

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

13 AUGUST 2024

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	5
2	COMMUNITY CONSULTATION.....	5
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL.....	5
4	DISCLOSURE OF INTEREST	5
5	MAYORAL MINUTE	5
6	NOTICE OF MOTION	6
6.1	PRIORITISING SHADE OVER SWING SETS THROUGHOUT THE TAMWORTH REGION	6
OPEN COUNCIL REPORTS		9
7	ENVIRONMENT AND PLANNING	9
7.1	TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING MINUTES - 2 AUGUST 2024 (INCLUDING 2024/2025 HERITAGE ASSISTANCE FUND ASSESSMENT) .9	1 ANNEXURES ATTACHED
7.2	AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL - PHASE 1 REVIEW OF THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010.....	14
		6 ANNEXURES ATTACHED
		1 CONFIDENTIAL ENCLOSURES ENCLOSED
7.3	VOLUNTARY PLANNING AGREEMENT OFFERS - CALALA BATTERY ENERGY STORAGE SYSTEM AND THUNDERBOLT WIND FARM.....	31
		5 ANNEXURES ATTACHED
8	INFRASTRUCTURE AND SERVICES	43
8.1	TAMWORTH GLOBAL GATEWAY PARK - FUNDING TO UPGRADE ELECTRICAL INFRASTRUCTURE FOR PRECINCT.....	43
8.2	DUNGOWAN DAM LICENCE CORRECTION	48
8.3	TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 10 JULY 2024	52
		4 ANNEXURES ATTACHED
		1 ENCLOSURES ENCLOSED
8.4	TAMWORTH REGIONAL AQUATIC CENTRE - AUGUST 2024 PROJECT UPDATE	62
8.5	TAMWORTH INTEGRATED TRANSPORT PLAN.....	69
		1 ANNEXURES ATTACHED
8.6	CONTINUATION OF THE WASTE WAGON	71
		1 ANNEXURES ATTACHED
8.7	IPART - DAMS SAFETY NSW LEVY REVIEW - DRAFT REPORT.....	74
		1 ANNEXURES ATTACHED
8.8	WATER SERVICES ASSOCIATION OF AUSTRALIA - USA STUDY DELEGATION.....	77

9	GOVERNANCE, STRATEGY AND FINANCE.....	87
9.1	SHEBA DAMS AND HANGING ROCK LOOKOUT 2024 MASTERPLAN	87
	1 ANNEXURES ATTACHED	
	1 CONFIDENTIAL ENCLOSURES ENCLOSED	
9.2	NUNDLE RECREATION GROUND AND PEEL RIVER PARK 2024 MASTERPLAN	89
	1 ANNEXURES ATTACHED	
	1 CONFIDENTIAL ENCLOSURES ENCLOSED	
9.3	LOCAL GOVERNMENT NSW 2024 CONFERENCE	91
	1 ANNEXURES ATTACHED	
10	COMMUNITY SERVICES.....	92
10.1	TAMWORTH REGION MUSEUM AND ARCHIVE STRATEGY	92
	2 ANNEXURES ATTACHED	
10.2	TAMWORTH REGION ARTS ADVISORY COMMITTEE MEETING MINUTES - 4 JULY 2024	94
	2 ANNEXURES ATTACHED	
10.3	PROPOSED LEASE ADJUSTMENT NORTH TAMWORTH RUGBY LEAGUE FOOTBALL CLUB OF LOT 15 IN DEPOSITED PLAN 858511	96
11	REPORTS TO BE CONSIDERED IN CLOSED COUNCIL.....	99
	TENDER T028/2024 - DESIGN AND CONSTRUCTION OF THE TAMWORTH REGIONAL SKYWALK.....	99
	PROPOSED LEASE OF COUNCIL OWNED LAND TO ALLOW CONSTRUCTION AND OPERATION OF AN ANAEROBIC DIGESTER	101
	PROPOSED SUBDIVISION AND SALE OF COUNCIL OWNED LAND - LOT 73 DEPOSITED PLAN 1107041.....	102
	TENDER T080/2024 - DESIGN AND CONSTRUCTION OF WINTON RFS BRIGADE STATION	102
	PROPOSED LICENCE AGREEMENTS OF PART INTERNATIONAL FLIGHT TRAINING TAMWORTH FACILITY AT THE TAMWORTH REGIONAL AIRPORT.....	105
	TENDER T079/2024 - SUPPLY AND DELIVERY OF ONE LANDFILL COMPACTOR	105
	TENDER T111/2024 - PANORAMA ROAD, CALALA AND EVANS STREET, WESTDALE STORMWATER UPGRADES.....	105
	EXPRESSION OF INTEREST - E032/2024 TAMWORTH REGIONAL AIRPORT - PROPOSED USE OF COUNCIL FACILITIES - INTERNATIONAL FLIGHT TRAINING TAMWORTH.....	108
	TENDER T110/2024 SHAND CIRCUIT REHABILITATION AT TAMWORTH REGIONAL AIRPORT	108
	TENDER T005/2025 - 2025 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY, INSTALLATION AND SERVICING OF EVENT TOILETS AND SHOWERS.....	111
	TENDER Q002/2025 - 2025 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY OF SECURITY SERVICES	111
	TOURISM PRECINCT UPDATE - POSSIBLE SALE AND DEVELOPMENT OF THE OLD ATHLETICS TRACK GOONOO GOONOO ROAD, TAMWORTH	112
	LANDFILL GAS - FINALISATION OF AGREEMENT WITH THE CLEAN ENERGY REGULATOR IN RELATION TO PAYMENTS FOR GAS CAPTURED	112

Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 23 July 2024, 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 BROOKE SOUTHWELL - PRIORITISING SHADE OVER SWING SETS THROUGHOUT THE TAMWORTH REGION

MOTION

That in relation to this Notice of Motion, Council:

- (i) undertake an assessment for the planning and installation of shade structures across swing sets on all Tamworth Regional Council parks and prioritise based on the highest park usage;*
- (ii) apply for grants from relevant government and non-government funding sources; and*
- (iii) develop a phased implementation plan with a detailed budget, pending grant funding becoming available.*

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 13 August 2024.

SUPPORTING INFORMATION

This report addresses the critical need to prioritise the installation of shade structures over swing sets and other recreational equipment throughout the Tamworth region, including Nundle, Barraba, Manilla, and all surrounding towns and villages. With the increasing incidence of skin cancers, it is imperative to safeguard the health of our children, parents, and grandparents who spend considerable time outdoors, especially during the peak summer months. This initiative seeks to enhance community health by reducing sun exposure through strategically placed shade structures or trees (where possible). Additionally, this report highlights the importance of seeking external grant funding from organizations such as the Cancer Council to support this initiative

The Tamworth region, known for its vibrant communities and outdoor recreational spaces, faces a growing health concern with the rising incidence of skin cancer. The UV radiation levels in Australia are among the highest in the world, and prolonged exposure to the sun poses significant health risks. Playgrounds and recreational areas, frequented by children and their families, often lack adequate shade, leading to increased sun exposure.

The Need for Shade - Health Concerns

- **Skin Cancer:** Australia has one of the highest rates of skin cancer globally. The Australian Institute of Health and Welfare reports that two in three Australians will be diagnosed with skin cancer by the age of 70.
- **Children's Vulnerability:** Children are particularly vulnerable to UV radiation, with studies indicating that just one blistering sunburn during childhood can double the risk of developing melanoma later in life.
- **Elderly Population:** Grandparents often accompany children to playgrounds, and their prolonged sun exposure also poses significant health risks.

Current Situation

- **Playgrounds:** Many playgrounds across the Tamworth region lack adequate shade structures.
- **Swing Sets:** While popular and essential for physical activity, swing sets and other playground equipment are often in direct sunlight, exposing users to harmful UV rays, for extensive periods of time.

Benefits of Prioritizing Shade

- **Health Benefits**
 - **Reduced Risk of Skin Cancer:** Providing shade significantly lowers the risk of skin cancer by minimizing direct sun exposure.
 - **Enhanced Comfort:** Shaded areas offer a cooler, more comfortable environment for children and their guardians, encouraging longer and more frequent use of recreational facilities.
- **Social and Economic Benefits**
 - **Increased Usage:** Shaded playgrounds are more inviting, potentially increasing community engagement and usage, including from local residents and tourists.
 - **Healthcare Savings:** Preventing skin cancer through effective shade structures can lead to substantial savings in healthcare costs associated with treatment.

Funding Opportunities

- **Cancer Council Grants**
 - **Objective:** The Cancer Council offers grants to projects that aim to reduce the incidence of skin cancer through preventive measures.
 - **Application:** Tamworth Regional Council should apply for these grants to fund the installation of shade structures.
- **Additional Funding Sources**
 - **Government Grants:** State and federal government programs often provide funding for community health and infrastructure projects.
 - **Private Sector and Community Fundraising:** TRC could partner with local community groups as a fundraising initiative to generate additional resources.

Implementation Plan

- **Assessment and Planning**
 - **Site Analysis:** Conduct a thorough assessment of existing playgrounds and recreational areas to identify priority sites for shade installation, particularly highly populated parks being the first priority.
 - **Design and Material Selection:** Engage with relevant suppliers to design effective and aesthetically pleasing shade structures using durable, UV-resistant materials or suppliers that we have already engaged with in the past, that offer value for money.

Timeline and Budget

- **Phased Approach:** Implement the project in phases, starting with the most urgently needed areas - including high usage parks.
- **Budget Allocation:** Develop a detailed budget, including funding from grants, Council allocations, and community contributions.

Conclusion

Prioritising the installation of shade structures over swing sets throughout the Tamworth region is a vital step in promoting public health and safety. By reducing sun exposure, we can significantly lower the risk of skin cancer and enhance the comfort and usability of our recreational spaces. Seeking external funding, particularly from the Cancer Council, will be crucial in supporting this initiative. The health and well-being of our community, especially our children and elderly, must remain at the forefront of our planning and development efforts. By taking these steps, the Tamworth Regional Council can ensure a healthier, safer environment for all residents

Cr Brooke Southwell

6 August 2024

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING MINUTES - 2 AUGUST 2024 (INCLUDING 2024/2025 HERITAGE ASSISTANCE FUND ASSESSMENT)

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Rennie, Executive Assistant

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Council Heritage Working Group Meeting Minutes - 2 August 2024 (including 2024/2025 Heritage Assistance Fund Assessment)”, Council:

- (i) *receive and note the minutes of the Tamworth Regional Council Heritage Working Group meeting held on 2 August 2024;*
- (ii) *adopt the recommendation of the Tamworth Regional Council Heritage Working Group to offer financial assistance through the Tamworth Regional Council Heritage Assistance Fund to the owners of the following properties:*

• <i>St Andrew’s Church, 1 Gate Street, Kootingal</i>	<i>\$16,000.00</i>
• <i>1050 River Road, Bowling Alley Point (Appl. No. 1)</i>	<i>\$ 0.00</i>
• <i>1050 River Road, Bowling Alley Point (Appl. No. 2)</i>	<i>\$ 5,982.40</i>
• <i>101 Rushes Creek Road, Manilla</i>	<i>\$ 4,390.91</i>
• <i>62 Jenkins Street, Nundle</i>	<i>\$ 5,000.00</i>
• <i>65 Gill Street, Nundle</i>	<i>\$ 0.00</i>
• <i>315 Peel Street, Tamworth</i>	<i>\$16,000.00</i>
• <i>114-116 Queen Street, Barraba</i>	<i>\$ 1,442.15</i>
• <i>71 White Street, East Tamworth</i>	<i>\$12,000.00</i>
• <i>85-87 Queen Street, Barraba</i>	<i>\$ 1,230.00</i>
• <i>125 Upper Street, East Tamworth</i>	<i>\$ 7,000.00</i>
• <i>117 Denison Street, West Tamworth</i>	<i>\$ 2,672.35</i>
• <i>17 Church Street, Limbri</i>	<i>\$ 0.00</i>
• <i>57 Strafford Street, Manilla</i>	<i>\$ 2,200.00</i>
- (iii) *approve the amount of \$714.19 remaining from the 2024/2025 Heritage Assistance Fund to be carried over to the 2025/2026 Heritage Assistance Fund; and*
- (iv) *appoint Mr Steve Warden to be a community member of the Tamworth Regional Council Heritage Working Group representing the interests of King George V Avenue.*

SUMMARY

The purpose of this report is to seek Council's authorisation to issue \$73,917.81 in funding from the Tamworth Regional Council Heritage Assistance Fund 2024/2025. The funding allocation available is \$74,632.00 which includes \$5,500.00 (excluding GST) provided by the NSW Heritage branch grant. It should be noted that the total available funding amount was not allocated.

The purpose of this report is also to present to Council the Minutes of the Tamworth Regional Council Heritage Working Group meeting held on 2 August 2024 and to provide an overview of the meeting outcomes.

COMMENTARY

The main purpose of the meeting of 2 August 2024 was to conduct a review and recommend the allocation of funding to the 2024/2025 Tamworth Regional Council Heritage Assistance Fund applications. The recommendations of the Working Group are outlined in the minutes **ATTACHED**, refer **ANNEXURE 1**.

Applications under the 2024/2025 Tamworth Regional Council Heritage Assistance Program were invited from Tuesday, 14 May until Friday, 12 July 2024 (inclusive). Promotion of the funding program included a number of posts on social media together with advertisements in the Northern Daily Leader. Contact was also made with those members of the public who had previously applied for funding and those who had registered an interest in participating in the program.

A total of 14 applications were received this year being an increase of six applications compared to last year.

This year's applications included a diverse range of projects with the majority of projects being from smaller villages in the region. Projects included flooring, guttering, painting and maintenance. Council's Heritage Working Group has reviewed and assessed each application and Council's Heritage Advisor has provided recommendations in relation to each proposal.

Projects recommended for financial assistance totalling \$73,917.81 are listed below. It should be noted that all grant funding to be issued is exclusive of GST.

Application 1 – St Andrew's Church, Kootingal (Heritage listed under the Tamworth LEP 2010)

Project cost:	\$41,000.00
Funding sought:	\$20,000.00
Funding awarded:	\$16,000.00

Project work proposed: painting the exterior of the Church, preservation of roof and reinstall finials on roof. Funding has not been received in the last two years for this address.

