

# 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

**17 DECEMBER 2019**

**PAUL BENNETT  
GENERAL MANAGER**

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## Council

Meeting Date: 2<sup>nd</sup> and 4<sup>th</sup> 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, 26 November 2019 and Extraordinary Meeting held on Tuesday, 10 December 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**

- 6.1 NOTICE OF MOTION – CR JIM MAXWELL - ALLOW THE ISSUE OF MULTIPLE ACCESS CARDS TO FREE WATER BY FARMERS – FILE NO SF9059**

### **MOTION**

*That property owners of more than one property located in the Tamworth Regional Council area, some, or all, of which are issued with separate Local Land Services Rate Notices will be eligible to receive a card to access free water for each of the properties that qualifies up to a maximum of two, provided they comply with all other conditions of the Council resolution from the Council Meeting of 12 March 2019 – Minute Number 60-19.*

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 17 December 2019.

### **SUPPORTING INFORMATION**

At the Council Meeting of the 12 March 2019, Council considered a report on access to free water for farmers, following the construction of the new bulk water filling stations, during the current drought and resolved as follows:

*That in relation to the report New Bulk Water Refill Stations – Access to Free Water Council:*

- (i) close and remove the hydrant standpipes presently dispensing free water in a centre as a bulk water refill station is commissioned in that centre;*
  - (ii) continue to offer free water at the new bulk water refill stations under the following terms and condition:*
    - a) Council will issue a card to access free water from the bulk water refill station;*
    - b) cards will only be issued to property owners of property located within the Tamworth Regional Council area and who can provide a current NSW Local Land Services Rates notice for that property;*
    - c) property owners of property connected to reticulated supply will not be issued with a card;*
    - d) property owners of multiple properties where one of which is a property as per c) above will be eligible for a card;*
    - e) an Agreement must be signed which details the following:*
      - Council can withdraw the right to access water at no cost at any time with 24 hours notification;*
      - the person signing the Agreement agrees that the water is only to be taken for the watering of stock or domestic purposes, not lawn or garden watering and that the card will only be used by them;*
      - the card remains the property of Council; and*
      - the following disclaimer:*

*Water available from this filling station is potable (drinking) water and is suitable for human consumption at this point of supply and before it enters any receptacle or any other intervention by a potential user.*

*Council does not warrant that the water remains suitable for human consumption following its decanting from this station. Any use of the water after this point is the responsibility of the user and is done at their sole risk, and Council does not accept any liability for any loss or damage of any kind whatsoever that may arise from the use of this water for any purpose.*

*The use of contaminated containers to transport water can lead to contamination of the water which may render the water not suitable for drinking purposes and other uses and may be hazardous to health.*
  - f) volume of free water taken will be limited to three Kilolitres per week;*
  - g) a refundable \$50 bond to be paid before the card is issued; and*
  - h) access to free water from a bulk water refill station will stop when Level 4 water restrictions are introduced in the centre where the station is located and*
- (iii) end access to free water at all bulk water refill stations when more than 50% of the Council area is no longer drought declared; and*
- (iv) erect signage to advise all users of the facility that they must comply with the appropriate road rules including weight loads*
-

Landowners of multiple properties located within the Council area, some, or all, of which qualify for access to free water, have been advised that they cannot get access to more than one card, as per point (d) of the resolution above. This gives rise to the situation where an owner of a property, say near Manilla, which qualifies for free water receives a card can access up to 3,000 litres per week of free water, but if they own a second property near Barraba, which also qualifies they:

- cannot get a second card;
- can use the existing card to get access to water from either the Barraba or Manilla Bulk Water Filling Stations for use at either property; and
- they have to share the allowance of 3,000 litres per week between the two properties.

If the properties were separately owned then Council would have issued 2 cards and allowed the dispensing of up to 3,000 litres of water per week, for free, for use at both properties. Based on this it would seem unjustifiable to preclude the issue of more than one free card to property owners if they own more than one qualifying property. However, perhaps some limit on the number of cards issued, I am suggesting a maximum of two, should be considered.

Cr Jim Maxwell

11 December 2019

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## **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

#### **7.1 TAMWORTH REGIONAL BLUEPRINT 100 PART 1 AND TAMWORTH REGIONAL BLUEPRINT 100 PART 2 - LOCAL STRATEGIC PLANNING STATEMENT 2020 – FILE NO SF9102**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Andrew Spicer, Senior Integrated Planner  
**Reference:** Item 11.1 to Ordinary Council 13 November 2018 - Minute No 289/18

**2 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Blueprint 100 Part 1 and Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020”, Council:*

- approve the draft Tamworth Regional Blueprint 100 Part 1 and Part 2 for public exhibition as outlined in the report and in accordance with the legislation;*
  - delegate to the General Manager the authority to make any minor formatting amendments to Part 1 and Part 2; and*
  - request that a further report be presented to a future Meeting of Council advising of the outcomes of the public exhibition.*
-



## SUMMARY

Tamworth Regional Council has undertaken a significant strategic planning exercise in 2019 to formulate an overarching policy document referred to as *Tamworth Regional Blueprint 100 Part 1* which ties together the range of current and future strategic planning policies of Council. Council has used this process to develop the draft *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* which is a requirement of the NSW Government under Section 3.9 of the *Environment Planning and Assessment Act 1979 (EP&A Act 1979)*.

The purpose of this report is to request Council's approval of both documents to proceed to public exhibition in early 2020. Council has a statutory obligation pursuant to Section 3.9 of the *EP&A Act 1979* and Clause 11A of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, to have finalised and submitted the Local Strategic Planning Statement to the NSW Department of Planning, Industry and Environment for publication on the NSW Planning Portal by 1 July 2020.

## COMMENTARY

Tamworth Regional Council has undertaken significant strategic planning in 2019, to formulate an overarching policy document referred to as the draft *Tamworth Regional Blueprint 100 Part 1* which ties together the range of strategic planning policies Council has in place and those that will be developed in future.

Council has used this process to develop the *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020 (LSPS)* which is a requirement of the NSW Government under Section 3.9 of the *Environment Planning and Assessment Act 1979 (EP&A Act 1979)*. The draft *Tamworth Regional Blueprint 100 Part 1* is **ATTACHED**, refer **ANNEXURE 1**. The *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* is **ENCLOSED** for the information of Councillors, refer **ENCLOSURE 1**.

### Director's Overview

The origins of the Blueprint plans are summarised at the start of both Parts 1 and 2. Suffice to say the State Government's Deputy Premier and Chief Planner both encouraged Tamworth and Wagga Wagga to become twin inland cities of 100,000 population each. That was picked up with a Motion by Councillor Inglis and resolved by Council from a Delegates Report at the Council Meeting held 13 November 2018. Part 1 and 2 attached is the end result of that resolution.

Tamworth Blueprint 100 Parts 1 and 2 will be 'definitive' for both the Council and the Region in years to come. That was signalled by the deliberate use of the word 'blueprint' as no other Council in Australia has used this term for such a plan. It's an old fashioned word meaning 'a guide for making something – it's a design or pattern that can be followed'. Blueprint 100 is a guide or roadmap for lifting the region to an improved quality of life and prosperity. That's the real focus not the attainment of a 100,000 population by 2041.

The Blueprint plans will define the organisation as the Council has a plethora of strategies, masterplans and precinct plans with little to no connections. Blueprint will be the 'plan of plans' or the ring that binds them all. Being holistic and integrated are the two common threads of Blueprint Part 1.

On that point originally there was only going to be one document to ensure a holistic approach but it was disappointing that the land use aspect had to be made a separate part (Part 2) to meet the new State Government Local Strategic Planning Statement (LSPS) requirements.

The Blueprint process has also been definitive for the organisation as it introduced the charrette workshop approach to developing plans. It meant the lengthy siloed consecutive plan development approach has been replaced by a much shorter more effective and integrated approach.

Blueprint will also define the future of the region given the importance of Tamworth as its hub. Of course the documents outline the three critical success factors – water security, jobs and the additional people. The recent \$480m new dam announcement will provide long term water security which is essential for the much needed public and private sector investment.

In terms of jobs Council will have to proactively facilitate new investment and businesses opportunities. This will no doubt mean doing things differently. If things continue the way they have been the region will reach 80,000 population by 2041 at 1% growth.

To reach 100,000 population by 2041 at 2% growth what do we have to do (apart from creating the jobs) to attract an additional 20,000 people? Immigration will clearly be a large part of this given the Australian love of the beach. The new skilled migration visa incentives to move to regional areas will help with this. But clearly there are also some significant lifestyle gaps such as the lack of an all year round modern aquatic centre.

Finally, above all leadership has been the overriding requirement to this blueprint journey. That has been championed from the Mayor, Deputy Mayor, Councillors and the General Manager which is to be highly commended. Also Andrew Spicer the author of this report is to be highly commended particularly for drafting Part 2.

### **Tamworth Regional Blueprint 100 Part 1**

In 2019, Tamworth Regional Council embarked on a process to take a coordinated approach for future planning, which was termed Blueprint 100. The Blueprint 100 document would encompass the Local Strategic Planning Statement and thereby establish the basis for a future Growth Management Strategy and Local Environmental Plan amendments.

The resulting draft *Tamworth Regional Blueprint 100 Part 1* is an overarching strategy that provides a roadmap to take the Tamworth Region towards its vision of a prosperous economy and high living standards with a population of 100,000 people.

The Blueprint 100 process was inspired in March 2018, when the Deputy Premier and the Chief Planner for New South Wales encouraged both Tamworth and Wagga Wagga to aim to be regional cities with a population of 100,000 people. This reflects the NSW Government recognition of the status of both cities as the northern and southern key NSW inland cities.

With the Region's projected future growth a number of fundamental land use plans and strategies are out of date and require comprehensive reviews including the *Tamworth Regional Development Strategy 2008* and *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*. Coinciding with this, there is a need to develop a new high level 'front end' statutory Local Strategic Planning Statement (LSPS). Apart from the strategic land use imperative, the Council has a need to connect and integrate its various existing precinct plans, masterplans, infrastructure plans and strategies.

With significant NSW State and Federal funding available, the Council needs a single document that provides an overarching strategy with a common logic, robust basis and compelling narrative. In the absence of this, Tamworth may fail to benefit from its share of funding and not fulfil the NSW Government's expectations.

*Tamworth Regional Blueprint 100 Part 1* aims to guide and promote the development of the Tamworth Region to 2041. It examines a 'business as usual' scenario (a population of

80,000 at 2041) as well as the potential to stimulate the growth of the Region to a population of 100,000 persons at that time.

The development of Blueprint 100 commenced in March 2019. It has involved Council workshops with technical input from relevant Divisions of Council. Senior staff and Councillors were kept informed during the process and also provided feedback.

Stakeholder meetings were carried out in the form of focus groups which brought together interested parties with specialist knowledge of key sectors. This included representatives of:

- community groups;
- environmental, sports and recreation groups;
- business and commercial sector, retailers, large landowners, developers and large institutions; and
- NSW Government Agencies, adjoining Local Government Areas, and the Namoi Unlimited (Joint Organisation of Councils).

Views and ideas on issues, opportunities and priorities derived from the stakeholder groups were then fed into the technical charrette (workshop) which was conducted over several days.

The technical charrette involved a series of intensive, inter-disciplinary sessions facilitated by specialised consultants to develop a 20 year vision for Tamworth and establish priorities, actions and implementation steps.

The first of these was undertaken from 22 to 24 May 2019 and a second follow-up charrette was undertaken on 15 & 16 August 2019. These were attended by Councillors, Council staff, NSW Government Agencies and stakeholders from community and cultural groups, developers and a wide range of businesses.

The charrettes undertaken in May and August 2019 both included breakfast presentations. These morning presentations were attended by approximately 30 people in May and 70 people in August.

It is proposed to build on this preliminary consultation through the public exhibition phase using a suite of tools including online engagement methods, advertising and media release, meetings with stakeholders, displays in Council Offices and discussions in person with members of the public including information sessions in towns and rural centres.

The draft *Tamworth Regional Blueprint 100 Part 1* emphasises the regional influence and positive impacts of Tamworth on surrounding Local Government Areas and the overall New England North West of NSW.

The document outlines a vision for the Tamworth Region as follows:

*A future Tamworth will offer an enhanced quality of life for the region with greater prosperity, compassion for its people, reverence for its culture and respect for nature.*

The document outlines four core strategies for achieving this vision focussing on jobs, skills, affordability and liveability.

Based on these core strategies eight priority themes are developed in the document broadly relating to; infrastructure, residential and economic growth, transport, community, environment, culture and identity.

### **Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020**

The Local Strategic Planning Statement (LSPS) is a new statutory plan introduced by the NSW Government. Unlike Part 1 it has a narrower focus on land use planning and includes a land use vision, priorities, actions, implementation and monitoring in accordance with the relevant legislation and guidelines. It takes its direction from Part 1 and uses the findings and outcomes relating to land use issues as a basis.

Being based on the draft *Tamworth Regional Blueprint 100 Part 1*, the draft *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2010* shows notable similarities, most clearly indicated by similar headings for sections of the document and the use of the same diagrams and mapping in several parts. The Local Strategic Planning Statement, however, does not explore the wider community and social planning addressed in Part 1 and instead expands substantially on the land use planning aspects.

While capturing the essence of Part 1, the vision for the Local Strategic Planning Statement also varies to some extent as follows:

*Tamworth is a prosperous, resilient and liveable region that:*

- *is the Northern Inland Capital of New South Wales;*
- *is well connected with the New England-North West and surrounding towns, villages and the rural communities; and*
- *boasts well designed living, play and work areas.*

The Local Strategic Planning Statement is prepared in accordance with Section 3.9 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and the Department of Planning, Industry and Environment guidelines. As the preparation of the document has been a statutory process, the Department of Planning, Industry and Environment have provided guidance in the formulation of the Local Strategic Planning Statement including a review of an early draft in October 2019.

The Statement will underpin future land use planning relating to master planning, development controls, and Local Environmental Plan amendments including the potential comprehensive review of the *Tamworth Regional Local Environmental Plan 2010*. The seven sections of Part 2 are outlined briefly below.

As the Local Strategic Planning Statement focusses principally on land use planning, it goes to some length on where future residential development could occur in terms of new 'greenfield areas' and exploring the opportunities for existing areas including the Tamworth CBD and Bridge Street precincts. The discussion on residential development addresses the importance of housing choice, potential for medium density and the challenges and opportunities relating to large lot and rural residential development.

The section on economic prosperity provides an overview of key sectors in the region including; health and social services, food production (including meat processing), tourism, logistics, aviation, agricultural research and professional services. It is the role of the Local Strategic Planning Statement to outline potential land use planning measures to promote development.

Particular opportunities are identified relating to the potential establishment of innovation and technology precincts. There is a recognised university presence in Tamworth with the University of Newcastle – Department of Rural Health and University of New England Access Centre. An opportunity is identified to further develop this presence with the establishment of a university campus potentially in the CBD.

Community resilience is the ability to strengthen systems and improve the community's capacity to withstand, adapt and recover from adversity. A section of the Local Strategic Planning Statement addresses this issue examining the connections between the city, towns, rural centres and rural lands. From a land use perspective the potential to amend future Zone and particularly Lot Size provisions across the Local Government Area to promote community resilience is examined.

Transport planning connecting the Region's citizens emphasises the importance of supporting NSW Government regional transport and road network strategies. Particular opportunities for the Tamworth Region relate to strategies for public transport and active transport (cycling and walking).

The Local Strategic Planning Statement addresses environmental planning and highlights the need to study and better manage biodiversity values for the protection of the environment and the facilitation of development of the right type in the correct locations. Upgrades to mapping of biodiversity, vegetation and natural hazards will support land use planning. Genuine dual use corridors incorporating open space and drainage functions are important and both commercial and community renewable energy initiatives are continuing to grow and Council planning can support these appropriately.

Heritage and cultural planning has significant land use implications around potential mapping of 'character precincts' in Tamworth that may be translated into planning controls to promote the heritage values. The identification of Aboriginal cultural heritage, as appropriate, for potential inclusion in planning controls is an important consideration in the Local Strategic Planning Statement.

Land use planning for major future infrastructure focusses on identification of strategic land and potential application of controls over such land that is essential for future major infrastructure projects. The aim of these planning controls is to preserve strategic lands to ensure the viability of future infrastructure that will support the Region.

Each section of Part 2 includes a table of potential actions and identifies how the actions relate to the Council's Community Strategic Plan and the Department of Planning, Industry and Environment's *New England North West Regional Plan 2036*.

The final section of the Local Strategic Planning Statement collates these actions in a table nominating the relevant Council and NSW Government Plans and Key Performance Indicators. The actions are assigned a rank of short, medium or long term.

In conclusion, the long term planning of the Tamworth Region provides the basis for sustainable prosperity flow on effects for the wider New England North West of NSW. The draft *Tamworth Regional Blueprint 100 Part 1* and draft *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* provide the overarching strategy to connect Council's range of existing and future policies and meet the statutory requirements of Council prescribed by the NSW legislation. The progression of these documents toward exhibition in early 2020 represents a significant milestone in this process to underpin the basis for future planning in the Tamworth Region. It is proposed to exhibit Parts 1 and 2 starting in February 2020 for a six weeks period.

