

- given there is an existing connection and the property owner already pays fees and changes associated with the supply of water from this connection it is considered the supply from the pipeline to provide the HS entitlement should be separately metered. Further as this could be achieved by simply putting a second meter on the existing connection Council could provide this second meter including installation free of charge.

Loomberah Heights Water Users Association

- given there is no an existing connection to the pipeline Council will construct the service connection to the pipeline at the full cost of the Association;
- the Association will be responsible for connecting the service to the tanks;
- the water is for stock and domestic purposes and therefore the Association should agree that its members will use water supplied from the pipeline in accordance with the Level 5 restrictions presently in place in Tamworth which include no watering for lawns or gardens; and
- the water can be used for the watering of pets but it cannot be used for watering stock grown for the purposes of a commercial return.

This may be the first of many approaches to Council from property owners with various classes of entitlements to water in the Peel Valley, seeking assistance from Council as their water supplies reduce or stop. It is therefore recommended Council consider first whether it would be willing to help where possible, and if so who it may be willing to help and the conditions associated with any help provided.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Whilst a formal legal Agreement may not be required the Applicant must signify acceptance of the conditions of supply before that supply will be made available.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region for the Future – F11 Sound Asset Management Planning.

8.5 DROUGHT ASSISTANCE - POSSIBILITY OF CEASING TO SUPPLY EFFLUENT FROM COUNCIL'S WESTDALE WASTEWATER TREATMENT PLANT TO COUNCIL'S REUSE FARM AND REDIRECTING FUTURE EFFLUENT TO THE PEEL RIVER – FILE NO SF5510

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

RECOMMENDATION

That in relation to the report “Drought Assistance - Possibility of Ceasing to Supply Effluent from Council's Westdale Wastewater Treatment Plant to Council's Reuse Farm and Redirecting Future Effluent to the Peel River”, Council:

- (i) receive and note the report; and***
- (ii) make a final decision following consideration of a further report in relation to this matter in that part of the Meeting closed to the public.***

SUMMARY

Council has been approached in relation to the possibility of ceasing to supply effluent produced at Council's Westdale Wastewater Treatment Plant to Council's Effluent Reuse Farm and instead, directing that effluent to the Peel River to help High Security entitlement holders in the Peel, downstream of the plant.

The purpose of this report is to seek Council's direction in relation to this approach.

COMMENTARY

As Council would be aware Water NSW is currently undertaking works to further secure Tamworth and Moonbi Kootingal's water supply during the current drought. Stage 1 of the works is the installation of a temporary weir across the Peel River adjacent to the Dungowan Recreation Ground and the commissioning of a temporary pump station to pump water from the weir pool, formed by the weir, into the adjacent Dungowan Pipeline.

The temporary weir and pump station are to be installed and commissioned on 30 November 2019, and therefore as of 1 December 2019, the Peel River downstream of the temporary weir will cease to flow. Whilst general security entitlement holders already have zero allocation in the Peel and therefore the cease to flow announcement will have no further detrimental effect on them, high security and stock and domestic entitlement holders still have an allocation of 50% and 70% respectively, and this announcement will see those allocations, for entitlement holders located downstream of the temporary weir, reduced to zero. Also, owners of property with frontage to the Peel River have what is called basic land owner rights (BLR), which allow them to access water from the Peel River for limited purposes and limited volumes, but include stock and domestic type uses. Again stopping flow in the Peel as of 1 December 2019, will have a significant impact on BLR for property downstream of the temporary weir.

Council has been approached by Baiada advising that several of the farms presently growing chickens to supply Baiada's In Street Abattoir, including some owned by Baiada itself and others owned by contract growers, have high security entitlements in the Peel, which, as of 1 December 2019, will no longer receive water released from Chaffey Dam. No water means no chickens can be grown and without chickens the In Street Abattoir will be forced to close.

Whilst the farms themselves, particularly the three owned by ProTen have, and continue, to take action to try and avoid running out of water, including building of storages and trying to find more groundwater, Council has been asked to assist.

Council has previously considered a report in this business paper (Item 8.4) on a related matter which recommends, where it is possible to help, Council will consider providing assistance only to owners of active high security and/or stock and domestic entitlements in the regulated Peel River to maintain some access to water. Assuming Council agrees with this recommendation then the remainder of this report considers how Council may be able to assist in this case.

Firstly, there are eight active high security entitlement holders and 19 stock and domestic entitlement holders in the Peel. A previous report in this business paper (Item 8.4 recommends Council provide water from the Dungowan Pipeline to one high security entitlement holder and one stock and domestic entitlement holder. Another high security entitlement holder has no water left in their high security account, so cannot access water from the Peel in the current water year even after the construction of the temporary weir.

That leaves six high security entitlement holders, all of which are located downstream of the Westdale Wastewater Treatment Plant. Five of those holders are poultry related and one is associated with beef production. There are also 11 stock and domestic entitlement holders in the Peel River below Westdale Wastewater Treatment Plant.

Assuming Council has agreed to, where possible, assist high security and stock and domestic entitlement holders, there appears to be only two options appear available to assist all high security and stock and domestic entitlement holders.

Option 1 is the use of water tankers to deliver water to these users. There are a number of issues with this option:

- a. to supply all of Proten's demand alone, during summer, would require approximately one Megalitre per day;
- b. This would require approximately nine tankers delivering 50 tanker loads per day (assuming 20,000 litres per tanker) seven days per week;
- c. there would be significant cost associated with the hire of these tankers;
- d. availability of nine of 10 tankers is uncertain;
- e. does not include demand of other high security and stock and domestic entitlement holders;
- f. source of the water;
- g. accessing the water; and
- h. discharge of the water at the properties.

Option 2 is to stop sending effluent produced at Council's Westdale Wastewater Treatment Plant to Council's Effluent Reuse Farm and direct that effluent to the Peel River instead, for use by high security and stock and domestic entitlement holders. There are a number of issues with this option:

- (i) Council's current NSW Environmental Protection Authority (EPA) license for the Westdale Wastewater Treatment Plant precludes the return of the effluent to the Peel River except in certain circumstances which do not include drought;
- (ii) Council will have to pay Load Based Licensing (LBL) Charges to the EPA for any effluent returned to the Peel River;
- (iii) the quality of the effluent produced for use at the reuse farm is not considered by the EPA to of a high enough standard for return to the river and therefore Council will have to incur higher costs to increase the treatment of the effluent before it can be released into the Peel;
- (iv) Council cannot be held liable for the quality of the water that is returned to the Peel in the event that water has an adverse effect on a product of a consumer down stream;
- (v) who will be able to access the water if it was returned to the river, who would police this, what, if any, charges are levied and who levies the charges;

- (vi) Council produces around 10 Megalitres of effluent per day. Will all of the effluent provided be required to meet the demand and will effluent released into the river get to the intended users and;
- (vii) Council has a contract with the farm operator which does not contemplate Council not sending all effluent water to the reuse farm. Therefore any such action would require the payment of compensation to the operator.

Further work has been undertaken in relation to option 2, with the assistance of the NSW Government, and with reference to the numbers above the following is advised:

- (i) the EPA has indicated it would be prepared to issue a temporary change to Council's license to allow the release of the effluent to the river;
- (ii) it is understood the Board of the EPA has been asked to consider waiving LBL charges on the effluent released;
- (iii) in consideration that either option 1 or option 2 was agreed to by Council and given the period of time before the quality of effluent will meet the license requirements, the treatment process at Westdale has been altered to treat the effluent to a higher standard;
- (iv) the effluent once released will be considered raw water the same as when Council releases water into the Peel during wet periods. On this basis it is considered Council will not liable for the quality of this water once it enters the river;
- (v) it is considered only those with HS entitlement and/or Stock and domestic entitlements will be able to access the water. Water NSW will police access and the water will be charged for, like any other water taken from the Peel River;
- (vi) advice from Water NSW is there is great uncertainty about this. What is sure is that any release from Westdale must start on or before 30 November 2019, to ensure the river remains "wet", otherwise the effluent will not travel far enough in the river to reach intended recipients. Further, Water NSW believes all 10 Megalitres of water may be required per day and even then, it is not certain whether all intended recipients will receive water/sufficient water; and
- (vii) discussions have been on going with the present operator of the effluent reuse farm concerning this matter. These discussions are the subject of a further report to Council in that part of the meeting closed to the public.

