



# TAMWORTH REGIONAL COUNCIL

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

## ORDINARY COUNCIL AGENDA

**11 APRIL 2023**

**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 prior to the Meeting to address the Council Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

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

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

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

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

### **Disclosure of Political Donations or Gifts**

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

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

## **AGENDA**

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

### **RECOMMENDATION**

*That the Minutes of the Ordinary Meeting held on Tuesday, 28 March 2023, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.*

### **4 DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

### **5 MAYORAL MINUTE**

Nil

### **6 NOTICE OF MOTION**

Nil

## **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

#### **7.1 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL - STRATHEDEN, OXLEY VALE**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Andrew Spicer, Senior Integrated Planner  
**Reference:** Item 7.1 to Ordinary Council 23 November 2021 - Minute No 333/21

**7 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 - Planning Proposal - Stratheden, Oxley Vale”, Council:*

- (i) adopt the proposed changes to the Tamworth Regional Local Environmental Plan 2010, as described in this report;*
- (ii) exercise the plan-making authority functions authorised by the Minister for Planning and Environment under Section 3.36 of the Environmental Planning and Assessment Act 1979, to amend the Tamworth Regional Local Environmental Plan 2010; and*
- (iii) formulate a Development Control Plan (DCP) to guide development on the subject lands.*

#### **SUMMARY**

The purpose of this report is to seek a resolution of Council to proceed to amend the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* in relation to the lands identified as Stratheden, Oxley Vale, to achieve a land use planning outcome which aligns with Blueprint 100 and the future growth of the Tamworth Region.

Stratheden is identified in the Department of Planning and Environment’s *New England North West Regional Plan 2041* and Council’s Blueprint 100 as a key residential investigation area. Council has undertaken several years of investigations into the site’s suitability and capacity to contribute to the supply of housing in the Tamworth Region. Securing an appropriate supply of residential land is critical to meeting the projected housing needs identified by Blueprint 100 and supported by the Department of Planning and Environment. The planning proposal has been publicly exhibited and state agency consultation has been undertaken.

Council has been authorised as the local plan-making authority by the Minister for Planning and Environment under Section 3.36 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* to amend the *TRLEP 2010*.

#### **COMMENTARY**

##### **Planning Proposal Background**

The objective of the planning proposal is to promote housing diversity and cater for the future growth of the Tamworth Region. The existing rural zoning and minimum lot size regime do not enable the most effective use of the land considering Stratheden has long been identified as one of the key future residential release areas of Tamworth.



A map showing the subject lands is **ATTACHED**, refer to **ANNEXURE 1**.

At its Ordinary Meeting of 23 November 2021, Council resolved to forward the Stratheden Planning Proposal to the Department of Planning and Environment (DPE) requesting a Gateway Determination to proceed to public exhibition (Min No. 333/21).

A Gateway Determination was received on 24 December 2021, advising Council that the proposal could proceed to public exhibition subject to a number of certain conditions. The Gateway Determination and cover letter to Council are **ATTACHED**, refer **ANNEXURE 2**. According to the Determination, Council was required to complete the amendment to the *TRLEP 2010* by 24 September 2022.

The Gateway Determination prescribed eight (8) amendments or additional inclusions in the planning proposal prior to agency and community consultation. These amendments were completed within the prescribed timeframe.

The Determination also specified a number of reports to be prepared or updated to reflect the extent of the lands subject to the planning proposal. There were unavoidable delays in the completion of these studies by the proponent which has consequently delayed the progress of the planning proposal. It was decided, in consultation with the DPE, that one of the studies (Odour Impact Assessment) was not practicable and Council instead amended the extent of the zoning layout to reflect the impact of the *TRLEP 2010* sewer treatment plant buffer provisions relating to the Westdale Wastewater Treatment Plant.

Due to the unavoidable delays described, Council was unable to satisfy the requirements of the Gateway Determination to complete the LEP amendment within the required timeframe.

Council requested an amended Gateway Determination on 21 December 2022 requesting an extension of time to complete the planning proposal. Council's request is **ATTACHED**, refer **ANNEXURE 3**. The DPE issued an Alteration of Gateway Determination on 13 January 2023. The timeframe for completing the amendment to the *TRLEP 2010* was revised to 24 April 2023. This Alteration of Gateway Determination is **ATTACHED**, refer **ANNEXURE 4**.

Following the amended Gateway Determination, the required studies and reports were obtained and the planning proposal was placed on public exhibition and agency consultation was sought. The amended planning proposal including the Stratheden exhibited LEP maps is **ATTACHED**, refer **ANNEXURE 5**. The key features are summarised in the Table below.

The objective of the planning proposal is to amend the following parts of *TRLEP 2010* to realise the full potential of the subject lands.

Development Standard	Description of Amendment						
<p><i>Zoning</i></p>	<p>The planning proposal aims to rezone the subject land from RU4 - Primary Production Small Lots to part R1 - General Residential and part R2 - Low Density Residential.</p> <p>The total land area associated with each zone will be in accordance with the table below:</p> <table border="1" data-bbox="628 607 1193 842"> <thead> <tr> <th data-bbox="628 607 911 707">Zone</th> <th data-bbox="911 607 1193 707">Proposed (approx.)</th> </tr> </thead> <tbody> <tr> <td data-bbox="628 707 911 775">R1</td> <td data-bbox="911 707 1193 775">83 ha</td> </tr> <tr> <td data-bbox="628 775 911 842">R2</td> <td data-bbox="911 775 1193 842">22 ha</td> </tr> </tbody> </table> <p>The R1 zone is the dominant residential zone for Stratheden and will facilitate a mixture of housing choices. The R1 zone is located on the eastern portion of the site that can be serviced with reticulated water and sewer services.</p> <p>The R2 zone is proposed to be located along the western edge of the subject land which is unable to be connected to reticulated sewerage. It is a zone that will buffer the residential area from the remaining farmland further to the west.</p>	Zone	Proposed (approx.)	R1	83 ha	R2	22 ha
Zone	Proposed (approx.)						
R1	83 ha						
R2	22 ha						
<p><i>Lot Size</i></p>	<p>The planning proposal seeks to amend the Lot Size requirements for the R1 and R2 zone to permit residential development consistent with the table below:</p> <table border="1" data-bbox="628 1294 1193 1496"> <thead> <tr> <th data-bbox="628 1294 911 1361">Zone</th> <th data-bbox="911 1294 1193 1361">Proposed MLS</th> </tr> </thead> <tbody> <tr> <td data-bbox="628 1361 911 1429">R1</td> <td data-bbox="911 1361 1193 1429">450m<sup>2</sup></td> </tr> <tr> <td data-bbox="628 1429 911 1496">R2</td> <td data-bbox="911 1429 1193 1496">4,000m<sup>2</sup></td> </tr> </tbody> </table> <p>The intent of the 450m<sup>2</sup> minimum lot size is to provide flexibility for developers whilst ensuring housing diversity targets are achieved via the implementation of a minimum density requirement (see below). This will ensure a variety of lot sizes and housing types are developed to cater for the growing needs of the community. It does not mean that 450m<sup>2</sup> lots will cover the site.</p> <p>The intent of the 4,000m<sup>2</sup> minimum lot size is to provide enough land for private onsite wastewater systems. Larger lots will also provide a buffer to the remaining RU4 land located to the west.</p>	Zone	Proposed MLS	R1	450m <sup>2</sup>	R2	4,000m <sup>2</sup>
Zone	Proposed MLS						
R1	450m <sup>2</sup>						
R2	4,000m <sup>2</sup>						
<p><i>Dwelling Density</i></p>	<p>The planning proposal seeks to include a provision requiring a minimum net dwelling density to be implemented across the site. A target of ten (10) dwellings per hectare has been proposed for the R1</p>						

	<p>zoned land. This is based on a net residential density which excludes open space, easements and drainage corridors and equates to a yield approaching 850 dwellings across the R1 zone on the subject site. A target of two (2) dwellings per hectare has been proposed for the R2 zoned land. This equates to a yield of approximately 45 dwellings across the R2 zone on the subject site.</p> <p>Dwelling density targets are important to provide certainty for appropriate infrastructure delivery and effective utilisation of available high-quality residential land at the initial subdivision phase. The proposed density could be achieved by a range of lot sizes from 800m<sup>2</sup> down to 450m<sup>2</sup> in the R1 zone and 4000m<sup>2</sup> in the R2 zone. A dwelling density target aims to promote the development of a mixture of housing typologies while ensuring dwelling yield is aligned with infrastructure provisioning.</p> <p>The density target will be enforced by a clause and a dwelling density map in the <i>TRLEP 2010</i>.</p>
<p><i>Dwelling Capacity</i></p>	<p>The planning proposal seeks to include a provision restricting the maximum number of dwellings based on the capacity of downstream infrastructure.</p> <p>It is estimated that there will be a maximum of 850 dwellings in the R1 zone. This assumes that some of the R1 zoned lots will be used for dual occupancy or secondary dwellings (two dwellings) and some will be used for residential flat buildings or multi dwelling housing (assume three dwellings). This means remaining lots will be larger, in the order of 600m<sup>2</sup> to 800m<sup>2</sup> in the R1 zone.</p> <p>It is estimated that there will be a maximum of 45 dwellings in the R2 zone as residential options are limited. This assumes that most of R2 zoned lots will be used for a single dwelling.</p> <p>The intent is to provide a mixture of housing and choices while ensuring dwelling capacity is controlled in a manner which aligns with infrastructure availability.</p> <p>Dwelling density and dwelling capacity provisions are already included in the <i>TRLEP 2010</i> for lands at Duri Road and Burgmanns Lane, known as Arcadia. Dwelling density provisions at Stratheden will be implemented by the same type of clause and map provisions in the <i>TRLEP 2010</i>.</p>

The *New England North West Regional Plan 2041* (Regional Plan) prepared by the Department of Planning and Environment (DPE) to guide land use planning priorities and decisions toward 2041, recognises the Tamworth Region as a strong economic centre with access to international opportunities. The Regional Plan provides an overarching framework to guide land use plans, development proposals and infrastructure decisions.