**(a) Policy Implications**

The future implementation of the draft *Tamworth Regional Blueprint 100 Part 1* will provide an overarching strategy to connect Council's range of existing and future policies. The draft *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* has a statutory basis pursuant to Section 3.9 of the *Environmental*

*Planning and Assessment Act 1979* that will make it a significant policy to guide land use planning for the period to 2041.

**(b) Financial Implications**

The final formatting and public exhibition of the documents and the formal finalisation of the Local Strategic Planning Statement in accordance with the legislation is provided for in existing budgets.

**(c) Legal Implications**

The draft *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* has a statutory basis pursuant to Section 3.9 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*. In accordance with Section 3.33(2) of the *EP&A Act 1979*, future amendments to the Council's Local Environmental Plan will need to justify how the proposed changes give effect to the Council's Local Strategic Planning Statement.

Council was advised by the Department of Planning, Industry and Environment by letter of 25 October 2019, that Council is required to make and have submitted its first Local Strategic Planning Statement by 1 July 2020, to be published on the NSW Planning Portal. The advice stated that failure to meet this statutory timeframe would be a breach of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Cl.11A)*.

**(d) Community Consultation**

As outlined in this report, stakeholder meetings were carried out in the form of focus groups with representatives of; community, environmental, sports and recreation groups, business and commercial sector, retailers, large landowners, developers and large institutions. Concurrently, consultation was also undertaken with NSW State Government Agencies, adjoining Local Government Areas, and Namoi Unlimited (Joint Organisation of Councils).

Charrettes were carried out in May and August 2019, and on both occasions breakfast presentations were undertaken.

This report recommends further consultation via public exhibition in early 2020, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. It is proposed to implement a suite of tools including online engagement methods, meetings with stakeholders, displays in Council Offices and meetings with members of the public including visits to towns and rural centres.

It is proposed to exhibit Parts 1 and 2 starting in February 2020, for a six weeks period using the above consultation techniques.

**(e) Delivery Program Objective/Strategy**

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

A Region of Progressive Leadership - L22 To be a leader in best practice for local government.

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## 7.2 MANILLA RAILWAY BRIDGE TIMBER VIADUCT – FILE NO SF8264

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Emma Briggs, Senior Development Assessment Planner

### RECOMMENDATION

*That in relation to the report “Manilla Railway Bridge Timber Viaduct”, Council provide a letter of support to the “Manilla Viaduct, Rail Bridge and Tourism Group Incorporated” to accompany a nomination for the Manilla Railway Bridge Timber Viaduct to be included on the State Heritage Register subject to it clearly stating that this does not extend to Council taking over ownership or responsibility of the viaduct in the future.*

### SUMMARY

Council has received a request from the Save the Viaduct Group to provide a letter of support to accompany a nomination for the Manilla Railway Bridge Timber Viaduct to be included on the State Heritage Register.

### COMMENTARY

The Manilla Viaduct Future Options Study Final Report, prepared by ERM for John Holland Rail P/L on behalf of Transport for NSW, was presented to a community forum in Manilla in December 2018.

In response to this report and the community forum, the “Manilla Viaduct, Rail Bridge and Tourism Group Incorporated” was established. It is understood that this group has engaged Frank Johnson (a heritage engineer) to assist them with the nomination process for listing of the viaduct on the State Heritage Register. As part of the nomination process, Council has been requested to provide a letter of support for the listing.

The following points relating to the heritage significance of the viaduct have been provided for inclusion in Council’s letter by Frank Johnson, Heritage Engineer:

*“The long timber viaduct and bridge a key features of the town today, and form a backdrop to the community meeting point of the showground/sports ground;*

*This is symbolic of the role that the bridge and the railway has played ongoing life of Manilla and the local area;*

*The extension of the railway line to Barraba, of which the railway viaduct and bridge were vital elements, contributed to the growth of the area and the development of the wheat industry;*

*For many years the railway was the key mode of transport for the Manilla area, both for passengers and goods (like wheat and wool), and the viaduct and bridge are important reminders of this;*

*The Namoi River through Manilla has flooded on numerous occasions (such as the record 1964 flood) but the railway viaduct and bridge remained intact and served as a vital link between parts of Manilla that would otherwise have been cut off - so the viaduct and bridge are symbolic of the resilience of the town, and its endurance under difficult conditions, which is still true of Manilla today;*

*The timber viaduct in particular required a massive maintenance task, which was carried out by local railway bridge gangs - this is now a “lost art” but one that should be recognised and preserved;*

*We have looked at railway infrastructure in other country towns but feel that the Manilla Railway Viaduct and Bridge are unique in their history and relationship to the town;*

*There is strong community support for the preservation of the viaduct and bridge, both for their history and for their potential to contribute to the life of the town”.*

Should Council resolve to provide a letter of support, it must be emphasised in the letter that the support does not extend to Council taking over ownership or responsibility of the viaduct in the future.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Should Council resolve to provide a letter of support, it must be emphasised in the letter that the support does not extend to Council taking over ownership or responsibility of the viaduct in the future.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The Manilla Viaduct Future Options Study Final Report states that the Study involved consultation with the local community.

**(e) Delivery Program Objective/Strategy**

A Region of Progressive Leadership - L12 Represent and advocate community needs.

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**7.3 PROPOSED RENAME OF DREWS ROAD IN LOCALITY OF WARRAL TO WARRAL ROAD - PROPOSED RENAME OF WARRAL DURI ROAD IN LOCALITY OF WARRAL AND DURI TO WARRAL ROAD - PROPOSED RENAME OF WARRAL DURI ROAD IN LOCALITY OF DURI TO RAILWAY AVENUE - RN2020-0003 – FILE NO LF32380**

**DIRECTORATE: PLANNING AND COMPLIANCE**  
**AUTHOR: Kathleen See-Kee, Development and Approvals Support Officer**

**3 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Proposed Rename of Drews Road in Locality of Warral to Warral Road – Proposed Rename of Warral Duri Road in Locality of Warral and Duri to Warral Road – Proposed Rename of Warral Duri Road in Locality of Duri to Railway Avenue – RN2020-0003”, Council:*

- (i) approve in principle, the rename of Drews Road and Warral Duri Road to Warral Road and the rename of Warral Duri Road to Railway Avenue;*
  - (ii) advertise the proposed rename of road names as required by the Roads Act 1993 Part 10 Division 4 Section 162 and the Roads Regulation 2018 Part 2 Division 1 Clause 7, to enable interested parties the opportunity to make comment;*
  - (iii) notify the proposed rename of road names to Australia Post, the Registrar-*
-



*General, the Surveyor-General, the chief executive of the Ambulance Service of NSW, Fire and Rescue NSW, the NSW Rural Fire Service, the NSW Police Force, the NSW State Emergency Service, the NSW Volunteer Rescue Association; and*

- (iv) *after considering any submissions made, proceed to publish the rename of road names in the Government Gazette and on Council's website; and notify Australia Post, the Registrar-General, the Surveyor-General, the chief executive of the Ambulance Service of NSW, Fire and Rescue NSW, the NSW Rural Fire Service, the NSW Police Force, the NSW State Emergency Service, the NSW Volunteer Rescue Association with sufficient particulars to enable the roads to be identified.*

## **SUMMARY**

The purpose of this report is to resolve issues reported by residents in getting services and deliveries to their properties and the numbering sequence of property addresses.

## **COMMENTARY**

Council's mapping system currently shows the length of road from Tamworth to Duri as 'Warral Road', 'Drews Road' (Impala Estate Road to Warral Bithramere Road) and 'Warral Duri Road' (Warral Bithramere Road to Currabubula Street), as shown in the **ATTACHED** plan, refer **ANNEXURE 1**. Following previous requests from residents to change the name of 'Drews Road' and 'Warral Duri Road' to 'Warral Road', a review of the address numbering was conducted by Regional Services in January 2019. Responses were received from residents during the consultation on the proposed name changes generally in support of the renaming of these sections of roads to 'Warral Road'.

The road section of 'Warral Duri Road' from Duri Winton Road to Currabubula Street is within the township of Duri, as shown in the **ATTACHED** plan, refer **ANNEXURE 2**. It is proposed to rename this section of road to 'Railway Avenue' which is the road name from Currabubula Street to Duri Street. The NSW Government Addressing Principles supports the renaming of this section of road to 'Railway Avenue'.

Should Council support the rename of these roads, it is then necessary to advertise for public comment in accordance with the *Road Act 1993* Part 10 Division 4 Section 162, *Road Regulation 2018* Part 2 Division 1 Clause 7. Following this public notice, and consideration of any submissions received, Council may proceed to confirm the renamed road names, as shown on the **ATTACHED** plan, refer **ANNEXURE 3**.

### **(a) Policy Implications**

Nil

### **(b) Financial Implications**

Nil

### **(c) Legal Implications**

Nil

**(d) Community Consultation**

The proposed renamed road names will be advertised for public comment in accordance with the *Road Act 1993* Part 10 Division 4 Section 162, *Road Regulation 2018* Part 2 Division 1 Clause 7.

**(e) Delivery Program Objective/Strategy**

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

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**7.4 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL FOR OAKLANDS ESTATE, PART OF LOT 18 DP 1199163 OAKLANDS DRIVE, NEMINGHA – FILE No SF8166**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Genevieve Harrison, Manager Integrated Planning  
**Reference:** Item 7.8 to Ordinary Council 12 December 2017 - Minute No 426/17  
Item 7.3 to Ordinary Council 28 August 2018 - Minute No 156/18

**2 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 – Planning Proposal for Oaklands Estate, Part of Lot 18 DP 1199163 Oaklands Drive, Nemingha”, Council determine to make the plan in accordance with section 3.36(2)(a) of the Environmental Planning and Assessment Act 1979, and this includes an amendment to the Lot Size Maps to apply a 1.5 hectare Lot size to part of the subject land.*

**SUMMARY**

It is recommended that Council agree to finalise the planning proposal relating to the proposed amendment of the *Tamworth Regional Local Environmental Plan 2010*. This will alter the minimum lot size for part of Lot 18 DP 1199163 Oaklands Drive, Nemingha from two hectares to 1.5 hectares.

This report has been prepared by Mike Svikis Planning and addresses the concerns raised by objectors and outlines the justification for the recommendation.

**COMMENTARY**

The subject site is zoned part R5 Large Lot Residential, part RU1 Primary Production and part E3 Environmental Management pursuant to the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*. The aim of the planning proposal is to reduce the minimum lot size (MLS) for approximately 39 hectares of land entirely within the R5 zone from two hectares to Y2 1.5 hectares. The amendment of lot size over the subject lands will entail consequential changes to some labelling on the “Tamworth Local Environment Plan 2010” Lot Size map, however, this does not affect the use of any other land. The land is located in the southern portion of Lot 18 DP 1199163, adjoining the lots that were created in earlier stages.

The proposed Lot Size map and Planning Proposal are **ATTACHED**, refer **ANNEXURES 1 and 2**.

### *Background*

At the Ordinary Meeting held on 12 December 2017, Council resolved to forward the planning proposal to the Department of Planning and Environment seeking a Gateway determination to facilitate a change to the minimum lot size on the southern portion of Lot 18 DP 1199163 from two hectares to one hectare.

A Gateway determination was received from the Department of Planning and Environment on 27 February 2018, which required Council to undertake community consultation for a minimum of 28 days. Consultation was also required with the NSW Department of Primary Industries - Water, Office of Environment and Heritage, and NSW Rural Fire Service.

Council was granted Delegated Authority pursuant to the Gateway Determination under Section 3.36 of the *Environmental Planning and Assessment Act 1979*, to amend the *TRLEP 2010*.

Community consultation was undertaken by Council with a 28 day exhibition period from 18 June 2018 to 16 July 2018.

During the public exhibition period, copies of the planning proposal and associated attachments were available on Council's website. Displays containing the information were placed in Council's Customer Services Centre at Ray Walsh House in Tamworth. The planning proposal was advertised in 'The Northern Daily Leader' and placed on social media sites. Adjoining neighbours and those within the immediate vicinity of the subject site were also notified.

Council received 12 submissions and one petition with 18 signatures in response to the proposal. All submissions raised objections and concerns, and did not support the proposed one hectare MLS. No public authority raised any objection to the proposed lot size change. Both the community and agency submissions were reported to Council on 28 August 2018.

At the Meeting of Council on 28 August 2018, staff recommended the planning proposal not be supported. Council resolved instead to "defer the matter to allow for investigations and consideration of further issues in relation to the Estate" (Min156/18). Following discussion, the applicant advised Council that it wanted to change the minimum lot size in the planning proposal from two hectares to 1.5 hectares rather than from two hectares to one hectare.

Staff wrote to all submission makers outlining the proposed changes and supplied revised mapping and a fact sheet. Further submissions were invited from 18 February to 8 March 2019. Objections and concerns remain for land owners in the Oaklands Estate. In order to progress the planning proposal an independent planner was asked to review and report to Council. This report has been prepared by the independent planner.

### *Submissions on the revised planning proposal*

In response to Council writing to objectors to the original planning proposal, a further four individual submissions were received plus a petition on behalf of 18 residents of the Oaklands Estate. All submissions opposed the amended planning proposal. The following is a summary of the issues raised in those submissions with a planning comment from the independent planner.

### **Submission**

***Water supply – The development related mapping shows a 440 metre contour that is actually the 450 metre contour and the proposed development cannot receive a***

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**Council water supply because it is limited to the 440 metre contour. Current residents on the 440 metre contour do not receive a reliable supply. The smaller lot size will generate too many lots.**

**Comment**

This matter has been discussed with staff from Council's Water Directorate.

The ability to provide water supply to the 450 metre contour has been established by Council's Water Directorate through water modelling. There was an incorrect notation of 440 metres instead of 450 metres on a diagram supplied by the applicant but this does not affect the ability to provide a low-flow (trickle feed) water supply to the 450 metre contour on Lot 18 DP 1199163.

Council undertook flow and pressure tests on the water main at the end of Oaklands Drive adjacent to 73 Oaklands Drive (Lot 15 DP 1199163). The results of the flow and pressure tests in both the water main (and the residential connection to Lot 15 DP 1199163) are adequate for a low-flow (trickle feed) water supply, and Council can confirm that there will be adequate pressure for a low-flow (trickle feed) water supply at the 450 metre contour in Lot 18 DP 1199163.

The hypothetical subdivision of the 39 hectare part of Lot 18 DP 1199163 supplied by the applicant suggests a yield of 19 lots, each with capability to connect to the low-flow (trickle feed) water supply. This is four more than the hypothetical 15 lot potential of the current two hectare MLS.

Historically, Council budgeted for approximately 43 residential water connections in the Oaklands Estate. There are currently 19 connections in Stages 1 and 2, including two re-subdivisions. If the applicant is able to achieve 19 lots from Stage 3 then this is a total of 38 connections. This is less than the expected number and provides a buffer of five connections for the potential re-subdivision of some of the larger lots in Stages 1 and 2 at some time in the future.

**Submission**

***Social contract – Land holders who bought into Stages 1 and 2 have a social contract with Council that the MLS will remain the same for Stage 3 as it was for their stages.***

**Comment**

Planning controls change over time and in response to changing circumstances. The *Environmental Planning and Assessment Act 1979*, provides a process by which any standard or zone can change if Council considers that the amendment is justified. This process includes a public exhibition and the consideration of submissions. In this instance, affected land owners have been kept informed and their views taken into consideration. The proposed alteration of the MLS from 2 hectares to 1.5 hectares rather than 1 hectare is evidence of Council's response to community concerns.

**Submission**

***Amenity impacts from smaller lots – the spacious and pleasant amenity of the area will be impacted by the small lots and limited ability to locate dwellings on each lot.***

**Comment**

Stages 1 and 2 have a range of lot sizes that has allowed reasonable separation of dwellings. The minimum lot size proposed for Stage 3 is only 25% different from Stages 1 and 2. Stage 3 lots and dwellings will be well separated from most of Stage 1 and 2

dwellings, with acceptable impacts on those that are closest. The location of dwellings on Stage 3 will be subject to a successful application for subdivision and then dwelling approvals.

Information supplied by the applicant indicates that developable land exists on each of the hypothetical lots. Current land owners have ample time to screen along boundaries if they consider that seeing dwellings in the distance will impact their amenity. The broader rural backdrop above and behind the proposed Stage 3 will largely remain because it is zoned mostly E3 Environmental Management. Tree clearing on the 39 hectares subject to the planning proposal will be regulated by the NSW *Biodiversity Conservation Act 2016* as well as the *Environmental Protection and Biodiversity Conservation Act 1999* (Federal legislation).

**Submission**

***Stormwater will impact on Stage 3 lots – Stormwater in heavy rain will be problematic for dwellings in this location.***

**Comment**

Stage 3 lots of any size (whether 1.5 or 2 hectares) will have to address the issue of stormwater flows. Council would expect a stormwater strategy with any future development application for subdivision. These site-specific issues may limit the lot yield of the subject land.