Application 2 – 1050 River Road, Bowling Alley Point (Heritage listed under the Tamworth LEP 2010)

Project cost:	\$99,672.00
Funding sought:	\$49,836.00
Funding awarded:	Nil

Project work proposed: prepare and repaint exterior of both the schoolhouse and headmaster's residence. Funding has not been received in the last two years for this address.

Application 2 Assessment – Members felt that Application 3 was more important at this stage and granted 50% funding towards the project.

Application 3 – 1050 River Road, Bowling Alley Point (Heritage listed under the Tamworth LEP 2010)

Project cost: \$11,964.80

Funding sought: \$5,982.40

Funding awarded: \$5,982.40

Project work proposed: replace all timber weatherboards, where necessary, repair or replace all window and door architraves and flyscreens, re-sash windows, replace door to toilet and fix timber framing, remediate footing, fix historically appropriate weather awnings over windows. Funding has not been received in the last two years for this address.

Application 4 – 101 Rushes Creek Road, Manilla (Heritage listed under the Tamworth LEP 2010)

Project cost: \$8,781.82

Funding sought: \$4,390.91

Funding awarded: \$4,390.91

Project work proposed: restoration and conservation of the historic features of the flooring and embracing the character of the timber. Funding has not been received in the last two years for this address.

Application 5 – 62 Jenkins Street, Nundle (Not heritage listed)

Project cost: \$21,325.00

Funding sought: \$10,662.50

Funding awarded: \$ 5,000.00

Project work proposed: preparing and painting of the A-frame home and garage and replacing or repairing timber items that are damaged and repairing and restoring the tile roof. Funding has not been received in the last two years for this address.

Application 6 – 65 Gill Street, Nundle (Not heritage listed)

Project cost: \$55,910.00

Funding sought: \$27,955.00

Funding awarded: Nil

Project work proposed: restumping of the home and safe removal of asbestos sheeting both on the outside and inside of the building. Funding has not been received in the last two years for this address.

Application 6 Assessment – Members felt that the application lacked enough information to be in a position to recommend this property for funding, however, encouraged the applicant to apply again next year.

Application 7 – 315 Peel Street, Tamworth (Not heritage listed)

Project cost: \$38,400.00

Funding sought: \$19,200.00

Funding awarded: \$16,000.00

Project work proposed: external painting of the building. Funding has not been received in the last two years for this address.

Application 8 – 114-116 Queen Street, Barraba (Heritage listed under the Tamworth LEP 2010)

Project cost: \$2,884.30

Funding sought: \$1,442.15

Funding awarded: \$1,442.15

Project work proposed: painting of the lower façade of the property. Funding has not been received in the last two years for this address.

Application 9 – 71 White Street, East Tamworth (Heritage listed under the Tamworth LEP 2010)

Project cost: \$44,432.73

Funding sought: \$22,000.00

Funding awarded: \$12,000.00

Project work proposed: repair and partial replacement of front verandah – including repainting areas as a result of replacement. Funding has not been received in the last two years for this address.

Application 10 – 85-87 Queen Street, Barraba (Heritage listed under the Tamworth LEP 2010)

Project cost: \$2,460.00

Funding sought: \$1,230.00

Funding awarded: \$1,230.00

Project work proposed: installation of new guttering to rear of building. Funding has not been accepted in the last two years for this address.

Application 11 – 125 Upper Street, East Tamworth (Not heritage listed)

Project cost: \$20,727.00

Funding sought: \$10,363.00

Funding awarded: \$7,000.00

Project work proposed: replacement of front fence, front path and front steps. Funding has not been received in the last two years for this address.

Application 12 – 117 Denison Street, West Tamworth (Not heritage listed)

Project cost: \$5,344.70

Funding sought: \$2,672.35

Funding awarded: \$2,672.35

Project work proposed: replace and restore gutter, barge boards and scotia. Funding has not been received in the last two years for this address.

Application 13 – 17 Church Street, Limbri (Heritage listed under the Tamworth LEP 2010)

Project cost: \$25,000.00

Funding sought: \$12,500.00

Funding awarded: Nil

Project work proposed: restoration of roof. Funding has been received for this address in the last two years.

Application 13 Assessment – Members recommended that funding be declined on this occasion due to this property receiving funding for the last two consecutive years.

Application 14 – 57 Strafford Street, Manilla (Heritage listed under the Tamworth LEP 2010)

Project cost: \$4,402.80

Funding sought: \$2,200.00

Funding awarded: \$2,200.00

Project work proposed: relocation of power supply to overhead mains and meter box. Funding has not been received in the last two years.

Other matters from 2 August 2024 Meeting

- Heritage Working Group members acknowledged the submission received from Mr Steve Warden to be included as a member of the Working Group representing the interests of King George V Avenue. Heritage Working Group members look forward to welcoming Mr Warden to their next meeting.
- Regent Cinema – a Repair Order has been issued to the owner of the building and Council awaits the outcome of the Order. The Heritage Working Group members all agreed they are very concerned about the condition interior of this important heritage listed building.

(a) Policy Implications

Nil

(b) Financial Implications

The recommended funding allocations, as outlined in this report, are in accordance with the \$74,632.00 allocated under Council's adopted 2024/2025 budget.

(c) Legal Implications

Nil

(d) Community Consultation

Community consultation included promotion of the program via media and social media platforms and direct contact with those members of the public who had registered an

interest in participating in the program or had previously applied for funding and were successful or unsuccessful.

(e) Delivery Program Objective/Strategy

Focus Area 7 – Celebrate our cultures and heritages

7.2 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL - PHASE 1 REVIEW OF THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Andrew Spicer, Manager - Future Communities
Christopher Faley, Senior Strategic Planner

Reference: Item 7.1 to Ordinary Council 27 February 2024 - Minute No 22/24

6 ANNEXURES ATTACHED
1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 - Planning Proposal - Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010”, Council:

- (i) approve the proposed changes to the Planning Proposal – Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010 as detailed in this report;*
- (ii) adopt the proposed amendments to the Tamworth Regional Local Environmental Plan 2010 in accordance with the Planning Proposal – Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010; and*
- (iii) exercise the plan-making authority functions as authorised by the Gateway Determination under Section 3.36 of the Environmental Planning and Assessment Act 1979, to amend the Tamworth Regional Local Environmental Plan 2010.*

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 accordance with the *Planning Proposal - Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010* (Phase 1 Planning Proposal) including the proposed amendments recommended in this report.

The Phase 1 Planning Proposal has been publicly exhibited and agency consultation has been undertaken. The proposed amendments have been considered in light of comments received and some changes are proposed as detailed in this report.

Council has been authorised as the local plan-making authority under Section 3.36 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to amend the *TRLEP 2010* meaning that Council has delegation from the Department of Planning, Housing and Infrastructure to make the amendments to the Local Environmental Plan.

COMMENTARY

On 26 May 2020, Council adopted the *Tamworth Regional Blueprint 100 Part Two: Local Strategic Planning Statement 2020 (LSPS 2020)*. The *LSPS 2020* underpins future land use planning relating to master plans, development control plan amendments and the comprehensive review of the *TRLEP 2010*.

Consistent with the Actions identified within the *LSPS 2020*, Council's Strategic Planning Team has been engaged in the comprehensive review of the *TRLEP 2010*, which included a community expression of interest (EOI) process in 2022 where property owners were invited to identify potential amendments to the *TRLEP 2010* and a specific invitation to each property owner of land in the Tamworth CBD and Bridge Street precinct to meet with senior planning staff to discuss their future plans for their site.

As a result of the comprehensive review by Council officers and the EOI process, a large number of potential amendments to the *TRLEP 2010* have been identified, some of which require further planning studies. To this end, to balance the timely completion of Actions from the *LSPS 2020* with the required timeframes to undertake further strategy work, the comprehensive review of the *TRLEP 2010* is being completed in phases.

At its meeting held on 27 February 2024, Council resolved to prepare a planning proposal for Phase 1 of the *TRLEP 2010* review and refer it to the Department of Planning, Housing and Infrastructure (DHPI) requesting a Gateway Determination (Minute 22/24). The Phase 1 Planning Proposal was submitted to the DPHI on 28 March 2024 and a Gateway Determination was received on 27 May 2024 advising that the proposal could proceed to public exhibition subject to a number of conditions.

The Gateway Determination and DPHI cover letter to Council are **ATTACHED**, refer **ANNEXURE 1**.

The proposed *TRLEP 2010* amendments to be undertaken in the Phase 1 Planning Proposal (as exhibited) are summarised below in **Table 1**.

Table 1 – Proposed changes to the <i>TRLEP 2010</i> exhibited as part of the Phase 1 Planning Proposal	
Chapter	Title
2	Review of Heritage Items (Schedule 5) of the <i>Tamworth Regional Local Environmental Plan 2010</i> .
3	New Heritage Conservation Areas under Schedule 5 of the <i>Tamworth Regional Local Environmental Plan 2010</i> .
4	Bridge Street Precinct – amendments to Floor Space Ratio, amendments to Subdivision Provisions and Application of Design Excellence Controls.
5	Review of Land Use Permissibility within Existing Land Use Zones. <u>Refer to Table 2 below.</u>
6	Amendment to Existing Clauses of the <i>Tamworth Regional Local Environmental Plan 2010</i> , summarised as: Amendment to the wording of the following clauses of the <i>TRLEP 2010</i> : <ul style="list-style-type: none"> Clause 7.4 Development in Zones E1 – Local Centre, E3 – Productivity Support and MU1 – Mixed Use;

	<ul style="list-style-type: none"> • Clause 7.6 Development in a Flight Path; • Clause 7.7 Development in areas subject to aircraft noise; and • Clause 7.10 Temporary workers accommodation
7	Adoption of Clause 5.9 Dwelling house or secondary dwelling affected by natural disaster of the <i>Standard Principal LEP Instrument 2006</i> .
8	Adoption of Clause 5.13 Eco-tourist facilities of the <i>Standard Principal LEP Instrument 2006</i> .
9	Inclusion of a new ‘Essential Services’ Clause.
10	Inclusion of a new ‘Minimum Building Street Frontage’ Clause.
11	Housekeeping Amendments (mapping corrections).
12	Expressions of Interest. The most significant related to 283 Manilla Road “Stratheden”, rezoning to R1 General Residential for 3.2ha and 171-175 Manilla Road rezoning to E1 Local centre for the purposes of a neighbourhood supermarket.

Table 2 – Proposed Amendments to Permissibility of Certain Land Uses

Land Use	Proposed Change
Secondary Dwellings	Permitted with consent in RU1 – Primary Production and RU4 – Primary Production Small Lots zones
Backpacker’s accommodation	Permitted with consent in RU4 – Primary Production Small Lots zone
Eco tourist facilities	Permitted with consent in RU1 – Primary Production, RU4 – Primary Production Small Lots and C3 – Environmental Management zones
Roadside stalls	Permitted with consent in R5 – Large Lot Residential zone
Cemeteries	Permitted with consent in RU1 – Primary Production and RU4 – Primary Production Small Lots zones
Warehouse or distribution centre	Prohibited in R1 – General Residential and R2 – Low Density Residential zones
Truck depots	Prohibited in R1 – General Residential and R2 – Low Density Residential zones
Exhibition homes	Prohibited in RU4 – Primary Production Small Lots zone

Comment on a “New Scenic Protection Area” Clause

The amendments to the *TRLEP 2010* supported at the Ordinary Meeting of Council on 27 February 2024 also included a proposed “Scenic Protection Area” clause with four scenic protection areas identified in the Tamworth Regional Council Local Government Area (Tamworth Regional LGA).

The Gateway Determination received from the DPHI, however, required the proposed Scenic Protection Areas to be removed from the proposal prior to NSW Government Agency and community consultation. The Gateway Determination Letter, DPHI advised:

‘Whilst the importance of these areas is acknowledged, the justification for their extent and the potential impact they may have would be more appropriately considered through further detailed investigation and community consultation during the later phases of Council’s housekeeping review. The Department is happy to work with Council at that time to further investigate this issue’.

Based on the advice from the DPHI, Scenic Protection Areas (or similar) will be re-visited as part of future stages of the *TRLEP 2010* review. Relevantly, Council is currently undertaking a Rural Lands Strategy and a Baseline Biodiversity Study, both of which will provide further strategic analysis of these protection areas.

Community Consultation

The Phase 1 Planning Proposal was placed on public exhibition via the NSW Planning Portal from 5 June to 5 July 2024 (22 working days). However, it effectively commenced on 3 June 2024 when it was published on Council’s website and enquiries began to be received. Overall, it was open for public comment for 33 calendar days.

Approximately 39 enquiries were received via telephone, email or in person at 474 Peel Street or at Community Information Sessions which were held in the Tamworth and surrounds as identified in **Table 3**:

Table 3 – Community Information Sessions		
Date	Location	Event/Audience
16/5/2024	Lands Building, Fitzroy Street, Tamworth	Tamworth City Centre Working Group
19/6/2024	Lands Building, Fitzroy Street	Real estate agents
12/6/2024	Denman Ave, Kootingal	Kootingal community
13/6/2024	Jenkins Street, Nundle	Nundle community
19/6/2024	Lands Building, Fitzroy Street	Tamworth community
20/6/2024	Queen Street, Barraba	Barraba community
20/6/2024	Manilla Street, Manilla	Manilla community
21/6/2024	474 Peel Street, Tamworth	Heritage Working Group
25/6/2024	Lands Building, Fitzroy Street	Solicitors and legal representatives

Online submissions were invited using the Council ‘Have Your Say’ portal which was linked to the NSW Planning Portal where the submissions were formally recorded.

The ‘Have Your Say’ Statistics and Analysis are **ATTACHED**, refer **ANNEXURE 2**.

Public Feedback

A total of 22 public submissions were received during the public exhibition period.

A detailed analysis of the public submissions, including a Council response, is **ATTACHED**, refer **ANNEXURE 3**. Copies of the full public submissions, are **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 1**.