(a) Policy Implications

Nil

(b) Financial Implications

Should Council agree to assist then, regardless of option chosen, there will be significant cost to Council. The costs are discussed in more detailed in a further report on the same matter in that part of the meeting closed to the public.

(c) Legal Implications

Council has a license with the NSW EPA which will have to be amended in some way should Council agree to assist and regardless of the option.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region for the Future – F11 Sound Asset Management Planning

8.6 FUNDING AGREEMENT - PART FUNDING OF THE CONSTRUCTION OF THE 120 MEGALITRE STORAGE AT THE CALALA LANE WATER TREATMENT PLANT – FILE NO SF7719

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

Reference: Item 14.11 to Closed Council 12 June 2018 - Minute No 208/18
Item 16.7 to Closed Council 13 August 2019 - Minute No 268/19
Item 16.5 to Closed Council 10 September 2019 - Minute No 306/19
Item 16.14 to Closed Council 24 September 2019 - Minute No 340/19

RECOMMENDATION

That in relation to the report “Funding Agreement – Part Funding of the Construction of the 120 Megalitre Storage at the Calala Lane Water Treatment Plant”, Council authorise the affixing of the Seal of Council to the funding Agreement and associated documentation.

SUMMARY

The NSW Government has provided funding of a maximum of \$1.45 Million towards the construction of the 120 Megalitre storage at the Calala Lane Water Treatment Plant.

The funding Agreement between Council and the NSW Government requires the Seal of Council to be affixed.

COMMENTARY

Work has commenced on the construction of a 120 Megalitre storage at the Calala Lane Water Treatment Plant. As previously reported to Council, the NSW Government has provided a maximum of \$1.45 Million towards the cost of construction under its Emergency Water Carting and Infrastructure Fund.

The NSW Department of Planning, Industry and Environment has now provided a funding Agreement in relation to the provision of these funds. The Agreement requires the seal of Council to be affixed.

(a) Policy Implications

Nil

(b) Financial Implications

The NSW Government is providing up to a maximum of \$1.45 Million, approximately 25% of the cost, for the construction of the 120 Megalitre storage, presently under construction at the Calala Lane Water Treatment Plant.

(c) Legal Implications

The funding Agreement and any associated documentation requires the affixing of the Seal of Council.

The *Local Government (General) Regulation 2005* Clause 400(4) requires that the Seal of Council must not be affixed to a document unless the document relates to the business of Council and Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region for the Future – F11 Sound asset management planning.

8.7 ATTUNGA TOWN WATER SUPPLY UPDATE – FILE NO SF2903

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

RECOMMENDATION

That in relation to the report “Attunga Town Water Supply Update”, Council:

- (i) receive and note the report; and*
- (ii) close the bulk water filling station at Attunga for all purposes except the supply of water for domestic internal use only by licensed potable water carters, until Tamworth, Moonbi and Kootingal water supply returns to Level 3 water restrictions.*

SUMMARY

The following report provides an update to Council on the drought related issues for the water supply of Attunga and associated recommended actions.

COMMENTARY

The Attunga water supply utilises two bores to extract groundwater for the town water supply of Attunga. Each bore operates independently of the other and can produce a maximum pumping rate of 5.5 litres/second delivering water to a 700 kilolitre (kL) water reservoir from which water is gravity fed in to the Attunga water supply network. The water supply has approximately 150 water connections and is also used to supplement water supply to the Attunga Lime Mine during drought conditions. The following figure shows the location of the bores and water reservoir in respect to Attunga and the Attunga Lime Mine.



Historically, the Attunga water supply has performed well during drought conditions; however the actual potential yield of the groundwater aquifer is relatively unknown. Given announcements by Water NSW regarding the construction of a temporary weir and associated pump station on the Peel River at Dungowan to supply water to Tamworth and subsequent no flow conditions expected in the Peel River, Hydrogeologists were engaged to review the ground water system of Attunga. The purpose of this study was to determine the impacts on the Attunga groundwater system with the expected no flow within the Peel River. Hydrogeologists successfully produced a groundwater model that has been used to evaluate the possible response to significantly reduced flow in the Peel River on groundwater extraction. This model was then used to predict groundwater extraction rates for the following 12 month period.

The study found that the bore field is likely to be able to sustain a reasonable level of extraction for the next 12 months even when the Peel River ceases to flow. While the modelling is of low confidence and is not based on a complete understanding of the regional and local scale hydrogeology, it appears that results are reasonably well constrained by the geometry of the bores and river and by the bore yields that have been observed through the recent drought.

The work suggests that if the bore field is currently producing 285 kL/day then this could continue to produce 250 kL/day a year after the river ceases to flow (assuming no rainfall recharge over this period). The reduction in flow appears to be a direct result of lower groundwater levels caused by continued pumping in the absence of sustaining flows from the river. The available groundwater storage in the aquifer is likely to be sufficient to sustain the groundwater pumping in the medium term, but eventually the loss of river recharge will be detrimental to the available yield from the bores.

Water operations staff are currently working with Hydrogeologists to undertake the next stage of the investigation which will provide greater confidence and potentially longer term predictions from the groundwater predictive modelling.

Water usage at Attunga in recent weeks has increased to a daily peak demand of 300kL/day or an average of 250kL/day. The primary influences for this are warmer weather leading to an increase in residential water use (noting Attunga is currently on Level 1 water restrictions

– fixed sprinklers are allowed for two hours per day), Attunga Lime Mine water usage and water usage from the recently commissioned bulk water filling station within Attunga. A summary of the daily water use for each of these water use categories for the past two weeks is provided below.

Water Consumer Category	Average Daily use
Residential	60kL
Attunga Lime Mine	75kL
Bulk Water Filling Station	115kL

Residential water consumption is as expected (or perhaps lower than expected) based on the water restrictions that are currently in place at Attunga. This water usage category can be further managed (reduced) by increasing water restriction levels as required in accordance with Council’s Drought Management Plan for the Attunga water supply.

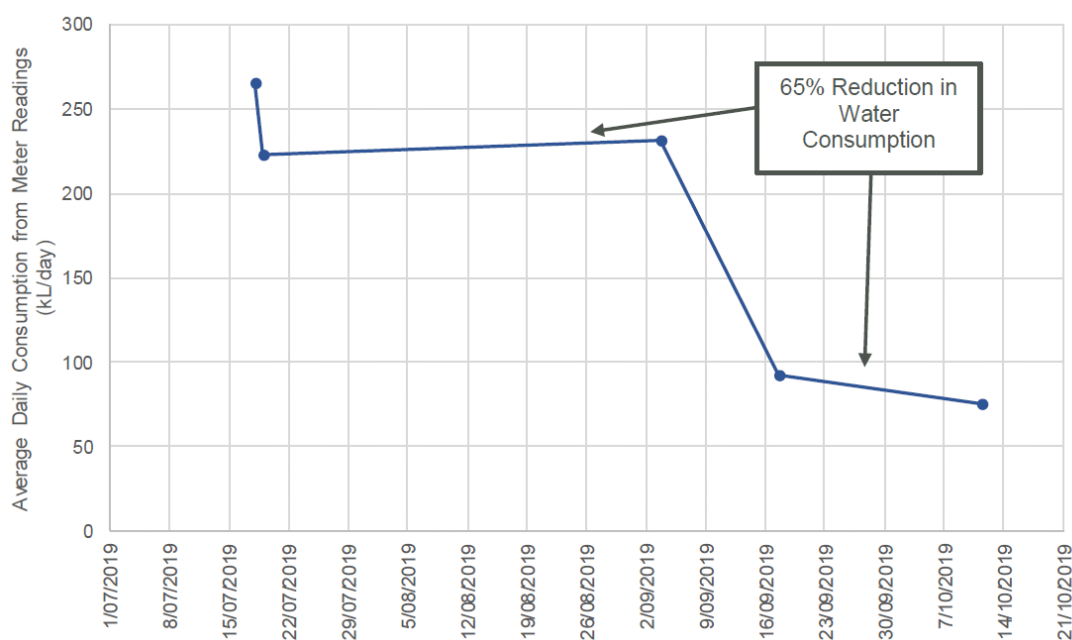
The Attunga Lime Mine has been extremely proactive in relation to water management and savings. A Council funded water audit was completed in September 2019 on the site, and investigations found the mine had a number of existing water reduction measures in place. These included:

- regular tracking of sub meters;
- removal of a wet scrubber;
- installation of a water inlet tank at the pump shed to avoid losses to groundwater;
- locating stockpiles in the bottom of the active pit to minimise dust suppression; and
- stormwater harvesting (when available) for dust suppression.