This Regional Plan specifically identifies Stratheden as a future residential investigation area. To ensure positive planning outcomes are achieved in accordance with the Regional Plan, the planning proposal aims to provide housing choice, an attractive lifestyle through sound urban design principles, active open spaces and passive green corridors. This will be guided by detailed development controls that will be required by a new clause in the *TRLEP 2010*.

## Blueprint 100

The basis for land use planning has been established by the Blueprint 100 process which includes Council's adopted *Local Strategic Planning Statement 2020 (LSPS 2020)*. Stratheden is specifically referenced in Blueprint 100 as a significant site of residential accommodation for the growing population of Tamworth and the wider region.

The priority themes of Blueprint 100 have been considered as part of the planning proposal process and the precinct aligns with Blueprint 100 in the following manner:

- providing a more diverse range of housing choices for varying demographics;
- increasing affordability by promoting a mixture of lot sizes and housing types; and
- supporting residential expansion in Stratheden.

The planning proposal is consistent with the objectives of *Blueprint 100 Part 1* and *Blueprint 100 Part 2 – Tamworth Regional Local Strategic Planning Statement 2020 (LSPS 2020)*. It aligns with *LSPS 2020* Planning Priority 1 - Facilitate Smart Residential Growth and Housing Choices.

## **Consultation**

### **Public Feedback**

The Stratheden planning proposal was publicly exhibited for a period of 29 days from 13 February 2023 to 13 March 2023. Fourteen (14) submissions were lodged via the DPE Planning Portal. Three (3) telephone/counter enquiries were received by Council staff and the enquirers were requested to formalise their submission via the Planning Portal. A number of submissions acknowledged the need for additional housing moving forward and the importance of housing variety. Concerns were raised on matters including, but not limited to, the capacity of Tamworth's water supply to cater for additional housing, traffic, impact on amenity and the increased pressure on emergency and public services. Several submissions would have appreciated a subdivision layout to consider.

A summary of the key issues raised is provided in the Table below and a copy of the submissions (without names) is **ATTACHED**, refer **ANNEXURE 6**.

Issue Raised	Council Comment
<p><b>Water Supply</b></p> <p>Submissions raised concerns regarding sufficiency of supply to cater for increased population and methods to encourage on site water re-use.</p>	<p>The issue of water security in relation to population growth and housing has been extensively addressed in <i>Blueprint 100 Part 1</i> and <i>Blueprint 100 Part 2 – Tamworth Regional Local Strategic Planning Statement 2020 (LSPS 2020)</i>. The Stratheden site has the potential to accommodate an additional 895 dwellings as part of a planned, staged land release likely to occur over a number of years. Water supply will be available to the site via a proposed new trunk main along Manilla Road. Council's modelling in relation to water indicates that there is sufficient supply to service the existing site and future development.</p> <p>Council's General Housing and Ancillary Structures Development Controls, contained in the <i>Tamworth Regional Development Control Plan 2010 (TRCDP 2010)</i>, describe a number of Water Saving Essentials (WSE) applicable to new construction. The WSE controls address matters such as on-site stormwater capture and re-use, grey water management,</p>

	<p>water saving appliances/applications and water tanks.</p> <p>Council is analysing a number of water supply initiatives in collaboration with Government and industry stakeholders including a new Dungowan Dam and treatment and reuse of industrial and urban wastewater which accounts for a significant proportion of the demand for Tamworth’s water supply.</p>
<p><b>Increase in traffic</b></p> <p>Submissions raised concern that the proposal will increase traffic volumes on the surrounding road network with associated safety concerns.</p>	<p>Council acknowledges that the ultimate lot yield of 895 dwellings will result in increased traffic volumes on the adjoining road network. An updated Transport Impact Assessment (TIA) was undertaken in accordance with the Gateway Determination. The TIA states that the largest impact on traffic volumes, arising from the planning proposal, will likely be felt on Manilla Road, with secondary impacts affecting Browns Lane. Manilla Road (MR 63) is a classified State Road. Council is the road authority for both Manilla Road and Browns Lane.</p> <p>The TIA identifies the intersection and access treatments that are required as a consequence of the planning proposal. As the land release progresses, upgrades to turning treatments will be necessary to accommodate increased traffic flows and ensure road safety is optimised.</p> <p>The TIA refers to a potential roundabout at the intersection of Browns Lane and Manilla Road, however a new TIA will be required to underpin the formulation of a detailed DCP for the land. The DCP will investigate overall traffic volumes and access arrangements using the most current available data. This will include a new access onto Manilla Road and the identification of the most effective intersection treatment at Browns Lane and Manilla Road.</p> <p>The DCP will consider road safety and will be required to be developed prior to DA approvals being issued. It is planned that this requirement will be specified by a new clause in the <i>TRLEP 2010</i>.</p>
<p><b>Rezoning of rural land and impacts on amenity</b></p> <p>Submissions raised concern that the rezoning of rural land for residential purposes is not an appropriate land use outcome. Concerns included the application of the 450m<sup>2</sup> lots size.</p>	<p>The issue of rezoning rural lands for residential development was raised with concerns ranging from the potential loss of rural views and landscapes to perceptions of reduced productivity from agricultural lands. The subject land has been utilised for stock grazing purposes for at least a century. In more recent decades the locality has increasingly been developed for rural residential lifestyle lots adjoining Stratheden.</p> <p>The Stratheden site has been identified, through the strategic planning framework, as a residential investigation area in the <i>Tamworth Regional Development Strategy 2008</i>, Blueprint 100 (Parts 1 and 2) and the <i>New England North West Regional Plan 2041</i>.</p> <p>The proximity of Stratheden to the urban centre of Tamworth and the Hills Plain residential release area reinforces the</p>

	<p>principles of Smart Growth, as identified in Blueprint 100. Additional housing in locations considered suitable and appropriate is essential to the Tamworth Region's ongoing population growth and economic prosperity.</p> <p>The intent of the 450m<sup>2</sup> minimum lot size is to provide flexibility for developers whilst ensuring housing diversity targets are achieved via the implementation of minimum density requirements. It does not mean that 450m<sup>2</sup> lots will cover the site.</p> <p>As is allowed now, some of the R1 zoned lots will be used for dual occupancy or secondary dwellings (two dwellings) and some will be used for multi-dwelling housing (assume three dwellings). This means remaining lots will be larger, in the order of 600m<sup>2</sup> to 800m<sup>2</sup> in the R1 zone.</p> <p>The zoning provisions in the planning proposal have closely considered the physical characteristics of the site, servicing constraints and best practice in relation to housing diversity and density. The proposed application of R2 - Low Density residential zoning will deliver larger lots on the western boundary of the lands, thus providing a suitable transition to rural land.</p>
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### Public Authority Submissions

Council consulted with the public authorities and organisations listed in the Gateway Determination. Agencies were provided with 30 working days (six (6) weeks) to respond.

A summary of the key responses from the agencies is provided in the Table below and a copy of the submissions is **ATTACHED**, refer **ANNEXURE 7**.

Agency	Summary of submission	Council Response
<b>Natural Resource Access Regulator</b>	No formal response received within the legislated timeframe.	No action required.
<b>NSW Dept. of Education</b>	No formal response received within the legislated timeframe.	No action required.
<b>NSW Biodiversity, Conservation and Science Division</b>	Generally supportive of the planning proposal. However, recommendations include updates to the Flood Planning Map and Australian Noise Exposure Forecast Maps to reflect the extent of the Flood Planning Area which are a combined LEP map (CL3_004B and CL3_004C). Future development of the site should closely consider strategic layout to avoid impact to native vegetation and habitat features.	The points raised are noted. As the DPE now treats flood planning in a different way, an update to maps will not be practicable. The DPE has raised issues regarding flood planning in relation to Probable Maximum Flood (PMF). This will largely address the BCSD comments.