**Submission**

***Smaller lots generate more traffic – Smaller lots will attract residents with off-site interests and they will use their car more.***

**Comment**

There is no evidence to support this position. If the smaller lot size generates a 19 lot subdivision then there will be more traffic generated than a 15 lot subdivision. However, the traffic impact assessment report produced to support the planning proposal concluded that road widths and intersection standards (including Nundle Road) were sufficient to support the traffic generated by up to 28 new lots.

**Submission**

***The current bus stop on Nundle Road is unsafe – No more development should proceed until the Nundle Road bus stop is addressed.***

**Comment**

The submission regarding the Nundle Road bus drop off issue has recently been resolved in consultation with the operator and Transport for NSW. The buses now drop off/pick up within the Estate at the existing bus bays on Oaklands Drive (instead of Nundle Road).

The issue previously had been that the (temporary) cul-de-sacs in the first stage are too small (approx. 10m radius) for the bus to turn around without reversing in a three point turn. This manoeuvre has now gained acceptance from the operator and Transport for NSW, so the bus route has been altered to enter the Estate.

**Submission**

***It is not clear how the large residue to Stage 3 will be managed – If the residue is not managed as a farm, it will become a problem for adjacent farming properties.***

### **Comment**

Most of the residue beyond the 39 hectares is zoned E3 Environmental Management with some of it zoned R5 Large Lot Residential. The applicant makes no commitment on its future, but supporting documentation suggests that much of it is an Endangered Ecological Community (EEC). It may be that the land is required to offset potential impacts from the Stage 3 subdivision. Management of the residue will be an issue whether the MLS is changed to 1.5 hectares or not.

### **Submission**

***Reducing the MLS is not consistent with long-term planning for this locality – It is also not identified for growth in the New England North West Regional Plan.***

### **Comment**

The long-term planning for this locality is rural residential pursuant to the *TRLEP 2010*. It is zoned for this purpose and this planning proposal does not intend to alter any zone boundary. It is only the minimum lot size that is being changed.

An area already zoned for a particular purpose does not have to be identified in the *New England North West Regional Plan 2036* as a growth area. Growth areas are typically localities that are being considered for a change of land use at some time in the future. Alteration of the MLS from two hectares to 1.5 hectares will not result in a change of land use and will not result in a major change to the yield of the subject land.

### **CONCLUSION**

The proposal to change the minimum lot size for the subject land to 1.5 hectares will allow a future subdivision greater flexibility in lot sizes. In turn, this may generate up to four more lots than the current two hectare minimum lot size. However, the applicant has a site that is substantially affected by ecological constraints and it is not guaranteed that a reduced lot size will allow it to achieve the lot yield expected from Stage 3.

The site is already zoned R5 Large Lot Residential, therefore the long-term planning for this locality is rural residential. Altering the MLS is not inconsistent with this use. There is only 25% difference between the current two hectare MLS and the proposed 1.5 hectare MLS.

Although the Nundle Road water pipeline has limited capacity, the Oaklands Estate was expected to have approximately 43 connections. Council can supply a low-flow (trickle feed) water supply to lots up to the 450 metre contour. It is unlikely that reducing the MLS to 1.5 hectares will result in more than 43 lots for Stages 1, 2 and 3 in combination.

The actual number of lots, as well as size and shape will be determined at the development application stage.

The compromise of a 1.5-hectare MLS is still not supported by most residents of the Oaklands Estate. However, the specific reasons given by residents for not supporting the MLS change are addressed in this report, and they do not provide a sound planning basis to refuse this planning proposal.

It is recommended that Council support the planning proposal and finalise it in accordance with the *Environmental Planning and Assessment Act 1979*.

#### **(a) Policy Implications**

Relevant policy considerations are addressed above and in the planning proposal.

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Amendments to the *TRLEP 2010* will alter the planning provisions for the subject land.

**(d) Community Consultation**

Community consultation was undertaken through public exhibition of the proposal for 28 days as required by the Gateway determination. A further consultation process was undertaken on the modified 1.5 hectare Lot Size by direct contact with those that made submissions and reside in the Estate. The additional feedback is addressed in this report.

**(e) Delivery Program Objective/Strategy**

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

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 PLAQUE HONOURING ALEXANDER GOOR – FILE NO SF9381**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Murray Russell, Manager Infrastructure and Works**

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Plaque Honouring Alexander Goor”, Council approve the installation of a plaque.*

#### **SUMMARY**

Alexander Goor was a civil engineer who re-located his heavy construction company from Sydney to Tamworth in 1962. A request has been received for the contributions of Alexander Goor to be commemorated either through a plaque or the naming of a bridge after him.

#### **COMMENTARY**

A request has been received from the daughter of Alexander Goor requesting for the contributions of her father to be commemorated either through a plaque or the naming of a bridge after him. The initial request is **ATTACHED**, refer **ANNEXURE 1**. Council has informally agreed that a commemorative plaque, rather than re-naming a significant bridge in Tamworth which could create confusion, is the preferred option.

Alexander Goor was a civil engineer who re-located his heavy construction company from Sydney to Tamworth in 1962. In 1963, a subsidiary was formed called North-West Pre-Stressed Pty Ltd which concentrated on the production of various pre-stressed concrete items, especially bridge girders for sale to other construction companies. These products were used during the construction of Tamworth’s Peel River concrete bridge and the Copeton Dam. In 1965, operations expanded to include manufacture of aggregate concrete pre-cast and pre-stressed slabs and panels for general building and bridgework such as for the T&G building at 424 Peel Street and extensions to the Oxley High School.

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The Jewry Street bridge which still exists was constructed in 1963. Designed by the Department of Main Roads, Alexander Goor was the sub-contractor for the pre-stressed concrete girders.

It is suggested that an appropriate location for a plaque, recognising the contributions of Alexander Goor, is near the Jewry Street bridge on one of the three large rocks near the bridge and the Peel river. Refer Image 1 below. Image 2 shows a similar example at the Bendemeer Bridge.



*Image 1: Three blue circles show the large rocks that are currently put in place.*



*Image 2: Historic Engineering Marker at Bendemeer Bridge, similar to that proposed at Jewry St Bridge.*



The suggested wording for the plaque would be something similar to that shown below. It is anticipated that the final wording would be agreed with Mr Goor's family prior to placement.

**Alexander Goor**

*Civil engineer Alexander Goor relocated A.Goor Pty Ltd, a heavy construction company from Sydney to Nemingha. The firm manufactured pre-stressed and pre-cast concrete slabs and panels for bridgework and general building in projects such as the Jewry Street bridge, Copeton Dam, the T&G building at 424 Peel Street and extensions to the Oxley High School.*

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The cost for the manufacture and installation of the plaque will be covered by the Infrastructure and Works bridge maintenance budget.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

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**8.2 EXTENSION OF EXISTING WATER SAVING REBATE SCHEME AND ADDITION OF OTHER WATER SAVING PRODUCTS TO ELIGIBILITY LIST – FILE NO SF3219**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Ian Lobban, Water Sustainability Officer

**Reference:** Item 7.2 to Ordinary Council 15 December 2009 - Minute No 349/09

Item 6.20 to Ordinary Council 26 May 2009 - Minute No 121/09

Item 7.8 to Ordinary Council 8 February 2011 - Minute No 21/11

Item 9.7 to Ordinary Council 22 October 2013 - Minute No 334/13

Item 8.3 to Ordinary Council 8 October 2019 - Minute No 348/19

**RECOMMENDATION**

*That in relation to the report “Extension of Existing Water Saving Rebate Scheme and Addition of Other Water Saving Products to Eligibility List”, Council:*

*(i) add additional water saving products to the rebate eligibility list that may assist*

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*residential business and industry as follows:*

<i>Item number</i>	<i>Product</i>	<i>Description</i>	<i>Rebate</i>
<b>1</b>	<b>Greywater diversion system</b>	<b>All greywater from showers, bath, basins and laundries is collected in a small tank outside the house. The tank contains a pump which is float activated. When the float rises the greywater is pumped to into a subsurface dripper system which feeds the roots of plants.</b>	<b>\$150</b>
<b>2</b>	<b>Greywater treatment system</b>	<b>Wastewater treatment systems digest solid waste and use a controlled natural process to purify the wastewater. This clean, odourless, disinfected water is then recycled through garden drippers or sprinklers or through sub surface irrigation system.</b>	<b>\$500</b>
<b>3</b>	<b>Pool backwash recycling system</b>	<b>Recycles swimming pool backwash water which otherwise goes down the drain. It is easily installed during pool construction or as an attachment to already existing sand filtered systems.</b>	<b>\$250</b>
<b>4</b>	<b>Waterblade tap</b>	<b>Takes a trickle of water and transforms it, making it many times more useful for washing your hands by shaping the water into a 'jellyfish' shaped, paper thin sheet of water that is as wide as your hand.</b>	<b>\$10</b>
<b>5</b>	<b>Low flow or sensor taps</b>	<b>Sensor that only allows taps to work when hands are moving when being washed underneath them, and/or run at very reduced flow.</b>	<b>\$50</b>
<b>6</b>	<b>Commercial paint brush cleaner unit</b>	<b>Portable brush cleaner that can be used to clean up to 8 paint brushes at once in up to 10 litres of water as alternative to traditional cleaning methods and using half the volume of water.</b>	<b>\$150</b>

7	Commercial steam cleaners	Steam cleaning systems using steam rather than water flow to clean surfaces. There are various models that can be applied in the health, contract cleaning, automotive, industrial, animal care and education industries.	\$200
8	Commercial chemical cleaners	Replaces steam cleaning and uses less water. Combines chemical action and mechanical agitation to effectively remove soil particles from carpet fibres.	\$200
9	Hot water system diverters	Automatically diverts the water which has cooled in building's hot water pipes and sends back into the cold water line, rainwater tank, or other storage tank, instead of otherwise flowing down the drain.	\$50
10	Tree well water saver	Plastic well placed around base of tree to focus water around roots system rather than running away.	\$2
11	Shower controllers	Electronic system that pre-sets the length of shower times and/or the provision of hot water.	\$50
12	Waterless urinals	Male urinal units using no water to flush.	\$150
13	Commercial pre-rinse spray/mixer/nozzle ware	Water efficient water application systems for commercial restaurants, takeaway shops, hairdressers, etc.	\$150
14	Commercial dishwasher/glasswasher	Recirculating low water consumption washers for food, hospitality, aged care or educational facilities.	\$250
15	Commercial washing machine	Water efficient commercial machine potentially using 40% less water.	\$500
16	Ceiling fans	This will allow residents to stay cool without running evaporative air conditioning and increasing water consumption. Must receive sign off from installer that this offsets use of existing	\$50

		<i>evaporative cooling system.</i>	
17	<i>2,000 – 4,999 litre rainwater tank</i>	<i>Must be connected to toilet and/or laundry to offset use of the treated water supply at any time.</i>	<i>\$200</i>
18	<i>5,000 – 9,999 litre rainwater tank</i>	<i>Must be connected to toilet and/or laundry to offset use of the treated water supply at any time.</i>	<i>\$800</i>
19	<i>10,000 litre rainwater tank or above</i>	<i>Must be connected to toilet and/or laundry to offset use of the treated water supply at any time.</i>	<i>\$1,000</i>
20	<i>Toilet with cistern sink</i>	<i>Water used at the sink mounted on the cistern drains into the cistern for reuse when flushing. Must be a dual flush cistern.</i>	<i>\$200</i>

- (ii) extend the Water Saving Rebate Scheme for residential, business and industry for two years beyond its planned end date of 28 February 2020; and*
- (iii) provide a further \$50,000 to be allocated to the payments of rebates for residential purposes.*

## **SUMMARY**

The financial assistance offered through Council’s Residential Water Saving Rebate Scheme has been highly effective in encouraging residents to install water saving products in and around their homes. The scheme was originally started on 28 February 2007, and Council has chosen to extend the scheme several times. Council recently resolved to extend the rebate scheme to business and commercial operators. It was also resolved that rebates for other measures also be investigated and considered for addition to the rebate eligibility list. The current scheme is scheduled to end on 28 February 2020.

## **COMMENTARY**

Council’s Water Saving Rebate Scheme is designed to offset the use of treated water by offering financial assistance to residents to install water-efficient products in and around their existing homes and, more recently, for businesses and commercial operators, connected to the treated water supply, retrofitting existing homes or businesses, or to residents installing products in new homes where the product is not a requirement of the NSW Building Sustainability Index (BASIX).

The scheme was initially to run over three financial years from 2007/2008 through to 2009/2010, with the scheme beginning on 28 February 2007. However, since its inception Council has decided on a number of occasions to extend the scheme, with the latest scheme ending on 28 February 2020.

The list of products eligible for rebates has remained unchanged except for the removal of washing machines, dishwashers, grey water diversion systems and grey water treatment systems from the eligible product list in 2013. Residential washing machines and dishwashers were removed as the rebate was originally provided to offset the increased cost of purchasing the more water efficient appliance. It was considered that manufacturers have now caught up

and most appliances available today are considered water efficient. Further to this, the life of the scheme matched against the life-cycle of whitegoods products meant some residents had reached a point where they were purchasing a replacement machine and claiming the rebate a second time. Greywater diversion systems and greywater treatment systems had not proved popular and Council agreed to remove these from the eligible products list.

Since the commencement of the Water Saving Rebate Scheme on 28 February 2007, rebates have been paid on the following products, for the following amounts, with subsequent totals:

Table 1

<b>AMOUNTS PAID UNDER WATER SAVING REBATE SCHEME SINCE 28 FEBRUARY 2007 – RESIDENTIAL ONLY</b>			
<b>PRODUCT</b>	<b>REBATE RATE</b>	<b>TOTAL PRODUCTS PAID OUT ON</b>	<b>TOTAL AMOUNT</b>
3-star showerhead	50% up to \$20	418	\$8,138.95
Swimming pool cover	50% up to \$100	421	\$42,168.62
Washing machine <sup>2</sup>	50% up to \$100	3,599	\$359,945.19
Dishwasher <sup>2</sup>	50% up to \$100	598	\$59,800.00
Dual flush toilet	50% up to \$150	901	\$135,192.55
Greywater diversion system <sup>2</sup>	50% up to \$150	8	\$1,200.00
Greywater treatment system <sup>2</sup>	50% up to \$500	14	\$7,000.00
Rainwater tank (2-5kL*)	50% up to \$250	72	\$18,100.19
Rainwater tank (5kL*>)	50% up to \$500	348	\$174,325.19
	<b>TOTAL</b>	<b>6379</b>	<b>\$805,870.69</b>

\* 1 kilolitre = 1000 litres, 2 – No longer on list since February 28, 2014

Installation of these products by residents represents a considerable reduction in regional water consumption. Based on the installation of these products in an average household, a calculation of estimated savings can be made. A system of estimates gives the following rationale for projected savings on each individual product installed:

Table 2

<b>ESTIMATED WATER SAVINGS FROM PRODUCTS ELIGIBLE UNDER SCHEME – RESIDENTIAL ONLY</b>		
<b>PRODUCT</b>	<b>ESTIMATED SAVING PER PRODUCT</b>	<b>YEARLY TOTAL SAVINGS (KL) PER PRODUCT</b>
3-star showerhead	9 litres per minute at 4 x five-minute showers per day	65kL
3-star dual flush toilet	9 litres per flush at 12 flushes per day	39kL
4-star washing machine	100 litres per wash at 4 washes per week	20kL
4-star dishwasher	Reduction from 40 down to 18 litres per load	22kL
Swimming pool cover	4000 per month through saved evaporation	48kL
Greywater diversion system	70% reuse of 130 litres from shower and washing machine at 4 washes per week	20kL
Greywater treatment system	Same as diversion system above, but with higher % of reuse and other inflows from shower, bathroom sink, etc.	80kL
2-5kL rainwater tank	87.5kL per year, based on 3.5kL tank connected to toilet and/or laundry, and garden – based on 25 effective fills of tank per year	87.5kL
5kL (or above) rainwater tank	150kL per year, based on 10kL tank connected to toilet and/or laundry, and garden – based on 15 effective fills of tank per year	150kL

\* 1 kilolitre (kL) = 1000 litres

Multiplying the above water-saving estimates with the above number of products installed, the total estimated water savings from the Residential Water Saving Rebate Scheme to date can be calculated:

Table 3

<b>TOTAL ESTIMATED PROJECTED WATER SAVINGS PER YEAR TO NOVEMBER, 2009 FROM WATER SAVING REBATE SCHEME – RESIDENTIAL ONLY</b>				
<b>PRODUCT</b>	<b>AMOUNT OF PRODUCTS INSTALLED</b>	<b>TOTAL PROJECTED WATER SAVINGS PER YEAR (KL)</b>	<b>COST OF REBATES</b>	<b>COST PER KL SAVED PER ANNUM</b>
3-star showerhead	418	27,170	\$8,138.95	\$0.29
Swimming pool cover	421	20,208	\$42,168.62	\$2.08
4-star washing machine	3,599	71,980	\$359,945.19	\$5.00
4-star dishwasher	598	13,156	\$59,800.00	\$4.54
Dual flush toilet	901	35,139	\$135,192.55	\$3.84
Greywater diversion system	8	160	\$1,200.00	\$7.50
Greywater treatment system	14	1,120	\$7,000.00	\$6.25
2-5kL rainwater tank	72	6,300	\$18,100.19	\$2.87
5kL (or above) rainwater tank	348	52,200	\$174,325.19	\$3.33
<b>TOTAL</b>	<b>6379</b>	<b>227,433</b>	<b>\$805,870.69</b>	<b>\$3.97 (average cost per kilolitre)</b>

\* 1 Megalitre = 1000kL

This projected total saving of 227.4 megalitres per annum represents a substantial reduction in consumption of the regional treated water supply. The annual expenditure for residential water rebates is shown below. Whilst in the last several years applications for rebates have dropped considerably from the beginning of the scheme, the present drought has seen applications increase to an average of two to three per week.