Table 4 provides an overview of the issues raised in the submissions and any amendments required to the Phase 1 Planning Proposal. The overview of issues in **Table 4** does not cover all the issues in detail nor serve to replace the analysis in **ANNEXURE 3**.

Table 4 – Summary of issues raised in public submissions			
Chapter	Times Raised in Submissions	Overview of Issues	Potential Change/s to Planning Proposal
1	7	<ul style="list-style-type: none"> Two submissions request changes to the heritage listing of a specific property. Two submissions support the inclusion of the existing State Heritage listed King George V Avenue in Schedule 5 of the <i>TRLEP 2010</i>. One submission does not support the inclusion of the existing State Heritage listed King George V Avenue in Schedule 5 of the <i>TRLEP 2010</i>. Two submissions query the original AA Building Site and the Outlook Estate. 	Yes – two heritage listings amended for specific properties in response to submissions.
2	2	<ul style="list-style-type: none"> One submission supports the proposed East Tamworth Heritage Conservation Area One submission does not support the Heritage Conservation Areas. 	Nil
3	Nil	N/A	Nil
4	3	<ul style="list-style-type: none"> Two submissions support permitting secondary dwellings in rural zones, but request reduced development standards. One submission objected to permitting secondary 	Yes – Secondary dwellings to be excluded from the Namoi RJP (refer Agency Comments below)

		dwellings in rural zones.	
5	Nil	N/A	Nil
6	Nil	N/A	Nil
7	Nil	N/A	Nil
8	Nil	N/A	Nil
9	Nil	N/A	Nil
10	Nil	N/A	Nil
11	1	<ul style="list-style-type: none"> Objection to the planning controls changes affecting Lot 1 DP 797999, 7 Scott Road, South Tamworth. 	Nil
12	1	<ul style="list-style-type: none"> Support for the rezoning of Lot 833 DP 1220826 to C2 Environmental Conservation. 	Nil
Other Matters	15	<ul style="list-style-type: none"> One submission identifies challenges with the NSW Planning Portal. One submission seeks a reduction in minimum lot size to subdivide a rural property. Six submissions request extractive industries and mining be prohibited in the RU4 Primary Production Small Lots zone. One submission raises concerns with a Development Application in Carthage Street. One submission raises concerns with a Development Application for a feedlot and requests the Loomberah area to be rezoned from RU1 Primary Production to RU4 Primary production Small Lots. One submission requests the removal of “legacy dwelling” provisions from the <i>TRLEP 2010</i>. One submission expresses disappointment with the 	Nil

		<p>number of strategic documents on public exhibition at the same time.</p> <ul style="list-style-type: none"> • One submission raises concerns with bins at Nundle. • One submission seeks a change to planning controls at Highland Place, North Tamworth. • One submission provides information on old growth trees. 	
--	--	--	--

Consultation and submissions from public authorities and government agencies

Council consulted with the public authorities and government agencies listed in the Gateway Determination and identified in Table 5. Agencies were provided with 30 working days (six weeks) to respond.

Table 5 - Public authority and government agency consultation	
Public authorities and government agencies consulted	Response received (Y/N)
Heritage NSW	Y
Department of Primary Industry – Agriculture	Y
Airservices Australia	N
Civil Aviation Safety Authority	Y
NSW Rural Fire Service	Y
NSW Biodiversity Conservation and Science	Y
Water NSW	Y
NSW Environment Protection Authority	Y
Nungaroo Local Aboriginal Land Council	N
Tamworth Local Aboriginal Land Council	Y
Transport for NSW	Y
NSW Department of Education	Y

A detailed analysis of the public authorities and government agencies submissions, including the Council response, is **ATTACHED**, refer **ANNEXURE 4**. Copies of the public authorities and government agencies submissions are **ATTACHED**, refer **ANNEXURE 5**.

There were several stand out issues identified as shown Table 6. Importantly, Table 6 does not cover all the issues in detail nor serve to replace the analysis in **ANNEXURE 4**.

Table 6 – Key themes raised in public authority and government agency submissions	
Theme	Council Comment
<p>1. Support:</p> <p>All public authorities and government agencies generally supported the Phase 1 Planning Proposal.</p>	<p>Support for the Phase 1 Planning Proposal is noted.</p>
<p>2. Heritage:</p> <p>Update Schedule 5 of the <i>TRLEP 2010</i> to be consistent with the NSW State Heritage Inventory and Department of Education school register. The amendments, including all heritage item naming conventions for schools.</p> <p>Investigate adding heritage values to the residential zone objectives and 'Design Excellence' clause of the <i>TRLEP 2010</i>.</p> <p>The implication of Heritage Conservation Areas on adjoining properties.</p>	<p>The Phase 1 Planning Proposal has been amended to resolve inconsistencies between Schedule 5 of the <i>TRLEP 2010</i> and the NSW State Heritage Inventory and Department of Education school register. The amendments, including all heritage item amendments, are outlined in Table 7 of this report.</p> <p>Council has provided clarification on the other NSW State Heritage item matters raised in the agency consultation which are contained in ANNEXURE 5.</p> <p>Council acknowledges comments regarding the inclusion of heritage values in the objectives of certain zones, development standards and the design excellence clause. However, Council will investigate this as part of future phases of the <i>TRLEP 2010</i> review given the proposed amendments did not form part of the public consultation process and the potential implications across the Tamworth Region.</p> <p>New developments located outside, but directly adjacent or adjoining, a Heritage Conservation Area (HCA) will need to consider the impact of any development on the HCA.</p>
<p>3. Secondary Dwellings in Rural Zones:</p> <p>There was concern that the investment by the NSW Government in the Namoi Regional Jobs Precinct (Namoi RJP) may be undermined by permitting secondary dwellings in rural zones including the areas identified under the Namoi RJP.</p>	<p>The size and placement of secondary dwellings from the primary dwelling will be restricted by clause 5.5 of the <i>TRLEP 2010</i> and subject to a merit assessment as part of the development assessment process. This aims to reduce the potential for land use conflict; however, the development application process will likely determine that some locations will not be suitable for a secondary dwelling despite the restriction on size and placement contained in clause 5.5 of the <i>TRLEP 2010</i>.</p> <p>Council has undertaken extensive consultation with agencies regarding the Namoi Regional Jobs</p>

<p>The need to consider constraints including air, odour, noise impacts and contaminated lands with any proposal to promote increased housing in rural areas (or elsewhere) was identified.</p>	<p>Precinct (Namoi RJP). In response, it is recommended that the Phase 1 Planning Proposal be amended to only permit secondary dwellings in RU1 – Primary Production and RU4 – Primary Production Small Lots zoned lands outside of the Namoi RJP.</p> <p>Land use conflicts have been considered at a strategic level and where site specific changes are proposed, these have been supported by relevant studies.</p>
<p>4. Biodiversity:</p> <p>To further improve zoning of environmentally significant areas within the Tamworth Regional LGA, the existing National Parks estate should be rezoned to C1 National Parks and Nature Reserves.</p>	<p>Council acknowledges the comments regarding the rezoning of existing National Park estates to C1 National Parks and Nature Reserves. It is noted some of the existing National Parks are already zoned C1 National Parks and Nature Reserves. It is considered any additional National Parks will be identified as part of a future phase of the <i>TRLEP 2010</i>.</p>
<p>5. EOI No. 5 - Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale:</p> <p>The suitability of the Aboriginal Due Diligence Assessment and Flora and Fauna Report for the rezoning.</p> <p>Recommendation that the land identified as ‘Area 1’ on the Dwelling Density Map is expanded to include Lot 777 DP 1158251 to ensure consistency with the intent of Clause 7.13 of the <i>TRLEP 2010</i>.</p>	<p>Council considers the submitted Aboriginal Due Diligence Assessment and Flora and Fauna Report are satisfactory for this rezoning, and that the existing legislative framework provides for the protection of indigenous heritage and biodiversity through the development assessment process. A future Development Application submitted for Lot 777 DP 1158251 would need to be accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR) and potentially a Biodiversity Development Assessment Report (BDAR).</p> <p>It is proposed to amend the Density Map to include Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale in ‘Area 1’ as shown on page 58, Appendix 14 of the Phase 1 Planning Proposal.</p>
<p>6. Land use planning implications</p> <p>Consideration for land currently owned or that is currently under claim or may be subject to claim via the Aboriginal Land Rights Act (ALRA) not be included in any of the proposed modifications to the <i>TRLEP 2010</i>.</p> <p>Notes the challenges in</p>	<p>The Phase 1 Planning Proposal includes several broad land use planning amendments to the <i>TRLEP 2010</i>. In consideration of the complexities in excluding individual properties either owned, under claim or may be under claim it is considered that the proposed amendments proceed unchanged. Council will continue to work with LALC to investigate opportunities for LALC owned land and land under claim or which may be subject to claim.</p> <p>Council acknowledges that multiple Council</p>

reviewing multiple strategic documents on public exhibition at the same time.	documents and strategies were on public exhibition at the same time. Public authorities and government agencies were provided six weeks to provide a submission to the Phase 1 Planning Proposal in accordance with the Gateway Determination.
---	--

Amendments to the exhibited version of the Phase 1 Planning Proposal



Following public exhibition and consultation with government agencies and public authorities, a number of amendments to the Phase 1 Planning Proposal are proposed as summarised in Table 7:

Table 7 - Amendments to the exhibited version of the Phase 1 Planning Proposal			
Amendment No. 1 - Secondary dwellings in RU1 – Primary Production and RU4 – Primary Production Small Lots zones			
<p>The NSW EPA and DPI-Agriculture both raised concerns with the Phase 1 Planning Proposal in relation to permitting secondary dwellings within the RU1 – Primary Production and RU4 – Primary Production Small Lots zones, particularly in relation to the potential impact on the proposed Namoi Regional Jobs Precinct (Namoi RJP).</p> <p>The size and placement of secondary dwellings from the primary dwelling will be restricted by clause 5.5 of the <i>TRLEP 2010</i> and subject to a merit assessment as part of the development assessment process. This aims to reduce the potential for land use conflict; however, the development application process will likely determine that some locations will not be suitable for a secondary dwelling despite the restriction on size and placement contained in clause 5.5 of the <i>TRLEP 2010</i>.</p> <p>Council has been working collaboratively with Regional Growth NSW – Development Corporation (RGDC) on the implementation of the Namoi RJP which seeks to explore opportunities for the sustainable growth of the intensive agriculture sector by identifying locations for production clusters. The Namoi RJP cluster associated with the Tamworth Region largely follows the Oxley Highway from the Wallamore locality to the Carrol Gap locality and the Fossickers Way from the Hallsville locality to the Appleby locality and the Manilla locality to the Barraba locality. It also incorporates land surrounding Lake Keepit and Split Rock dam. Reducing land use conflicts between intensive agriculture and sensitive receivers (dwelling houses) is a key pillar of the Namoi RJP.</p> <p>Following careful consideration and further consultation with RGDC, it is recommended that the Phase 1 Planning Proposal be amended to only permit secondary dwellings in RU1 and RU4 zoned lands outside of the Namoi RJP. It is considered, this achieves good planning outcomes that mitigates the risk of land use conflicts by protecting land identified as being potentially suitable for intensive livestock agriculture from encroachment of sensitive receivers.</p> <p>It is anticipated the Namoi RJP will be placed on public exhibition later in 2024.</p>			
Amendment No. 2 – Heritage Items			
Administrative changes proposed to the following heritage listed items:			
State Heritage Items			
Item No.	Draft Planning	Amendment	Comment

	Proposal		
I141	Proposed description "Moonby House, Out House and Graves".	Amended description to "Moonby House".	As recommended by Heritage NSW to align the description with the NSW State Heritage Inventory.
I313	Proposed description "Tamworth Railway Station Group, including Moveable Relics and Group of War Memorials".	Amended description to "Tamworth Railway Station, yard group, and moveable relics".	As recommended by Heritage NSW to align the description with the NSW State Heritage Inventory.
I428	Proposed description "(Former) Dominican Roman Catholic Convent including Brick Fencing".	Amended description to "Dominican Roman Catholic Convent".	As recommended by Heritage NSW to align the description with the NSW State Heritage Inventory.
I448	Proposed description "(Former) Tamworth Peel Barracks and Grounds."	Amended description to "Tamworth Peel Barracks and Grounds".	As recommended by Heritage NSW to align the description with the NSW State Heritage Inventory.
I458	Proposed description "Post Office Building".	Amended description to "Tamworth Post Office".	As recommended by Heritage NSW to align the description with the NSW State Heritage Inventory.
I539	Proposed description "Rail Bridge".	Amended description to "Woolbrook rail bridge over McDonald River".	As recommended by Heritage NSW to align the description with the NSW State Heritage Inventory.
Local Heritage Items			
Item No.	Draft Planning Proposal	Amendment	Comment
I031	Did not form part of the Phase 1 Planning Proposal. A result of a submission received.	Amended description from "Barraba Primary School" to "Barraba Central School".	As recommended by the NSW Department of Education to align with their school's register.
I306	Proposed description "Tamworth West School".	Amended description to "Tamworth West Public School".	As recommended by the NSW Department of Education to align with their school's register.
I487	Proposed description	Amended description	As recommended by the