Following the water audit, the site has also made a number changes to rapidly drop short-term water consumption. A data logger was placed on the water meter servicing the mine to allow constant monitoring of potable water use. Water usage monitoring found that the mine has achieved and sustained a 65% water reduction since early September 2019, by implementing the following additional water saving measures:

- deactivating fixed haul road dust suppression sprays;
- reducing haul road dust suppression through avoiding the use of secondary roads; and
- cleaning procedure changes to reduce hosing.

The following graph details water savings that have been achieved by the mine.



As detailed above the largest water consumption in recent weeks at Attunga has been from the bulk water filling station. As Council would be aware, bulk water filling stations were installed in all of Council's water supplies to assist in access and provision of water, particularly during periods of drought. Council's bulk water filling stations are available for members of the public and water carters up until a water supply is placed on Level 4 restrictions. Once Level 4 restrictions are in place water carters supplying water for domestic (internal) water use only are allowed to access the bulk water filling station. As Attunga is only on Level 1 water restrictions, water carters and private carters may access the filling station. Water obtained from the bulk water filling station may be used for outside purposes such as garden watering and filling of swimming pools. Given the close proximity of Attunga to Tamworth, water from Attunga is being used for these purposes within Tamworth. This in turn is placing additional stress on the groundwater supply of Attunga.

While initial groundwater studies are positive, it is recommended that Council take a conservative approach to ensuring ongoing water supply for Attunga. To do this, it is recommended that Council close the bulk water filling station at Attunga for all purposes except the supply of water for domestic internal use only by licensed potable water carters until the Tamworth, Moonbi and Kootingal water supply returns to Level 3 restrictions, when water carters will again be able to access water from Tamworth thereby reducing potential demand on the Attunga supply.

It should be noted that should Council agree with the recommendation then this will have a significant impact on water carters who are accessing water for non potable purposes. Licensed potable water carters will still be able to access water from any of the bulk water filling stations for the purposes of supplying water for internal use.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region for the Future – F22 Encourage efficient use of resources to improve environmental sustainability.

8.8 MANILLA AND BARRABA TOWN WATER SUPPLY UPDATE - IMPLEMENTATION OF INCREASED WATER RESTRICTIONS – FILE NO SF9795

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

Reference: Item 8.4 to Ordinary Council 22 October 2019 - Minute No 377/19

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Manilla and Barraba Town Water Supply Update – Implementation of Increased Water Restrictions”, Council:

- (i) receive and note the report; and*
- (ii) amend the current Drought Management Plan and approve the implementation of Level 3 Water Restrictions in Barraba once a Temporary Water Restriction (Section 324) order reducing allocation for General Security entitlement holders in the Upper Namoi Water Source to zero comes into effect.*

SUMMARY

The following report provides an update to Council on the drought related issues for the water supplies of Manilla and Barraba and associated recommended actions.

COMMENTARY

Further to the report presented to Council at its Meeting of 22 October 2019, regarding the water supply for Manilla and Barraba, Council Water Operations staff have continued discussions with representatives of WaterNSW and DPIE Water regarding maintaining an adequate volume of water within Split Rock Dam to ensure an ongoing water supply for Manilla and Barraba. These discussions have centred around the urgency of taking ‘any action required’ to maintain a volume of water within Split Rock Dam estimated to be sufficient to maintain water supply to Manilla and Barraba for two years in the event of no inflow to Split Rock Dam. It is estimated the required volume to be retained would be three Gigalitres (GL) above dead storage.

Council staff understand the NSW Government is considering issuing an order for a Temporary Water Restriction in the Upper Namoi for all General Security allocations to cease. This is expected to be in place from Monday 2 December 2019.

Advice received from Water NSW is, if the order is put in place by 2 December 2019, this will leave approximately 4.2GL of storage in Split Rock Dam solely for Local Water Utility licences (water supply for Barraba and Manilla).

In order to support the relevant NSW Agencies with the implementation of the Temporary Water Restriction in the Upper Namoi, it is in Council's best interests to correctly manage the remaining water in Split Rock Dam. Part of this strategy is consideration of increased water restrictions, particularly for Barraba.

According to Council's current Drought Management Plan, the primary triggers for Barraba and Manilla to move to higher restrictions are based around Split Rock Dam supplies being restricted to a 'minor', 'moderate' or 'severe' level. Although these indicators are not clearly defined, the proposed issuing of an order to place a Temporary Water Restriction on the General Security releases could be viewed as a 'severe' restriction on the Split Rock Dam supply.

Assuming the Temporary Water Restriction order comes into effect on 2 December 2019, Council would then have an increased responsibility to maintain the water supply remaining in Split Rock Dam. In addition, it could be seen as unreasonable to have General Security surface water users unable to access water while no restrictions are in place in Barraba and residents there are free to continue watering their lawns in accordance with permanent water conservation measures. With this in mind, it is considered Council has the following options regarding its Drought Management Plan and associated water restrictions for Barraba and Manilla.

Option 1 – Treat Manilla and Barraba independently and continue to implement the current Drought Management Plan

Manilla is currently on Level 3 Restrictions and Barraba on permanent water conservation measures. The Temporary Water Restriction order, if it is issued, will mean there will be a secure water supply for over two years for Barraba and Manilla, at current water usage rates, and allowing for expected transmission and evaporation losses

The introduction of the Temporary Water Restriction order would also see supply from Split Rock Dam move to severely restricted status under Council's Drought Management Plan and as such Council should put in place water restrictions at both Barraba and Manilla in accordance with this plan. Under the current plan this would see Manilla move to Level 5 and Barraba move to Level 3 restrictions respectively if and when the Temporary Water Restriction comes into force.

Option 2 – Treat Manilla and Barraba as the one water source and move Barraba to Level 3 water restrictions

In accordance with recent changes Manilla and Barraba are now on the one shared entitlement from the Manilla River (Split Rock Dam) of 515 Megalitres/year. As previously reported to Council, this entitlement will not be sufficient to supply both towns if no inflow is received in the Namoi, at current demand levels. Council has continued to approach WaterNSW and DPIE-Water for an increase in this allocation and the latest response from the NSW Government is **ATTACHED**, refer **ANNEXURE 1**. In summary, no increase in allocation will be provided until Council re-applies for the licence, and even if approved, this will not come into effect until 1 July 2020.

To address this issue, Council has already approved the purchase of water via temporary water trading, with staff still investigating purchase options. The purchase of water for Manilla and Barraba is further justification to indicate supply from Split Rock Dam is severely restricted.

Option 2 would mean a modification to the current Drought Management Plan (by recognising that Barraba and Manilla now share the same water entitlement from the Manilla River/Split Rock Dam) and approval by Council to move Barraba directly from the current Permanent Water Conservation Measures to Level 3 restrictions if and when the Temporary Water Restriction comes into force.

Average daily at usage at Barraba for the month of October 2019 was 0.78ML/day. On Level 3 water restrictions, the Target usage for Barraba is 0.44ML/day. This would mean a target reduction of just over 40%.

Average daily usage at Manilla for the month of October 2019 was 0.71ML/day. On Level 3 water restrictions, the water usage target for Manilla is 0.87ML/day.

Although the actual quantity of water saved could be considered insignificant, Council demonstrating it is being responsible with regards to water use during the drought is very important. By implementing water restrictions at Barraba to keep in line with those currently at Manilla, Council demonstrates support for the actions taken to retain water in Split Rock Dam for critical users.