Table 4

<b>ANNUAL EXPENDITURE FOR REBATES 2007-2019 – RESIDENTIAL ONLY</b>	
<b>YEAR</b>	<b>ANNUAL EXPENDITURE</b>
2007-2008	\$116,863.50
2008-2009	\$105,903.90
2009-2010	\$110,143.55
2010-2011	\$108,523.86
2011-2012	\$90,760.95
2012-2013	\$73,079.99
2013-2014	\$92,899.37
2014-2015	\$21,467.25
2015-2016	\$10,846.05
2016-2017	\$21,274.76
2017-2018	\$24,782.60
2018-2019	\$29,324.91
<b>TOTAL</b>	<b>\$805,870.69</b>

Further details of initiatives proposed or already approved in the rebate area are discussed below.

#### **Scheme extended to business and commercial**

At the Ordinary Council Meeting of 8 October 2019, Council resolved to:

- (i) extend the current Residential Water Saving Rebate scheme to business and commercial water users connected to a reticulated water supply operated by Council effective immediately;
- (ii) approve the allocation of \$50,000 from the Water Reserve to fund the extension of the rebates scheme; and
- (iii) call for a further report on other measures of providing assistance to the commercial and industrial community on water savings.

#### **Reintroducing rebates to install greywater systems**

Between 28 February 2007 and 22 October 2013, Council offered rebates for greywater diversion and treatment systems. Council offered \$150 for a diversion system of which eight rebates were paid to residents, and offered \$500 for a treatment system of which 14 rebates were paid to residents. This was considered a relatively low uptake of the rebates and Council voted to remove the rebate on these products along with washing machines and dishwashers.

At the greywater public education workshop attended by Councillors on Monday 25 November 2019, the suggestion was made to reintroduce rebates for greywater diversion



and greywater treatment systems and the rebate be set at 15% of the cost of greywater diversion and treatment systems. A greywater diversion system is estimated to cost between \$700 and \$2,000. A treatment system is estimated to cost \$10,000 or more for product and installation.

The level of rebate offered for any product needs to be considered carefully, primarily because providing rebates is more costly than providing the treated water in the first place. No business case could be sustained where the cost of reducing the use of a product is greater than the cost of providing the product. However, the provision of treated water may be considered a special case – reduction in consumption reduces the possibility of a community running out of water and delays capital expenditure required to meet growth in demand for treated water. As a result, the payment of rebates can be supported but only if the payment of rebates can be justified by the amount of water to be saved. Conversely setting the rebate too low will not provide sufficient incentive for consumers to install the device.

Table 5 below provides details of the rebates offered for greywater diversion and treatment system when first introduced in 2007, the annual estimated saving for each unit installed and the associated cost per kilolitre saved and compares that figure to the suggested rebate of 15% of the cost of installation capped at \$300 and \$2,000 respectively.

Table 5

PRODUCT	AMOUNT OF PRODUCTS INSTALLED	TOTAL PROJECTED WATER SAVINGS PER YEAR (KL)	COST OF REBATES	COST PER KL SAVED PER ANNUM
Greywater diversion system	1	20 kL	\$300	\$15.00
Greywater treatment system	1	80 kL	\$2,000	\$25.00
Original 2007 rebate amounts and cost per kilolitre:				
Greywater diversion system	1	20 kL	\$150	\$7.50
Greywater treatment system	1	80 kL	\$500	\$6.25

It is considered the large price per kilolitre saved when paying rebates of \$300 and \$2,000 respectively cannot be justified, particularly when compared to the average price per kilolitre of water saved over the life of the scheme at approximately \$4.00. It is therefore recommend that if Council agrees to reintroduce rebates for greywater diversion and greywater treatment systems the rebates be the same as originally offered in 2007.

### Potential introduction of three rainwater tank sizes eligible for rebate

Since 28 February 2007, Council has offered rebates for smaller tanks between 2,000 and 5,000 litres, and for larger tanks of 5,000 or above. The smaller tanks are currently attracting a rebate of \$250 and larger tanks receive a rebate of \$500. At the greywater public education workshop attended by Councillors on Monday 25 November 2019, the suggestion was made that rainwater tank sizes and rebate amounts should be reviewed. In order to increase the incentive for residents and businesses to install larger capacity rainwater tanks, Council could consider expanding the sizes of tanks on the eligibility list, reduce the rebate amount available for small tanks and increase the rebate amount for the larger sizes.

For a rebate to be paid tanks must still be connected to toilet and/or laundry in order to encourage offset use of the treated water supply at any time. However, the choice always remains to utilise this water for other purposes such as garden irrigation and swimming pool top up and the larger the tank the more attractive these options become.

If a new three-tiered system for rainwater tank rebates were to be implemented, it should be based on average rainfall achieving 'effective fills' per year for each size of tank in order to make it cost efficient. A small tank would require 25 effective fills, the medium tank 15 and the larger tank five effective fills as illustrated in Table 6 below.

Table 6

PRODUCT	AMOUNT OF PRODUCTS INSTALLED	TOTAL PROJECTED WATER SAVINGS PER YEAR (KL)	COST OF REBATES	COST PER KL SAVED PER ANNUM
2-5 kL rainwater tank	1	87.5	\$200	\$2.28
5-10 kL rainwater tank	1	150	\$800	\$5.33
10 kL + rainwater tank	1	212.5	\$1,000	\$4.70
Original 2007 rebate amounts and cost per kilolitre:				
2-5kL rainwater tank	1	87.5	\$250	\$2.85
5kL (or above) rainwater tank	1	150	\$500	\$3.33

Based on this, the suggested rebates for different sized tanks is shown in Table 7 below

Table 7

TANK CAPACITY / SIZE – IN LITRES (L)	PROPOSED REBATE AMOUNT
2,000 – 4,999 (L) - connected to toilet and/or laundry	\$200
5,000 – 9,999 (L) - connected to toilet and/or laundry	\$800
10,000 and above (L) – connected to toilet and/or laundry	\$1,000

### Rebate on ceiling fans will save water on evaporative air conditioning

Council could also consider offering a rebate for the installation ceiling fans to offset the use of treated water used through evaporative air conditioners. These ceiling fans could be run at times when the outside temperature is relatively cooler and only circulation of the inside air is required. The average cost of a ceiling fan is around \$150 with an installation cost of around \$200, so a rebate of \$50 should be considered to make the installation an attractive viability. In order to receive this rebate the resident or business operator must receive sign off from the installer that installation of the fan offsets the use of an existing evaporative cooling system within the property.

### Expanding list of eligible products

Also at the Ordinary Council Meeting of 8 October 2019, a representative of the Tamworth Business Chamber suggested that following the extension of the rebate scheme to business and commercial operations, the list of eligible products should be expanded to better reflect the types of products and appliances that business and industry could benefit from. Table 8 below has been compiled for Council's consideration to make eligible for water saving rebates for business and commercial operators:

Table 8

ITEM NUMBER	PRODUCT	DESCRIPTION	REBATE
1	Greywater diversion system	All greywater from showers, bath, basins and laundries is collected in a small tank outside the house. The tank contains a pump which is float activated. When the float rises the greywater is pumped to into a subsurface dripper system which feeds the roots of plants.	\$150
2	Greywater treatment system	Wastewater treatment systems digest solid waste and use a controlled natural process to purify the wastewater. This clean, odourless, disinfected water is then recycled through garden drippers or sprinklers or through sub surface irrigation system.	\$500
3	Pool backwash recycling system	Recycles swimming pool backwash water which	\$250

ITEM NUMBER	PRODUCT	DESCRIPTION	REBATE
		otherwise goes down the drain. It is easily installed during pool construction or as an attachment to already existing sand filtered systems.	
4	Waterblade tap	Takes a trickle of water and transforms it, making it many times more useful for washing your hands by shaping the water into a 'jellyfish' shaped, paper thin sheet of water that is as wide as your hand.	\$10
5	Low flow or sensor taps	Sensor that only allows taps to work when hands are moving when being washed underneath them, and/or run at very reduced flow.	\$50
6	Commercial paint brush cleaner unit	Portable brush cleaner that can be used to clean up to 8 paint brushes at once in up to 10 litres of water as alternative to traditional cleaning methods and using half the volume of water.	\$150
7	Commercial steam cleaners	Steam cleaning systems using steam rather than water flow to clean surfaces. There are various models that can be applied in the health, contract cleaning, automotive, industrial, animal care and education industries.	\$200
8	Commercial chemical cleaners	Replaces steam cleaning and uses less water. Combines chemical action and	\$200

ITEM NUMBER	PRODUCT	DESCRIPTION	REBATE
		mechanical agitation to effectively remove soil particles from carpet fibres.	
9	Hot water system diverters	Automatically diverts the water which has cooled in building's hot water pipes and sends back into the cold water line, rainwater tank, or other storage tank, instead of otherwise flowing down the drain.	\$50
10	Tree well water saver	Plastic well placed around base of tree to focus water around roots system rather than running away.	\$2
11	Shower controllers	Electronic system that pre-sets the length of shower times and/or the provision of hot water.	\$50
12	Waterless urinals	Male urinal units using no water to flush.	\$150
13	Commercial pre-rinse spray / mixer / nozzle ware	Water efficient water application systems for commercial restaurants, takeaway shops, hairdressers, etc.	\$150
14	Commercial dishwasher / glasswasher	Recirculating low water consumption washers for food, hospitality, aged care or educational facilities.	\$250
15	Commercial washing machine	Water efficient commercial machine potentially using 40% less water.	\$500
16	Ceiling fans	This will allow residents to stay cool without running evaporative air conditioning and	\$50

ITEM NUMBER	PRODUCT	DESCRIPTION	REBATE
		increasing water consumption. Must receive sign off from installer that this offsets use of existing evaporative cooling system.	
17	2,000 – 4,999 litre rainwater tank	Must be connected to toilet and/or laundry to offset use of the treated water supply at any time.	\$200
18	5,000 – 9,999 litre rainwater tank	Must be connected to toilet and/or laundry to offset use of the treated water supply at any time.	\$800
19	10,000 litre rainwater tank or above	Must be connected to toilet and/or laundry to offset use of the treated water supply at any time.	\$1,000
20	Toilet with cistern sink	Water used at the sink mounted on the cistern drains into the cistern for reuse when flushing. Must be a dual flush cistern.	\$200

### Eligibility of products and appliances

Only those products that have a WaterMark or a Smart Approved Watermark approval will be eligible for the Water Saving Rebate.



The WaterMark Certification Scheme is a mandatory certification scheme for plumbing and drainage products to ensure they are fit for purpose and appropriately authorised for use in plumbing and drainage installations. The Australian Building Codes Board manages and administers the scheme nationally. The *National Construction Code, Volume Three* requires certain plumbing and drainage products to be certified, listed on the Product Database, and

authorised for use in a plumbing or drainage installation. These materials and products are certified and authorised for use through the scheme.

Smart Approved Watermark certify water efficient products and services across Australia and Europe and approved products and services are licensed to use the Smart WaterMark logo on packaging, point of sale information, website and marketing materials. A Technical Expert Panel has been set up to independently assess the applications of products and services wanting to receive Smart WaterMark accreditation. It comprises seven members and an independent chair representing international expertise. Tamworth Regional Council is a member of Smart Approved Watermark's Smart Water Advice resourcing tool.

### **Extension of the scheme**

The current Water Saving Rebate Scheme, which now includes business and commercial operators, is scheduled to end on 28 February 2020. The timeframe between business and commercial operators being eligible for the scheme, and the addition of eligible products and appliances, may be too limited for these businesses to take advantage of the scheme. This consideration takes into account the time required to investigate the feasibility of an installation, securing a tradesperson to conduct the work and the Christmas and holiday period of December/January, which often includes very busy periods and/or shutdown periods.

Council has the opportunity to consider the following options for extending the Water Saving Rebate Scheme to allow business, industrial, commercial and institutional operators to take advantage of the scheme:

- 1) extend the scheme beyond the scheduled end date to the end of the 2019/2020 financial year of 30 June 2020;
- 2) extend the scheme for twelve months beyond the scheduled end date to 28 February 2021; or
- 3) extend the scheme for two years beyond the scheduled end date to 28 February 2022.

Option 3 is the recommended extension period to ensure that business and industry have time to fully investigate and implement eligible product installations and greater long term water savings can be achieved from the scheme.

#### **(a) Policy Implications**

These projects and activities are implemented from stated outcomes of Council's *Demand and Drought Management Plans*.

#### **(b) Financial Implications**

The TRC Residential Water Saving Rebate Scheme has paid out a total of \$805,870.69 in financial assistance to residents from February 2007, to the end of the 2018/2019 financial year.

If the eligibility of the rebate scheme is extended to other products and appliances, it is estimated that a further \$50,000 will need to be allocated for this purpose, additional to the \$50,000 already approved for the extension of scheme to business and industry.

#### **(c) Legal Implications**

Nil

**(d) Community Consultation**

Community consultation was initiated by a proposal from the Tamworth Business Chamber to the Ordinary Council meeting of 8 October 2019 and has involved a workshop for commercial operators and business owners through the Tamworth Business Chamber and a workshop for trades professionals.

**(e) Delivery Program Objective/Strategy**

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

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**8.3 BAIADA RENDERING FACILITY COMPLETION OF TRADE WASTE EFFLUENT IMPROVEMENT PLAN – FILE NO SF2645**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager Water and Waste  
**Reference:** Item 14.5 to Ordinary Council 12 July 2016 - Minute No 202/16  
Item 8.4 to Ordinary Council 28 March 2017 - Minute No 74/17  
Item 8.5 to Ordinary Council 12 September 2017 - Minute No 282/17  
Item 8.5 to Ordinary Council 26 February 2019 - Minute No 38/19

**RECOMMENDATION**

*That in relation to the report “Baiada Rendering Facility Completion of Trade Waste Effluent Improvement Plan”, Council receive and note the report.*

**SUMMARY**

In September 2017, Council approved the execution of an 18 month Trade Waste Effluent Improvement Plan for Baiada’s Rendering Facility located at Lot 100 Gunnedah Road Westdale. This report is to inform Council all work in relation to this matter has been completed.

**COMMENTARY**

Any commercial operation who wishes to discharge wastewater, other than residential strength wastewater, to the sewer, is required to enter into a Trade Waste Agreement with Council before Council will accept that wastewater into the sewer. The Agreement is based on Council’s Trade Waste Policy, which in turn is approved by the NSW Department of Planning, Industry and Environment (DPIE) - Water. The Agreement dictates, amongst other things, the strength, as given by certain parameters including Biological Oxygen Demand, Suspended Solids, Nitrogen etc. and volume of any discharge to Councils sewer. In some cases the strength of raw wastewater produced by the commercial operation is such that onsite treatment of the wastewater is required before it complies with the Trade Waste Agreement and can be discharged to sewer. Onsite treatment is usually only required for dischargers looking to discharge high strength and/or high volume wastewater to the sewer and are classified as Category C dischargers.

Regular testing of the strength and volume of the trade waste discharged to the sewer by Category C dischargers is undertaken by Council with invoices sent to the discharger based on charges set down in the policy and agreement. These charges include non-compliant



charges which only apply when wastewater is discharged to the sewer which does not comply with any/all of the strength and flow parameters listed in the Trade Waste Agreement. These charges are considered a penalty to provide an incentive to the discharger to ensure onsite treatment treats the waste water to the required level as dictated by the Trade Waste Agreement and any treatment infrastructure is maintained and operated such that it maintains a consistent level of treatment. Whilst ever wastewater discharged to sewer complies with the parameters detailed in the Agreement non-compliant charges are not levied.

The Baiada Rendering Facility is located on the Oxley Highway at Oakburn. The facility has had a history of non-compliance in relation to its trade waste discharge to Council's sewerage system since the operation began. Following the introduction of a new Trade Waste Policy in 2007, Council and Baiada entered into an Effluent Improvement Plan that was completed in 2009. Under this plan, Baiada agreed to construct a suitable wastewater treatment system, within an agreed period of time, which would ensure compliance with Council's revised policy requirements. In return, Council waived all trade waste non-compliant charges for Baiada's trade waste discharged from the site whilst the new/upgraded facility was being constructed. This agreement waived in the order of \$595,000 in non-compliant trade waste charges. The wastewater treatment system constructed by Baiada under the Effluent Improvement Plan was designed for a maximum treatment capacity of 250 kilolitres per day. Following completion of this plan the treatment facility was capable of treating wastewater to Council's trade waste requirements for this volume of wastewater.