	<i>“Tamworth Primary School and Residence”.</i>	to <i>“Tamworth Public School”.</i>	NSW Department of Education to align with their school’s register.
1508	Did not form part of the Phase 1 Planning Proposal. The result of a submission received.	Amended description from <i>“Timbumburi School”</i> to <i>“Timbumburi Public School”.</i>	As recommended by the NSW Department of Education to align with the school’s register.
1305	Proposed description <i>“St Paul’s Anglican Church Complex, including Hall and Residence”.</i>	Retain existing description in schedule 5 <i>“St Paul’s Church, house beside Retreat Theatre and Retreat Theatre”.</i>	As recommended by a public submission from St Paul’s Church. The existing description in Schedule 5 of the <i>TRLEP 2010</i> identifies the actual heritage items rather than the complex. No amendment is proposed to the heritage map which encumbers the whole lot. Further discussion is provided in ANNEXURE 3 .
1255	Proposed description <i>“Nemingha Hall and Metal Bi-Centennial Gates”</i> Inclusion of Lot 36 DP 1130820 into Heritage Item 1255.	Retain existing description in schedule 5 <i>“Nemingha Hall”</i> on Lot 1 DP 329582. Remove Lot 36 DP 1130820 from Heritage Item 1255.	Council received a submission from the Tamworth Local Aboriginal Land Council (TLALC) questioning the inclusion of Lot 36 DP 1130820 into Heritage Item 1255. Lot 36 DP 1130820 has been removed until such time as further investigation occurs.
1132	Proposed description <i>“Former Post Office (Glen Lui)”</i>	Amend the property Description under Schedule 5 to <i>“Part of Lot 3, DP 231618”.</i> Amend the associated heritage map to reflect the curtilage of the heritage item.	Council received a public submission requesting the heritage listing be reconsidered and if the listing is to be retained reduced to the curtilage of the building rather than the whole property. The Statement of Significance for the Former Post Office (Glen

		<p>Lui) contained in the Parry Shire Community Based Heritage Study, May 2002, identifies that the former post office is of cultural significance to the local community and is rare as it was relocated from Moore Creek and reconstructed onsite.</p> <p>It is considered that the Former Post Office (Glen Lui) retains its cultural significance and it is not recommended that the heritage listing be removed at this point in time.</p> <p>In relation to the option of reducing the listing to the curtilage rather the entire property, the building is located at the front of the block and as per the Statement of Significance, Lot 3 DP 231618 is not the original site of the Former Post Office (Glen Lui).</p> <p>Based on the above and given the location of Former Post Office (Glen Lui) at the front of the site, it is not considered necessary to apply the heritage listing to the entirety of Lot 3 DP 231618 and the reduction of the heritage listing is supported.</p> <p>To protect the setting of the Former Post Office (Glen Lui), it is considered that the curtilage of the post office should include the land within 50 metres (excluding Manilla Road)</p>	
--	--	--	--

			<p>of the heritage item. The existing and proposed heritage map is shown in Figures 1 and 2.</p>
			
			
<p>Figure 2 – Proposed amendment to heritage listing (I132)</p>			

Section 9.1 Ministerial Directions

In the letter from the DPHI accompanying the Gateway Determination (**ANNEXURE 1**) three (3) Section 9.1 Ministerial Directions were identified as remaining unresolved due to the inconsistency of the Phase 1 Planning Proposal. The three (3) areas were specified as relating to Direction 3.2 Heritage Conservation, Direction 4.3 Planning for Bushfire Protection and Direction 4.4 Remediation of Contaminated Land. These are discussed in greater detail in Table 8:

Table 8 – Inconsistency with Section 9.1 Ministerial Directions

Section 9.1 Direction	Council Comments
<p>Direction 3.2 Heritage Conservation</p>	<p>This Direction requires the planning proposal to contain provisions that facilitate the conservation of all forms of heritage including European, environmental and Aboriginal Cultural Heritage.</p> <p>The inconsistency with this Ministerial Direction relates to Chapter 12, EOI No.5 of PP-2024-673 being the proposed amendments to the <i>TRLEP 2010</i> for Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale. This is a 3.21ha parcel associated with 100ha of surrounding land known as “Stratheden”, that was the subject of a recent residential rezoning (PP-2021-7149).</p> <p>Following the Gateway Determination, PP-2024-673 was updated for public exhibition to include an Aboriginal Due Diligence Assessment for Lot 777 DP 1158251. However, consultation with Heritage NSW recommends that a comprehensive Aboriginal Cultural Heritage Assessment Report (ACHAR) be undertaken. The Tamworth Local Aboriginal Land Council (TLALC) made a submission to the consultation process identifying that it had not had the opportunity to review the Aboriginal Due Diligence Assessment for Lot 777 DP 1158251.</p> <p>In consideration of Ministerial Direction 3.2 Heritage Conservation and noting the responses from the Heritage NSW and the TLALC, it is considered that the existing legislative framework provides for the protection of indigenous heritage through the development assessment process. A future Development Application submitted for Lot 777 DP 1158251 would need to be accompanied by the comprehensive ACHAR recommended by Heritage NSW. This is enacted through Section 4.15 of the <i>EP&A Act, National Parks and Wildlife Act 1974</i>, and the Amendment 17 to the <i>Tamworth Regional Development Control Plan 2010</i>.</p> <p>Accordingly, on the basis of the existing legislative protections, future requirements for further studies and the relatively small size of the parcel, Council requests the Secretary’s agreement for the inconsistency with Ministerial Direction 3.2 Heritage Conservation.</p> <p>In accordance with the Gateway Determination, Council has been advised of the Secretary’s agreement to the inconsistency with Ministerial Direction 4.4 Remediation of Contaminated Land</p>
<p>Direction 4.3 Planning for Bush Fire Protection</p>	<p>This Direction applies to all local government areas where a planning proposal will affect, or is in proximity to, land mapped as bushfire prone land.</p> <p>This planning proposal has a broad effect on land use provisions on existing residential, commercial and rural zones. An example is seeking to permit secondary dwellings in rural zones which are likely mapped as bushfire prone land.</p>

	<p>Consultation has been undertaken with the NSW Rural Fire Service (NSW RFS) in accordance with the Gateway Determination.</p> <p>The NSW Rural Fire Service has considered PP-2024-673 and “<i>subsequently raise no concerns or issues in relation to bush fire</i>”.</p> <p>In accordance with the Gateway Determination, Council has been advised of the Secretary’s agreement to the inconsistency with Ministerial Direction 4.4 Remediation of Contaminated Land.</p>
<p>Direction 4.4 Remediation of Contaminated Land.</p>	<p>This Direction applies when a planning proposal is prepared that will allow a particular development to be carried out.</p> <p>The inconsistency with this Ministerial Direction relates to Chapter 12, EOI No.5 of PP-2024-673 being the proposed amendments to the <i>TRLEP 2010</i> for Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale, adjoining “Stratheden”.</p> <p>Following the Gateway Determination, PP-2024-673 was updated for public exhibition to include a Preliminary Contamination Site Investigation for Lot 777 DP 1158251. This report concludes that “<i>based on the site history and field inspections, it can be concluded that the property is not contaminated</i>”.</p> <p>In accordance with Ministerial Direction 4.4 Remediation of Contaminated Land, Council as the planning proposal authority:</p> <ul style="list-style-type: none"> • Has considered a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines; and • Is satisfied that the land is suitable for the proposed R1 General Residential zone. <p>In accordance with the Gateway Determination, Council has been advised of the Secretary’s agreement to the inconsistency with Ministerial Direction 4.4 Remediation of Contaminated Land.</p>

Conclusion

The comprehensive review of the *TRLEP 2010*, including an Expression of Interest process, to better align the *New England North West Regional Plan 2041*, *Tamworth Regional Local Environmental Plan 2010* with the Actions within the *Tamworth Regional Blueprint 100 Part One and Part Two: Local Strategic Planning Statement 2020* has been underway for a significant period involving consultation with state agencies, land owners and the broader community.

The exhibition of the Phase 1 Planning Proposal brings components of the above strategies together in the form of new planning controls. These planning controls are intended to respond to some of the major challenges facing the future health and prosperity of the Tamworth Region such as climate change, providing more affordable housing, creating capacity for more housing and employment in strategic locations, and preserving local character and heritage.

It is recommended that Council adopt the amended Phase 1 Planning Proposal including the amendments outlined in this report. The finalised Phase 1 Planning Proposal is **ATTACHED**, refer **ANNEXURE 6**. It is further recommended that the amended Phase 1

Planning Proposal be forwarded to the Parliamentary Counsel and Department of Planning, Housing and Infrastructure for finalisation.

(a) Policy Implications

The review of the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* is a direct action of the *Tamworth Regional Blueprint 100 Part One, Part Two: Local Strategic Planning Statement 2020 and Blueprint 100 Delivery Plan 2023-2025*. The contents of the Phase 1 review of the *TRLEP 2010* are consistent with the outcomes identified within *Blueprint 100*. This planning proposal will act as a specific enabler to achieving some of the actions and outcomes of Council's key strategic policy documents.

(b) Financial Implications

Nil

(c) Legal Implications

The Phase 1 Planning Proposal will result in an amendment to Council's statutory planning instrument, the *TRLEP 2010*, and will affect the legal use of land in certain areas.

(d) Community Consultation

Extensive landowner, community and Government agency consultation has been undertaken in connection with the exhibition of the Phase 1 Review of the *TRLEP 2010* as outlined in the body of the report.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

Focus Area 6 – Working with and Protecting our Environment

Focus Area 7 – Celebrate our Cultures and Heritage

Focus Area 9 – Open and Collaborative Leadership

7.3 VOLUNTARY PLANNING AGREEMENT OFFERS - CALALA BATTERY ENERGY STORAGE SYSTEM AND THUNDERBOLT WIND FARM

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Mitchell Gillogly, Team Leader – Strategic Planning
Christopher Faley, Senior Strategic Planner

Reference: Item 5.1 to Ordinary Meeting 12 September 2023 - Minute No 219/23
Item 7.4 to Ordinary Meeting 12 December 2023 - Minute No 325/23

5 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Voluntary Planning Agreement Offers - Calala Battery Energy Storage System and Thunderbolt Wind Farm”, Council:

- (i) in relation to the Calala Battery Energy Storage System:
 - (a) provide in principle agreement to the terms of the voluntary planning agreement offer from The Trustee for Equis Energy (Australia) Ngumi 4 Asset Trust as per Condition A14 and Appendix 5 of the Development Consent issued for SSD-52786213;*
 - (b) authorise the General Manager and Mayor to negotiate the drafting of a formal voluntary planning agreement; and*
 - (c) receive a report to a future meeting of Council detailing the terms of the draft voluntary planning agreement prior to public exhibition.**
- (ii) in relation to the Thunderbolt Wind Farm:
 - (a) provide in principle agreement to the terms of the voluntary planning agreement offer (Option 1) from Neoen Australia Pty Limited as per Condition A20 and Appendix 3 of the Development Consent issued for SSD-10807896;*
 - (b) authorise the General Manager and Mayor to negotiate the drafting of a formal voluntary planning agreement; and*
 - (c) receive a report to a future meeting of Council detailing the terms of the draft voluntary planning agreement prior to public exhibition.**
- (iii) authorise the Mayor and General Manager to negotiate voluntary planning agreements for other renewable energy projects in instances where the offer varies from Council’s adopted policy prior to a formal offer being presented to Council for consideration.*

SUMMARY

Two State Significant Developments (SSD) for renewable energy projects have been approved by the Department of the Planning, Housing and Infrastructure (DPHI) and Independent Planning Commission (IPC) within the Tamworth Regional Council Local Government Area (Tamworth LGA). These projects are the Calala Battery Energy Storage System (Calala BESS) and Thunderbolt Wind Farm.

The Development Consents for both the Calala BESS and Thunderbolt Wind Farm include conditions of consent requiring the respective applicants to enter into Voluntary Planning

Agreements (VPAs) with Tamworth Regional Council (Council). Alternatively, if a VPA is not entered into, a contribution (lower in value than the VPA) under Section 7.12 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* would apply.

This report outlines the current Calala BESS and Thunderbolt Wind Farm VPA offers, and discusses administration and eligible works associated with either a VPA or Section 7.12 contribution. Other renewable energy projects that have submitted a VPA offer, but have not been determined by either DPHI or the IPC are also summarised.

It is recommended that Council provide:

- In principle agreement to the VPA terms specified in the Calala BESS Development Consent;
- In principle agreement to the VPA terms specified in the Thunderbolt Wind Farm Development Consent (Option 1); and
- Authorise the Mayor and General Manager to negotiate the drafting of these VPAs as well as the terms of VPA offers associated with other developments in the Tamworth LGA in instances where the offer varies from Council's adopted policy.

COMMENTARY

Calala Battery Energy Storage System

On 28 June 2024, the DPHI approved the State Significant Development (SSD-52786213) Calala BESS to be located at 474 Calala Lane, Calala. The applicant for this project is The Trustee for Equis Energy (Australia) Ngumi 4 Asset Trust (Equis).

The following 'Community Enhancement' conditions were included in the Development Consent issued by DPHI for SSD-52786213:

A14. *Unless the Planning Secretary agrees otherwise, the Applicant must enter into a VPA with Council in accordance with:*

- (a) *Division 7.1 of Part 7 of the EP&A Act; and*
- (b) *the terms of the Applicant's VPA letter dated 20 June 2024, which are summarised in Part A of Appendix 5.*

A15. *Unless the Planning Secretary agrees otherwise, if the Applicant and Council do not enter into a VPA or other agreement prior to the commencement of construction, then **within 3 months of the commencement of construction** (and annually from the commencement of operation until the cessation of operation of the project), the Applicant must make a Section 7.12 of the EP&A Act contribution to Council for the amount specified in Part B of Appendix 5.*

A full copy of the Development Consent for SSD-52786213 is **ATTACHED**, refer **ANNEXURE 1**. The applicant's VPA Letter dated 20 June 2024 is also **ATTACHED**, refer **ANNEXURE 2**. Table 1 below provides a comparison of the value of the VPA offer and the value of the Section 7.12 contribution as outlined in the Development Consent. The comparison is based on an approximate Capital Investment Value (CIV) of \$518 million.

Table 1: Comparison of the Value of the VPA and Section 7.12 Contribution			
Condition	Summary Description	Total Value	% of CIV

A14 – VPA Offer	<ul style="list-style-type: none"> • Monetary contribution of 0.31% of finalised CIV, to be paid as a lump sum prior to commencement of construction. The estimated value of this contribution is \$1,605,800. • A further payment annually of \$200,000 (CPI adjusted) for the first three years of operation of the project (totalling \$600,000), either paid via the VPA or as a separate Community Benefits Fund. 	\$2,205,800	0.43%
A15 – Section 7.12 Contribution	<ul style="list-style-type: none"> • A payment of \$100,000 to be paid as a lump sum within 3 months of the commencement of construction. • A further payment of \$50,000 per annum (CPI adjusted) from the commencement of operation until the cessation of operations of the project (25 years). 	\$1,350,000	0.26%

Assessment of Calala BESS VPA Offer relative to Tamworth Regional Council Voluntary Planning Agreement Policy for Renewable Energy Projects 2023

At its meeting held on 12 September 2023 (Minute No. 219/23), Council adopted a policy in relation to VPAs for renewable energy projects. A revised version of the policy (*VPA Policy 2023*) was subsequently adopted at the Ordinary Meeting of Council on 12 December 2023 (Minute No. 325/23).