It is important to note that with the suggested move to Level 3 Water Restrictions at Barraba, the James Street bores will be activated to use in conjunction with the Split Rock Dam supply as outlined in the current Drought Management Plan.

(a) Policy Implications

Should Council agree with the recommendation this would be an amendment to Council's current Drought Management Plan. It would be envisaged that this amendment would be reviewed following the drought as part of the Drought Management Plan review to consider if this amendment be made permanent.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Should Council agree with the recommendation a community awareness program for Barraba and Manilla would be undertaken.

Whether or not the current proposed changes to the existing Drought Management Plan are made permanent in the future will be included for consideration when the present Drought Management Plan is reviewed after the current drought breaks. Community consultation will be undertaken as part of this review.

(e) Delivery Program Objective/Strategy

A Region for the Future - F22 Encourage efficient use of resources to improve environmental sustainability.

8.9 TAMWORTH RAW WATER SUPPLY DROUGHT PROJECTS UPDATE – FILE NO SF9695

DIRECTORATE: WATER AND WASTE

AUTHOR: Mick McGufficke, Manager Projects and Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Raw Water Supply Drought Projects Update”, Council:

- (i) note the status of WaterNSW Peel Drought projects including a Temporary Weir and Pumping Station at Dungowan, and Pipeline from Chaffey Dam to Dungowan;*
- (ii) note the importance, status and priority of the Calala 120 mega litre raw water storage project, including its role in mitigating risks to the water supply of Tamworth, Kootingal and Moonbi as other drought measures are implemented;*
- (iii) acknowledge and note the increased risk to continuity of the Tamworth, Kootingal and Moonbi water supplies associated with implementation of planned drought response projects;*
- (iv) agree to the installation of a “temporary sandbag weir” on the Peel river downstream of the Paradise Wells;*
- (v) provide \$20,000 from the Water Reserve to fund the installation of the weir, and;*
- (vi) approve the submission of a request for a Temporary Water Restriction Order under Section 324 of the Water Management Act 2000 for the Peel Valley Alluvium as outlined in the report.*

SUMMARY

The purpose of this report is to update Council on the progress of several projects that focus on extending and managing the water supply to Tamworth, Kootingal and Moonbi through the current extreme drought conditions, including the objectives, priorities, timeframes and operational risks associated with the solutions being implemented.

COMMENTARY

Council’s Water and Waste directorate staff are currently delivering a multitude of drought related projects. The following provides an update and recommendations related to current projects and issues associated with the Tamworth, Kootingal and Moonbi water supply.

Immediate Priorities

Current major projects that underpin efforts to extend the remaining bulk water supplies for Tamworth, Kootingal and Moonbi include:

- Calala 120 Mega litre Off-stream storage dam;
- WaterNSW Temporary Weir & Pumping station at Dungowan (Stage 1 Works); and
- WaterNSW Pipeline from Chaffey Dam to Dungowan (Stage 2 Works).

In conjunction with the above major projects, numerous smaller scale projects that are inherently linked to the success of the above initiatives are also underway, and include:

- maintenance on Dungowan Pipeline, investing in spares inventories, planning for rapid response to pipeline failures etc;
- repairs to nine Megalitre reservoir at One Tree Hill;
- installation of a temporary weir on the Peel river between the Paradise Bridge and Scott Road Bridge; and
- close liaison with WaterNSW and State Government representatives on the operation and management of bulk water supplies and deliveries.

120ML Raw Water Storage at Calala

Council is presently constructing a 120 Megalitre raw water storage dam on land to the north of the existing Calala Water Treatment Plant. This project is being constructed on an accelerated delivery program and when finished will provide an on-site 'buffer' storage that will significantly enhance operational flexibility, risk management and water efficiency of the existing and future raw water extraction and treatment system.

Key milestones in the delivery of this project include:

- a) the storage being at a point where it can receive water (expected to be mid December);
- b) the storage filled to at least 50% capacity;
 - i. timing depends on availability of raw water, but likely to be no sooner than one to two weeks after filling commences;
 - ii. Filling of the dam is likely to be limited to drawing water from the Paradise Wells (maximum capacity of 10 mega litres per day) and any surplus available through the Dungowan pipeline; and
- c) pumps to supply the Water Treatment Plant online (expected to be late December).

Delivery of the 120 mega litre raw water storage dam is pivotal in Council mitigating risks associated with raw water delivery as the drought continues and as other drought measures are implemented. This is of particular importance when the WaterNSW projects outlined below come online, as Council will be relying almost totally on delivery of water through the Dungowan Pipeline, and flows in the Peel River at Tamworth are likely to cease, limiting Councils options to source raw water in the event of a pipeline failure.

Peel Valley Emergency Drought Works (WaterNSW)

In June 2019, the NSW Government announced a range of water security projects to extend essential town water supply to Tamworth, Moonbi and Kootingal.

There have been unprecedented low inflows into the region's dams, including Chaffey Dam which supplies Tamworth. These emergency drought response works are being undertaken by WaterNSW with the assistance of Tamworth Regional Council in an effort to ensure Tamworth does not run out of water should the severe drought conditions continue into 2020.

WaterNSW will undertake both short and long-term projects to secure water for critical human needs, including:

- short-term works (**Stage 1**) will include a temporary weir on the Peel River near Dungowan Village where water will be redirected (pumped) into the Tamworth Water Supply System via the existing Dungowan Dam to Tamworth pipeline. These works will reduce transmission losses from water travelling via the Peel River to Tamworth; and

- long-term (**Stage 2**) water security works include a new permanent pipeline from Chaffey Dam to near Dungowan Village, where it will connect to the existing Dungowan Dam to Tamworth pipeline. This solution will eliminate the significant losses due to evaporation and aquifer supply associated with delivering water from Chaffey Dam to Tamworth along the Peel River which are at a peak in summer. By doing so it will also conserve the remaining storage in Chaffey Dam, prolonging long-term water supply for critical human needs for Tamworth.

Information specific to the progress on each of these initiatives is provided below.

WaterNSW Drought Works – Stage 1 (Temporary Weir & Pump Station at Dungowan)

Stage 1 of the WaterNSW Peel Drought Works involves the construction of a temporary weir of approximately 1.5 metres height on the Peel River immediately upstream on the bridge on Duri-Dungowan Road (near the Dungowan Sports Ground). Three diesel powered pumps will be located in a security compound on the adjacent river bank and will pump from the weir pool into the existing Dungowan Pipeline via 500 metres of DN500 High Density Polyethylene (HDPE) pipe laid across the surface of the ground.

The temporary pumping station will be configured in a ‘duty-duty-standby’ arrangement and have a pumping capacity of up to 250 litres per second (21.6 mega litres per day – the capacity of the existing pipeline). These will be controlled via Council’s Dungowan Pipeline and Calala Water Treatment Plant with maintenance and servicing of pumps provided by WaterNSW.

Council staff have been working closely with WaterNSW, their consultants and contractors to plan the temporary works and co-ordinate integration with Council’s existing systems, and wherever possible, mitigate risks associated with diverting water into Council’s existing Dungowan Pipeline.

The Stage 1 temporary works will be implemented during the first three weeks of November with testing and commissioning scheduled to be complete by 30 November. Following successful testing of the system, the final pieces of the temporary weir will be put in place and flows downstream will ultimately cease.

Once this system is put into operation it is expected that the water losses associated with delivery of raw water to Tamworth via the Peel River will be significantly reduced, however the risk profile of supplying raw water to Tamworth changes significantly, including reliance on the aging Dungowan Pipeline. Risks associated with this solution are discussed later in this report.

WaterNSW Drought Works – Stage 2 (Pipeline from Chaffey Dam to Dungowan)

Stage 2 of the WaterNSW Peel Drought Works involves the construction of a pipeline from Chaffey Dam to connect with the existing Dungowan Pipeline near Dungowan sports ground. Some basic facts about this pipeline are provided in the table below:

Length:	18.1 kilometres
Route:	From the base of Chaffey Dam, west of the Peel River through private land for approximately four kilometres, then along Back Woolomin Road to near Dungowan Sports ground where it will connect with Council’s existing Dungowan Pipeline.
Pipe material:	HDPE (High Density Polyethylene). Pipe material selection was influenced heavily by availability (timeframe for delivery), as well as speed, ease and flexibility of construction.