Following the destruction of the original rendering facility by fire in October 2013, Baiada constructed a new rendering facility during 2014/2015. Part of the development application process for the new facility included consideration of a new trade waste approval. However, based on details provided by Baiada that the site's trade waste discharge would be similar to the original facility, in terms of strength and volume, and if not potentially better due to new technology and efficiencies to be incorporated within the rendering facility, minimal changes if any, were made to the original trade waste approval.

The new rendering plant commenced operation in April 2015. From the commencement of operation of the new facility, both wastewater volume and quality discharged to Council's sewer were in excess of approved limits.

Following ongoing correspondence from Council to Baiada in relation to trade waste non-compliance issues and other environmental issues such as public odour complaints, Baiada submitted a new trade waste application that included modifications to the existing wastewater treatment system aimed at increasing wastewater treatment capacity from 250 to 450 kilolitres per day.

An external review of this application by a wastewater consultant, engaged by Council, identified potential shortcomings in the proposed wastewater treatment system improvements designed by Baiada's wastewater treatment consultant. The report concluded that the modifications proposed may not be sufficient to deliver compliant trade waste discharge to Council's sewerage system. Further to this, as part of all Category C approvals, Council required the then approval authority NSW Department of Primary Industries (DPI) Water, to review the application and provide concurrence to Council for the trade waste approval.

DPI Water also reviewed the proposal and indicated that it also believed the proposed upgrade may have inadequacies. Council provided details of these concerns to Baiada which they have previously raised with their wastewater consultant.

On this basis, DPI Water provided concurrence for an interim trade waste approval for the site for a period of 12 months with the following specific conditions:

- the applicant should ensure that the proposed upgrade is completed within three months from the date of the approval;
- Council should forward weekly sampling data to DPI Water on a monthly basis;
- should the proposed upgrade fail to achieve the required effluent quality, the discharger would need to identify further effluent improvement measures needed to do so and advise Council of its proposal by 30 January 2017; and
- no further expansion of the production facility resulting in an increased load to the sewerage system would be permitted until the effluent improvement measures have been implemented to the satisfaction of Council and DPI Water.

As of 30 January 2017, Baiada had implemented the trade waste treatment improvements detailed above, and improvements to wastewater quality discharged had occurred, however, the wastewater discharge quality was still in excess of the approved trade waste discharge limits. In particular, chemical results for nitrogen and ammonia were still two to five times the trade waste approval limits.

Water and Waste staff requested Baiada provide Council with advice on how trade waste limits would be achieved moving forward. Baiada subsequently requested Council to consider extending the improvement plan period until 30 June 2017.

At its Meeting of 28 March 2017, Council considered this request and resolved the following:

- (i) *approve an extension of the trade waste improvement plan for Baiada's Rendering Facility; and*
- (ii) *revise the existing trade waste agreement by including the following condition:*  
*"In the event the discharge fails to achieve compliance with the approval Conditions by 30 May 2017, an Effluent Improvement Program outlining measures that will be taken to improve the quality of effluent must be forwarded by Baiada to Council by 30 June 2017".*

During this extension period, Baiada continued to discharge trade waste effluent well outside of their trade waste agreement limits particularly in terms of total nitrogen. This led to significant trade waste charges, including non compliant charges, being levied against Baiada.

As Baiada was not been able to resolve their trade waste treatment issues during the above extension period, Baiada submitted an Effluent Improvement Plan in July 2017 for Council's consideration.

In September 2017, Council approved the execution of an 18 month Trade Waste Effluent Improvement Plan (EIP) for Baiada's Oakburn Rendering Facility located on Lot 100 Gunnedah Road Westdale.

The EIP was established with the aim of improving quality of non-compliant trade waste discharge occurring from the site.

The EIP incorporated the following key milestones:

1. completion of the wastewater treatment facility detailed design by no later than the end December 2017;
2. all planning approvals sought and completed by no later than the end June 2018; and

3. construction and commissioning of the new Wastewater Treatment Facility by no later than end February 2019.

Council also included a security bond amount within the trade waste EIP agreement aimed at providing a further financial penalty, over and above any trade waste charges levied.

Due to construction issues associated with shallow groundwater being encountered on site and the subsequent delays associated with redesign, relocation of infrastructure and a new planning approval process, Baiada requested that Council provide an extension to the EIP. Based on the work already completed by Baiada to address and improve wastewater discharged from the rendering facility, it was agreed by Council at its Meeting of 26 February 2019, to extend the EIP period until 28 October 2019.

Since the above extension construction of the WWTP has occurred without any major issues. During construction regular inspection of the site by Councils Trade Waste Officer and Baiada have submitted monthly reports by the project contractor (Hydroflux Industrial Pty Ltd). The new wastewater system construction is now completed with filling and commissioning of the WWTP in progress. It is expected that the new WWTP will meet Council's trade waste requirements and includes the following key treatment features:

- 25ML Covered Anaerobic Lagoon and associated gas extraction system;
- 5ML Sequence Batch Reactor for biological treatment; and
- two x 4ML final storage/settling dams.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Trade Waste charges including excess mass and non compliant trade waste charges have been, and will continue to be, levied as required at any time where the effluent from the rendering facility does not comply with the new Trade Waste Agreement executed by Council on 7 November 2019.

**(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.

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## **8.4 REVIEW OF OPENING COUNCIL POOLS DURING LEVEL 5 WATER RESTRICTIONS – FILE NO SF1747**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Paul Kelly, Manager Sports and Recreation  
**Reference:** Item 8.4 to Ordinary Council 27 August 2019 - Minute No 277/19

## **RECOMMENDATION**

*That in relation to the report “Review of Opening Council Pools during Level 5 Water Restrictions”, it is recommended that Council continues to operate Tamworth South and West War Memorial Swimming Pool and Kootingal War Memorial Swimming Pool using non potable bore water until the non potable water is no longer available or the end of the 2019-2020 pool season.*

At the Ordinary Council Meeting on 27 August 2019, Council resolved to temporarily amend the Drought Management Plan to permit the opening of the Tamworth South and West War Memorial Swimming Pool and the Kootingal War Memorial Swimming Pool during Level 5 water restrictions, on the condition that pool water was sourced from a non-potable supply.

As part of the approval, Council committed to a review of this temporary arrangement when the water storage level at Chaffey Dam approached 15%. At the time of preparing this report, Chaffey Dam water storage level has reached 15.5% (Water NSW figure) and Tamworth remains on level 5 water restrictions.

Following a Councillor Workshop on 25 November 2019, detailing the current situation being manageable, it is recommended that this approval continue until non potable water sources are no longer available or until the 2019-2020 summer season has concluded.

## **COMMENTARY**

Council’s Drought Management Plan prohibits the opening of Council public swimming pools while a Level 5 water restriction is in place.

Council approved to open the Tamworth South and West War Memorial Swimming Pool (Scully) and the Kootingal War Memorial Swimming Pool (Kootingal) during the current Level 5 water restrictions on the condition that non-potable (ground/bore) water was used for the operational needs of both pools.

Since this time, both Scully pool and Kootingal pool opened on 14 October 2019, and have been successfully operating on bore water, apart from amenities for health and safety reasons.

These pools have seen considerable increased bather load during this period due to Tamworth Olympic Pool not being open. Despite some challenges, pool staff have continued to achieve the required water quality levels, meeting NSW Health standards for public pools at both Scully and Kootingal swimming centres, while using bore water supplies.

Local aquatics clubs and user groups have worked well together to share training sessions and club nights to minimise impact on the general public accessing the reduced number of facilities.

In light of both these facilities meeting the community’s public aquatic and recreation needs, without the reliance on potable water to run the pools, it is recommended that these pools continue to operate under the current arrangement despite storage levels for the Tamworth water supply reaching and dropping below 15%.

It is also recommended this situation continue until either the non potable water supply is no longer available or until the end of the 2019-2020 summer season in April 2020.

### **(a) Policy Implications**

Nil

**(b) Financial Implications**

While the use of non potable water does come at an increased cost for the operation of Scully and Kootingal pools, cost savings are still expected to be made with the closure of the Tamworth Olympic Pool. Any such savings are expected to be re-invested into asset renewal components at these sites.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Previous consultation has occurred including several community submissions on the need to open one or more pools for Tamworth and Kootingal. The public support and observed patronage at the pools indicates support for the Scully and Kootingal pools to remain open.

**(e) Delivery Program Objective/Strategy**

A Spirit of Community – C31 Create safe environments to live, work and play.

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**8.5 IMPLEMENTATION OF THE DAMS SAFETY ACT 2015 AND THE DAMS SAFETY REGULATION 2019 – FILE NO SF757**

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

**RECOMMENDATION**

*That in relation to the report “Implementation of the Dams Safety Act 2015 and the Dams Safety Regulation 2019”, Council receive and note the report.*

**SUMMARY**

As of 1 November 2019, the NSW Dams Safety Act 2015 and the NSW Dams Safety Regulation 2019 became effective. As the owner of two prescribed dams this change may have some impact on Council’s future management of these storages.

**COMMENTARY**

In 2013, the NSW Government announced a review of the Dams Safety Act 1978 and associated framework. This review led to the development of new legislation - NSW Dams Safety Act 2015. The associated regulation has now been completed and the Act and NSW Dams Safety Regulation 2019 have now commenced.

Changes under the new legislation and regulation include:

- establishes a new regulator Dams Safety NSW, which replaces the old NSW Dams Safety Committee;
  - the Minister has appointed six people to the independent governing body of Dams Safety NSW each having expertise in any of the following - dam engineering, mine engineering, emergency management, dam operations and management, public safety risk analysis, and best practise regulation;
  - dams that were prescribed under the old legislation are now termed as declared;
-

- new minimum requirements will be prepared for declared dams;
- the regulator now has the power to audit and enforce standards;
- significantly increases the penalties for non compliance up to \$1.1 Million for corporations and \$250,000 for individuals;
- owners of declared dams need to implement a safety management system based on internationally recognised asset management systems requirements;
- declared dam owners will have the flexibility to explore a broad range of options to deliver the required level of public safety;
- declared dam owners will have a two year period to transition to the new requirements;
- Dams Safety NSW will conduct site visits and trial audits during the two year transition period to help declared dam owners meet the requirements of the regulation;
- declared dams that do not have operations and maintenance plans, or emergency plans will have six months to establish these plans;
- dam safety will be based on dam owners implementation of a safety management system in accordance with ISO 55001;
- declared dam owners must make risk decisions about their dams based on a new approach that requires them to reduce dam safety risks so far as is reasonably practicable;
- declared dam owners must prepare dam safety standards reports and provide copies to Dams Safety NSW annually; and
- safety reviews must be completed every 15 years or after major changes.

Council is the owner of two declared dams – Dungowan Dam and Connors Creek Dam.

Council has been progressively addressing a range of issues with each dam over the last few years and, at this time, it is not known whether any of the decisions made previously will need to be revisited and/or how much additional work will be required to meet the new requirements.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Not known at this time. Reports will be provided to Council should funding be required to address issues in the future.

**(c) Legal Implications**

As the owner of two declared dams Council must comply with the new Act and associated regulation, or risk the imposition of fines.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

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**8.6 WATER EFFICIENCY AWARDS – FILE NO SF9442**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Tracey Carr, Sustainability Coordinator

**Reference:** Item 8.2 to Ordinary Council 27 August 2019 - Minute No 275/19

**RECOMMENDATION**

*That in relation to the report “Water Efficiency Awards”, Council:*

- (i) agree to host the Tamworth Regional Council Water Efficiency Awards in March 2020;*
- (ii) provide \$11,760 funding for the Tamworth Regional Council Water Efficiency Awards from the Water Reserve; and*
- (iii) agree to the five proposed categories for the Tamworth Regional Council Water Efficiency Awards.*

**SUMMARY**

The Tamworth Regional Council Drought Management Response: Water Restrictions Communication and Engagement Plan (CEP) was adopted by Council at the Ordinary Council Meeting held 27 August 2019, and identified a range of activities to be undertaken as the drought continues. One of the activities identified to commence when the storage at Chaffey Dam reached 15%, is an awards event to recognise the great work being done to achieve water efficiency and savings across the Region.

**COMMENTARY**

The CEP was developed in response to the ongoing drought and increasing water restrictions levels currently being experienced across the region. While the Drought Management Plan (DMP) identifies triggers for implementing water restrictions across Council’s six water supplies and consumption targets for each level, it lacks guidance on how to achieve these targets. The CEP sets out clear actions to take at each level of restrictions to support achieving the consumption targets identified in the DMP. Additional points have been identified for Level 5 restrictions in Tamworth, Moonbi and Kootingal when Chaffey Dam reaches 15%, 10% and 5% of capacity.

Based on the rate the Dam level is currently falling it is expected Chaffey will reach the 15% of storage sometime in December 2019. At this point, one of the activities identified in the CEP is to launch an event to recognise significant achievements or commitment to water savings and efficiency within businesses across the region.

The event would present an opportunity to celebrate and promote the great work being done within the community to conserve water now, and into the future, as well as encourage other to follow suit. It also provides an opportunity for our regions business owners and operators to come together and take some respite from what is a challenging time at no cost.

Should Council decide to proceed with the event, the following categories have been proposed:

### **1. Large Water Users Excellence in Water Efficiency Award**

This category would not require nomination; the winner of this category would be identified from the large water user's audits undertaken in April 2019. 51 Business and commercial water users currently consuming more than 3.5 Megalitres per annum were audited by an independent water audit consultant, the consultants would be asked to determine the winner.

### **2. Long Term Commitment to Water Sustainability**

This category is open to nominated businesses classified as small to medium water users (less than 3.5 Megalitres per annum) that can demonstrate a long term commitment to water conservation.

### **3. Adaptability Award**

This category would be open to nominated businesses with the greatest percentage reduction in water use since the introduction of water restrictions on 7 January 2019.

### **4. Innovation Award**

This category would be open to any nominated business demonstrating an innovative approach to water reduction. This can be a single or multiple innovations within the business over any period of time.

### **5. Creative Award for High Schools**

Students or class groups from any high school located in the Tamworth Council area can submit creative entries with a water conservation theme. Finalists would be invited to show their entries to the audience and prepare a short talk to introduce their entry.

Judges for each category are yet to be identified. Smart Approved WaterMark representatives would be approached to conduct judging or suggest independent experts for the role of identifying the winners in each category.

Should the event proceed, marketing activities would commence and nominations would open in late January 2020, following the Tamworth Country Music Festival. The proposed date for the event is Friday 20 March 2020. Nominations would close two weeks prior on Friday 6 March 2020, to allow time for judging and nominees to confirm attendance at the awards event.

It is expected that up to 100 people will attend the event; consisting of Councillors, Council staff, judges, nominees and their families and guests. There will be tickets issued, at no cost to those attending, to manage bookings and numbers; this will incur a ticket management fee per ticket issued of up to \$3.00.

Nominees from each category would be invited to present a short case study of the water saving activities that resulted in them being nominated and Tamworth Regional Council staff would present an information session on the current situation and Councils response to the drought.

#### **(a) Policy Implications**

Nil

#### **(b) Financial Implications**

A draft upper limit budget for the event of \$11,760 has been determined. There are no funds in the current operations budget to cover these costs. Should Council wish to proceed with this proposal, \$11,760 would be required from the Water Reserve.