A copy of the current *VPA Policy 2023* which applies to all renewable energy projects, i.e., solar, wind, battery and transmission lines is **ATTACHED**, refer **ANNEXURE 3**. An assessment of the VPA Offer against the general principles of Council’s *VPA Policy 2023* has been undertaken in Table 2 below.

Table 2: Assessment of VPA Offer Against Council’s VPA Policy 2023	
General Principle	Discussion
1. The proponents enter into a Voluntary Planning Agreement (VPA) consisting of a lumpsum of 1.5% of capital value (adjusted annually for CPI), 50% of which is to be paid to Council on commencement of construction and the remainder to be paid on an annual basis for the life of the	The VPA Offer is not consistent with this principle, being significantly less in total value and percentage of upfront contribution.

development.	
2. This payment be additional to any agreed community benefit sharing arrangement such as a community enhancement fund.	The VPA Offer is not consistent with this principle as per the discussion on Point 1.
3. Council's preference is that any community enhancement fund (and the like) be administered by a philanthropic Community Benefit Fund provider rather than Council, with Council holding a role as member.	<p>Options have been provided for the annual payments of \$200,000 over the first three years of operation (totalling \$600,000) to be administered through the VPA or a separate community benefit fund.</p> <p>The exact nature of the community benefit fund has not been determined, but in principle, the VPA offer is consistent with this principle.</p>
4. Council will consider variations to the principles above to take into account the specific circumstances of a proposal including, but not limited to; the type, scale, impact and location of the proposed development. Variations may include but not be limited to; means of calculating the value of payments, the amount required to be paid up-front, cross LGA boundary arrangements and the administration of the VPA.	<p>The applicant's VPA Offer requests a variation to the standard 1.5% lump sum on the following grounds:</p> <ul style="list-style-type: none"> • Equis considers BESS projects to typically have a significantly lower impact on the community, environment, and local infrastructure than wind projects; and • Based on Equis' research, average VPA contributions for BESS projects in NSW in 2022 and 2023 did not exceed 0.76% and averaged 0.29% on a CIV-weighted basis. <p>A review of other stand-alone BESS projects approved in recent years indicates an average VPA value of 0.41% of CIV, inclusive of community benefit funds. The proposed VPA offer, equal to 0.43% of CIV of the Calala BESS, is generally consistent with this average.</p> <p>It must be noted that SSD-52786213 has been approved by DPHI and the value of the VPA set by Condition A14 of the Development Consent. Should Council decline the variation, then the VPA offer will not proceed and the Section 7.12 contribution will be levied.</p>
5. As a matter of standard governance each proposed VPA will be reported to Council before any formal agreement is entered into. The VPAs that Council is a party to are reported in the Council Annual Report including the account balance, the amount	<p>This report has been initiated in accordance with this principle.</p> <p>Should Council ultimately resolve to enter into a VPA, then annual reporting would be undertaken.</p>

received in the year and expenditure details.	
---	--

Calala BESS Discussion – Why is the Section 7.12 Contribution (Condition A15) not equal to 1% of the CIV?

Under Section 7.12 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and Council’s *Section 7.12 (formerly 94A) Indirect Contributions Plan 2013*, a development with an estimated cost (or CIV) over \$200,000 would normally be levied a contribution equal to 1% of the estimated cost (or CIV).

However, as seen in Table 2 above, the Development Consent issued by DPHI only imposes a Section 7.12 contribution equal to 0.26% of the CIV.

The reduced contribution of 0.26% of CIV is enabled through Section 7.13 of the *EP&A Act*, which allows a consent authority other than Council (i.e., DPHI) to impose a Section 7.12 contribution even though it is not authorised or determined in accordance with a contributions plan. Accordingly, DPHI has determined that should a VPA not be entered into, it considers a Section 7.12 contribution of 0.26% of CIV to be an appropriate amount.

Council, not being the consent authority, has no power to levy a full 1% Section 7.12 contribution on SSD-52786213, despite the non-compliance with Council’s Contributions Plan and the significantly reduced outcome for the community.

Calala BESS - Recommendation

The VPA offer does not comply with the Council’s *VPA Policy 2023*; however, a variation from this policy is recommended as the terms of the VPA have been enshrined in the conditions of consent. The VPA offer is also higher (better) value than the Section 7.12 contribution and provides greater flexibility for use of the funds for a public purpose. On this basis, the VPA offer is considered the better outcome for the community compared to the Section 7.12 contribution.

Calala BESS – Next Steps for a Voluntary Planning Agreement

Should Council provide in principle support for the VPA offer, the next step would be the drafting of the formal agreement. As part of the drafting of the agreement, the following details would need to be finalised (at minimum):

- The method of administering the community benefit fund;
- The ‘public purpose’ for which the payments would be used by Council;
- A mechanism for resolution of disputes; and
- A mechanism for enforcement of the agreement.

It is recommended that the Mayor and General Manager be authorised to negotiate the terms of the draft VPA. Once an agreement has been drafted it would then be presented to a future Council meeting for consideration. If supported, it would then be subject to a minimum 28-day public exhibition period as required under the *EP&A Act*. A final decision on the VPA would be made at a future Council meeting following the public exhibition.

Thunderbolt Wind Farm

On 8 May 2024, the IPC approved the State Significant Development (SSD-10807896) Thunderbolt Wind Farm located at Kentucky, approximately 50km north-east of Tamworth. The applicant for this project is Neoen Australia Pty Limited (Neoen).

Thunderbolt Wind Farm is located partly within the Tamworth LGA and partly within the Uralla LGA. The following ‘Community Enhancement’ conditions relevant to the Tamworth LGA were included in the Development Consent issued by the IPC:

A20. *Within 6 months of the date of commencement of this development, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a Community Benefit Fund or Voluntary Planning Agreement (VPA) with Tamworth Regional Council in accordance with:*

- (a) *Division 7.1 of Part 7 of the EP&A Act; and*
- (b) *the terms of the Applicant’s offer in Appendix 3.*

A21. *If the Applicant and Tamworth Regional Council do not enter into a VPA or other agreement within the timeframe specified under condition A20, then within a further 3 months, the Applicant must make a Section 7.12 of the EP&A Act contribution to Tamworth Regional Council for a total of \$2,242,000. The amount is to be adjusted at the time of actual payment in accordance with the provisions of the Tamworth Regional Council Section 94A (Indirect) development Contributions Plan 2013 and directed to infrastructure, services and community projects in towns, villages and rural areas within the Tamworth LGA.*

A full copy of the Development Consent for SSD-10807896 is **ATTACHED**, refer **ANNEXURE 4**. The VPA Offer from Neoen is also **ATTACHED**, refer **ANNEXURE 5**.

The VPA offer from Neoen includes two options; Option 1 being Annual Payments and Option 2 being an Upfront Payment and Annual Payments. Table 3 provides a summary comparison of the VPA Offers (Option 1 and Option 2) and the Section 7.12 contribution as outlined in the Development Consent. The comparison also provides an overall value based on an approximate CIV of \$223.8 million being 60% of the total CIV (\$373 million) attributed to the Tamworth Regional LGA.

Table 3 – Summary Comparison of VPA Offer (Option 1), VPA Offer (Option 2) and Section 7.12 Contribution			
Condition	Summary Description	Total Value	% of CIV
A20 – VPA Offer (Option 1)	<p><u>Annual Payments</u></p> <p>The first payment of \$112,111.00 plus indexation to CPI to be made on or immediately following the start of commercial operation of the project and subsequent payments to be made annually (for a total of 30 years) on the anniversary of the commercial operations date.</p>	<p>\$3,363,330</p> <p>Note: 33% of this amount is to be spent in the local community.</p>	1.5%
A20 – VPA Offer (Option 2)	<p>¹ <i>The overall value of the contribution to TRC has been discounted by 69.43% by Neoen for both the upfront and annual payments to ensure that the Net Present Value of both Option 1 and Option 2 are equal. The discount rate used to determine NPV is 8.5%. This</i></p>	<p>\$2,335,264.10</p> <p>Note: 33% of this amount is to be spent in the local community.</p>	1.04%

	<p><i>discount by Neoen is discussed in Table 4 below.</i></p> <p><u>Upfront and Annually</u></p> <ul style="list-style-type: none"> • \$1,167,632 (\$1,681,650 x 0.69¹) plus indexation to CPI of the total contribution to TRC will be paid as a lump sum within five years of the project's commercial operations date if TRC identifies and agrees with Neoen either a capital works project or an initiative that will benefit the local community or wider region, and whose purpose is to: <ul style="list-style-type: none"> i. Provide a long-term legacy benefit, and ii. Aligns with the principles of providing clean energy, environmental enhancement, social cohesion and/or climate mitigation. • subsequent payments of \$38,921.07 (\$56,055 x 0.69¹) plus indexation to CPI to be made annually (for a total of 30 years) on the anniversary of the commercial operations date. 		
A21 – Section 712 Contribution	Refer Condition A21 above.	\$2,242,000	1%

Assessment of Thunderbolt Windfarm VPA offers relative to Tamworth Regional Council Voluntary Planning Agreement Policy for Renewable Energy Projects 2023

An assessment of the Thunderbolt Wind Farm VPA offers against the general principles of Council's *VPA Policy 2023* has been undertaken in Table 4.

Table 4: Assessment of VPA Offers against Council's VPA Policy 2023	
General Principle	Discussion
1. The proponents enter into a Voluntary Planning Agreement (VPA) consisting of a lump sum of 1.5% of capital value (adjusted annually for CPI), 50% of which is to be paid to Council on commencement of construction	<p><u>VPA Offer (Option 1)</u></p> <p>Although the total fund equals 1.5%, this option does not include a 50% upfront payment.</p> <p>Option 1 is inconsistent with this principle.</p> <p><u>VPA Offer (Option 2)</u></p>

<p>and the remainder to be paid on an annual basis for the life of the development.</p>	<p>Although Option 2 involves a 50% upfront payment, the total value of the lump sum has been discounted on the basis of Net Present Value (NPV).</p> <p>The discount rate is in recognition of the riskiness of the investment in a project; and is irrelevant to Council, as Council is not required to inject any capital. Nonetheless, the discount rate and calculation of the NPV appears sound.</p> <p>It is also noted that the 50% upfront payment comes with conditions and delayed timing (up to five years from commencement).</p> <p>Overall, it is considered that the application of Net Present Value and delayed timing of the upfront payment is inconsistent with this principle.</p>
<p>2. This payment be additional to any agreed community benefit sharing arrangement such as a community enhancement fund.</p>	<p>Both Option 1 and Option 2 of the VPA offer requires 33% of the total contribution to be spent in the local community, i.e., within a 20-minute drive of Thunderbolt Wind Farm. This is essentially a community enhancement fund and is not “additional” to the 1.5% contribution.</p> <p>Both Option 1 and Option 2 of the VPA offer from Neoen are inconsistent with this principle.</p>
<p>3. Council's preference is that any community enhancement fund (and the like) be administered by a philanthropic Community Benefit Fund provider rather than Council, with Council holding a role as member.</p>	<p>The VPA proposes the administration of the contribution through either a community benefit fund (preference) or a planning agreement.</p> <p>The details of the administration can be negotiated (discussed below) as part of the drafting of the VPA, but in principle, the VPA offer is consistent with this principle.</p>
<p>4. Council will consider variations to the principles above to take into account the specific circumstances of a proposal including, but not limited to; the type, scale, impact and location of the proposed development. Variations may include but not be limited to; means of calculating the value of payments, the amount required to be paid up-front, cross LGA boundary arrangements and the administration of the VPA.</p>	<p>SSD-10807896 has been approved by the IPC and the value of the VPA is set by Condition A20 of the Development Consent. Should Council not accept a variation to its adopted policy, then neither VPA offer will proceed and the Section 7.12 contribution will be levied.</p>
<p>5. As a matter of standard governance each proposed VPA</p>	<p>This report has been initiated in accordance with</p>

<p>will be reported to Council before any formal agreement is entered into, The VPAs that Council is a party to are reported in the Council Annual Report including the account balance, the amount received in the year and expenditure details.</p>	<p>this principle. Should Council ultimately resolve to enter into a VPA, then annual reporting would be undertaken.</p>
---	--

Thunderbolt Wind Farm - Recommendation

The Option 1 and Option 2 VPA offers do not comply with the Council’s *VPA Policy 2023*; however, a variation to the policy in this instance is recommended as the terms of the VPA have been enshrined in the conditions of consent.

In relation to the value difference between the VPA offers, the recommended preference is **Option 1** being the higher total amount. Council will be able to fund community projects, and if a loan was required, this could be accessed at a rate lower than 8.5% discount rate applied to Option 2 by Neoen. The Option 1 VPA also provides greater flexibility of use of the funds for a public purpose, whereas Option 2 is conditional.

Thunderbolt Wind Farm - Next Steps for a Voluntary Planning Agreement

Should Council provide in principle support for the VPA offer, the next step would be the drafting of the formal agreement. As part of the drafting of the agreement, the following details would need to be finalised (at minimum):

- The method of administering the overall contribution and the 33% to be spent in the local community;
- The ‘public purpose’ for which the payments can be used by Council;
- A mechanism for resolution of disputes; and
- A mechanism for enforcement of the agreement.

It is recommended that the Mayor and General Manager be authorised to negotiate the terms of the draft VPA. Once an agreement has been drafted it would be presented to a future Council meeting for consideration. If supported, it would then be subject to a minimum 28-day public exhibition period as required under the *EP&A Act*. A final decision on the VPA would be made at a future Council meeting following the public exhibition.