Pipe diameter:	Outside: 710mm, internal: 600mm
Pumping stations:	One. To be located at the base of Chaffey Dam.
Pipeline Capacity:	<p>Initial: 22ML/d (limited by the capacity of the existing Dungowan Pipeline).</p> <p>Design: 45ML/d (requires upgrade/replacement of the existing Dungowan pipeline from the connection point to Tamworth with a larger diameter pipe).</p> <p>Gravity: The pipeline design caters for supply of some water to Tamworth via gravity (no pumping), however the capacity under gravity is heavily dependent on the water level in Chaffey Dam and design of the pipeline that eventually replaces the existing Dungowan pipeline.</p>
Construction Schedule:	<p>Target completion date for the pipeline is March 2020.</p> <p>The construction contractor has established site (on leased land along Back Woolomin Rd) and is currently undertaking pre construction activities. Pipe deliveries have commenced, and commencement of pipeline construction is imminent.</p>
Community Consultation:	WaterNSW has been liaising closely with the community throughout planning for the project, including directly with property owners along the pipeline route.

Council staff have been working closely with WaterNSW during the planning, design and approvals phases of the project, and will continue to be involved throughout delivery, interfacing with existing Council infrastructure and commissioning.

Once the pipeline from Chaffey dam is operational, the Stage 1 works will be decommissioned and sites of this installation rehabilitated. Implementation of the pipeline will eliminate the majority of water losses associated with delivery of raw water to Tamworth via the Peel River, however the system will still rely heavily on the performance of the aging Dungowan Pipeline and introduce some water quality risks. Risks associated with this solution are discussed later in this report.

Risks Associated with Stage1 and Stage 2 WaterNSW Works

The Peel Drought projects being undertaken by WaterNSW aim to extend the water supply to Tamworth, Kootingal and Moonbi by minimising the volume of water that has to be released from Chaffey dam to service the needs of Tamworth. Stage 1 works will do this by reducing the transmission losses associated with delivering water to Tamworth via the Peel River, and Stage 2 will essentially eliminate remaining losses.

These initiatives are however not without risk to the Tamworth, Kootingal and Moonbi water supplies, including reduced overall capacity, reduced supply options, and potential of reduced water quality in some scenarios.

Possibly the most significant risk to the continuity of the Tamworth, Kootingal and Moonbi water supply will be dependence on the aging Dungowan pipeline for the majority of the raw water supply once the Stage 1 WaterNSW works become operational. This will be because there is very likely to be low or no flow in the Peel River at Tamworth once the Stage 1 or Stage 2 WaterNSW works are operational, and very limited options for accessing alternate

raw water sources of sufficient quantity and quantity to service demand should a failure occur in the Dungowan pipeline or WaterNSW works.

The solution Council has for mitigation of the risks associated with reliance on the Dungowan pipeline is to expedite the construction and filling of the 120 Megalitre raw water storage at the Calala Water Treatment Plant, which will provide a short term alternate supply of raw water whilst the pipeline is repaired. In this regard, Council staff and contractors are working on having the storage online as soon as possible. It is essential however to recognise there will still be a number of weeks between the WaterNSW Stage 1 works coming online (early December), and the 120 Megalitre raw water storage being filled to a point that it provides a suitable level of backup supply, and this period is considered to be of 'High Risk' to continuity of the water supply.

The **ATTACHED** document, refer **ANNEXURE 1**, provides a visual representation of the timing for various drought response initiatives and associated risk profile over time.

To maximise the alternatives available should a major failure occur in the Dungowan pipeline prior to the 120 Megalitre storage being available, and indeed throughout the period of reliance on the Dungowan pipeline, it is proposed to construct a temporary weir on the Peel River near the Paradise wells (detailed elsewhere in this report) to help maximise the volume of water that could be extracted from the Paradise well field in an emergency.

When Stage 2 of the WaterNSW Peel drought project (pipeline from Chaffey Dam) comes online in early 2020, significant improvements in eliminating water delivery losses will be realised, however as the water levels in Chaffey Dam fall, the likelihood of poor water quality will increase. Whilst not an immediate issue, Council staff are investigating the likely water quality issues that may arise, ability to, and options for managing these at the Calala Water Treatment Plant.

Temporary Weir on Peel River near Paradise Wells

Tamworth Regional Council has received approval from NSW Fisheries for the installation of a temporary sandbag weir in the Peel River just downstream of the Paradise Wells.

The purpose of the proposed weir is to assist with maintaining water levels in the Peel River adjacent to the paradise wells, and store water that can then be extracted by the nearby system of Wells.

The Paradise Wells have a capacity of up to 10 mega litres per day, which is heavily dependent on continued flow in the Peel River. As flows in the river decline over coming months, the proposed weir will become more important in maximising Council's options should the wells be required to supplement the raw water supply.

The Temporary weir is documented as an emergency supply option in Council's Drought Management Plan and is considered to be advantageous for Council in mitigating risks to the water supply risks as the drought conditions continue.

Estimated cost of installing the weir is \$20,000.

Peel Valley Alluvium Temporary Water Restriction Request

Whilst the Stage 1 works being undertaken by Water NSW will be on line from 1 December 2019, will significantly reduce losses previously experienced in the section of the Peel River from the location of the temporary weir to the extraction point at the Peel River Pump Station, there will still be in stream losses occurring in the section of the river from Chaffey Dam to the temporary weir at Dungowan. Part of the reason for these ongoing losses is believed to

be aquifer recharge associated with pumping from the Peel Alluvium on both sides of the river.

Council has considered before the need to seek the NSW Government suspend the water sharing plan or at least that part of the plan that could alleviate some of the in stream losses, however during discussions with Council Officers on options for minimising losses from Peel River water deliveries, another option was suggested - Council consider requesting a Temporary Water Restriction on extractions from the Peel Valley Alluvium.

Section 324 of the Water Management Act 2000 (the Act), allows the Minister or their delegate to order that temporary water restrictions within a water source(s) are to have effect for a specified period, if these restrictions are determined to be in the public interest. Examples of the public interest referred to in section 324(1) include “to cope with a water shortage, threat to public health or safety or to manage water for environmental purposes”.

There is considered to be a public interest in making an order to restrict the Alluvial flows in the Peel Valley Water Sharing Plan as follows:

- “to cope with a water shortage” – due to record low inflow and high delivery loss there is insufficient resource to supply the full account of alluvial water, if essential supplies are to be maintained for 2019/20; and
- “threat to public health and safety” – supplies to critical human and high priority needs will be under greater threat in the 2019/20 water year without intervention.

If an application was approved, the Temporary Restriction notice would likely:

- become effective 1 December (to coincide with WaterNSW Stage 1 Works);
- reduce alluvium allocation to 0% from Chaffey Dam to the Dungowan Weir;
- affect approximately 17 bores/wells currently accessing water from the Peel Alluvium;
- be in place until WaterNSW Stage 2 (Chaffey to Dungowan pipeline) was commissioned (approximately late March 2020); and
- lead to possible water savings of up to 5ML/day for four months (122 days) = 600ML (approx. 1 month’s supply).

Advice is Section 324 Temporary Water restriction orders can be put in place by the NSW Department of Primary Industry and Environment DPIE-Water (it doesn’t require the Minister’s approval) and it *can* be done very quickly (within a matter of days) if required. There are many recent examples of where other s324 restrictions have been implemented across NSW to help manage dwindling water supplies and given the current circumstances it is recommended that Council consider requesting the type of restriction outlined above in the Peel Valley.

(a) Policy Implications

Nil

(b) Financial Implications

The estimated cost of installing a temporary weir at Paradise on the Peel River is \$20,000. There are no funds in the current operating plan to fund this work. Assuming Council agrees to undertake this work then these funds would be allocated from the Water Reserve.

(c) Legal Implications

Nil

(d) Community Consultation

Extensive community consultation has been undertaken by WaterNSW in relation to proposed Peel Valley Drought Works.