**(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.

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**8.7 MANILLA AND BARRABA TOWN WATER SUPPLY UPDATE – 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

Item 8.8 to Ordinary Council 12 November 2019 - Minute No 404/19

**RECOMMENDATION**

*That in relation to the report “Manilla and Barraba Town Water Supply Update”, Council:*

- (i) receive and note the report; and*
- (ii) fund additional capital and operational costs, associated with supplying raw water to Manilla under the current drought and estimated to be \$115,000 from the Water Reserve.*

**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**

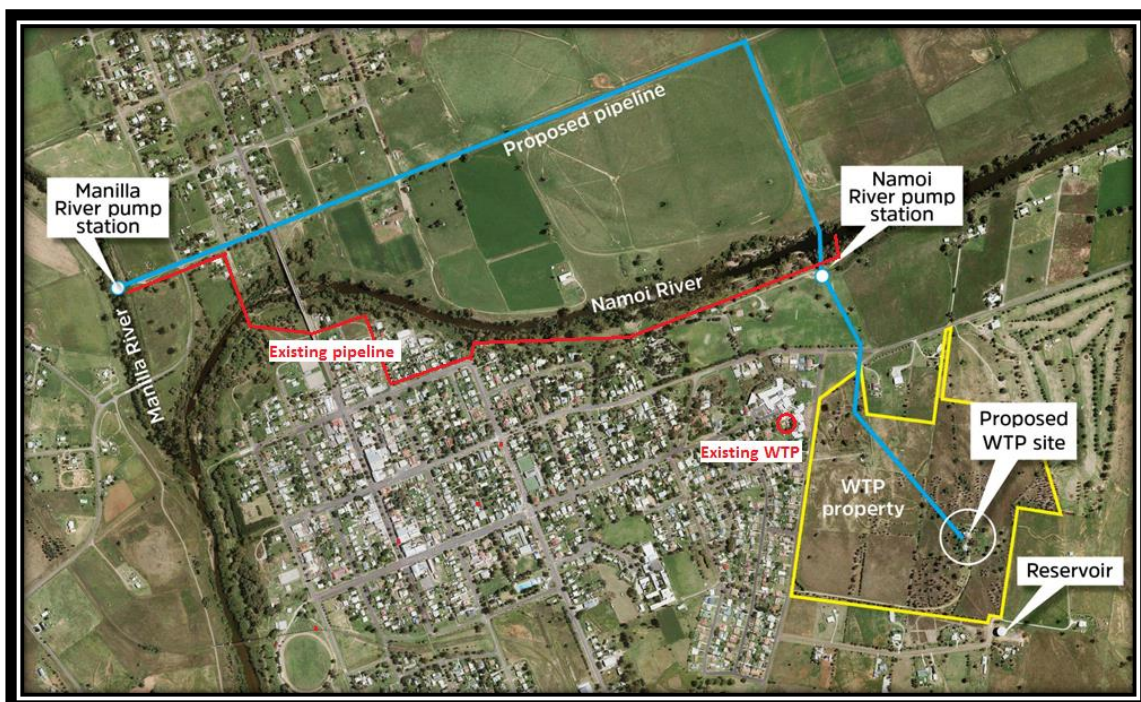
Further to the reports presented to Council at its Meetings of 22 October and 12 November 2019, regarding the water supply for Manilla and Barraba, the following update is provided.

Water releases from Split Rock Dam during December have become severely restricted for the primary purpose of ensuring the town water supplies for Manilla and Barraba. WaterNSW has advised surface water users in the Upper Namoi Catchment area, the following, in relation to water releases from Split Rock Dam:

- for General Security Licence holders, final water orders for general security water were to be placed by 1 December 2019. A formal restriction prohibiting extraction for general security licences came into effect in early December 2019;
  - following these restrictions being placed on general security water entitlements, releases from Split Rock Dam have been primarily for Manilla’s town water supply. These releases will be limited to intermittent pulse releases to maximise the water delivery efficiency to supply Manilla. Releases from Split Rock Dam will cease at other times;
-

- for holders of High Security and Stock & Domestic licences up-stream of Manilla, access to water may become intermittently available when releases for Manilla’s town water supply are occurring, but supply cannot be guaranteed for these water users;
- for holders of High Security and Stock & Domestic licences downstream of Manilla, limited access to water is likely to only be available from river pools. Alternative arrangements may need to be made for Stock & Domestic water needs; and
- river flows below Manilla will reduce and extended periods of no-flow in the river are to be expected

To improve the water delivery and storage efficiency associated with the above changes to water release from Split Rock Dam enacted by WaterNSW, Council, at its Meeting of 22 October 2019, approved the allocation of \$850,000 to construct 2.4 kilometres of 200 millimetre diameter water main from the Manilla River to the Namoi River Weir as shown in the plan provided below.



The pipeline construction was completed by Councils Civil Construction Division and the pipeline began transferring water, by way of a temporary diesel pump, on 9 December 2019. The temporary pumping arrangement has the ability to deliver up to 6ML/day. The pipeline will eventually form part of the permanent water pump station and pipeline transfer as part of the Manilla Water Treatment Plant Upgrade Project.

Council Water Operational staff are working closely with WaterNSW to manage bulk releases from Split Rock Dam with additional water extracted from the Manilla River being stored within the Namoi River Weir for pumping to the water treatment plant. Intermittent pulse releases from Split Rock Dam will occur over a period of three to four days with water being pumped from the Manilla River and stored behind the weir on the Namoi River. It is expected that, when full, the water stored behind the Namoi River weir will supply Manilla’s current water requirement, under Level 3 restrictions, for approximately three to four weeks.

In respect to the above drought related works, the operation of the temporary pumping system will lead to additional operational costs for Council as per the following (based on the remaining seven months of 2019/20 financial year:

ITEM	Cost Rate \$/day	Days	Total Estimated Cost
Pump and associated equipment hire	\$200	210	\$42,000
Pump operation & monitoring (labour, plant, CCTV hire)	\$100	210	\$21,000
Pump operation – diesel supply	\$250	28	\$7,000
<b>Total Estimated Operating Costs</b>			<b>\$70,000</b>

Further to the above operational costs, additional capital costs have been incurred by Council in relation to the construction of temporary structures such as the weir on the Manilla River. The total estimated cost of these temporary works is \$45,000. Given the urgency of these works the decision was made to proceed with the installation and request funding from Council after the work had been completed or was underway.

Whilst the original cost estimate for the pipeline construction was \$850,000 the final costs are expected to be much lower as no issues were present during construction. The savings made on this project will be transferred back to the funding for the Manilla Water Treatment Plant Upgrade Project – the original source of the funding.

Ongoing operational costs for the 2020/21 financial year, should the drought continue, shall be included as part of Council's 2020/21 Annual Operation Plan and budget process.

The total expected capital and operational costs associated with temporary pumping from the Manilla River to the Namoi River is estimated to be \$115,000. Given the emergency nature of the works, grant funding from the NSW State Government may be available. As such, the Director of Water and Waste will formally request funding assistance from the State Government for the above amount. It should be noted the State Government has previously provided funding support for the New Manilla Water Treatment Plant Upgrade Project in the amount of \$3.75 million. As the constructed pipeline forms part of this project, Council cannot request further funding for the acceleration of this part of the project.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Assuming Council agrees then a further \$115,000 is required from the Water Reserve to fund the total expected capital and operational costs associated with temporary pumping from the Manilla River to the Namoi River for the remainder of the 2019/20 financial year.

**(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.

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**8.8 TRIAL PUBLIC PLACE RECYCLING IN TAMWORTH CBD - AUDIT OBSERVATIONS AND RECOMMENDATIONS – FILE NO SF4421**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Angela Dodson, Sustainability Officer

**RECOMMENDATION**

*That in relation to the report “Trial Public Place Recycling in Tamworth CBD - Audit Observations and Recommendations”, Council:*

- (i) implement a specific education campaign for the CBD recycling bins to improve recycling and reducing contamination in the bins;*
- (ii) maintain the existing CBD garbage bin servicing schedule of daily and continue the recycling collection in the CBD with the amended recycling bin servicing schedule of weekly; and*
- (iii) request the Director of Water and Waste provide to Council, a list of other Council facilities and locations that could be considered for the implementation of recycling and/or organics collection services when Council has adopted its new waste contract services in 2020 to continue to work towards increased diversion of recoverable materials.*

**SUMMARY**

The purpose of this report is to provide the observations and recommendations of the Trial Peel Street Public Place Recycling Bin Audit.

**COMMENTARY**



As these bins are located in a central public space where consumption of beverages and/or food is prominent, the recycling educational message for these bins was primarily aimed at capturing beverage bottles and allowed other acceptable kerbside recyclables to be received in the bins but they were not specifically targeted.

As part of the trial, an audit of the bins was undertaken to gain a greater understanding of the types and volumes of waste being received in the garbage and recycling bins, evaluation of the current servicing frequency for both waste and recycling. The audit also looked at what type of contamination occurred in the recycling bins and identified missed opportunities in the garbage bins. It also provided the opportunity to review the amenity of the existing garbage bins and identify any maintenance required for these units.

The following is a summary of audit observations and staff recommendations moving forward with Council's and the community's desire for increased recycling in public places:

- the Community and Council operational staff are to be commended on the very low amount of litter present in the CBD that audit staff encountered as part of their audit process;
- across the defined CBD area, there is minimal waste being generated by visitors to the public space, however what is being generated is generally ending up in the appropriate bins with garbage bins on average being 43% full and recycling bins being 23% full;
- it was observed that there are some beverage containers with liquid ending up in the garbage bin which is the right location as the liquid is considered contamination, but it is a missed opportunity to recover the beverage container for recycling purposes;
- it is noted that 35% of material ending up in the garbage bin is potentially compostable and consists of food scraps or paper/cardboard material too contaminated with food to be considered acceptable in the yellow recycling bin. Council may wish to consider the diversion of food waste from its public locations with the commissioning of its organics recycling facility into the future;
- contamination in the recycling is mainly due to food or drink being left in containers and not being emptied out prior to putting recyclables in the recycling bin;
- It is recommended that further promotion of the educational message about removing the lids on food and beverage containers, emptying out of any food or liquid into the garbage bin and then placing recyclables into the correct bin is required to help reduce contamination occurring and reduce the missed opportunities of recyclables ending up in the garbage bin;
- the existing garbage bin infrastructure has been reviewed and identified some minor maintenance that needs to occur at some of the bin locations and this information will be forwarded to operational staff for required action;
- As part of the current regular Waste Contractor meetings, request the contractor to ensure that when the bins have been serviced, that the waste contractor returns the bins to the appropriate bin surrounds and ensures the doors are securely locked every time, replace any damaged or missing bin inserts when encountered and document after each service run those incidents occurring as there maybe outside influences occurring that need to be addressed;
- the types of bin surrounds in the CBD are appropriate to capture the waste being generated by the general public and are appropriate to prevent the bins from being

utilised by business premises who are required to manage the appropriate disposal and recycling of waste generated through their business practices;

- recommend to maintain the existing servicing schedule for garbage bins of daily to reduce any potential odour issues where bins contain food waste and recycling bins to be serviced weekly at the current levels of recycling being received however, this be reviewed periodically between Council and the waste contractor should recycling volumes increase;
- recommend that consideration implementing recycling at other Council public facilities and locations as part of new waste contract services at such as major parks or sporting facilities occur as the community appetite is there for recycling and work with operational staff to review each location as every location has it's own considerations in terms of servicing frequency and operational logistics.

The garbage and recycling stations installed in Peel Street will remain and service the community well into the future to assist with diverting waste from landfill.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Implementation of a CBD Recycling Educational Campaign will utilise existing budget and require no additional budget.

There is no change to the servicing costs for the garbage bins in the CBD area as these will continue to be serviced daily as part of the existing Regional Services Operational Budget.

The original recommendation to have the CBD Public Place Recycling Bins serviced four times a week was estimated to have an annual operational cost associated of \$15,200 and was included in the ongoing Regional Services Operational Budget from July 2019. The audit recommendation to have the recycling bins serviced once a week, will mean that the estimated annual service costs will now be approximately \$3,800 which is an estimated saving of \$11,400 annually.

**(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.

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## **9 GOVERNANCE, STRATEGY AND FINANCE**

### **9.1 SUBMISSION ON A NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK – FILE NO SF5614**

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

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Submission on a New Risk Management and Internal Audit Framework”, Council:*

- (i) receive and note the report; and*
- (ii) endorse the submission to be sent to the Office of Local Government.*

#### **SUMMARY**

The purpose of this report is to inform Council of the new framework discussion paper released by the Office of Local Government and to endorse the submission to be sent on behalf of Tamworth Regional Council.

#### **COMMENTARY**

The Office of Local Government have released a discussion paper on Audit, Risk and Improvement Committees and Internal Audit in NSW local government “A New Risk Management and Internal Audit Framework”.

The Framework is very prescriptive on how the internal audit function and Audit, Risk and Improvement Committees (ARIC) will operate into the future and force Councils to implement the risk management standard AS ISO 31000:2018. Some of the recommendations include:

- legislation will replace current guidelines;
- standard terms of reference for all Audit, Risk and Improvement Committees;
- secretariat support to be provided by Council;
- membership will be three to five members with Councillors not part of the Committee;
- ARIC will be independent of Council and appointed from DFSI prequalification scheme;
- set Fees for ARIC Members;
- members must meet knowledge, skill and experience requirements;
- members will have direct and unrestricted access to the General Manager, senior managers and Council information;
- meetings will be quarterly;
- members can request anyone to attend to provide information;
- the internal audit function to be led by the Chief Audit Executive (CAE);
- must be sufficiently resourced;
- CAE reports functionally to the General Manager and to ARIC;
- CAE functions must be unrelated to the normal operations of Council;

- CAE leads internal audit functions on a day to day level and appoints and oversees internal audit personnel; and
- encourage shared arrangements.

Submissions on the discussion paper close on 31 December 2019.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The costs of implementing the framework will be in excess of \$200,000 per annum.

**(c) Legal Implications**

These changes will be legislated under the *Local Government Act 1993*.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

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**9.2 TAMWORTH REGIONAL COUNCIL CONSOLIDATED FINANCIAL REPORTS FOR PERIOD ENDED 30 JUNE 2019 – FILE NO SF8837**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Sherrill Young, Manager Financial Services  
**Reference:** Tabled document

**RECOMMENDATION**

*That in relation to the report “Tamworth Regional Council Consolidated Financial Reports for Period Ended 30 June 2019”, Council:*

- (i) receive and note the reports as presented; and*
- (ii) adopt the proposed allocation of unrestricted cash results to reserves.*

**SUMMARY**

The purpose of this report is to present to both Council and the public, the Audited Financial Reports and Auditor’s Report for Tamworth Regional Council for the period ended 30 June 2019. The figures contained in this report represent the operations and financial position of Council on a consolidated basis being the General, Water and Sewerage Funds together with Central Northern Libraries.

**COMMENTARY**

The Financial Reports for Tamworth Regional Council for the period ended 30 June 2019, have now been audited and lodged with the Office of Local Government. The Auditor

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General has supplied unqualified financial audit reports in relation to Council's Consolidated Fund and Council's Water, Sewerage, Waste, Airport and Pilot Training Facility business operations.

A copy of the Financial Reports and Auditor's Reports was lodged with the Office of Local Government on November 28, 2019. A copy of the Financial Reports including the Auditor's Reports has been placed in the Councillors Room.

In accordance with the requirements of the Local Government Act 1993, notices were published in the Northern Daily Leader, Manilla Express and Barraba Gazette, giving public notice that the Financial and Auditor's Reports are available for inspection at any of Council's offices.

In accordance with section 420 of the Act, submissions in relation to the Financial Reports have been invited from the public. Any submissions received will be referred to the Auditor General and reported to Council in due course.

### Consolidated Financial Results

<b>Income Statement</b>	<b>Report Year 2018-2019 (\$'000)</b>	<b>Prior Year 2017-2018 (\$'000)</b>
Total Income from Continuing Operations	175,976	155,103
Total Expenses from Continuing Operations	136,854	138,439
Net Operating Result from Continuing Operations	39,122	16,664
Net Operating Result before capital grants and contributions	3,164	(535)

The favourable variance of \$3.7M in the Net Operating result before capital income is due to increased revenue by way of rates and annual charges of \$2.1M along with increases in operational grants and contributions of \$1.4M. Another revenue line item with significant changes was in the area of non-cash contributions there was a \$4.2M increase in the dedication of infrastructure from developers. Next year it will be interesting to compare the 19/20 figure for non cash developer contributions to the movement for 18/19 by way of an indicator of the impact of our current economic climate on development.

A reduction in expenditure also contributed to the favourable increase in Councils operating result, with increases in employee costs of \$2M being offset by reductions in borrowing costs \$400k, along with a \$1.4M reduction in materials and contracts. The other item of interest is a reduction in losses from the disposal of Council assets of \$2.8M, with changes in the loss on disposal of infrastructure being the greatest contributor.

<b>Balance Sheet</b>	<b>Report Year 2018-2019 (\$'000)</b>	<b>Prior Year 2017-2018 (\$'000)</b>
Total current assets	136,635	147,351
Total current liabilities	29,071	26,749

Net current assets	107,564	120,602
Total non-current assets	1,600,021	1,510,374
Total non-current liabilities	75,338	79,448
Total equity	1,632,247	1,551,528

With regard to balance sheet movements the items of interest are a decrease of \$6M in current cash and investments with the main item of expenditure being \$20M on the Pilot Training Facility which has been classified in these reports as an investment property within non current assets. The other item of note is a reduction in land held for sale; this is due to the sale of Federation Park.

<b>Performance Measurements</b>	<b>Report Year 2018-2019 (\$'000)</b>	<b>Prior Year 2017-2018 (\$'000)</b>
Operating Performance Ratio	6.71%	5.62%
Unrestricted Current Ratio	2.43:1	3.86:1
Debt Service Cover Ratio	4.53:1	4.35:1
Own Source Operating Revenue Ratio	68.43%	77.10%
Rates, Annual Charges, Interest and Extra Charges Outstanding (%)	4.71%	4.82%
Building and Infrastructure Renewals Ratio (%)	17.93%	33.06%
Asset Maintenance Ratio	89.41%	91.91%

### **Performance Measures**

The following comments are made in relation to Industry Standard Performance Measurements that are relevant to Tamworth Regional Council.