<p><b>Department of Primary Industries (Agriculture)</b></p>	<p>The submission is generally supportive and acknowledges the strategic planning framework, at a local and State government level, which has facilitated the planning proposal. The submission makes suggestions for additional buffers between the site and agricultural lands to the north and west. The application of building envelopes is also encouraged in order to further limit the potential for land use conflict.</p>	<p>Consideration of the DPI's recommendations will be given when preparing a DCP for the subject land to mitigate land use conflict issues. The DPE has raised issues regarding flood planning in relation to PMF (Probable Maximum Flood). The preparation of a DCP which considers flood planning matters, including building envelopes, will also go some way to addressing the buffer issues raised by the DPI (Agriculture).</p>
<p><b>Hunter New England Health</b></p>	<p>No formal response received within the legislated timeframe.</p>	<p>No action required.</p>
<p><b>NSW Police</b></p>	<p>No formal response received within the legislated timeframe.</p>	<p>No action required.</p>
<p><b>NSW Ambulance</b></p>	<p>No formal response received within the legislated timeframe.</p>	<p>No action required.</p>
<p><b>NSW Fire and Rescue</b></p>	<p>No formal response received within the legislated timeframe.</p>	<p>No action required.</p>
<p><b>NSW Department of Justice</b></p>	<p>No formal response received within the legislated timeframe.</p>	<p>No action required.</p>
<p><b>Heritage NSW</b></p>	<p>No formal response received within the legislated timeframe.</p>	<p>No action required.</p>
<p><b>Water NSW</b></p>	<p>There are no WaterNSW owned lands or assets in the vicinity of the site. The planning proposal may benefit from a map showing the boundaries of the site and its location with respect to Tamworth and the Peel River, however, WaterNSW has no further comment.</p>	<p>Noted, no action required.</p>
<p><b>Mining, Exploration and Geoscience</b></p>	<p>The proposal will not impact on any known or potential mineral resources areas or operations and is therefore consistent with all applicable legislative requirements.</p>	<p>Noted, no action required.</p>

<b>Essential Energy</b>	No formal response received within the legislated timeframe.	No action required.
<b>Transgrid</b>	Submission acknowledging the referral. No land interests are affected by the proposed development.	Noted, no action required.
<b>Tamworth Local Aboriginal Land Council (TLALC)</b>	The submission requests that Council follow up the recommendations in the Archaeological Technical Report in relation to two Aboriginal cultural heritage sites. Moreover, the report recommends that the planning proposal be modified to acknowledge the significance of the sites identified. Recommendations for relocation and/or protection of specific items should be articulated.	Council has followed up with the Heritage consultants to confirm that the subject sites have been registered. This confirmation was provided to the TLALC. The other issues raised were also followed up with the TLALC. It was further advised that a site-specific DCP will be prepared for the Stratheden site prior to the commencement of any approved works. The identification and future management of any significant sites or artefacts will be an essential component of the DCP.
<b>Transport for NSW (TfNSW)</b>	The TfNSW submission does not object to the progression of the planning proposal provided that site access arrangements from Manilla Road and the intersection of Manilla Road and Browns Lane are reconsidered in consultation with TfNSW. In addition, TfNSW recommends that a shared path which connects the subject lands to Oxley Vale Primary School should be facilitated with extension to Glengarvin Drive. The submission acknowledges that Council has prepared a draft clause for insertion in the <i>TRLEP 2010</i> which states that development consent must not be granted for development on the subject land unless a Development Control Plan (DCP) has been prepared.	Council is working with TfNSW, DPE and the Parliamentary Counsel's Office (PCO) to establish a mechanism to ensure the DCP is developed prior to DA's being approved. The DCP will include requirements for a staging plan for the timely and efficient release of land which makes provision for necessary transport infrastructure to support the development. The DCP will incorporate a wide range of land use and design components. Council has contacted the PCO to begin drafting of effective LEP provisions planned to take the form of a new LEP clause. These types of clauses are included in a number LEPs in NSW.



A comprehensive process has been undertaken to progress to the final stages of the Stratheden Planning Proposal. The next step in this type of process is the formulation of a DCP to guide the future development on the site to achieve the objectives of the planning proposal in accordance with Blueprint 100. The development of the DCP will provide further opportunities for input from the public and Government Agencies. The planned inclusion of a clause in the LEP requiring the DCP to be adopted prior to development applications being approved provides assurance that the issues raised will be further analysed and appropriately addressed.

**(a) Policy Implications**

The planning proposal is a direct outcome of the policy position of Council developed via the Blueprint 100 process.

**(b) Financial Implications**

The cost of processing the planning proposal will be accommodated by the existing strategic planning budget.

**(c) Legal Implications**

Amendments to the *Tamworth Regional Local Environmental Plan 2010* will alter the planning provisions for the subject lands, thereby affecting the development that may be undertaken.

**(d) Community Consultation**

Community and Agency consultation was undertaken in accordance with the requirements of the Gateway Determination.

**Media consultation and community engagement**

Media and direct community consultation were undertaken during the public exhibition period, including the following communication methods:

Communication Method	Timing
Northern Daily Leader advertisement	Saturday, 18 February 2023
Manilla Express advertisement	Tuesday, 21 February 2023
Letterbox drop to neighbouring and adjacent properties (73)	Friday, 10 February 2023
Letter and Email to neighbouring and adjacent properties (total 66)	Friday, 10 February 2023
A-frame corflute sign at Northgate Shopping Centre with QR code	Thursday, 16 February to Friday, 10 March 2023
Poster – Manilla Customer Service with QR code	Friday, 10 February 2023
Media alert	Wednesday, 15 February 2023
Public notice on TRC website	Monday, 13 February to Monday, 13 March 2023

Social media advert – regional	Monday, 13 February 2023
Social media – organic post	Monday, 13 February 2023

Written consultation was also undertaken with the following organisations:

- Tamworth Business Chamber; and
- Tamworth Regional Ratepayers Association.

Council consulted with the public authorities and organisations listed in the Gateway Determination. Agencies were provided with 30 working days (six (6) weeks) to respond.

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

Focus Area 2 – A Liveable Built Environment – Facilitate smart growth and housing choices.

Focus Area 9 – Open and Collaborative Leadership.

**7.2 MANAGING CONFLICT OF INTEREST IN COUNCIL RELATED DEVELOPMENT APPLICATIONS POLICY**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Sam Lobsey, Manager - Development  
 Mitchell Gillogly, Team Leader – Development Assessment  
**Reference:** Item 7.1 to Ordinary Council 28 February 2023 - Minute No. 25/23

**1 ANNEXURES ATTACHED**  
**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**RECOMMENDATION**

*That in relation to the report “Managing Conflict of Interest in Council Related Development Applications Policy”, Council:*

- (i) note the one submission received during the public exhibition period; and*
- (ii) adopt the Managing Conflict of Interest in Council Related Development Application Policy as attached to this report.*

**SUMMARY**

At Council’s Ordinary meeting of Tuesday, 28 February 2023 Council considered a report in respect of the “Draft Policy for Managing Conflict of Interest in Council-Related Development Applications” and resolved to publicly exhibit the policy for a period of 28 days.

**COMMENTARY**

At its meeting held on 28 February 2023, Council resolved as follows:

*That in relation to the report “Draft Policy for Managing Conflict of Interest in Council Related-Development Applications”, Council:*

- (i) proceed to public exhibition of the Draft Policy for Managing Conflict of Interest in Council-Related Development Applications for a period of 28 days;*

- (ii) receive a further report following the public exhibition period in the event that submissions are received and/or the Draft Policy is proposed to be amended; and
- (iii) authorise the adoption of the Draft Policy in the event that no submissions are received and no changes are made to the Draft Policy.

In accordance with Council's resolution the draft Policy was placed on public exhibition from Monday, 6 March until Monday, 3 April 2023. During the public exhibition period one submission in support of the draft Policy and is **ENCLOSED**, refer to **CONFIDENTIAL ENCLOSURE 1**.

Based on the single submission received, no changes are required to the draft Policy as an outcome of the public exhibition. The draft Policy, as presented to Council on 28 February 2023 is therefore recommended to Council for adoption as **ATTACHED**, refer to **ANNEXURE 1**.

**(a) Policy Implications**

Council is required to have a Policy in place outlining how it manages conflict arising from council related development applications by 3 April 2023. The draft Policy is considered to meet this requirement.

Council's Community Consultation Plan 2019 should be updated to reflect the legislated 28 days public exhibition period for Council-related development applications.

**(b) Financial Implications**

No funding has been provided by the Department of Planning and Environment to enable councils to prepare and implement the new statutory requirements.

Financial implications may include additional costs if there is an increased need to engage independent planning consultants in the assessment of applications or during the post approval phase.

**(c) Legal Implications**

The new requirements have been introduced into the *Environmental Planning and Assessment Regulation 2021* and mandated for all Councils in NSW.

**(d) Community Consultation**

The policy was placed on public exhibition for a period of 28 days from Monday, 6 March to Monday 3 April 2023. At the conclusion of the exhibition period one submission was received.

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

Focus Area 9 – Open and collaborative leadership.

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 2023 LOCAL GOVERNMENT WATER MANAGEMENT CONFERENCE - PARKES - 26-28 JUNE 2023**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Zoe-Marie West, Executive Assistant - Water and Waste**

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “2023 Local Government Water Management Conference - Parkes - 26-28 June 2023”, Council nominate representatives to attend this conference as appropriate.*

#### **SUMMARY**

The purpose of this report is to advise Council that the 2023 Local Government Water Management Conference will be hosted by Parkes Shire Council at the Parkes Leagues Club from 26-28 June 2023. To this end, Council is asked to nominate representatives to attend this conference as appropriate.