General Discussion – VPAs vs. Section 7.12 Contribution – Administration and Eligible Works

Administration and Staff Resources

A Section 7.12 contribution is administered through Council’s existing contribution procedures and reporting. It is considered to have minimal impact on staff resources.

VPA offers require significantly more administration involving negotiation of the terms of the agreement, drafting, exhibition and finalisation of the agreement, ongoing monitoring and reporting. The implementation of a community benefit fund requires Council involvement, whether by administration through the VPA or via a ‘seat at the table’ style arrangement through a third party. Ultimately, the administration of a VPA will likely have a greater impact on staff resources, but is generally offset by having a total higher monetary value compared to a Section 7.12 contribution.

Eligible Works

A Section 7.12 contribution can only be used for works identified in Council's *Section 7.12 Indirect Contributions Plan 2013*.

Under the *EP&A Act*, a VPA can be applied towards a public purpose, which includes (without limitation) any of the following:

- (a) *the provision of (or the recoupment of the cost of providing) public amenities or public services,*
- (b) *the provision of (or the recoupment of the cost of providing) affordable housing,*
- (c) *the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,*
- (d) *the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,*
- (e) *the monitoring of the planning impacts of development,*
- (f) *the conservation or enhancement of the natural environment.*

A VPA provides greater flexibility to fund projects for a public purpose in regional communities which address the broad environmental, social and economic impacts arising from renewable energy projects. Any draft VPA should identify the eligibility of projects to be funded by the VPA.

Other Renewable Projects and VPA Offers

Table 5 summarises the state significant renewable energy projects proposed within the Tamworth Region that have not been determined by DPHI or the IPC, but have made a VPA offer.

Table 5: Renewable Projects listed on the DPHI Major Projects website for the Tamworth Regional LGA			
Name	Project	Location	Status
Tamworth BESS	200 Megawatt (MW) BESS and associated infrastructure	696 Burgmanns Lane, Kingswood	Public exhibition completed and response to submissions being prepared by the applicant.
Hills of Gold Wind Farm	Wind turbines, battery storage and associated infrastructure.	50km south-east of Tamworth and 8km south of Nundle	DPHI Recommendation to the IPC
Bendemeer Solar Farm	280MW Solar Farm, 150MW BESS and associated infrastructure	1.8km east of Bendemeer	Public exhibition completed and response to submissions being prepared by the applicant.
Middlebrook Solar	320MW Solar Farm, 300MW	Approx. 22km south	Public exhibition and response to submissions

Farm	BESS and associated infrastructure	of Tamworth	completed. DPHI assessing.
Kingswood BESS	500MW BESS and associated infrastructure	744 Burgmanns Lane, Kingswood	Public Exhibition

As demonstrated by the approval of the Calala BESS and Thunderbolt Wind Farm, there does not need to be upfront support from Council for a VPA. Rather, once an offer has been made by an applicant, DPHI has demonstrated its willingness to enshrine the terms of the VPA offer within the conditions of consent, whether or not Council is satisfied with the offer. Council is then locked into these VPA terms or must accept a lower value Section 7.12 contribution.

It has also become apparent through this process that DPHI has its own policy position in relation to community benefits for renewable energy projects. The NSW Government's proposed new Draft NSW Energy Policy Framework nominates a development contribution rate of \$1,050/MW per year for a wind farm or \$850/MW per year for solar, payable for the duration of the project. Whilst exhibition of the draft policy occurred at the end of 2023, and the policy remains in draft form, developers and the DPHI have largely been applying the rates of the draft policy. Therefore, the DPHI has shown no inclination to enforce or consider Council's adopted *VPA Policy 2023*.

A preliminary assessment of the VPA offers associated with projects in Table 5 indicates that none of the offers are consistent with Council's *VPA Policy 2023*. However, as these projects have not been determined by either the DPHI or the IPC, there is still scope for Council to negotiate the best possible outcome for the community before the terms of a VPA offer are enshrined in a consent condition (should consent be granted).

For future projects, early negotiations between Council and applicants for renewable energy projects would provide Council an opportunity to seek the best possible VPA for the community which would then inform the terms of an offer in a DPHI condition of consent. Feedback from applicants of renewable projects confirm their willingness to have these early upfront discussions.

Unfortunately, Council's *VPA Policy 2023* does not provide staff the ability to negotiate variations to the policy. On this basis, it is recommended that Council authorise the Mayor and General Manager to negotiate VPAs where the offer varies from Council's adopted policy, noting that any formal VPA offer for a project would be reported to Council. It is considered that Council's adopted *VPA Policy 2023* would remain the starting point for any negotiations.

Early negotiation and/or endorsement of a VPA **does not** constitute support for a renewable energy project or other development. The *EP&A Act* is clear that a planning agreement cannot impose an obligation on a planning authority to grant development consent. Council can object (if desired) to a state significant renewable energy project and still negotiate a VPA offer in case such a project is approved by the DPHI or the IPC.

Conclusion

The Calala Battery Energy Storage System (SSD-52786213) has been approved by DPHI and the Thunderbolt Wind Farm (SSD-10807896) has been approved by the IPC. Both of these consents require the applicant to enter into a VPA, with the terms having already been enshrined in the conditions of consent.

For both Calala BESS and Thunderbolt Wind Farm, should Council decline to enter into a VPA, then a Section 7.12 contribution, lower in value than the VPA, would be paid by the applicant and the development can still proceed.

It is recommended that Council provide:

- In principle agreement to the VPA terms specified in the Calala BESS Development Consent (SSD-52786213); and
- In principle agreement to the VPA terms specified in the Thunderbolt Wind Farm Development Consent (SSD-10807896) – Option 1.

At present, there are seven other renewable energy projects (Table 5) proposed in the Tamworth Region, which have made, or are likely to make, a VPA offer. As discussed in this report, it is recommended that the Mayor and General Manager be authorised to negotiate the terms of VPA offers in instances where the offer varies from Council's adopted policy. In all cases, negotiation of a draft VPA offer would be followed by a formal offer being presented to Council for consideration.

(a) Policy Implications

No change is proposed to Council's adopted policy.

(b) Financial Implications

The two VPAs considered in this report will provide nearly \$2 million more funds to the community than the alternative Section 7.12 contributions.

The difference relating to the Calala BESS is \$855,800 and the difference relating to the Thunderbolt Windfarm is \$1,121,330.

(c) Legal Implications

VPAs are a legal document that Council would be a party to which would apply to the land for the life of the development. Council's obligation would continue for that period of time.

(d) Community Consultation

Once a VPA has been drafted, it must be publicly exhibited for 28 days in accordance with the EP&A Act prior to finalisation.

(e) Delivery Program Objective/Strategy

Focus Area 3 – Prosperity and Innovation

Focus Area 4 – Resilient and Diverse Communities

Focus Area 9 – Open and Collaborative Leadership

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH GLOBAL GATEWAY PARK - FUNDING TO UPGRADE ELECTRICAL INFRASTRUCTURE FOR PRECINCT

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

RECOMMENDATION

That in relation to the report “Tamworth Global Gateway Park - Funding to Upgrade Electrical Infrastructure for Precinct”, Council:

- (i) authorise an application to the Minister for Local Government to seek approval for an internal loan agreement between General Fund and Sewer Fund for an amount of \$8,150,521. If approved, funds would be borrowed from Sewer Fund and use to finance the upgrade of the Goddard Lane zone substation to service the Tamworth Global Gateway Park; and*
- (ii) authorise the General Manager to enter into an agreement with Essential Energy for the upgrade of the Goddard Lane zone substation to service the Tamworth Global Gateway Park.*

SUMMARY

The purpose of this report is twofold; firstly, it is to outline the need to upgrade the existing electrical zone substation on Goddard Lane in order to service the next stages for development within the Tamworth Global Gateway Park and authorise the entering of an agreement with Essential Energy to undertake such upgrades. The second purpose of the report is to seek Council approval to apply to the NSW Office of Local Government for approval to enter into an internal loan with Tamworth Regional Council’s Sewer Fund in accordance with Section 410(4) of the Local Government Act 1993.

COMMENTARY

Background

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. The land is also the site of the Tamworth Intermodal Freight Facility.

As part of developing the TGGP, Council is required to provide services to each lot. One of these services is electricity. To date, Council has been able to provide electricity to all lots within the already developed Stages 1-4 using the existing capacity within the Goddard Lane zone electrical substation, which is owned and operated by Essential Energy. Figure 1 below shows the Goddard Lane substation.



Figure 1 – Goddard Lane zone substation (blue) adjacent to TGGP (yellow)

Electrical demand calculations have been developed for the TGGP with an external electrical designer and Essential Energy. These have been based on electrical demand per hectare values for each of the land zoning types. This results in a total load estimate of 41 MVA for the entire TGGP site. This compares to the ~300 Ha Wagga Wagga Special Activation Precinct (SAP) which has an estimated demand of 45-50 MVA and the Parkes SAP which is estimated at 40-50 MVA. It should be noted that these numbers are impacted by the actual electrical demand of future unknown tenants.

Zone Substation Upgrade

In February 2023, Essential Energy prepared a connection investigation response for the electrical servicing of future stages within the TGGP. This response included the estimated cumulative electrical demand as each future stage is developed, noting that this requires a three-stage upgrade of the infrastructure within this substation. Generally, these types of upgrades are funded by the developer responsible for triggering the extra electrical demand. In this case, this trigger is the TGGP and the proposed development of future lots.

Since this response, Essential Energy have been preparing detailed project scopes, specifications, and pricing for the first upgrade stage. This upgrade involves the installation of a third 66/11 kV transformer within the Goddard Lane zone substation and a third 11 kV switchboard. The base cost estimate is \$8,150,521, payable by Council as the developer, in instalments, with a large initial deposit and several milestone payments. All works are the responsibility of Essential Energy, with Council funding the works.

Two agreements have been prepared by Essential Energy to allow these upgrades to be committed and for Council to obtain the electrical capacity of the upgrades:

- project agreement – to fund Essential Energy to upgrade the Goddard Lane zone substation for the increased capacity required for TGGP Stages 5 and 7 (the next proposed stages); and
- capacity agreement – to reserve the increased capacity of 18 MVA for the exclusive use of the TGGP.

If the upgrades are not undertaken, no further land at the TGGP can be subdivided. Without additional saleable land, Council would have to sell the remaining undeveloped land as a single parcel to extinguish the TGGP's current debt. Whether a current buyer is available for this type of sale is not known.

The timing of Upgrades is important

Essential Energy have advised that the upgrades to the substation have a timeframe of 90 weeks from the date that the agreements are entered into due to the significant lead times associated with manufacturing the transformers and switchboards. The team responsible for designing these upgrades within Essential Energy have also advised that there are several projects expecting to commence imminently (indicatively advised as September 2024). These include the major connection works associated with the SAPs in Parkes, Moree, Wagga Wagga, and Perisher/Jindabyne as well as numerous major connections associated with renewable projects around Dubbo and Parkes. Should these other projects be committed to prior to Tamworth's upgrade, the 90-week timeframe will be extended by several months.

At present a business case is being prepared for Council's consideration, anticipated by the end of 2024, to allocate construction funding for the next TGGP stages. This aligns with the next available lots being constructed and subsequently registered and available in 2026, ensuring that Council maintains an available supply of land for sale. Should the current window for engaging Essential Energy be taken up by other projects, the timeframe for when lots can be registered may extend by some time, impacting Council's future cash flow.

Future Upgrades

The second and third stage electrical upgrades allow development of the TGGP beyond Stage 5 and 7. The total demand generated, the stage allocated the additional capacity and the high-level cost of the upgrades in current dollars (not allowing for inflation) are provided as:

- replacement of 66 kV feeder cable 806 from Goonoo Goonoo Road regional substation to the Goddard Lane substation – 33 MVA capacity – allows for the development of Stage 6, 8, and 9 – approximately \$3-4 million; and
- replacement of 66 kV feeder cable 80C from Goonoo Goonoo Road regional substation to the Goddard Lane substation – 41 MVA capacity – allows for the development of Stage 10-13 – approximately \$6 million.

It is worth noting that the future upgrades may change based on changes to Essential Energy policy or the development of other non-TGGP land relying on the Goddard Lane zone substation. Given the long-term timescales and the potential changes in the future, these upgrades are not for consideration as part of this report.

Funding

The proposed funding source for the substation upgrade is to enter into an internal loan agreement with Council's Sewer Fund. The proposed terms of the agreement are:

- funds from TGGP land sales must only be used for the purpose of extinguishing internal and external loan agreements;
- interest on the internal loan to be paid quarterly at a rate that is equal to the rate of return of Council's investments for the preceding financial year with the rate to be reviewed annually; and

- the loan term would be for 10 years. It is anticipated that the loan will be extinguished earlier due to the loan for the initial purchase of the TGGP site being paid out in December 2026, thus freeing up some additional loan repayment capacity with the land sale funds; however, it is financially prudent to apply for a longer term due to the uncertainty in the timing of land sales.

Subject to authorisation from Council, an application will be made to the Minister of Local Government to authorise a loan instrument between General Fund and Sewer Fund. Sewer Fund is well placed to provide this loan over the proposed 10-year period based on an assessment of the timing of its future asset renewal. Sound asset management involves ensuring that sufficient funds are gradually being set aside for asset renewal as required. As documented in Council's financial reports, the useful life of sewer asset ranges from 15 to 80 years.

(a) Policy Implications

Nil

(b) Financial Implications

Land sales are required to generate income to meet the internal and external TGGP loan commitments as they fall due. The uncertainty in the timing of land sales is a risk associated with the proposal and the repayment of the loan.

Conversely, as outlined in the report, if the substation upgrade does not take place, then no further subdivision of lots can occur. The residual land could be sold, however, the value of this land to a potential purchaser would be reduced as the purchaser would have to undertake the substation upgrade in order to subdivide the land. Selling the entire residual lot would need to repay all internal and external loans. As at 30 June 2024, loan balances associated with the TGGP are approximately \$29.8 million.