*Operating Performance Ratio:* 6.71%

This ratio shows the operating result as a percentage of operating revenue to give the degree of the surplus or deficit achieved. The result should be a surplus (positive) to show there is capacity to maintain existing levels of services and asset renewals and to fund new capital works.

*Unrestricted Current Ratio:* 2.43:1

This shows the degree to which current assets that have no external restrictions exceed unrestricted current liabilities as an indication of the ability to meet short term obligations. The ratio is well above the minimum benchmark of 1.5:1.

*Debt Service Cover Ratio:* 4.53:1

This shows the degree to which the operating cash result exceeded the commitment to loan principal and interest repayments. A ratio above the minimum benchmark of 2.0 is considered satisfactory.

*Own Source Operating Revenue Ratio: 68.43%*

This is a comparison of revenues other than grants and contributions to total revenues, to show the level of reliance on autonomous income. The deemed minimum benchmark is 60% and Council is well positioned above this.

*Rates, Annual Charges, Interest and Extra Charges Outstanding: 4.71%*

The outstanding % is a comparison of the closing unpaid debtor balances for the year to the total collectible (opening arrears plus revenue raised) for the year. The result is well below the benchmark for rural and regional councils of 10%.

*Building and Infrastructure Renewals ratio: 17.93%*

This ratio is meant to show expenditure on the renewal of building and infrastructure assets as a percentage of the annual depreciation for those assets, to indicate the degree to which asset condition is being maintained. Currently this ratio is not a very reliable indicator as the Code of Accounting Practice and Financial Reporting (Update 27) does not allow the inclusion of renewals that are included in Works in Progress (WIP). This means that these renewals are **never** included in this ratio. If renewal works currently showing in WIP were allowed to be included the ratio would be showing at 43.84%, a significant difference. Council has forwarded a request to the former Office of Local Government about this matter.

*Asset maintenance ratio: 89.41%*

This shows the actual expenditure on the maintenance of assets as a percentage of the estimated amount required to ensure assets reach their estimated useful lives per asset management plans.

### **Cash Balances and Allocations**

The full details of cash reserves are provided in Note Six of the financial reports.

The following tables provide a summary of the cash reserves per fund that make up the total closing balance for cash and investments of \$156,639,000.

<b>General Fund '000</b>	<b>Opening Balance</b>	<b>Net Movements</b>	<b>Closing Balance</b>
Unexpended Loans	2,497	(1,632)	865
Developer Contributions	6,610	(152)	6,458
Unexpended Grants	3,184	2,109	5,293
Waste Management	17,878	173	18,051
Deposits, Retentions & Bonds	1,429	405	1,834
Internal Restrictions	39,542	(20,420)	19,122
Unrestricted	2,228	(1,560)	668
<b>Total General Fund Cash Reserves</b>			<b>52,291</b>

<b>Water Fund '000</b>	<b>Opening Balance</b>	<b>Net Movements</b>	<b>Closing Balance</b>
Unexpended Loans	492	0	492
Developer Contributions	18,525	1,934	20,459
Unexpended Grants	0	0	0
Water Reserves	24,016	3,576	27,592
<b>Total Water Fund Cash Reserves</b>			<b>48,543</b>

<b>Sewer Fund '000</b>	<b>Opening Balance</b>	<b>Net Movements</b>	<b>Closing Balance</b>
Unexpended Loans	1,664		1,664
Developer Contributions	11,790	882	12,672
Unexpended Grants	441	28	469
Sewer Reserves	33,059	7,941	41,000
<b>Total Sewer Fund Cash Reserves</b>			<b>55,805</b>

The operations of each fund provided the following net cash result for unrestricted funds during the year after allowing for payables and receivables.

*General Fund a decrease of (\$1,349,485)*

*Water Fund an increase of \$2,440,303*

*Sewer Fund an increase of \$3,081,979*

For General Fund it should be noted that the majority of this decrease is attributable to \$950,000 being transferred to the Regional Development Reserve in December 2018 (minute number 339/18). This reserve is an internal General Fund Reserve whose purpose is to provide funds for significant projects or grant opportunities.

For Water and Sewer funds the surplus amounts were used to increase the augmentation reserves for each fund by the following amounts:

Water Fund Augmentation Reserve \$2,400,000

Sewer Fund Augmentation Reserve \$3,000,000

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Increase in Water and Sewer Funds Augmentation Reserves.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Notices were placed in local newspapers advising the public that the financial reports were being presented at this Meeting and were available for inspection, and that submissions could be made within seven days of the Meeting.

**(e) Delivery Program Objective/Strategy**

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

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**9.3 2020 AUSTRALIA DAY REGIONAL EVENTS – FILE NO SF792**

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

**RECOMMENDATION**

*That in relation to the report “2020 Australia Day Regional Events”, Council nominate Councillors to attend and participate in the Australia Day celebrations and activities at:*

*Barraba* Cr \_\_\_\_\_  
*Bendemeer* Cr \_\_\_\_\_  
*Kootingal* Cr \_\_\_\_\_  
*Manilla* Cr \_\_\_\_\_  
*Nundle* Cr \_\_\_\_\_  
*Tamworth* Cr Col Murray  
Cr \_\_\_\_\_

**SUMMARY**

The purpose of this report is to advise Council on the progress for the planning of the 2020 Australia Day activities throughout the region.

**COMMENTARY**

Tamworth Regional Council has established five Section 355 Committees throughout the region to organise and conduct Australia Day activities. In 2020, 26 January will fall on a Sunday. Locations and programs are detailed below:

**Barraba**

Ambassador: TBA  
Activities: 5:00pm – Formal Ceremony which will include the presentation of the Australia Day Awards and the presentation from the Australian Day Ambassador.  
6:00pm – Barraba Recovery Drought Relief Concert featuring Amber Lawrence, Andrew Farriss and Drew McAlister.  
Venue: Barraba Sportsground, Trevallyn Road, Barraba

### **Bendemeer**

Activities: 8:30am – 12:30pm: Free Breakfast, then to the Bendemeer Hotel for Australia Day activities including flag raising ceremony, cross cut sawing, billy boiling and “platypus” throwing competitions and entertainment.

Venue: Bendemeer Bowling Club and Bendemeer Hotel Beer Garden, Caroline Street, Bendemeer.

### **Kootingal**

Activities: 8:00am – 10:30am: Gold coin breakfast, Australia Day games including thong fling, pumpkin bowling, gum boot toss and the best decorated gum boot.

Venue: Memory Park, Denman Avenue, Kootingal.

### **Manilla**

Ambassador: TBA

Activities: 9:30am – Morning tea, sausage sizzle, entertainment and Golden Flipper Relay

10:00am – Formal Ceremony which will include the presentation of the Australia Day Awards and the Australia Day Ambassador address.

Venue: Manilla Memorial Pool, Arthur Street, Manilla.

### **Nundle**

Ambassador: TBA

Activities: 8:30am – 10:30am: BBQ Breakfast, Welcome and Official Ceremony, Flag Raising, Trivia Competition.

Venue: Nundle Public School, Jenkins Street, Nundle.

### **Tamworth**

Activities: 7:30am – Church Service (Community Centre)

8:30am – Bush Breakfast (Community Centre)

10:00am – Civic Ceremony (Community Centre)

7:00pm – Australia Day “Best of the Buskers” Concert (Bicentennial Park)

9:00pm – Fireworks (Bicentennial Park)

Venue: Tamworth Regional Community Centre and Bicentennial Park

#### **(a) Policy Implications**

Nil

#### **(b) Financial Implications**

Expenditure for these events is allocated in the 2019/20 Annual Operational Plan and Budget.

#### **(c) Legal Implications**

In an instrument of approval under subparagraph 12(2)(a)(iv) of the Australian Citizenship Act 1948, the Minister has approved that the Mayor of a city, municipality or

town and the General Manager of a Council are authorised to be presiding officers for citizenship ceremonies. For this reason the Mayor (or General Manager in the Mayor's absence) is invited to perform the ceremony in Tamworth on Australia Day.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

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**9.4 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:**

**Nundle Go For Gold Festival Committee 6 November 2019;**

**(ii) Accept the recommendation of the Nundle Go For Gold Festival Committee 6 November 2019 noting the amendment to the meeting minutes 9 October 2019 to appoint the following persons as committee members:**

**Member – Stall Holder coordinator Roger Sydenham**  
**Member – Minute Secretary Bernadene Hunt**

**(iii) Accept the recommendation of the Senior Place Manager 22 November 2019, to appoint the following persons as members of the Nundle Australia Day Advisory Panel:**

**Member Claire Lennon**  
**Member Margaret Chamberlain**  
**Member Harvey Warden**  
**Member Marcia Schofield**  
**Member Olive Warwick**  
**Member Robert Schofield**

**(iv) Accept the recommendation of the Place Manager North 22 November 2019, to accept the resignation of Jo Ciesolka as a member of the Barraba Australia Day Panel and appoint the following person as a member of the Barraba Australia Day Advisory Panel:**

**Member Patti Crowley**

**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

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

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

Expressions of Interest were called from the community for membership of the Nundle Australia Day Advisory Panel. A total of six Expressions of Interest were received by the closing date 22 November 2019.

All six persons are reputable representatives of the Nundle and broader district communities and have been reviewed and are recommended for appointment to the panel by the Senior Place Manager. The appointment of the panel members will be for a term of three years.

The recommended Nundle Australia Day Advisory Panel members are Claire Lennon, Margaret Chamberlain, Harvey Warden, Marcia Schofield, Olive Warwick and Robert Schofield.

Jo Ciesolka formally submitted her resignation from the Barraba Australia Day Panel and an Expression of Interest was called to fill the vacancy on the panel. A total of one Expression of Interest was received by the closing date 22 November 2019.

The person is a reputable representative of the Barraba and broader district communities and has been recommended for appointment to the panel by the Place Manager North. The appointment to the panel will be for a term of three years.

The new recommended Barraba Australia Day Advisory Panel member is Patti Crowley.

**(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.

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## 9.5 TAMWORTH PERFORMING ARTS CENTRE AND CULTURAL PRECINCT BUSINESS CASE – FILE NO SF8206

**DIRECTORATE:** BUSINESS AND COMMUNITY  
**AUTHOR:** Peter Ross, Manager Entertainment Venues  
**Reference:** Item 9.2 to Ordinary Council 22 October 2019 – Minute No 379/19  
Item 13.2 to Ordinary Council 9 October 2018 – Minute No 228/18

**3 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Tamworth Performing Arts Centre and Cultural Precinct”, Council:*

- (i) approve the Tamworth Performing Arts Centre and Cultural Precinct Business Case;*
- (ii) increase project funding by \$55,000 from Council’s Regional Development Fund to prepare the Functional and Technical Design Brief; and*
- (iii) approve the variation of contract for the Functional and Technical Design Brief to be prepared by Williams Ross Architects.*

### **SUMMARY**

The purpose of this report is to present to Council the Business Case for the proposed Tamworth Performing Arts Centre and Cultural Precinct and have it endorsed. Once endorsed, this document will be used to assist Council in securing co-funding from the NSE and Australian Governments.

The Business Case and Concept Designs were placed on Public Exhibition from Wednesday 23 October to Tuesday 19 November 2019. During this period Council received 74 submissions from community members and key stakeholder groups, 70 in favour of the project. In percentage terms, 95% of submissions were overwhelming supportive.

One of the recommendations in the Business Case is to prepare a Functional and Technical Design Brief. It is recommended Council engage Williams Ross Architects to prepare this brief as a variation to its contract. This report also seeks an increase of \$55,000 from the General Fund to supplement the remaining funds in the project preliminaries budget.

### **COMMENTARY**

#### **The Business Case**

The Tamworth Performing Arts Centre and Cultural Precinct Business Case **ATTACHED**, refer **ANNEXURES 1, 2 and 3**, was produced in conjunction with specialist theatre architects, Williams Ross Architects and its associated partners.

The business case provides detailed information on the following areas:

- project background;
- the case for a performing arts centre and precinct;
- needs analysis;
- business modelling;

- concept design;
- risk management;
- economic analysis; and
- proposed funding strategy.

The Business Case and Concept Designs were placed on Public Exhibition from Wednesday 23 October to Tuesday 19 November 2019. Large format visual displays detailing the scope, benefits and the concept designs, were placed in the foyers of Ray Walsh House, the Tamworth Library and the Capitol Theatre. Copies of all documents were made available at all council customer services centres across the Local Government Area (LGA) and four face-to-face public briefing sessions were carried out by council staff.

Council's communications team organised several media opportunities to further inform the community that the business case and concept design plans were on public exhibition and open for feedback.

The community was able to make submissions on the project via Council's 'Your Voice' website and via mail to the General Manager. The 'Your Voice' website displayed the full Business Case with the Concept Design plans available for viewing and a detailed timeline of the project's history to date.

### **Public Exhibition Submissions**

During the Public Exhibition period Council received 74 submissions from community members and key stakeholder groups, 70 in favour of the project. In percentage terms, 95% of submissions were overwhelming supportive.

Many submissions commended Council on its vision and commitment to future generations, education, performing arts and culture as a whole. They acknowledged the importance of such a major piece of infrastructure to not only Tamworth but the region. One respondent said, *"What a wonderful initiative to bring our town into a position of cultural excellence putting us on the map to be taken seriously for professional arts and cultural opportunities well into the future. We need to be able to offer our community, especially our youth, reasons to stay or at least return to this wonderful city."*

Another respondent said, *"...an amazing project for Tamworth and the New England region. The performing arts are and always have been a fundamental part of life. The generations of today and the future will highly benefit from this centre as it will become a beacon of creativity for all those who wish to use it. It would also be a very versatile venue with so many opportunities of use for all different sectors from creative and media industries to community conferences and events. It is an absolutely wonderful initiative that would benefit everybody."*

Parking for the cultural precinct and that area of the CBD was mentioned several times in the submissions. Access to safe and close parking was highlighted as important. The current concept design has 42 underground car spaces in the centre. The Council carpark at the rear of the proposed site has 88 spaces and the Byrnes Avenue carpark, just across Hill St, has 93 spaces. Given the precinct's peak activity would be evenings the utilisation of these car spaces at this time, when normally empty, would serve the precinct well. Ultimately a multi-storey carpark in this vicinity would benefit both day-to-day CBD activities and those of the cultural precinct. The Draft CBD Parking Strategy, which is currently on exhibition, has the delivery of a multi-storey carpark as one of its actions within a three to five year timeframe.

The four submissions that were not in favour of this project suggested issues around; why a recording studio was included in the precinct; the centre not being a project the community needs; concerns about the new centre competing with the current Capitol and not liking the front façade design; a waste of money while in a drought and Council neglecting outlying towns.

In response to these matters; a recording studio is not a key commercial driver in the precinct but an inclusion to be used as a teaching and education resource and to assist hirers who require such a service. The 95% positive submissions received indicated this is a project the community wants and is willing to support. If the project is to go ahead Council's lease on the Capitol Theatre would cease and operations of the current Capitol Theatre would transfer to the new precinct, and therefore, would not compete. The overall concept design has received more positive feedback than negative. Recent commitments from both the NSW and Australian Governments towards a new dam and pipeline works have assisted in securing the city's long-term water security. Strategic civic planning still needs to be carried out even though there are current impediments. The funding Council is seeking for this project, and what is potentially available, is not from the same allocation of funding from state and federal initiatives. Council's investment in a project such as this in Tamworth would have direct benefits to outlying towns by way of attracting new residents and businesses to the city. It offers all residents across the LGA access to a state-of-the-art performing arts centre and cultural precinct meaning they have less distance to travel to experience major city entertainment and facilities.

### **Functional and Technical Design Brief**

Williams Ross Architects strongly recommend, as a next step, the preparation of a Functional and Technical Design Brief (FTDB) as a separate pre-design exercise given the complex nature of the multi-venue building.

Benefits include:

- Council staff and stakeholders are able to focus on detailed project requirements prior to time pressures occurring during the design process;
- appropriate time for consultation with Art Gallery, Library, Conservatorium of Music and ABC Radio will be possible before design commences;
- the FTDB can be included in the engagement terms of the design team, enabling them to be held accountable for a suitable functional design;
- the FTDB provides Council with a benchmark against which design proposals can be compared;
- the FTDB helps prevent 'scope creep' and thus capital cost inflation during the project; and
- the FTDB strongly enhances the likelihood of building a highly effective centre that will have long term durability and value for the Tamworth community.

It is recommended that the FTDB be prepared by Williams Ross Architects as a variation to its current contract. This firm has extensive experience in the design of performing arts facilities. Williams Ross Architects is fully briefed on the project and can deliver the next phase efficiently and in a timely manner as it does not need a briefing period. Williams Ross Architects has provided a variation fee proposal of \$80,000 to complete the brief and a timeframe to have the Brief delivered back to Council by the end of April 2020.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Approximately \$28,000 of existing funding is remaining in the Tamworth Performing Arts Centre and Cultural Precinct preliminaries budget. To complete the Functional and Technical Design Brief an additional \$55,000 is required. Funds would be sourced from Council's General Fund with the funding identified by the Executive Management Team. Of the total allocation, \$80,000 is required to complete the brief and \$3,000 for internal project management staff expenses.