#### **COMMENTARY**

The Draft Conference Program is **ATTACHED**, refer **ANNEXURE 1**. Among others, the program includes the following speakers and topics:

- Tanya Plibersek MP – Minister for Environment and Water, will be delivering an opening address;
- among others, Vince Keogh – Manager Aboriginal Communities Water and Sewerage Program will host a discussion addressing the challenges of providing quality water supply to rural and remote communities;
- Tamworth Regional Council’s Manager – Projects, Strategy & Infrastructure, **Naomi Schipanski**, will be presenting on Using Risk to Assess Strategic Recommendations. Alongside Beca Hunter H2O’s Principal Planning Engineer, Daniel Alexander, Naomi will explore a risk-based approach to assess capital assets, which has resulted in improving Tamworth Regional Council’s water network resilience, while also saving millions of dollars;
- the Director of Infrastructure for Berrigan Shire Council, Mr Rohit Srivastava, will be speaking on Smart Water Metering. Rohit Srivastava will discuss the life cycle of the project: from initiation to completion and the use of smart meters. Rohit will discuss how the collection of data is reducing water leakage and providing a better understanding of consumer consumption across four townships;
- Dr Ivars Reinfelds and Dr June Song from Natural Resources Access Regulator (NRAR) will provide a presentation on proactive water take compliance assessment in NSW. This presentation will give an overview of why there is a need for proactive water take compliance monitoring. It will demonstrate how NRAR proactively monitors the landscape and state-wide databases for instances of potential non-compliance with water take rules and regulations. It will also showcase some of NRAR’s automated compliance dashboards, which provide a range of insights that allow the regulator to more effectively assess and manage water take compliance across the state;

- MidCoast Council’s Director of Infrastructure and Engineering Services, Robert Scott, will be discussing the MidCoast Council’s ‘Drought Response Team’, and the need to continue to prepare for droughts during La Niña events that bring heavy rain and flooding; and
- among others, Tamworth Regional Council’s Director – Water & Waste, **Bruce Logan**, will be hosting a panel discussion – ‘Dam’d if you do, dam’d if you don’t’. This session will explore the pros and cons of dam infrastructure for water supply and flood mitigation, versus the impact dams have on surrounding land, ecosystems, and local communities.

The Welcome Reception and Registration will be held from 5:30pm to 7:30pm at The Hart Bar, Parkes, on Monday, 26 June. The Conference will then commence on Tuesday, 27 June at the Parkes League Club at 8:15am, and will conclude Wednesday, 28 June at approximately 4:00pm.

**(a) Policy Implications**

Councillor(s) authorised to attend the 2023 Local Government Water Management Conference, in accordance with Council’s policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

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

**(b) Financial Implications**

Councillors have been allocated funds to specifically provide for attendance at Local Government Sector Conferences, workshop, industry working parties and community non-Council functions and events.

Authorisation of the attendance of Councillors is by way of resolution of Council. Authorisation and the payment of the expenses involved will only be provided by Council where the conference, workshop or industry working party is directly related to the Councillor’s Civic Functions and responsibilities and/or the Local Government Sector.

Conference Early Bird Registration, if paid in full by 28 April 2023, is \$675 per person. Standard Conference Registration will be \$820 per person thereafter.

**(c) Legal Implications**

Council’s formal resolution for attendance of any delegate is required for insurance purposes whilst the representatives are performing bona fide Council duties.

**(d) Community Consultation**

Nil

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

Focus Area 9 – Open and collaborative leadership

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## **8.2 INVESTIGATION INTO THE FEASIBILITY OF A RECREATIONAL LAKE AND PEEL RIVER IMPROVEMENTS IN TAMWORTH**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager - Water and Environmental Operations  
**Reference:** Item 8.3 to Ordinary Council 1 December 2020 - Minute No 372/20  
Item 8.2 to Ordinary Council 13 July 2021 - Minute No 194/21  
**2 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Investigation into the Feasibility of a Recreational Lake and Peel River Improvements in Tamworth”, Council:*

- (i) in relation to the construction of a weir for creation of a recreation lake, Council receive and note the report but not proceed with any further work at this time;*
- (ii) in relation to Peel River Environmental & Access Improvements:*
  - a. distribute the report to relevant Council staff for consideration in future reviews of existing strategies and plans;*
  - b. undertake the removal of the disused sewer pipe within the Peel River funded by allocating \$75,000 from the sewer reserve;*
  - c. engage a consultant to prepare design options for Council consideration in relation to extending and improving Jewry Street Park. This work will incorporate previously leased sewer operational land and consider options for rehabilitating the existing causeway within the river. Project funded by Sewer reserve. Allocate \$100,000 from the sewer reserve to fund this project;*
  - d. engage a consultant to undertake a detailed ecological survey of the Peel River from Paradise to Jewry Street. This project to be included within the 2023/34 budget process and align with the action ‘Re-naturalise degraded waterways and undertake Peel River Environmental Improvement Works within Tamworth LGA’ included within Council’s recently adopted Sustainability Strategy; and*
  - e. request the Director of Water & Waste to present further reports to Council as required in respect to Peel River environmental improvement works.*

### **SUMMARY**

The purpose of this report is to provide Council with an update on the completed feasibility studies in relation to the construction of a recreational lake within Tamworth and Peel River environmental improvements.

### **COMMENTARY**

#### **Background to Drought Weir Investigations**

At its Ordinary Council Meeting of 1 December 2020, Council considered a report recommending engaging a consultant to prepare a feasibility study in relation to constructing a weir across the Peel River in Tamworth.

The purpose of the proposed feasibility study was to determine the following:

- if a weir was constructed what, if any, effect would that have on the security and reliability of Tamworth/Moonbi/Kootingal's water supply;
- where would it be best to locate the weir to enhance the Scott Road drift wells, as well as the aesthetics of the Peel River through the Tamworth CBD;
- how high would a weir be at the preferred location;
- how much would it cost;
- what approvals would be required, and the likelihood of gaining these approvals; and
- overview and estimated cost of changes to existing Scott Road Pump Station and delivery line to Calala Water Treatment Plant or other arrangement.

After considering the report, Council resolved as follows:

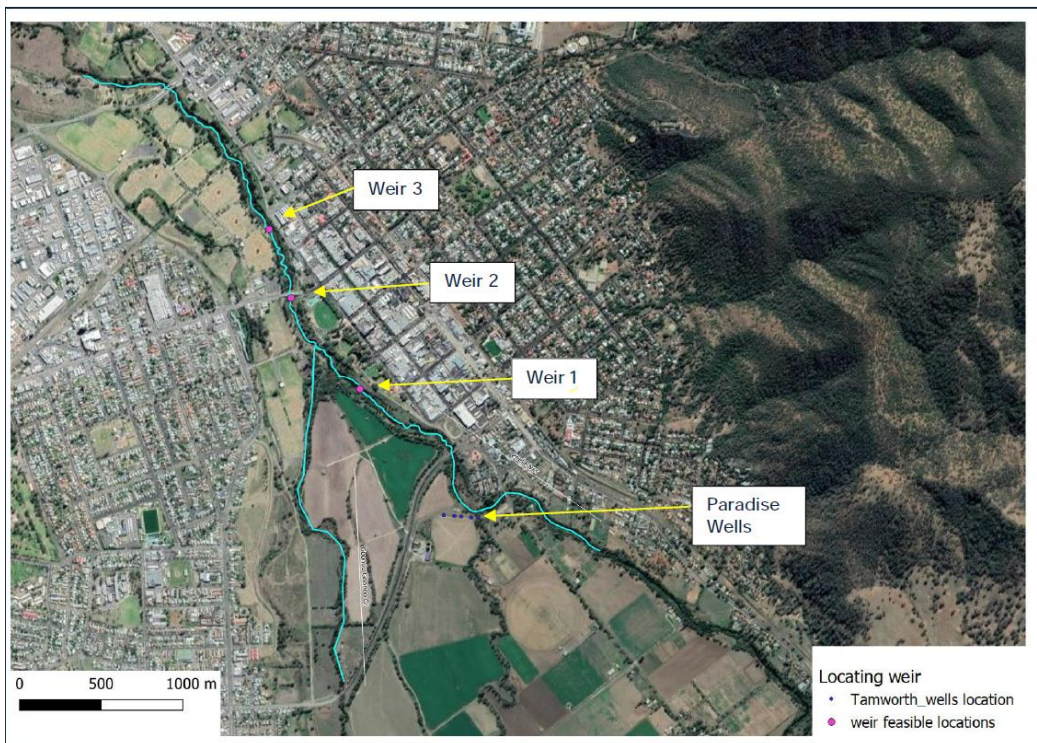
*That in relation to the report "Investigation into the Feasibility of a Weir Across the Peel River in Tamworth", Council:*

- agree to engage Hunter H2O and subconsultant SMEC to undertake a high-level investigation; and*
- agree to provide funding of \$50,000 from the Water Reserve to fund this work.*

At its meeting of 13 July 2021, Council was presented with the outcomes of the requested report, including the results of the desktop study undertaken, which includes the following:

- weir location options, considering factors such as flooding impacts, aesthetics, achieved storage volume and aquifer recharge;
- fishway options;
- environmental approvals;
- effect on water security; and
- high level weir construction cost estimate.