Council has sent a newsletter to property owners with connection to the Dungowan Pipeline in Sections 4 and 5 advising that once the temporary weir at Dungowan is in place the source of water they receive via the pipeline will no longer be Dungowan Dam, it will be Chaffey Dam and the Peel River. As a result the quality of the water received will change, most likely for the worse, however Council's previous advice about the water from Dungowan pipeline remains valid regardless of the source of the water:

- the water is raw in nature;
- water is not fit for human consumption;
- the quality of the water can change rapidly; and
- Council does not warrant the water is suitable for any use.

In relation to the proposal to seek a Section 324 order in the Peel River, an email was sent to the Peel Valley Water Users Association on 30 October 2019, advising Council was considering this action and a reminder was sent on Friday 8 November 2019, advising the Council report was now on Council's website.

(e) Delivery Program Objective/Strategy

A Region for the Future - F22 Encourage efficient use of resources to improve environmental sustainability.

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SECTION 355 COMMITTEE MINUTES – FILE No SF2256

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

1 ANNEXURES ATTACHED

RECOMMENDATION

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

<i>Loomberah War Memorial Hall Committee - AGM</i>	<i>25 July 2019</i>
<i>Manilla Matters Committee - AGM</i>	<i>14 August 2019</i>
<i>Kootingal Recreational Reserve Committee - AGM</i>	<i>22 August 2019</i>
<i>Somerton War Memorial Hall and Recreation Ground Committee – AGM</i>	<i>28 August 2019</i>
<i>Attunga Public Hall and Youth Hall Committee - AGM</i>	<i>3 September 2019</i>
<i>Barraba Showground Management Committee - AGM</i>	<i>10 September 2019</i>

- Barraba Sportsground Committee - AGM** 11 September 2019
Kootingal Recreational Reserve Committee 18 September 2019
Hanging Rock Community Hall Committee- AGM 23 September 2019
Nundle Go For Gold Festival Committee 23 September 2019;
- (ii) **accept the recommendation of the Loomberah War Memorial Hall Committee's Annual General Meeting held 25 July 2019, to appoint the following as executive members:**
Chairperson Derani Barwick
Secretary Elizabeth Blackburn
Treasurer Tanya McKnight
Booking Officer Rebecca Barwick
Publicity Officer Karlee Tongue;
- (iii) **accept the recommendation of the Manilla Matters Committee's Annual General Meeting held 14 August 2019, to appoint the following as executive members and committee members:**
Chairperson/Secretary Janette Meehan
Treasurer Mandy Skewes;
- (iv) **accept the recommendation of the Kootingal Recreational Reserve Committee's Annual General Meeting held 22 August 2019, to appoint the following as executive members and committee members:**
Chairperson Don Grant
Deputy Chairperson Lad Jones
Secretary 'Vacant'
Treasurer Verona Gimbergh
Booking Officer Alan Betts
Committee: Kerrie Betts, Jo Jones, Melissa Woods, Kevin Seery, Nathan Rush and C Weeks;
- (v) **accept the recommendation of the Somerton War Memorial Hall and Recreation Ground Committee's Annual General Meeting held 28 August 2019, to appoint the following as executive members and committee members:**
Chairperson Wayne Chaffey
Deputy Chairperson George Gardner
Secretary - Treasurer Laurie Chaffey
Booking Officer Janice Gardner;
- (vi) **accept the recommendation of the Attunga Public Hall and Youth Hall Committee's Annual General Meeting held 3 September 2019, to appoint the following as executive members and committee members:**
Chairperson Lorraine Abra
Deputy Chairperson Robyn Mowbray
Secretary Ian Regan
Treasurer Daron Johnson
Booking Officers Daron Johnson and Margaret Markwick
Property Maintenance Officer Ben Lucas
Committee: Noel Hollis and Helen Melbourne;
- (vii) **accept the recommendation of the Barraba Showground Management Committee's Annual General Meeting held 10 September 2019, to appoint the following as executive members and committee members:**
Chairperson Campbell Tonkin
-

- Deputy Chairperson* David Penna
Secretary Don Roberts
Treasurer Albert Graves
Meter Reader David Penna
Publicity Officer Don Roberts
User Group Delegates: Tim Crowley, David Penna, Sinclair Hughson, Leon Cummins, Tania Alderton, Debbie Wilson, Sue Bigg and Jarrod Hannaford;
Committee: Chris Forbes, Patrick Sherwood and Tim Bucknell;
- (viii) *accept the recommendation of the Barraba Sportsground Committee's Annual General Meeting held 11 September 2019, to appoint the following as executive members and committee members:*
- Chairperson* David Penna
Deputy Chairperson Adam Cabot
Secretary Sinclair Hughson
Treasurer Alison Gadd
Booking Officer Sinclair Hughson
User Group Delegates: Tom Bowman, Kate Groth, Adam Cabot, Jack McCarthy, Lucy Hart, Sonia Simpson, Chris Sweeney, Shane Maloney, Glen Melville, Jenny Middlemiss, Rachel Caskey and Deb McDouall;
Committee: Chris Forbes, Patrick Sherwood and Tim Bucknell;
- (ix) *accept the recommendation of the Kootingal Recreational Reserve Committee's General Meeting held 18 September 2019, to appoint Kevin Seery as Secretary;*
- (x) *accept the recommendation of the Hanging Rock Community Hall Committee's Annual General Meeting held 23 September 2019, to appoint the following as executive members:*
- Chairperson* Gerry Chan
Deputy Chairperson Kelly Jaffer
Secretary Sally Rodgers
Treasurer Dwayne Fischer;
- (xi) *accept the recommendation of the Nundle Go For Gold Festival Committee's Ordinary Meeting held 23 September 2019, to accept the resignation of Nick Bradford as Chairperson and accept the resignation of Teresa Eather as Treasurer and Committee member; and*
- (xii) *accept the recommendation of the Nundle Go For Gold Festival Committee's Ordinary Meeting held 23 September 2019, to appoint the following as executive members and new committee members:*
- Chairperson* Megan Carberry
Treasurer Anu Bhardwaj
Committee: Anu Bhardwaj, Manisha Bhardwaj, Margaret Schofield.

SUMMARY

The purpose of this report is to present the Minutes of the Section 355 Committee meetings and consider the items for adoption, as recommended by the Committees.

COMMENTARY

Tamworth Regional Council's (Council) Section 355 Committees each have delegated functions which may include the management of a facility, the coordination of an event or an

advisory function to submit recommendations and advice to Council in regard to a specific community facility.

Council receive ten sets of Minutes requiring items for adoption from Section 355 Committees and the Minutes are **ATTACHED**, refer **ANNEXURE 1**, for Council's information.

(a) Policy Implications

It is a policy decision of Council to maintain Section 355 Committees and practices having regard to Council's community governance structure and Section 355 of the Local Government Act 1993.

(b) Financial Implications

Section 355 Committee and Place Management activities and budgets are maintained under the Planning and Compliance Directorate budget.

(c) Legal Implications

Section 355 of the Local Government Act 1993, enables the Council to appoint a Committee to exercise a function on its behalf by way of a Committee of Council. This is used in conjunction with Section 377 of the Local Government Act 1993, to formally delegate a function to the appointed Committee.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L13 Provide inclusive opportunities for the community to get actively involved in decision-making.