To date, land sales have been sound with \$10.4 million of sales being settled with another \$4.2 million of land sales with contracts exchanged, but not settled. This new loan for the electricity upgrade would indicatively add an additional \$1.045 million in loan repayments (interest rate of 5%) per annum to the loan commitments. Current loan costs for the TGGP are at \$4.9 million per annum, however this will reduce by \$3.2 million in December 2026 when the loan for initially purchasing the TGGP site is extinguished. This reduced repayment amount would be used to extinguish this proposed loan, which would reduce the loan term down from 10 years.

Financial variations to the agreement will be authorised by the General Manager.

(c) Legal Implications

Subject to Council approval, Council will enter into an agreement with Essential Energy for the authority to upgrade the Goddard Lane zone electrical substation to attain reserved capacity for the TGGP. The conditions of this agreement have been prepared by Essential Energy and as a result are written heavily in the favour of Essential Energy by reducing their risk associated with the contract and the upgrade works. To minimise the additional risk therefore taken on by Council, the conditions have been reviewed by Maddocks (specialist local government legal firm) and Council's project staff. While undesirable for Council, this level of risk aversion is consistent with most service authorities.

(d) Community Consultation

Blueprint 100 notes the TGGP (formerly the Glen Artney Enterprise Area) as a key growth area for employment. The document was on public exhibition from 2 March 2020 to 9 April 2020, in conjunction with print media, social media, and media releases, with community consultation sessions held in Tamworth, Manilla, Barraba, Nundle, and Kootingal.

(e) Delivery Program Objective/Strategy

Focus Area 3 – Prosperity and innovation

Focus Area 5 – Connect our region and its citizens

8.2 DUNGOWAN DAM LICENCE CORRECTION

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste
Reference: Item 8.1 to Ordinary Council 13 September 2022 - Minute No 254/22
Item 8.2 to Ordinary Council 12 July 2022 - Minute No 206/22
Item 12.6 to Ordinary Council 9 May 2023 - Minute No 98/23

RECOMMENDATION

That in relation to the report “Dungowan Dam Licence Correction”, Council:

- (i) proceed with the process to address issues with Council’s current Dungowan Dam licence including surrender of Council’s existing licence WAL20953 on the condition the surrender will not occur until after a new licence with the same details, but in a new category, has been issued;*
- (ii) prepare a new Agreement for property owners connected to the Dungowan Pipeline concerning the supply of raw water from the Dungowan Pipeline, based on the Agreements with property owners with new connections to the Dungowan Pipeline, between Dungowan Village and the Calala Water Treatment Plant and previously approved by Council;*
- (iii) request property owners sign the new agreements; and*
- (iv) request the Director Water and Waste provide updates to Council on progress with the new license application process and signing of the new Agreements with property owners.*

SUMMARY

During discussions about the most appropriate ownership and operation model of the then proposed new Dungowan Pipeline, it became apparent the way water is made available to existing customers connected to the existing pipeline does not comply with current licencing provisions. As a result, it was concluded that licencing for the ongoing supply of water from the existing and/or the new pipeline will have to be altered.

Given the need to review licence requirements it is also considered necessary to review agreements between Council and property owners of property connected to the pipeline, both new and existing, to make sure agreements are appropriate.

The purpose of this report is to advise Council that the relevant State Government Agency has advised of the path required to address the current licence issues and seek Council’s approval to initiate this process.

COMMENTARY

At its Meeting of 13 September 2022, Council, considered a report on Licensing provisions of Dungowan Dam and Pipeline. The report included the following:

“There are approximately 109 individual connections to the existing Dungowan Pipeline. Owners of property connected to the pipeline use the water for a variety of purposes – most could be classified as for stock and domestic purposes, but a small number of others are more commercial in nature. At present the water is supplied to those customers from

Council's existing town water access licence (WAL20953) held by Council at Dungowan Dam."

A number of issues, based on existing understanding, have become apparent including:

1. Council's local water utility licence associated with Dungowan Dam specifies that "water must only be used for the purpose of supplying water for communities for domestic and commercial activities". The term "communities" appears to exclude the supply of water to individual property owners;
2. whilst stock and domestic use usually does not require a licence, commercial operations do;
3. Basic Landholders Right (BLR) licences are available to properties that have frontage to Dungowan Creek or the Peel River. In this case, it is understood a stock and domestic licence would not be required. Several of the properties connected to the Dungowan Pipeline fall into this category;
4. if Council wants to continue to supply water to property owners for use other than stock and domestic/BLR then Council, or the property owner, may have to acquire a general/high security licence from Dungowan Dam to allow supply;
5. if a general/high security licence is granted then it will be affected by Available Water Determinations (AWD's) made by the State Government throughout the water year. Council will have to police the water provided to customers to ensure the use complies with the provisions of the AWD;
6. for that part of the pipeline below the intersection of the Chaffey Dam Pipeline, it may be possible for water to be provided to property connected, from Chaffey Dam as well as Dungowan Dam. How the licences reflect this possibility also needs to be considered; and
7. the review of how water is provided to customers along the Dungowan Pipeline is required for the existing pipeline between Dungowan Village and the existing Dungowan Dam, the new pipeline, recently completed, between the Calala Water Treatment Plant and Dungowan Village and for those properties that will remain connected to the old Dungowan Pipeline once the new pipeline is commissioned.

Following consideration of the report Council resolved as follows;

'That in relation to the report "Dungowan Dam Licence Correction", Council agree to provide \$100,000 in funds from the Water Reserve to fund the engagement of consultants and legal advisers to assist staff in identifying and implementing changes to the administrative process Council follows to supply water to owners of property along the Dungowan Pipeline, both new and existing.'

As per the Council resolution in July 2022, specialist consultants were engaged to investigate the various licencing issues. Following this investigation on 9 December 2022, a letter was sent to the NSW Government advising of the licencing issue and including the following:

'Prior to the implementation of the Act Council held licence No. 90SL011230, issued under Section 12 of Part 2 of the NSW Water Act 1912 (copy attached) to enable access to water from Dungowan Creek for town water supply purposes. This was notionally converted to an access licence under Part 2 of Chapter 3 of the Act and a works approval under Part 3 of Chapter 3 of the Act by proclamation on 30 June 2010. Section 13 of Schedule 10 of the Act required the Minister to issue a local water utility access licence, a water supply work

approval and a water use approval to a local water utility that previously held a Water Act 1912 licence for town water supply purposes.

Tamworth Regional Council is, by definition a local water utility, being ‘a council exercising water supply functions under Division 2 of Part 3 of Chapter 6 of the Local Government Act 1993’.

There appears to have been an error made in the conversion of Council’s Water Act 1912 licence No. 90SL011230 for the Upper Peel River Tributaries Water Source. It should have been converted to a local water utility access licence as described above, but instead was converted to a Domestic and stock [Town water supply] access licence. Conversion to this category and subcategory of access licence only applied to former Water Act 1912 licences held by entities other than local water utilities for town water supply purposes (see Schedule 11 to the Act).

Under Section 71(l) of the Act, the Minister may, on such evidence as the Minister considers sufficient, correct an error, omission or defect, or amend for any other reason, any recording in the Access Register.

Council therefore requests that the error in the Access Register be corrected so that WAL 20953 is given its correct category of Local Water Utility access licence. Furthermore, Council also requests that the register be amended to remove the licence condition (MA6945-00015) restricting the use of water for the purpose of supplying water to communities for domestic consumption and commercial activities. This would be consistent with other local water utility access

As discussed above, these amendments would mean that water taken under a corrected local water utility licence could be used for stock and/or vegetable watering for non-commercial and commercial purposes, as well as to supply commercial and industrial sites, subject to the water being supplied through the local water utility water supply scheme (i.e., the Dungowan pipeline).’

Council has now been advised, by the relevant State Government Agency, that a notice under s.71(l) of the Water Management Act 2000, cannot be used to make corrections of this nature. In order to address this issue, the Water Management (General) Regulation 2010 has been amended to allow Council to apply for a Specific Purpose Access Licence with a category of Local Water Utility to replace WAL:20953.

Further, the process from here is:

- Council agrees to surrender WAL20953 on the condition the surrender will not occur until after a new licence, with the same details, but in a new category, has been issued;
- Council makes application for a new specific purpose license with the same details as WAL20953;
- the application is then considered and approved – the approval process includes:
 - issuing of a new license nominated water supply work and use approval (replacing 90CA189031);
 - registering of the new license with the NSW Land Registry Services; and
 - Council is notified of the new licence;
- the new licence is created and documents are sent to Council, including a Notification which must be sent to NSW Land Registry Services for the issue of a Certificate of Title for the new water access licence;

- after registration of the Notification form with NSW Land Registry Services, Council will be sent the Certificate of Title for the licence;
- Council then applies to Water NSW for a dealing to nominate a water supply work and use approval to replace 90CA189031; and
- the old licence is surrendered.

Should Council agree to embark on the process detailed, then at some point, Council will be issued with a new licence in a new category that will allow Council to continue to provide water to customers along the Dungowan Pipeline, as per the existing use the water provided is used for. There will be some restrictions, including the water cannot be used for irrigation etc, but this should not impact existing or new connections to the pipeline.

The provision of the new licence is also considered to be an appropriate time to move to a more formal arrangement/updated agreement for the provision of raw water from the Dungowan Pipeline. To this end, the draft Agreement, endorsed by Council at its Meeting of 9 May 2023, and issued to property owners, who did not have a connection to the old Dungowan Pipeline, but have received a connection to the new Dungowan Pipeline, will be used as a template for a new Agreement for property owners of property which had a connection to the old Dungowan pipeline and had that connection transferred to the new Dungowan Pipeline and/or property owners with connections to the old Dungowan pipeline.

Please note that issues surrounding the provision of water to customers connected to the Dungowan Pipeline below the intersection of the Chaffey Dam Pipeline, when raw water is being sourced from Chaffey Dam, are still being considered.

(a) Policy Implications

Nil

(b) Financial Implications

There may be some application and other fees payable related to the application for creation of and registration of the new licence. These costs are not expected to be excessive and can be funded from existing funds in the 2024/2025 budget.

(c) Legal Implications

Once the new licence is received Council will be able to continue to provide raw water to customers connected to the Dungowan Pipeline, based on the present use of the water supplied, without breaching its licence conditions.

Further, new Agreements will also be issued to property owners of property with an existing connection to the Dungowan Pipeline to formalise/update the provision of raw water from the pipeline.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our water security

8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 10 JULY 2024

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer
4 ANNEXURES ATTACHED
1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting - 10 July 2024”, Council:

- (i) approve the Young Drivers Expo and subsequent road closure of The Ringers Road between Longyard Drive and Jack Smyth Drive for the period of 1.00pm to 2:00pm daily for the dates of Tuesday, 27 August to Friday, 30 August 2024;*
- (ii) approve the proposed 2024 “Ride for the Chopper” charity event being held in the Tamworth Regional Council Local Government area from Wednesday, 18 September to Friday, 20 September 2024;*
- (iii) approve the proposed 2024 “Dirty Detour - New England Explorer” gravel and mountain bike event being held in the Tamworth Regional Council Local Government area on Saturday, 21 September and Sunday, 22 September 2024;*
- (iv) approve the proposed “EDS Big, Big, Big Walk for Little Kids” charity walk being held in the Tamworth Regional Council Local Government area from Thursday, 8 August to Saturday, 10 August 2024; and*
- (v) approve the changes to the median on North Street and the installation of the informal foot path crossing point on North Street, East Tamworth.*

SUMMARY

The purpose of this report is to advise Council of the five recommendations made by the Tamworth Regional Local Traffic Committee (the Committee) at the meeting held on 10 July 2024.

COMMENTARY

The minutes from the Committee meeting held on 10 July 2024, are **ENCLOSED**, refer **ENCLOSURE 1**. It is recognised that two items (78/2023 and 81/2023) within this report are being considered by Council post commencement.

74/2024 – Young Drivers Expo - Road Closure Request

Tamworth Regional Council advise that the annual Young Drivers Expo, which is held at the Tamworth Regional Entertainment and Conference Centre (TRECC), is scheduled for Tuesday, 27 to Friday, 30 August 2024.

NSW Police are requesting the closure of The Ringers Road, Hillvue for each day of the event to conduct a braking demonstration.

- event location: Hillvue, NSW
- dates: Tuesday, 27 August – Friday, 30 August 2024
- road closure times: 1.00pm to 2.00pm
- roads affected: The Ringers Road, from Longyard Drive to Jack Smyth Drive.

Details regarding the proposed road closure can be found within the **ATTACHED** traffic guidance scheme, refer **ANNEXURE 1**.

COMMITTEE RECOMMENDATION: the Committee members unanimously support the event and subsequent road closure of The Ringers Road, between Longyard Drive and Jack Smyth Drive, for the period of 1.00pm to 2:00pm daily for the dates of 27 August 2024 to 30 August 2024.

76/2024 – 2024 Ride for the Chopper

Council has been approached regarding the Westpac Rescue Helicopter Service 2024 “Ride for the Chopper” charity event being held between Glen Innes and Tamworth, NSW.

The event crosses through multiple Local Government areas (LGAs) including Glen Inness Severn Council, Inverell Shire Council, Gwydir Shire Council and Tamworth Regional Council.

Approximately 50 mountain bike riders and 10 support crew in six vehicles will be taking part in the event. At all times when travelling on local roads there will be a support vehicle in front of all riders with appropriate warning signage and flashing lights, and three or four vehicles trailing the riders, again with appropriate warning signage and flashing lights.

Riders will be briefed each morning by the Ride Captain, or a designated person, with details of the days ride, highlighting hazards, any traffic concerns that riders need to be aware of, and reinforcing safety and compliance where appropriate.

Riders will travel no more than two abreast at any time when on public roads, reverting to single file when deemed necessary by the Ride Captain who will relay the instruction to riders. Support vehicles will be in radio contact by UHF, as will the Ride Captain, to ensure awareness of any traffic or environmental risks that need to be managed during the ride.