In summary, the study identified and investigated three potential weir locations within the Peel River as shown below:



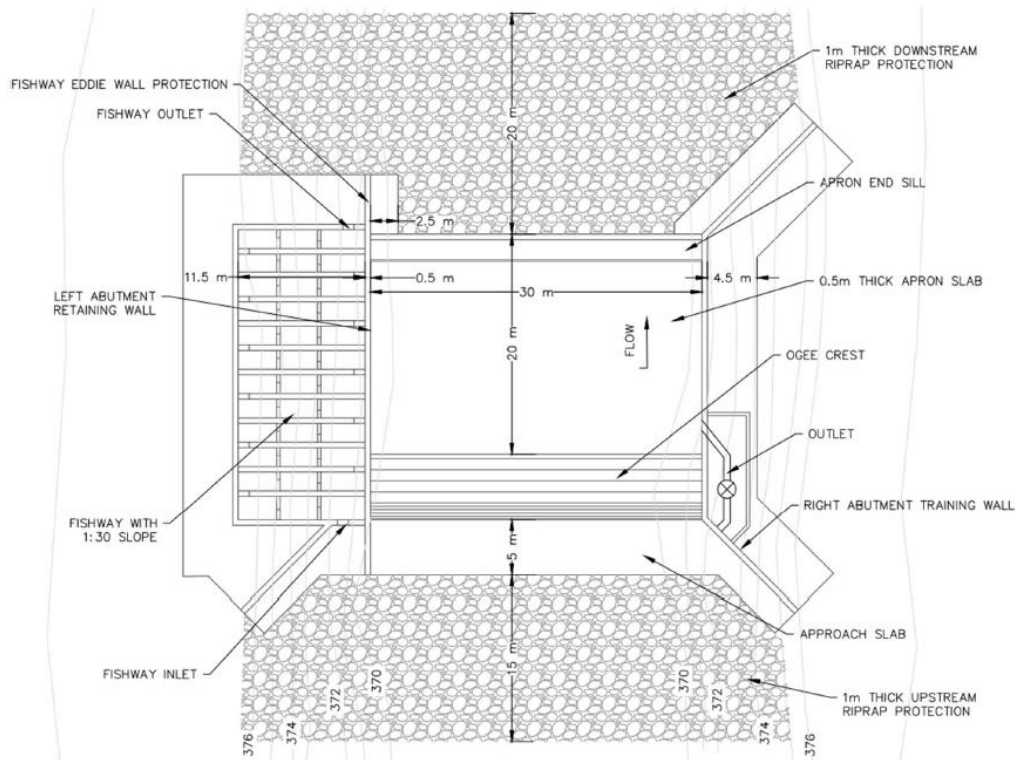
Weir location 1 is adjacent to Kable Avenue, upstream of the Goonoo Goonoo Creek junction. Weir location 2 is upstream of the Oxley Highway crossing, whilst Weir location 3 is adjacent to Darling Street. Weirs 2 and 3 are located downstream of the Goonoo Goonoo Creek junction.

Two weir construction configurations were considered for the proposed weir, namely:

- fixed spillway – concrete structure with a fixed concrete spillway; and
- gated spillway – concrete structure with gates.

The benefit of the gated structure is it offers the potential to store more water behind the weir. The water stored, however, would need to be released prior to flood events to pass flood flows without causing further flooding impacts. In addition, a gated weir would have significantly higher construction, operational and maintenance costs. For this reason, a fixed concrete spillway weir was used for the purposes of the feasibility study. The general arrangement of the proposed weir structure is provided below:





Hydraulic modelling found that all the possible weir locations produced minor increases in flood levels, but concluded that should a weir be constructed, it would have a negligible impact on the flood extent and no residential or commercial properties would be affected.

In terms of water storage, the following volumes of water would be stored by each of the potential weir locations:

- Weir 1 – 68.1ML;
- Weir 2 – 72.2ML; and
- Weir 3 – 50.6ML.

The benefits to water security for Tamworth were determined to be minor. For surface flow and with an average daily demand of 25 Megalitres per day, the storage size of the weirs reflects a capacity to store approximately two to three days at average demand and all of the weirs would not be able to provide a reliable supply when there is almost no flow in the Peel River. The report noted that the Peel River has a large flow relative to the demand, with flow exceeding the average daily demand on 77% of days, further suggesting, the installation of weirs is not warranted in terms of improvement to water security.

From the report, it was concluded that the weirs provided relatively little storage and would be emptied within days during drought periods even if demand fell to 20 Megalitres per day or less.

Based on available data, the estimated construction cost for a weir was in the order of \$11,000,000, and all weir locations would have a similar construction cost. This estimate does not include environmental and heritage offsets (if required), diversion works, procurement, additional design work, contractor profit and any land purchase costs.

Based on the limited water yield improvements and high construction costs of the weir, it was recommended that Council not proceed with any further work on a possible weir in the Peel

River at this time. Council agreed to not further investigate the weir for water security options, however resolved to request a further report detailing what actions would need to be undertaken to support the clearing of overgrown vegetation from the river and to subsequently construct a weir for the purpose of city beautification and recreation.

Following this resolution of Council, SMEC were further engaged to undertake two studies, namely:

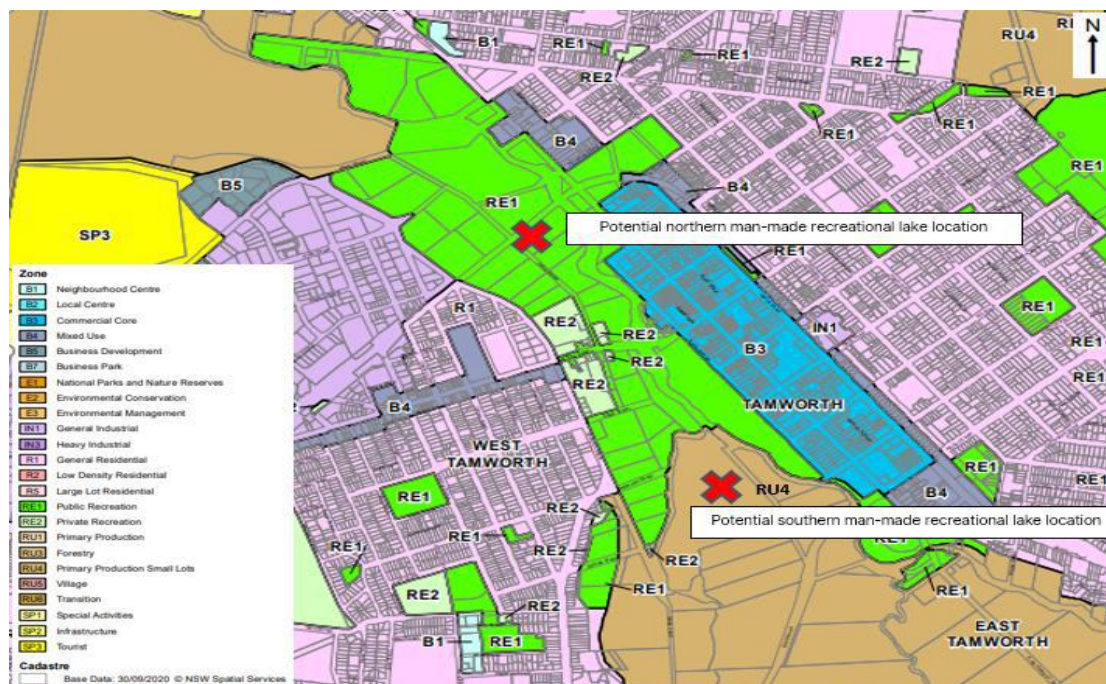
- Tamworth Recreation Lake Planning Due Diligence Report to investigate the feasibility of a weir construction and recreational lake within Tamworth; and
- Peel River Preliminary Environmental Assessment to identify potential environmental and access improvements to the peel River within Tamworth.

### Tamworth Recreation Lake Planning Due Diligence Report

SMEC undertook a high-level planning due diligence to investigate the potential creation of a man-made recreational lake in Tamworth that included the following tasks:

- identify potential locations for a recreational lake;
- identify potential sporting and recreational use opportunities of the new lake with consideration of other recreational water bodies within the local area i.e. what would be the social value add of the recreational lake;
- undertake consultation with regulators such as Natural Resources Access Regulator and WaterNSW to better understand their support or otherwise for the potential construction of a recreational lake in Tamworth; and
- outline the project approval pathway should Council wish to proceed with further work.

The initial desktop review by SMEC identified two potential recreational lake site options as detailed below:



- Site 1 – Northern site- considered not suitable as the lake would flood existing sporting fields; and

- Site 2 – Southern site - Privately owned land on Scott’s Road. Deemed not suitable due to private ownership and potential stormwater and flood management issues.

In summary the report concluded that the construction of a weir and subsequent recreational lake within Tamworth was not feasible for the following reasons:

- flood impacts/risks to Tamworth – significant modifications to stormwater and flood protection infrastructure would be required;
- no suitable location close to Tamworth – Once outside Tamworth other water bodies are present for recreational purposes;
- the regulators provided advice that a construction of a weir to form a recreational lake is highly unlikely to be approved; and
- project cost would be well in excess of \$30 million.

In addition to the above, the Tamworth Lagoon Project has progressed further since the completion of this study. This Lagoon in conjunction with Peel River access and environmental improvements may provide the best future options for Council. The full Tamworth Recreation Lake Planning Due Diligence Report prepared by SMEC is **ATTACHED**, refer **ANNEXURE 1**.

### Peel River Preliminary Environmental Assessment

SMEC was engaged to undertake a Preliminary Environmental Assessment of the Peel River that considered existing Council infrastructure, land use, strategies and proposed projects. In addition, the project considered community events, engagement with local aboriginal community, and privately owned assets located in close proximity to the river. The study area is shown below:



The study considered how the Peel River is currently included in or could further enhance the following Council plans and strategies:

- Blueprint Strategy;
- Community Strategic Plan;
- Local Environmental Plan;
- Existing Heritage Assets;

- Flood/Stormwater Strategy;
- Active Transport Strategy;
- Bicentennial Park Master Plan;
- Viaduct Park Master Plan;
- Open Space Management Guide;
- Public Art Engagement Strategy;
- Sustainably Strategy – (previous 2017-2021 strategy noting this has recently been reviewed);
- Tamworth Tomorrow Strategy;
- Crime Prevention Strategy; and
- Office of Sport Strategic Plan.