**(c) Legal Implications**

Council will issue a variation to Williams Ross Architects' contract for the preparation of the Functional and Technical Design Brief based on its formal fee proposal and work plan received on 5 December 2019.

**(d) Community Consultation**

Extensive community consultation was completed for the Tamworth Performing Arts Centre and Cultural Precinct. The business case was placed on public exhibition Reference - Item 9.2 to Ordinary Council 22 October 2019 – Minute No 379/19.

The Business Case and Concept Designs were placed on Public Exhibition from Wednesday 23 October to Tuesday 19 November 2019, and open to the public for comment.

**(e) Delivery Program Objective/Strategy**

A Spirit of Community – C22 Provide accessible, functional, multipurpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

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**9.6 ANNUAL OPERATIONAL PLAN 2019/2020 BUDGET VARIATION REPORT - NOVEMBER 2019 – FILE NO SF9146**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Sherrill Young, Manager Financial Services

**Reference:** Item 9.1 to Ordinary Council 25 June 2019 - Minute No 204/19  
**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Annual Operational Plan 2019/2020 Budget Variation Report – November 2019”, Council note and approve the variations to the existing budget included in the attached Annexures.*

**SUMMARY**

Council adopted the original budget included in the Annual Operational Plan for 2019/2020 at the Ordinary Council Meeting held 25 June 2019. Any changes to the budget must be approved by Council at a later Ordinary Meeting. This report seeks Council approval for any required budget variations identified during the month of November for which there has been

no previous specific report or approval.

The Quarterly Budget Review Statements will provide Council with a full review of revised budget forecasts and actual year to date results following the completion of the September, December and March quarterly budget reviews.

## COMMENTARY

The annual budget provides Council with the means to control resource allocation and revenues per objectives set in the Annual Operational Plan. It also forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and update of the budget is therefore important for sound financial management.

This monthly report provides a timely endorsement of any variations identified during the previous month and for the reporting of any material differences between budgets and actuals identified by the Responsible Accounting Officer.

A summary of the budget variations is provided below with a detailed list included as **ATTACHED**, refer **ANNEXURE 1**.

### **General variations identified during November 2019**

<b>Description</b>	<b>Budget Variation</b>	<b>Operating Income</b>	<b>Operating Expenses</b>	<b>Capital Income</b>	<b>Capital Expenses</b>
Cultural Services	0	(39,145)	39,145	0	0
Business Systems & Solutions	78,100	0	0	0	78,100
General Purpose Income	(25,730)	(25,730)	0	0	0
Integrated Planning	(5,545)	(5,545)	0	(64,000)	64,000
Plant, Fleet & Buildings	0	0	0	0	0
Sports & Recreation Services	0	0	0	0	0
Design & Construction/Infrastructure & Projects	42,040	0	0	(4,089,960)	4,132,000
Waste Management	(488,897)	(555,897)	50,000	0	17,000
Water & Wastewater	(317,506)	(1,056)	0	0	(316,450)
W&W - General Fund Activities	18,000	0	38,000	0	(20,000)
<b>Grand Total</b>	<b>(699,538)</b>	<b>(627,373)</b>	<b>127,145</b>	<b>(4,153,960)</b>	<b>3,954,650</b>

### **Material differences between budget and actual income or expenditure**

Nil

#### **(a) Policy Implications**

Nil

#### **(b) Financial Implications**

The variations included in the report have the following impact on forecast results for 2019/2020:

<i>Description</i>	<i>Budget Variation</i>	<i>Operating Income</i>	<i>Operating Expenses</i>	<i>Capital Income</i>	<i>Capital Expenses</i>
General	(382,032)	(626,317)	127,145	(4,153,960)	4,271,100
Water	2,494	(1,056)	0	0	3,550
Sewer	(320,000)	0	0	0	(320,000)
<b>Grand Total</b>	<b>(699,538)</b>	<b>(627,373)</b>	<b>127,145</b>	<b>(4,153,960)</b>	<b>3,954,650</b>

**(c) Legal Implications**

This report is in compliance with the following sections of the Local Government (General) Regulation 2005;

211 Authorisation of expenditure; and

202 Responsible Accounting Officer to maintain system for budgetary control.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

**9.7 COUNCIL INVESTMENTS NOVEMBER 2019 – FILE No SF9655**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Sherrill Young, Manager Financial Services**

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Council Investments November 2019”, Council receive and note the report.*

**SUMMARY**

This report provides an overview of Council Investments for the month of November 2019.

**COMMENTARY**

In accordance with Section 212 of the Local Government (General) Regulation 2005, the details of all money Council has invested as at 30 November 2019, is **ATTACHED**, refer **ANNEXURE 1**.

The following table provides a summary of the types of investments held and the institution they are held with:

<b>Institution</b>	<b>Cash at bank</b>	<b>Financial Assets Amortised Cost</b>	<b>Financial Assets at Fair Value</b>	<b>Total</b>	<b>% of Total</b>
NAB	10,353,957	50,000,000	0	60,353,957	38.40%

ANZ	0	18,000,000	0	18,000,000	11.45%
BOQ	0	5,000,000	0	5,000,000	3.18%
CBA	0	10,000,000		10,000,000	6.36%
St George	0	26,000,000	0	26,000,000	16.54%
TCorp	0	0	3,836,383	3,836,383	2.44%
Westpac	0	34,000,000	0	34,000,000	21.63%
<b>TOTAL</b>	<b>10,353,957</b>	<b>143,000,000</b>	<b>3,836,383</b>	<b>157,190,340</b>	

The amount invested at 30 November 2019, has increased by \$1,410,684 compared to funds held at 31 October 2019. Cash transactions for November include the second instalment for the Financial Assistance grant, Regional Roads grants, and the Rates and Charges levy second instalment.

Council's investments mainly include restricted funds received for specific purposes or held for future renewal works for each of the three main funds, as summarised in the following table:

Fund	Restriction	Amount	%
General	Unrestricted	6,144,372	3.91%
General	Internally Restricted	31,462,423	20.02%
General	Externally Restricted	12,621,369	8.03%
<b>General Fund Total</b>		<b>50,228,164</b>	<b>31.96%</b>
Water	Unrestricted	2,040,303	1.30%
Water	Internally Restricted	26,783,993	17.04%
Water	Externally Restricted	20,944,902	13.32%
<b>Water Fund Total</b>		<b>49,769,198</b>	<b>31.66%</b>
Sewer	Unrestricted	2,081,979	1.32%
Sewer	Internally Restricted	40,305,944	25.64%
Sewer	Externally Restricted	14,805,055	9.42%
<b>Sewer Fund Total</b>		<b>57,192,978</b>	<b>36.38%</b>

**Total Investments** **157,190,340**

Moneys received for each Fund can only be used within that Fund. An explanation for each category of restriction is described below.

**Unrestricted:**

These are funds required to meet short term cash flow requirements and contingencies to maintain solvency.

**Internally Restricted:**

Funds set aside for future commitments mostly relate to asset renewals, remediation works, or leave provisions. For General Fund, this includes self funding activities such as the Airport, Waste Management and Fleet operations.

**Externally Restricted:**

Funds provided for specific purposes such as developer contributions, grants and loans.

The use of restricted funds is largely controlled by 10 – 20 year asset management plans which are included in the resourcing strategy of Councils Community Strategic Plan.

**(a) Policy Implications**

All of Council's investments are held in accordance with the 'Tamworth Regional Council Investment Policy' except for the term deposit with the Bank of Queensland that is now below the minimum rating level due to a recent down grade.

**(b) Financial Implications**

Investment levels and interest rates are currently on par with the revised estimate calculations.

**(c) Legal Implications**

All of Council's investments are held in accordance with the 'Tamworth Regional Council Investment Policy' which accords with the requirements of:

- Local Government Act 1993 – Section 625;
- Local Government Act 1993 – Order (of Minister) dated 16 November 2000;
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) and 2;
- Local Government (General) Regulation 2005 – Clauses 212 and 215; and
- Local Government Code of Accounting Practice & Financial Reporting – Update No. 15 dated June 2007.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

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**9.8 AUDIT, RISK AND IMPROVEMENT COMMITTEE – FILE NO SF5614**

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

**1 ENCLOSURES ENCLOSED**

**RECOMMENDATION**

*That in relation to the report "Audit, Risk and Improvement Committee", Council receive and note the Minutes of the meeting held 3 December 2019.*



## SUMMARY

The purpose of this report is to present to Council the Minutes of the Audit, Risk and Improvement Committee meeting held Tuesday, 3 December 2019.

## COMMENTARY

The quarterly meeting of the Audit, Risk and Improvement Committee was held on Tuesday, 3 December 2019. The Minutes of the meeting are **ENCLOSED**, refer **ENCLOSURE 1**. The Members of the Committee were invited to the Councillor workshop held on Monday 2 December 2019, on the Annual Financial Statements by the external auditor.

### (a) Policy Implications

Nil

### (b) Financial Implications

Costs associated with the Internal Audit function are budgeted in the 2019/2020 Annual Operational Plan.

### (c) Legal Implications

Nil

### (d) Community Consultation

Nil

### (e) Delivery Program Objective/Strategy

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

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## 9.9 REVIEW OF GENERAL POLICY REGISTER – FILE No SF1384

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** Karen Litchfield, Manager Governance

**Reference:** Item 9.5 to Ordinary Council 8 October 2019 - Minute No 353/19

**1 ANNEXURES ATTACHED**

## RECOMMENDATION

*That in relation to the report “Review of General Policy Register”, Council:*

- (i) formally revoke or amend all previous General Policies; and*
- (ii) confirm adoption of the updated General Policy Register as identified in ENCLOSURE 1.*

## SUMMARY

The purpose of this report is to advise Council that no public submissions have been received following public exhibition of the General Policy Register and for Council to adopt the updated General Policy Register.

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## COMMENTARY

Council at its Ordinary Meeting held 8 October 2019, resolved as follows:

*That in relation to the report “General Policy Register”, Council:*

- (i) endorse the proposed revocation or amendment of the General Policies identified in the annexure and advertise the proposed changes for a period of 28 days for public comments prior to formal revocation or amendment by Council; and*
- (ii) request a further report to Council following the review period to consider any public comments received.*

The General Policy Register was placed on public exhibition for a period of 28 days and no submissions were received. Several minor formatting changes were recommended by staff and these have also been reflected in the updated General Policy Register.

### **(a) Policy Implications**

Policies will be maintained or removed from the General Policy Register as required provided appropriate public exhibition periods.

### **(b) Financial Implications**

Nil

### **(c) Legal Implications**

Nil

### **(d) Community Consultation**

The updated General Policy Register was placed on exhibition for a period of 28 days and no submissions were received.

### **(e) Delivery Program Objective/Strategy**

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

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## **10 COMMUNITY SERVICES**

### **10.1 BIG GOLDEN GUITAR, CULTURAL GIFT PROGRAM – FILE NO SF7207**

**DIRECTORATE: BUSINESS AND COMMUNITY**

**AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **RECOMMENDATION**

*That in relation to the report “Big Golden Guitar, Cultural Gift Program”, Council:*

- (i) accept the Big Golden Guitar into the Tamworth Regional Council collection as a cultural gift; and*
  - (ii) formally thank the donor for the generous donation.*
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## **SUMMARY**

The Big Golden Guitar has been offered to the Tamworth Regional Council under the Cultural Gift Program. Tamworth's Big Golden Guitar is a replica of the famous golden guitar used for the trophies presented at the annual Country Music Awards of Australia (the Golden Guitars) and is of national significance, making the sculpture a valuable addition to Council's collection.

## **COMMENTARY**

Tamworth's Big Golden Guitar is of national significance. It stands prominently on the New England Highway on the southern approach to Tamworth - Australia's Country Music Capital. The 12m high Big Golden Guitar weighs half a ton and is made of fibreglass over a steel frame.

A striking tribute to Tamworth's country music reputation, the Big Golden Guitar is a replica of the famous golden guitar used for the trophies presented at the annual Country Music Awards of Australia.

The Big Golden Guitar was unveiled by Australia's "King of Country Music" Slim Dusty in 1988 (Australia's bicentennial year). Slim has won more Golden Guitars than any other Australian country music recording artist.

The Golden Guitar sculpture was designed by artist Harry Frost and produced by Len Surtees. The work has aesthetic significance in design and the large scale structure assists in creating a sense of awe for audiences and generates a landmark sculpture. The work is made from fibreglass and steel and the overall dimensions are height 1200cm x width 426cm x depth 94cm. This artwork has strong local history significance as the sculpture links back to Tamworth's country music history and the inception of the Australian Country Music Festival and the Golden Guitar Awards.

This sculpture is seen as an Australian "icon" and is one of the most visited and photographed sites in Australia. Many tourists and country music fans who pass through Tamworth stop to have their photo taken in front of the Big Golden Guitar. Known throughout the world, it identifies Tamworth as the Country Music Capital of Australia, which hosts the largest music festival in the southern hemisphere in January each year.

The Big Golden Guitar will be an important and prominent addition to the city's growing public art collection, and will be accepted under Tamworth Regional Gallery's Collection Policy 1.1.7 Works by Regional Artists, including paintings, photographs, works on paper, ceramics and sculpture. This work will also complement the city's existing public art collection and Council's Australian Country Music social history collections. The strong significance of this artwork to Tamworth and natural fit thematically makes this work an important donation to the collection.

This donation has been made possible, through the Australian Government's Cultural Gift Program, by the Coultan family. A further cultural gift donation of the wax museum figurines and country music collection at the Visitor Information Centre will follow in due course and this paperwork has been lodged with the Cultural Gift Program.

### **(a) Policy Implications**

This donation has been achieved through the Cultural Gift Program.

The donation complies under the Art Gallery donations and Cultural Gifts policy, which sets out the requirements that the Gallery must comply with as a registered and endorsed Deductible Gift Recipient.

Furthermore, under Art Gallery Objectives and Policies the Gallery Director can approve new acquisitions up to the value of \$20,000. All new acquisitions over \$20,000 must be tabled at a Council Meeting for approval.

In recognition of the important contribution the Cultural Gift Program makes to Australia's public collecting institutions, the government asks that Council acknowledge the Program when referring to donated items in display labels, publications and promotional materials.

For the Big Golden Guitar Council will acknowledge this contribution using the following wording "Donated through the Australian Government's Cultural Gift Program by the Coultan family."

**(b) Financial Implications**

The Tamworth Regional Council paid for the two independent external valuations and the consultant's travel costs to achieve the Cultural Gift Program requirements **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. The Big Golden Guitar sculpture will now form part of the Tamworth Regional Council's Collection and be insured as a Council asset. It will also be placed on Council's Assets Register.

**(c) Legal Implications**

As part of the cultural gift donation process the Big Golden Guitar sculpture will transfer ownership from the donor Shawdownport Pty Ltd, Director Tom Coultan to the Tamworth Regional Council.

**(d) Community Consultation**

The Big Golden Guitar will now be secured for the community as a long term asset, providing security for this important national icon and a legacy for the future of country music in Tamworth.

**(e) Delivery Program Objective/Strategy**

A Spirit of Community – C22 provide accessible, functional, multi-purpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

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## **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 TENDER FOR THE SUPPLY AND DELIVERY OF FOUR BACKHOE LOADERS – FILE NO T133/2019**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** George Shearman, Manager Plant, Fleet and Building Services

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

#### **SUMMARY**

This tender was for the replacement of four existing backhoe loaders, however no tender submissions received complied with the specification and compliance criteria.

### **11.2 CONSTRUCT TAMWORTH HOCKEY CENTRE BUILDINGS – FILE NO T003/2020**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Paul Kelly, Manager Sports and Recreation  
Claire Turnor, Projects Engineer

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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 seek Council's approval to award Tender T003/2020 – Construct Tamworth Regional Hockey Centre Buildings, as part of the NICSE Stage 2 Project, under a Lump Sum Contract.

### **11.3 TENDER REGOPRO0811920 - SUPPLY AND AND DELIVERY OF BULK CATIONIC BITUMEN CRS – FILE NO SF1448**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Murray Russell, Manager Infrastructure and Works

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **SUMMARY**

The purpose of this report is to recommend to Council acceptance of a tender for the supply of cationic bitumen CRS (emulsion) within the Tamworth Regional Council area, as and when required, for a period of two years with an optional one year extension at Council's discretion.

#### **11.4 EXPRESSION OF INTEREST FOR THE SALE OF THE FORMER SALEYARDS SITE AT GLEN ARTNEY – FILE NO SF8884**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Kirrilee Ringland, Manager Property and Legal Services  
**Reference:** Item 14.1 to Ordinary Council 12 June 2018 - Minute No 175/17  
Item 14.9 to Ordinary Council 12 June 2018 - Minute No 206/18  
Item 15.5 to Ordinary Council 30 October 2018 - Minute No 265/18

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 resolved at its Ordinary Meeting held on 30 October 2018, to sell the former saleyards site. The purchaser has made a request in relation to the transaction and the purpose of this report is to authorise the Mayor and General Manager to negotiate with the purchaser in relation to its request.

## **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.