9.2 STATEMENT BY COUNCILLORS AND MANAGEMENT FOR FINANCIAL REPORTS 30 JUNE 2019 – FILE NO SF8837

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services
Reference: Item 9.6 to Ordinary Council 24 September 2019 - Minute No 321/19

3 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Statement by Councillors and Management for Financial Reports 30 June 2019", Council:

(i) record as an opinion of the Council pursuant to section 413 (2c) of the Local Government Act 1993 (NSW) (as amended), that the General Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2019:

(a) have been prepared in accordance with:

- the Local Government Act 1993 (as amended) and Regulations made thereafter;*

- *the Australian Accounting Standards and professional pronouncements; and*
 - *the Local Government Code of Accounting Practice and Financial Reporting;*
- (b) *the General Purpose Financial Report presents fairly the Council's operating result and financial position for the year;*
- (c) *the General Purpose Financial Report accords with the Council's accounting and other records; and*
- (d) *the signatories are not aware of anything that would make the General Purpose Financial Report false or misleading in anyway;*
- (ii) *record as an opinion of the Council pursuant to the Local Government Code of Accounting Practice and Financial Reporting, that the Special Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2019:*
- (a) *have been prepared in accordance with:*
- *the NSW Government Policy Statement "Application of National Competition Policy to Local Government";*
 - *the Division of Local Government Guidelines "pricing & Costing for Council Businesses: A Guide to Competitive Neutrality;*
 - *the Local Government Code of Accounting Practice and Financial Reporting; and*
- (b) *the Special Purpose Financial Reports present fairly the operating result and financial position for each of the Council's declared business activities for the year;*
- (c) *the Special Purpose Financial Reports accord with the Council's accounting and other records; and*
- (d) *the signatories are not aware of anything that would make the Special Purpose Financial Reports false or misleading in anyway.*

SUMMARY

The purpose of this report is to comply with statutory requirements in relation to the General Purpose and Special Purpose Financial Reports for the year ended 30 June 2019, for Tamworth Regional Council.

COMMENTARY

Council resolved at its Ordinary Meeting on 24 September 2019, to refer the Draft General Purpose and Special Purpose financial reports for the year ended 30 June 2019 to audit. Pursuant to that Meeting, Council staff have been working with the audit team to finalise the audit of these reports for the year ending 30 June 2019.

To date the audit process has determined that prior year adjustments are needed in the consolidated Statement of Financial Position; the catalyst for this change being the revaluation of Council's stormwater assets. The Audit Office requires prior year errors to be reviewed by its Technical Team to ensure compliance with the Australian Accounting Standards. In conjunction, the significant revaluation movement has required additional testing by the on-site audit team to validate the changes being made in this asset class.

The resulting additional demand on the time of the auditor's has made it necessary for Council to seek an extension from 31 October 2019 to 30 November 2019, for the lodgement of the 2018/2019 financial reports. The Office of Local Government granted the extension request on 25 October 2019. At the time of writing this report there has been no response from the Audit Office regarding technical reporting compliance of the stormwater revaluation with the Australian Accounting Standards.

In order to expedite the finalisation of the Annual Financial Statements for the year ended 30 June 2019, the Finance Division is requesting Council as per Section 413(2)(c) sign off on the statement regarding its opinion on the General Purpose Financial Reports, Special Purpose Financial Reports and any such Special Schedules. Council is advised that the statement reflects an opinion only, and is not legally binding.

Should the audit office request a different accounting treatment for the correction of the prior year error, or require further changes to be made to the draft financial reports, Council may again need to sign off on this statement to satisfy requirements of the Audit Office of NSW.

A copy of the draft primary statements for the General Purpose and Special Purpose Financial reports are **ATTACHED**, refer **ANNEXURE 1** and **2**, as is a copy of the position paper **ANNEXURE 3**, supplied to Council's auditors on the Stormwater Revaluation.

Staff Certification

The General Manager, Mr Paul Bennett, and the Responsible Accounting Officer, Ms Sherrill Young, certify that to the best of their knowledge, the General Purpose and Special Purpose Financial Reports have been prepared in accordance with all statutory requirements and believe the reports present fairly the financial position of Tamworth Regional Council at 30 June 2019.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

A Statement by Councillors and Management authorised by this report is required to be included with Council's General Purpose Financial Statements and Special Purpose Financial Statements under Section 413(2)(c) of the Local Government Act 1993 (as amended).

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L21 transparency and accountability of government.

9.3 LOCAL GOVERNMENT REMUNERATION TRIBUNAL 2020 – FILE No SF828

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Karen Litchfield, Manager Governance

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Local Government Remuneration Tribunal 2020”, Council:

- (i) receive and note the report; and***
- (ii) determine to make a submission to the Tribunal expressing support for the creation of the new Regional Centres category and alignment of the remuneration for new category with the existing Metropolitan Medium category.***

SUMMARY

The purpose of this report is to advise that the Local Government Remuneration Tribunal pursuant to Section 241 of the Local Government Act 1993, proposes to make an annual determination of fees payable to Councillors and Mayors by no later than 1 May 2020 to take effect from 1 July 2020.

COMMENTARY

The Local Government Remuneration Tribunal will review the 2020 Annual determination that will include a review of the categories. Council has received a letter **ATTACHED**, refer **ANNEXURE 1**, from the Local Government Remuneration Tribunal outlining the review and inviting submissions from individual Councils no later than 20 December 2019.

The letter outlines a proposal to create the new category of Regional Centre and it is suggested that Tamworth Regional Council should support this proposal along with having the remuneration for this new category aligned with that of the existing Metropolitan Medium category. This would go some way towards recognising the significant community services and facilities delivered by regional cities which are at least on par with many metropolitan councils.

(a) Policy Implications

Nil

(b) Financial Implications

Increases to Councillor remuneration are included in the budget process each financial year.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L21 Transparency and accountability of government.

10 COMMUNITY SERVICES

10.1 2019/2020 ANNUAL DONATIONS PROGRAM RECOMMENDATIONS – FILE NO SF9248

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: Mickaela Fairall, Senior Business Support Officer

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “2019/2020 Annual Donations Program Recommendations”, Council approve donations to the value of \$48,929.58 to the following organisations in the amounts listed below:

<i>Barraba Men's Shed Inc</i>	<i>\$1,500.00</i>
<i>Barraba PA&H Association</i>	<i>\$10,000.00</i>
<i>Barraba Potters and Craft Guild Inc</i>	<i>\$7,940.00</i>
<i>Barraba Shutterbugs Photography (affiliated with Barraba Potters and Craft Guild Inc)</i>	<i>\$1,029.00</i>
<i>Can Assist Tamworth Branch</i>	<i>\$2,500.00</i>
<i>Co Care Inc</i>	<i>\$500.00</i>
<i>Kootingal Moonbi Anglican Churches</i>	<i>\$1,064.00</i>
<i>Links for Life Disability Expo Inc</i>	<i>\$1,000.00</i>
<i>Manilla Historical Society Inc</i>	<i>\$3,157.00</i>
<i>Manilla Men's Shed</i>	<i>\$2,676.00</i>
<i>Manilla Show Society Inc</i>	<i>\$4,150.00</i>
<i>Nandewar Historical Society</i>	<i>\$685.30</i>
<i>New England Roller Derby League</i>	<i>\$2,500.00</i>
<i>Nundle CWA Art Exhibition</i>	<i>\$1,500.00</i>
<i>Nundle District Lions Club Sub Committee Nundle Lions Twilight Christmas Market</i>	<i>\$323.00</i>
<i>Nundle School of Arts Memorial Hall</i>	<i>\$1,229.28</i>
<i>Senior Citizens Committee of Tamworth</i>	<i>\$1,000.00</i>
<i>Tamworth Birdwatchers Inc</i>	<i>\$1,003.00</i>
<i>Tamworth Oxley Scout Group</i>	<i>\$1,473.00</i>
<i>Tamworth Regional U3A</i>	<i>\$800.00</i>
<i>Timbumburi Public School</i>	<i>\$2,500.00</i>
<i>United Hospitals Auxiliaries of NSW Inc Barraba Branch</i>	<i>\$400.00</i>

SUMMARY

The purpose of this report is to seek Council's determination of donations to community groups for the 2019/2020 Annual Donations Program, under Section 356 of the Local Government Act 1993.

COMMENTARY

The Annual Donations Program Assessment Panel consisted of Councillors Helen Tickle, Juanita Wilson and Jim Maxwell.

In accordance with Council's policy for the Annual Donations Program, submissions were sought between Monday 5 August 2019, and Tuesday 10 September 2019. Advertising was carried out on Council's website and social media pages. Newspaper advertising commenced on Saturday 3 August 2019, in The Northern Daily Leader, Barraba Gazette and Manilla Express. A media release was distributed to all local media outlets.

The Annual Donations Assessment Panel met on Tuesday 24 September 2019, to assess the applications received. The Panel discussed the content of all applications and made recommendations based on the information supplied with each submission.