The report identified initiatives and opportunities to improve environmental, economic and social benefits considering the following:

- protect and enhance the natural qualities of the river and its ecology;
- be inclusive;
- provide for a wider range of activities and interests than currently available;
- enable greater outcomes from existing planned and proposed Council investments;
- provide opportunities for relaxation and interaction and activity;
- incorporate safety in design;
- support learning and education, both formal and informal;
- Support walking and cycling; and
- connect the central business district to the parklands and the river areas.

The final report identified a number of potential opportunities to undertake restoration works along the Peel River in Tamworth. These could include waterway uses, garden and landscaping uses, shared path trails, festivals and events and passive recreation. Overall, the report concluded it is likely that the restoration of Peel River would have significant socio-economic benefits for the community.

The report recommended potential further studies which could be undertaken to enhance the river benefits to the community. These studies include:

- traffic and parking study or survey to determine the use of the local streets and roads on the western side of the river, the need for parking, and the reasons people use the area (outside of formal sports activities). This study/survey is proposed as a result of the lack of parking adjacent to the river and the informal (use formed) tracks;
- pedestrian and bicycle movement study including movement between the central business district and the river areas, including number and location of road crossing points, paths across parklands, traversing the levee, and destinations on the river side;

- prepare a waterway rehabilitation assessment and management plan to inform and guide the restoration of the river, that will support its ecology in typical flow and low flow periods;
- a detailed strategic land zone assessment of the appropriateness, benefits and utilisation of the existing land use zones and permitted activities, and the potential merit of a Waterway zoning and any additional activities, that may be applied to the river;
- community survey on other festivals that the community would be interested in attending, or existing events or interests that could be scaled up to larger events;
- as a side activity to the weir investigation, consider opportunities to create a water-based garden with boardwalk;
- for any initiative considered, to assess the individual and cumulative benefit of an additional pedestrian and bicycle crossing of the river;
- protection and management of the Flying Fox camp will be an important issue. It is recommended that some flowering species, such as White Box, be planted amongst more rapid-growing roosting tree species as part of a longer-term strategy to encourage Flying Fox away from less preferable areas; and
- ground based survey is recommended to confirm the extent of native vegetation and areas of potential habitat for/presence of threatened species when producing detailed designs with potential impacts or for targeting areas for regeneration.

Council has studies, strategies and plans in regards to the majority of the above such as traffic, community events, strategic/town planning and Flying Fox management. For these programs, it is recommended that staff undertake internal engagement to make the relevant project managers aware of the potential enhancements and consideration of the Peel River in future reviews of these documents.

From the review of existing strategies and plans, there is a lack of detail regarding ground-based surveys in relation to the river ecology in particular native vegetation and areas of potential habitat. In addition, there is a lack of planning to engage with the local community and improve recreation access and environmental improvements on the river such as removal of exotic plant species and erosion protection of the river bank. To improve this shortfall, it is recommended that Council engage a consultant to undertake a detailed ecological survey of the Peel River from Paradise to Jewry Street. This project would be included within the 2023/2024 Annual Operation Plan and budget process. The project would align with the Council's action of 'Re-naturalise degraded waterways and undertake Peel River Environmental Improvement Works within Tamworth LGA' included within Council's recently adopted Sustainability Strategy. The project would consult with the Aboriginal community and local community groups to prepare strategies for vegetation clearing and improving access to the Peel River. Once this report is completed, it would be used by Council staff to seek funding sources for proposed work i.e., grants and be presented to council for further consideration.

The report identifies and recommends a number of specific projects Council could undertake to improve river environmental health and aesthetic value. These projects with a recommended course of action are summarised below:

#### Removal of redundant Sewer Pipeline

A disused sewer pipe that historically transferred sewage from West Tamworth to the former Swan Street Wastewater Plant was recently identified in the Peel River. The pipeline is

located in the bed of the river which is potentially obstructing fish passage and recreational access. The location and extent of the pipeline is shown below:



Given the potential environmental impacts of the pipeline, it is recommended that Council remove the pipeline from the river. An initial cost estimate for this work is \$75,000 and it is proposed funding would be from the wastewater reserve.

### Revitalisation of Jewry Park

Recently Council resolved to remove an area of land from the current lease at 6-44 Britten Road. Historically, the property was used as an effluent disposal area as part of the former Swan Street Wastewater Treatment Plant. The excised portion of land is shown in the plan below adjacent to Jewry Street parkland:



The report completed by SMEC identified the opportunity for revitalising Jewry Park, including controlling vehicle access and providing formalised parking with visibility and access to the Peel River. It is recommended that Council engage a consultant to prepare design options for Council consideration in relation to extending and improving Jewry Street Park. This work will incorporate the previously leased sewer operational land and will also consider options for rehabilitating the existing causeway within the river. This project is estimated to cost \$100,000 and proposed to be funded by the wastewater reserve.

### Restoration or Removal of Jewry Street Causeway

The report recommended to undertake further investigation work i.e. scoping and costing in relation to converting the old causeway downstream of Jewry Street Bridge into a weir with pedestrian bridge designed to pond water but allow fish passage. If this is not done, the causeway will need to be repaired or removed as it is failing and causing significant river bank erosion. The location and extent of damage to the former causeway is shown below:



The full Peel River Preliminary Environmental Assessment Report prepared by SMEC is **ATTACHED**, refer **ANNEXURE 2**.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Financial implications of suggested projects are included in the body of the report and in the recommendation provided to Council for consideration.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Should Council resolve to proceed with the detailed ecologic survey, consultation with relevant community groups would be undertaken. For all other recommended projects, a communication and engagement plan would be developed for each project.

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

Focus Area 6 – Working with and protecting our environment

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

### **9.1 TAMWORTH REGIONAL COUNCIL - PROPOSED 2023/2024 FEES AND CHARGES**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Tiffany Pugh, Rates Accountant

**3 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Council – Proposed 2023/2024 Fees and Charges”, Council approves in principle the fees and charges proposed for the 2023/2024 financial year as per the attached documents for inclusion in the draft 2023/2024 Annual Operational Plan.*

#### **SUMMARY**

The purpose of this report is to present to Council the proposed 2023/2024 Fees and Charges, and to obtain approval in principle in advance of preparing the draft 2023/2024 Annual Operational Plan (AOP). The proposed 2023/2024 documents **ATTACHED**, are:

- **ANNEXURE 1** - Tamworth Regional Council – Draft Fees and Charges 2023/2024;
- **ANNEXURE 2** - Tamworth Regional Council – Draft Discontinued Fees and Charges 2023/2024; and
- **ANNEXURE 3** - Tamworth Regional Council – Draft New Fees and Charges 2023/2024.

#### **COMMENTARY**

Under the Integrated Planning and Reporting (IP&R) Framework, Council is required to prepare a number of documents to facilitate integration of long-term planning and implementation of Council activities. An AOP must be developed each year for adoption of the actions, budget and statement of revenue policy proposed for the next financial year. This requires several months of preparation, at least 28 days of public exhibition, and further time to consider public submissions before final adoption. Accordingly, it is usually late April/early May before the draft AOP is ready and late June before the final plan is adopted.

For many businesses, the fees and charges set by Council can have an impact on their operations. While the IP&R framework requires that all sections of the AOP must be adopted as part of the one process, an advance approval in principle will allow businesses to plan for the forthcoming year.

It is planned to have the draft 2023/2024 AOP ready for adoption by Council for public exhibition at the meeting to be held 09 May 2023. The draft Statement of Revenue Policy will be included at that time, which will detail the proposed rates, annual charges and water and sewerage usage charges.

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

Nil

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

Nil

**(c) Legal Implications**

Section 610F(2) of the *Local Government Act 1993*, requires that public notice of proposed fees must be given in accordance with Section 405 in the draft Annual Operational Plan for the forthcoming financial year.

**(d) Community Consultation**

Community consultation and feedback will be undertaken in May and June 2023 with the 2023/2024 Annual Operational Plan.

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

Focus Area 9 – Open and collaborative Leadership

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**9.2 ANNUAL OPERATIONAL PLAN PROGRESS REPORT - JULY TO DECEMBER 2022**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER

**AUTHOR:** Anna Russell, Manager - Strategy and Performance

**Reference:** Item 9.1 to Ordinary Council 26 June 2018 - Minute No 217/18

**2 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Annual Operational Plan Progress Report - July to December 2022”, Council receive and note the report.*

**SUMMARY**

The purpose of this report is to present to Council “Progress Report – July to December 2022” **ATTACHED**, refer **ANNEXURE 1**, on the delivery of the 2022-23 Annual Plan and Budget for the period 1 July 2022 to 31 December 2022.

**COMMENTARY**

**Background**

Before the start of every financial year council adopts the Annual Plan and Budget, where the actions and projects planned for the year ahead, along with Council’s annual budget, are detailed. These actions and projects reflect the priorities identified by the community in Blueprint 100 Our Community Plan 2023-2033.

Council is required, in accordance with Section 404(5) of the *Local Government Act 1993*, to report back to the community on the progress in achieving the activities described in the current Annual Plan and Budget. Tamworth Regional Council provides these progress reports bi-annually.

**Our Progress Report**

Each action in the Annual Plan and Budget 2022/2023 appears in the Progress Report, with an indicator for the status of the action as at the mid-point of the financial year. The status is determined based on the progress made against a measure known as the Key Performance Indicator (KPI). The status can be either “Complete”, “OnTrack”, “Needs Attention”, or “Not Started”.

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Since the Annual Operational Plan was adopted in June, 2022 there have been minor amendments to the actions and accountabilities in the Progress Report. These amendments are **ATTACHED**, refer **ANNEXURE 2**.

Table 1 summarises the status of all actions from the Annual Plan and Budget as at 31 December 2022.

Action Status in Progress Report	Number of Actions
Complete	21 (10%)
On Track	152 (74%)
Needs Attention	14 (7%)
Not Started	18 (9%)
<b>TOTAL</b>	<b>205</b>

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The Progress Report will be published to Council's website.

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

Focus Area 9 – Open and collaborative leadership.

### 9.3 COUNCIL INVESTMENTS MARCH 2023

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services  
Jodie McMahon, Accountant

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Council Investments March 2023”, Council receive and note the report.*

#### **SUMMARY**

In accordance with *Local Government (General) Regulation 2021*, Clause 212, the purpose of this report is to provide Council with a register of investments held as at March 31, 2023 and provide Responsible Accounting Officer certification that investments comply with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council’s Investment Policy. The register and accompanying certification can be found in **ANNEXURE 1**.

#### **COMMENTARY**

There is little in the way of commentary this month due to the timing of the April Council meeting and the fact that at the time of writing this report the Reserve Bank hasn’t met.

The register **ATTACHED**, refer **ANNEXURE 1** shows Council’s cash and investment holdings as at March 31, 2023.

During the month, Council’s portfolio performed above the industry average, returning 3.94% against the three-month Bank Bill Swap rate (3mBBSW) of 3.71%.

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

All of Council’s investments are held in accordance with the Tamworth Regional Council Investment Policy.

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

Increases in the cash rate should, if passed on by financial institutions, result in an increase in interest income.

#### **(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 2021* – Clauses 212; and
- *Local Government Code of Accounting Practice & Financial Reporting* – Update No 15 dated June 2007.

**(d) Community Consultation**

Nil

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

Focus Area 9 – Open and collaborative leadership.

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**9.4 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - MARCH 2023**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

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

**Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22**

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Annual Operational Plan 2022/2023 Budget Variation Report - March 2023”, Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.*

**SUMMARY**

This report seeks Council approval for budget variations identified during March 2023, for which there has been no previous specific report or approval.

**COMMENTARY**

Council adopted the original budget included in the Annual Operational Plan for 2022/2023 at the Ordinary Meeting of Council held 28 June 2022. Any changes to the budget must be approved by Council at a later Ordinary Meeting. The budget forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and updating of the budget is important for sound financial management.

Readers of this report are reminded that its contents should not be viewed in isolation. Quarterly Budget Review Statements provide additional revised information for budget forecasts and actual year-to-date results.

Significant budget adjustments recorded for March were similar to those reported in February, in that the largest adjustments recognised were for grant funds for road repairs. Over \$2.5M has been allocated out for major road repairs as per jobs listed under Civil Works in the **ATTACHED ANNEXURE**. Cultural Services will also be undertaking some grant funded projects for the Power Station Museum and the Nundle Visitors Information Centre.

**Variations identified February 2023**

<b>Description</b>	<b>Budget Variation</b>	<b>Operating Income</b>	<b>Operating Expenses</b>	<b>Capital Income</b>	<b>Capital Expenses</b>
Economic Destination & Development	144,898	(5,102)	150,000	0	0
AELEC	170,000	0	170,000	0	0
People & Culture	5,960	0	5,960	0	0
Office of the GM	0	(435,025)	435,025	0	0
Cultural Services	0	(5,886)	5,886	(401,594)	401,594
Compliance	40,000	0	0	0	40,000
Plant, Fleet & Buildings	23,689	(2,745)	26,434	0	0
Sport & Rec Services	(19,470)	(54,470)	35,000	0	0
Strategy Assets & Design	(4,881)	(4,881)	0	0	0
Civil Works	13,000	(2,568,430)	2,561,430	(80,000)	100,000
Waste	(4,681)	(4,681)	0	0	0
Water & Wastewater	(693,858)	(501,458)	(3,141)	18,000	(207,259)
<b>TOTAL</b>	<b>(325,343)</b>	<b>(3,582,678)</b>	<b>3,386,594</b>	<b>(463,594)</b>	<b>334,335</b>

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The variations included in the report have the following impact on forecast results for 2022/2023 by fund of:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	(3,081,220)	3,389,735	(481,594)	541,594
Water	(112,333)	23,361	18,000	(15,630)
Sewer	(389,125)	(26,502)	0	(191,629)
<b>Total</b>	<b>(3,582,678)</b>	<b>3,386,594</b>	<b>(463,594)</b>	<b>334,335</b>

**(c) Legal Implications**

This report is in compliance with the following sections of the *Local Government (General) Regulation 2021*:

- 211 Authorisation of expenditure; and
- 202 Responsible Accounting Officer to maintain system for budgetary control.

**(d) Community Consultation**

Nil

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

Focus Area 9 – Open and collaborative leadership.

## 10 COMMUNITY SERVICES

### 10.1 TAMWORTH REGIONAL COUNCIL COMMUNITY SAFETY AND CRIME PREVENTION MANAGEMENT PLAN 2023-2028

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Gino Tiberi, Crime Prevention and Development Compliance Ranger

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Council Community Safety and Crime Prevention Management Plan 2023-2028”, Council:*

- (i) resolve to place the draft Community Safety and Crime Prevention Management Plan 2023-2028 on public exhibition for a period of 28 days; and*
- (ii) at the conclusion of the exhibition period a further report come to Council reporting on the outcomes of the public exhibition period.*

#### **SUMMARY**

The purpose of this report is to seek approval from Council for the draft Tamworth Regional Council Community Safety and Crime Prevention Plan 2023–2028 (the Plan) to be placed on public exhibition for a period of 28 days.

## COMMENTARY

As an initiative and in consultation with the Tamworth Regional Council Community Safety Working Group together with community stakeholders and the NSW Department of Justice the draft Plan **ATTACHED**, refer to **ANNEXURE 1** was prepared. The intent of the Plan is to provide a community safety overview of the Tamworth Region as well as include the safety and crime issues which affect the community. The Plan also seeks to present a framework to address those issues. The Plan is divided into four main sections as follows:

- (i) Introduction: The introduction includes:
  - Table of Contents;
  - Mayor’s Message; and
  - Our Vision.
- (ii) Background: The background provides an insight into the creation of the Plan and includes sections such as:
  - Definition of Community Safety;
  - Council’s role;
  - Legislative Framework;
  - Development of the Plan; and the
  - Tamworth Regional Council Community Safety Working Group.
- (iii) Body: The body of the Plan provides an overview of the Region’s crime profile and nominates local crime priorities as well as listing a number of actions designed to reduce the number of incidents for each priority offence. Identified priority offences include:
  - Motor Vehicle Theft;
  - Stealing From Motor Vehicles;
  - Break and Enter (Dwelling); and
  - Malicious Damage.

The body of the Plan also includes general community safety objectives along with strategies to achieve the desired outcomes. The community safety objectives are:

- Safe Spaces; and
- Safe People.

- (iv) Summary: The summary provides an outline of how the Plan will be monitored and evaluated.

### (a) Policy Implications

The Plan has been prepared taking into account relevant Council policy.

### (b) Financial Implications

Once adopted by Council, consideration of additional funding may need to be given in future budgets to enable implementation of some actions within the Plan.



**(c) Legal Implications**

Nil

**(d) Community Consultation**

In preparation of the draft Plan, a range of stakeholders were consulted including:

- the Community Safety Working Group which includes members of the Oxley Police District, Tamworth Business Chamber, Tamworth and District Liquor Accord, government and non-government agencies and Community Representatives; and
- an online Community Safety Survey was launched on 29 August 2022 and closed 18 September 2022. The Survey received a total of 118 responses from a broad section of the community.

Further community consultation will be enabled by placing the draft Community Safety and Crime Prevention Plan 2023–2028 on public exhibition for 28 days.

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

Focus Area 4 – Resilient and Diverse Communities

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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.*

**PROPOSED SALE OF LAND WITHIN MANILLA - RESIDUAL LAND FROM NAMOI RIVER CROSSING PROJECT**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer  
Nicholas Hawkins, Commercial Property Officer  
**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) 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**

**Namoi River Crossing Project**

Historically, the only vehicular access across the Namoi River in Manilla was via the Manilla Bridge. The bridge was constructed in 1886 and is very narrow, 300 metres in length and has weight limitations for heavy vehicles. Road user safety was a major concern as there is no ability to pass a heavy vehicle once it enters the bridge.

The Namoi River Crossing Project (NRCP) created a new crossing (bridge) over the Namoi River parallel to, and upstream of, the existing Manilla Bridge in Arthur Street from Market Street to Charles Street. The crossing is proposed to be gazetted as the new Main Road 63 and will increase safety and benefit for approximately 120,000 vehicles and almost one million tonnes of freight annually, saving almost 50,000 kilometres and over 6,800 hours of travel per year.