The recommendations in this report reflect the outcomes of that meeting. The available budget for distribution was \$61,000.00. This amount includes advertising costs, community and school donations.

This year 25 applications were received totalling \$128,369.11. Requested amounts ranged from \$323.00 up to \$40,143.00. The applications represent a diversity of interest from community groups across the Tamworth Regional Council local government area.

A summary of all submissions received, including the Assessment Panel recommendations is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

The current Annual Donations Policy provides for recurrent funding to the below groups. The Policy also limits them from applying to the Annual Donations Program:

Barraba Shire Band	\$3,000.00
City of Tamworth Eisteddfod Society	\$12,000.00
Manilla Pipe Band	\$2,000.00
St Peter's Anglican Church Committee	\$2,000.00
Tamworth & District Highland Society Pipe Band	\$7,000.00
Tamworth Homeless Connect	\$4,840.00
Tamworth Regional Conservatorium of Music	\$29,000.00
Tamworth RSL	\$1,810.00
Tamworth RSL Brass Band	\$5,000.00

The Annual Donations Policy also allows for an annual contribution of \$60.00 to schools in the Tamworth Regional Council local government area to purchase academic prizes or library resources.

(b) Financial Implications

The Tamworth Regional Council Annual Operational Plan for 2019/2020 provides an amount of \$61,000.00 for the Annual Donations Program. To be included in this amount are advertising expenses of \$328.56, donations to 71 schools and pre-schools totalling \$4,260.00 and funds to community groups.

The Annual Donations Assessment Panel recommends an allocation of \$48,929.58 to community groups in the Tamworth Regional Council area. If approved a balance of \$7,481.86 will remain in the Annual Donations Program budget.

(c) Legal Implications

Nil

(d) Community Consultation

The Annual Donations program was advertised extensively by way of newspaper and social media advertising. Applications were received from a wide range of community groups across the Tamworth Regional Council local government area.

(e) Delivery Program Objective/Strategy

A Spirit of Community - C21 Preserve and celebrate the character, heritage and culture of our city, towns and villages.

10.2 DISABILITY ACCESS WORKING GROUP MEETINGS - 11 JUNE 2019 AND 8 OCTOBER 2019 – FILE NO SF3482

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Kay Delahunt, Manager Cultural Services

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Disability Access Working Group Meetings – 11 June 2019 and 8 October 2019”, Council receive and note the Minutes.

SUMMARY

The purpose of this report is to present the Minutes of the Disability Access Working Group (DAWG) meetings held on 11 June 2019 and 8 October 2019, and provide Council with an overview of the outcomes.

COMMENTARY

The main topics discussed at the meetings are detailed in the Minutes **ATTACHED**, refer **ANNEXURE 1** and **ANNEXURE 2**.

The meetings can be summarised as follows:

- access reports were received from the Tamworth Access Group and the Nundle and Barraba Place managers;
- the working group was advised that the hoist/change room/transport hub in Bicentennial Park will be carried out in two stages;
- the working group has suggested the provision of Master Locksmiths Access keys (MLAK) for the Liberty Swing;
- it was reported that the poles for the banners outside the City Library have been moved and the flags placed higher so that the bottom of the flags are above head height;
- signage for the Library, Liberty Swing and Regional Playground was discussed;

- issues raised included concerns about visibility with the overgrown foliage on the corner of Peel and Roderick streets;
- there were requests for progress reports on CBD disability parking and the tactile indicators for Fitzroy Street;
- the success of the recent 'Disability Expo' was noted; and
- planning for the Disability Access Awards also took place.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

The activities of the Disability Access Working Group assist Council in meeting legislative requirements under the Disability Inclusion Act 2014, Australian Government NDIS Act 2013, The NSW Anti-Discrimination Act 1977 and the Local Government Act 1993, which require Council to provide adequate, equitable, and appropriate services and facilities for the community.

(d) Community Consultation

The Disability Access Working Group includes representatives from the Tamworth Access Group, as well as aged and disability services to consult and advise Council on access issues.

(e) Delivery Program Objective/Strategy

A Spirit of Community - C14 Meet social justice principles through the provision of accessible and inclusive high-quality, integrated community services that meet current and emerging needs.

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.

11.1 PROVISION OF PARKING PATROLS FOR OFFICEWORKS CARPARK, 8-16 BRISBANE STREET TAMWORTH. – FILE NO SF9600

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 7.1 to Ordinary Council 23 July 2019 - Minute No 238/19

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

SUMMARY

The purpose of this report is to advise Council of one late submission received in relation to the proposed classification of the relevant land and to seek Council's authority for the proposed classification as per the previous resolution.

11.2 PROPOSED DISPOSAL OF COUNCIL LAND – FILE No SF9690

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Reference: Item 12.1 to Ordinary Council 10 September 2019 - Minute No 302/19

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to update Council on the progress of the sale of 10-12 Dowe Street Tamworth and to recommend an amended approach to the sale.

11.3 DEED OF VARIATION - OUT OF SCHOOL HOURS CARE LICENCE - TAMWORTH WEST PUBLIC SCHOOL – FILE No SF9134

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Kay Delahunt, Manager Cultural Services

4 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

This report outlines the rational behind the fee structure that will come into effect with the Deed of Variation - Out of School Hours Licence - for West Tamworth Public School, **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 4**, and the foreshadowed changes to Public School Out of School Hours Care in New South Wales.

11.4 PROPOSED SURRENDER AND GRANT OF NEW LEASE OF TELECOMMUNICATION FACILITY - PART LOT 1 IN DP 414587 – FILE No LF5907

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Reference: Item 16.7 to Ordinary Council 24 September 2019 - Minute No 333/19

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to advise Council of a second approach by Vodafone to surrender the balance of their leases of part of the reservoir at One Tree Hill, Hillvue and request to enter into a new Lease on the terms and conditions as outlined in the body of this report.

11.5 NICSE STAGE 2 - HOCKEY CENTRE POWER SUPPLY UPGRADE PROCUREMENT – FILE NO T055/2020

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Senior Project Management Engineer

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

SUMMARY

A significant item of work for stage two of Council's NICSE project is the addition of the third hockey field. In order to facilitate this work the Tamworth Hockey Centre power supply upgrade is required to supply the expanded facility.

Essential Energy has confirmed the power supply arrangement, requiring a new pole-mounted substation to provide the increase in power via a single consolidated supply point.

Due to the lead times of ordering equipment and in seeking to have the power supply solution up and running by the commencement of the 2020 hockey season, this report seeks to expedite the procurement of an electrical contractor to undertake this work.

11.6 DROUGHT ASSISTANCE - POSSIBILITY OF CEASING TO SUPPLY EFFLUENT FROM COUNCIL'S WESTDALE WASTEWATER TREATMENT PLANT TO COUNCIL'S REUSE FARM AND REDIRECTING FUTURE EFFLUENT TO THE PEEL RIVER – FILE NO SF5510

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

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

Council has been approached in relation to the possibility of ceasing to supply effluent produced at Council's Westdale Wastewater Treatment Plant to Council's Effluent Reuse Farm and instead directing that effluent to the Peel River to help High Security entitlement holders in the Peel, downstream of the plant.

Council presently has an Agreement with the operator of the reuse farm, Harley Hay Pty Ltd, that does not contemplate Council ceasing to deliver effluent to the farm. As a result discussions between Council and the operator concerning under what circumstances would Harley Hay agree to such a proposal.

This report details those discussions and the seeks direction from Council .

11.7 COMPULSORY ACQUISITION OF A PORTION OF PROPERTY FOR ROAD WIDENING - WARWICK ROAD – FILE NO SF9780

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18

Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18

Item 14.9 to Closed Council 30 October 2018 - Minute No 269/18

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council direction in relation to the purchase of a portion of a parcel of land in Warwick Road, to allow for future road widening and the installation of other services to allow the development of the adjacent Arcadia area and Warwick Road area to proceed

CLOSED COUNCIL

Confidential Reports

(Section 10A(2) of The Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the Council or committee.

Resolutions passed in Closed Council

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.