**Land for Sale**

Three lots are proposed for sale since becoming surplus to Council's needs after the NRCP. The applicable lots are:

- Lot 6 Section 4 DP 758644 (blue in Figure 1) – Operational vacant land which previously had a section of Manilla Road constructed within it; and
- Lot 61 (yellow in Figure 1) and Lot 62 (red in Figure 1) DP 1272547 – Residual land from the purchase of existing properties for road widening as part of the NRCP, with one lot having an existing dwelling. Both lots are intended to be sold to one purchaser. Unformed sections of Rowan Street and Northbrook Lane are located between these lots. These roads have not been closed due to sewer and electrical infrastructure being located within them, but have been fenced collectively within the larger area. They have been retained as road reserves to maintain access. Any sale agreement will not include the sale of the road reserves.

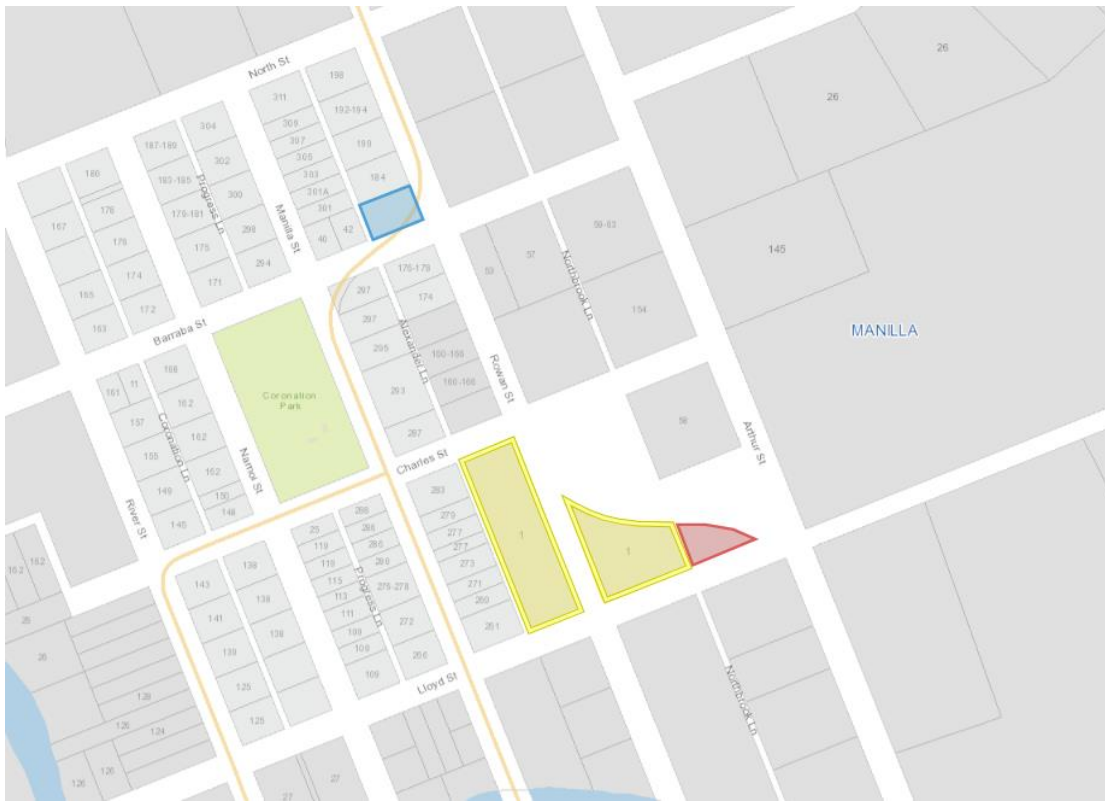


Figure 1 – Proposed lots for sale

**TENDER Q136/2023 - STREET LIGHTING FOR THE JEWRY STREET EXTENSION PROJECT**

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: Callum Fletcher, Senior Project Engineer**

**1 ENCLOSURES ENCLOSED**

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

**SUMMARY**

The purpose of this report is to seek Council's acceptance of tender Q136/2023 to award a lump sum contract for the construction of street lighting associated with the Jewry Street Extension project.

The Tamworth Global Gateway Park (TGGP) is an area of land adjacent to the Tamworth Regional Airport and the Glen Artney Industrial Estate, being developed as industrial and commercial land by Tamworth Regional Council (Council). The land is also the site of the proposed Tamworth Intermodal Freight Facility.

The Jewry Street Extension project involves the construction of an extension to the western end of Jewry Street to provide a heavy vehicle bypass of Taminda, providing a safe and efficient heavy vehicle route to the TGGP. This project will include a roundabout at the intersection of Jewry Street and Dampier Street which requires street lighting to be installed in order to be compliant with relevant design standards. The project location is shown in Figure 1 below and the design arrangement for the street lighting is **ENCLOSED**, refer **ENCLOSURE 1**.

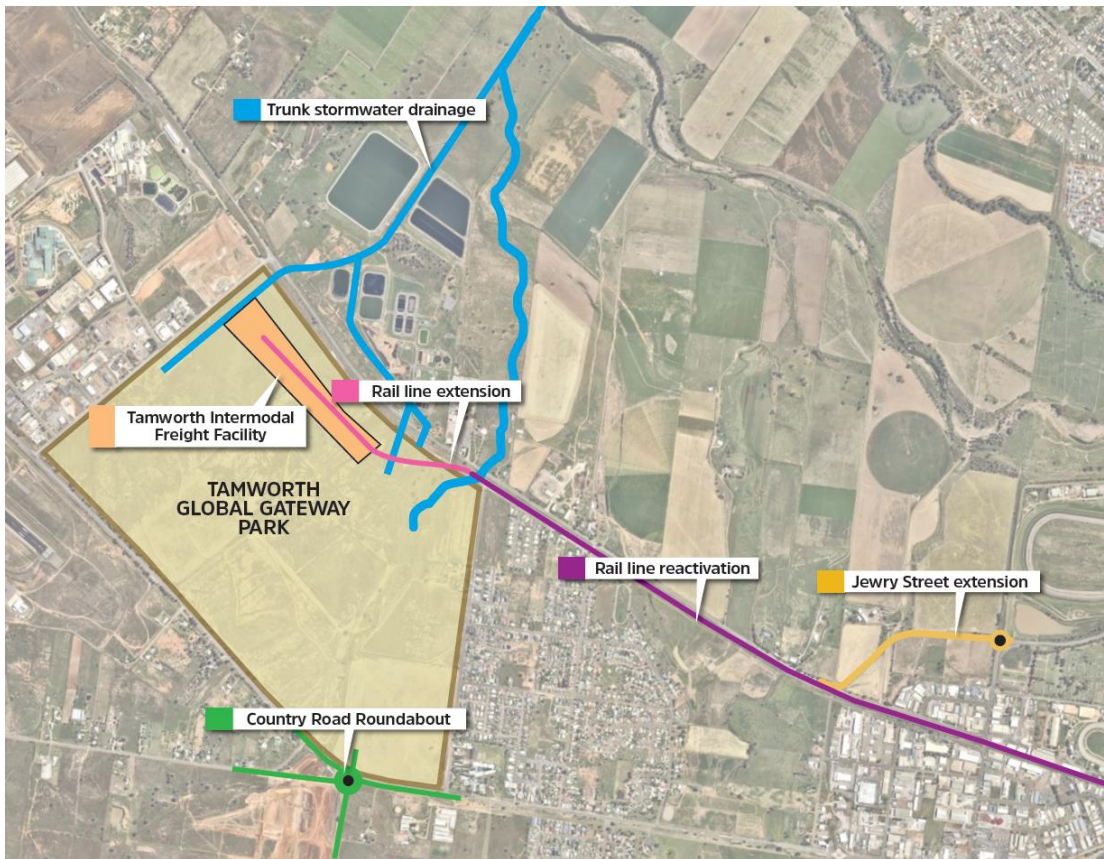


Figure 1: Jewry Street Extension project (bottom right) within the context of the TGGP

### Tender Scope

A tender for the construction of street lighting for the Jewry Street Extension project was issued to a selective panel of four contractors qualified for the works (Essential Energy qualification), for a period of approximately three weeks and closed at 5pm on 28 March 2023. Tenderers were required to provide a schedule of prices including:

- management of the works;
- obtaining construction approval from Essential Energy;
- construction and commissioning of new street lighting including associated power supply; and
- all quality assurance, conformance testing, and certification required by Essential Energy.

### Tender Evaluation

The evaluation of the tenders was undertaken in accordance with the approved Tender Evaluation Plan, which prescribed the tender procedure and the weighted assessment criteria. Each tender was assessed against the criteria as per Table 1 below.

Table 1 – Tender evaluation criteria

Item	Description	Weighting (%)
1	Tender price	70
2	Technical, managerial, physical resources, financial resources and evidence of capability	15
3	Contractor availability and construction period	15
<b>TOTAL</b>		<b>100</b>

Tenders were scored on each criterion. Each weighted criterion was then added, giving a score out of 100. The tenders were evaluated by a panel consisting of the Senior Project Engineer (the project manager), and a Project Engineer from within the Council's Regional Services directorate.

### **POSSIBLE PURCHASE OF PROPERTY**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Daniel Coe, Manager - Water and Environmental Operations**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

### **SUMMARY**

The purpose of this report is to seek direction from Council in relation to the possible purchase of a property located adjacent to the Calala Water Treatment Plant.