Details for the ride affecting the Tamworth LGA are shown in Figures 1 to 3 below:

Day 6: Wednesday 18 September 2024

- starting location: Glen Riddle Reserve
- roads affected: Pera Linton Road, Coreena Road, Avondale Road, Linton Road, Crow Mountain Road, Namoi River Road, Charles Street and Manilla Street.
- finish location: Manilla



Figure 1: Proposed route from Glen Riddle Reserve to Manilla

Day 7: Thursday 19 September 2024

- starting location: Manilla
- roads affected: Rowan Street, Strafford Street, Manilla Street, Charles Street, Arthur Street, Halls Creek Road, Settlers Road, Yarramanbully Road, Halls Creek Road, Monash Street and Court Street.
- finish location: Manilla

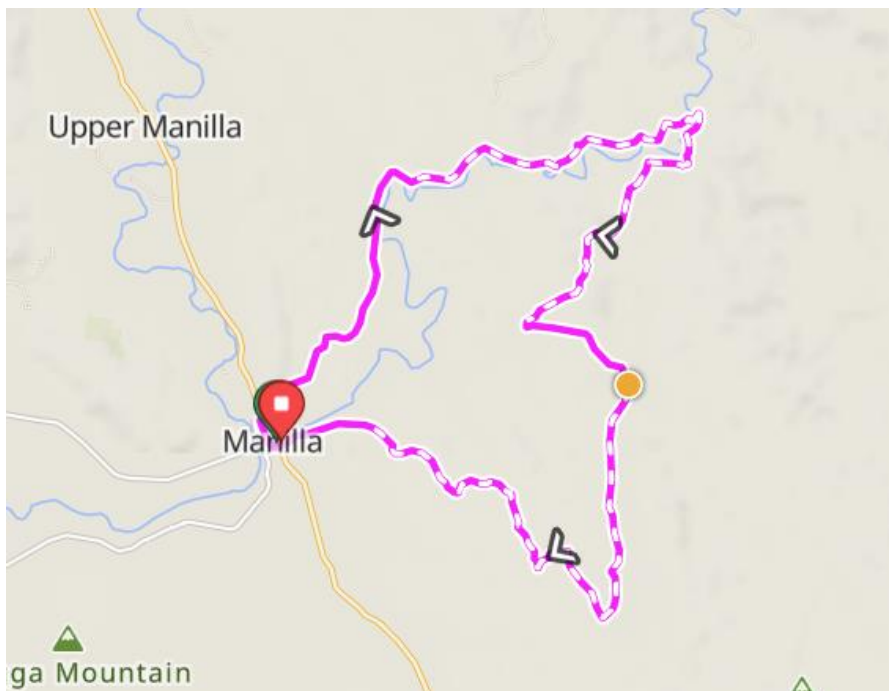


Figure 2: Proposed route from Manilla to Red Jack Mountain (and return)

Day 8: Friday 20 September 2024

- starting location: Manilla
- roads affected: Court Street, Rowan Street, Stephen Street, River Street, Sherwood Road, Glenbrook Road, Perrings Road, Menedebri Road, Somerton Road, Scotland Road, Grant Street, Babbinboon, Warminster Road, Prices Road, Soldiers Settlement Road, Careys Lane, Old Winton Road, Dobsons Lane, New Winton Road, Bithramere Lane, Bayliss Lane, Duri-Wallamore Road, Heiligmans Lane, Warral Road, Duri Road, Hillvue Road, Kurrawan Street, Calala Lane and Campbell Road.
- finish location: Calala Inn, 53 Calala Lane, Calala, 2340

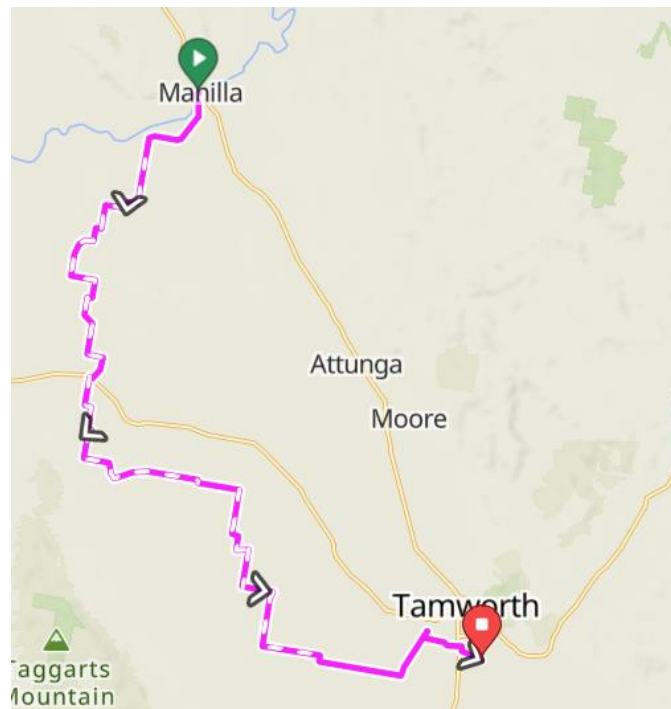


Figure 3: Proposed route from Manilla to Calala

COMMITTEE RECOMMENDATION: the Committee members unanimously support the proposed 2024 “Ride for the Chopper” charity event being held in the Tamworth LGA from Wednesday 18 September to Friday 20 September 2024.

77/2024 – Dirty Detour - New England Explorer, 2024

Council has been approached regarding the Dirty Detour New England Explorer which is a two-day gravel and mountain bike event being held between Manilla and Bendemeer, NSW. The event is designed to cater to all cyclists with a baseline fitness level with the option of a 75km or 100km length course available on Saturday and a 70km course on Sunday. The Dirty Detour is a participation event (not a race) that has a maximum of 400 riders. Figure 4 below shows the route of the short course and Figure 5 shows the route of the long course.

Day 1: Saturday, 21 September 2024 (75km Short Course):

- starting location: Chaffey Park, 103 Strafford Street, Manilla
- starting time: 8.30am

- roads affected: Stafford Street, Halls Creek Road, Yarramanbully Road, Settlers Road, Halls Creek Road, Bungendore Spur Road, Watsons Creek Road and Caroline Street
- finish location: Bendemeer Hotel, 112-130 Caroline Street, Bendemeer, NSW, 2355
- finish time: from 12.30pm
- comments: Event Marshals will be in place at the following locations:
 - Halls Creek Road and Yarramanbully Road intersection to manage riders safely turning right;
 - Yarramanbully Road and Settlers Road to ensure all riders turn left and continue on course;
 - Settlers Road and Halls Creek Road to monitor riders safely turning right;
 - Halls Creek Road and Bungendore Spur Road to ensure all riders turn left and continue on course;
 - Bungendore Spur Road Feed Station;
 - Watsons Creek Road and Retreat Road intersection to ensure riders can safely continue along Watsons Creek Road; and
 - A sweep marshal will follow the last rider through the course.

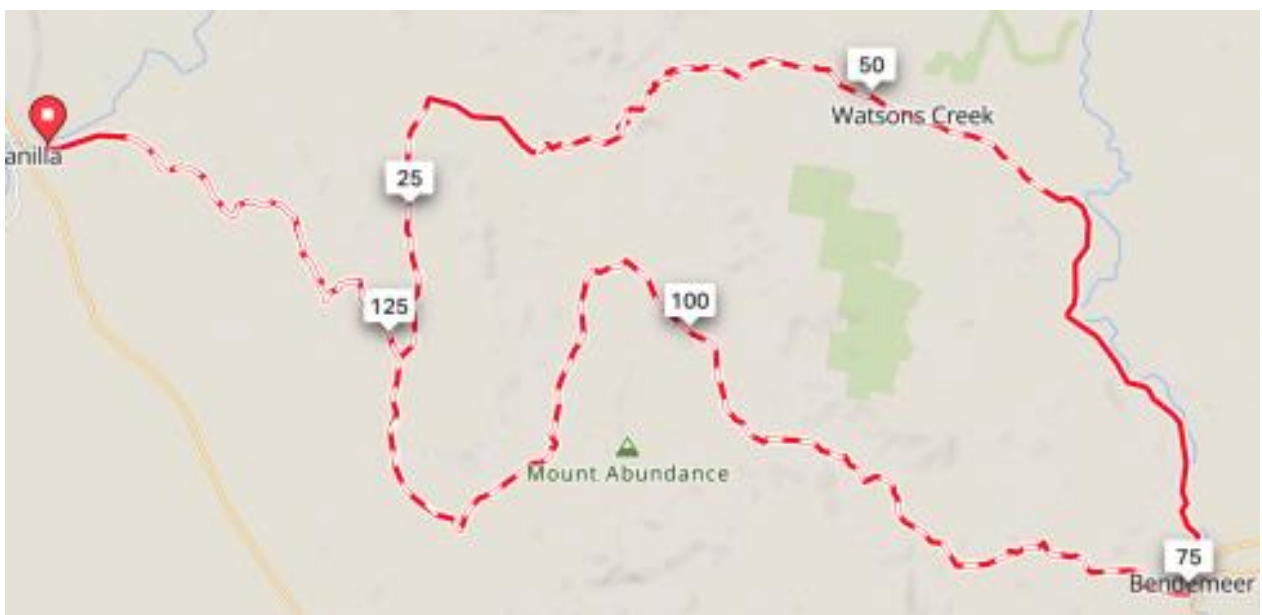


Figure 4: 145km Course: Saturday 21 September 2024 75km and Sunday 22 September 2024 70km

Day 1: Saturday, 21 September 2024 (100km Long Course)

- starting location: Chaffey Park, 103 Stafford Street, Manilla
- starting time: 8.30am
- roads affected: Stafford Street, Halls Creek Road, Yarramanbully Road, Settlers Road, Halls Creek Road, Glen Barra Road and Watsons Creek Tilmunda Road, Watsons Creek Road and Caroline Street.

- finish location: Bendemeer Hotel, 112-130 Caroline Street, Bendemeer
- finish time: from 12.30pm
- comments: Event Marshals will be in place at the following locations:
 - Halls Creek Road and Yarramanbully Road intersection to manage riders safely turning right;
 - Yarramanbully Road and Settlers Road to ensure all riders turn left and continue on course;
 - Settlers Road and Halls Creek Road to ensure riders can safely continue on Halls Creek Road;
 - Halls Creek Road and Glen Barra Road intersection to manage riders safely turning right;
 - Glen Barra Road Feed Station;
 - Watsons Creek Road and Retreat Road intersection to ensure riders can safely continue along Watsons Creek Road; and
 - A sweep marshal will follow the last rider through the course.



Figure 5: 170km Course: Saturday 21 September 2024 100km and Sunday 22 September 2024 70km

Day 2: Sunday, 22 September 2024 (70km Course)

- starting location: Bendemeer Hotel, 112-130 Caroline Street, Bendemeer
- starting time: 8.30am
- roads affected: Caroline Street, Charles Street, Halls Creek Road, Wisemans Arm Road, Yarramanbully Road, Halls Creek Road, and Strafford Street.
- finish location: Chaffey Park, 103 Strafford Street, Manilla
- finish time: from 11.30am
- comments: Event Marshals will be in place at the following locations:
 - Caroline Street and Charles Street intersection to ensure riders can turn right safely;
 - Halls Creek Road and Wisemans Arm Road to ensure all riders turn left and remain on course;
 - Wisemans Road Feed Station;
 - Wisemans Arm Road and Yarramanbully Road intersection to ensure all riders safely turn right;
 - Yarramanbully Road and Halls Creek Road intersection to direct riders towards the finish line; and
 - A sweep marshal will follow the last rider through the course.

A proposed event management plan can be found **ATTACHED**, refer **ANNEXURE 2**.

COMMITTEE RECOMMENDATION: the Committee members unanimously support the proposed 2024 “Dirty Detour - New England Explorer” gravel and mountain bike event being held in the Tamworth LGA on Saturday 21 September and Sunday 22 September 2024.

78/2024 – EDS Big, Big, Big Walk for Little Kids, 2024

Council has been approached regarding the Camp Quality “EDS Big, Big, Big Walk for Little Kids” charity event being held between Brisbane, QLD and Melbourne, VIC.

The event, starting on 23 July 2024, will see registered participants walk approximately 2,700 kilometres through parts of Queensland, New South Wales, the Australian Capital Territory and Victoria. The walk will be conducted on roads and road-related areas and will observe highest standards of road safety practices on advice from police and other relevant authorities.

The core participants are highly experienced veterans and serving first responders with exceptional public and road safety acumen. They will be responsive and responsible throughout the walk to ensure the safety and free passage of participants, other road users, and the public.

The walk will involve the continuum of road surfaces, conditions, grades, and traffic density including but not limited to, unsealed fire trails, seasonally maintained single lane rural roads, and well-maintained dual carriageway highways. Topography and weather conditions will also be highly varied.

Details when the walk will affect the Council LGA are detailed below:

Day 17: Thursday, 8 August 2024

- starting location: Arding, NSW
- starting time: 5.00am
- roads affected: New England Highway/A15
- finish location: Bendemeer, NSW
- finishing time: 4.30pm

Day 18: Friday, 9 August 2024

- starting location: Bendemeer, NSW
- starting time: 5.00am
- roads affected:
 - New England Highway (A15) – from Bendemeer to East Street, Tamworth;
 - East Street, Tamworth – from Armidale Road/New England Highway (A15) to King George Avenue IV;
 - King George Avenue IV, East Tamworth – from East Street to Unnamed Road #8;
 - Unnamed Road #8, East Tamworth – from King George Avenue IV to Scott Road/New England Highway (A15);
 - Scott Road/New England Highway (A15) – from Unnamed Road #8 to Karwin Street;
 - Karwin Street, South Tamworth – from Scott Road/New England Highway (A15) to Goonoo Goonoo Road/New England Highway (A15);
 - Goonoo Goonoo Road/New England Highway (A15), South Tamworth – from Karwin Street to Burgmanns Lane; and
 - Burgmanns Lane, Kingswood – from Goonoo Goonoo Road/New England Highway (A15) to Kingswood
- finish location: Kingswood, NSW
- finishing time: 5.00pm

Day 19: Saturday, 10 August 2024

- starting location: Kingswood, NSW
- starting time: 5.00am
- roads affected:
 - Burgmanns Lane, Kingswood – from Kingswood to Duri Road;
 - Duri Road/Werris Creek Road, Warral – from Burgmanns Lane to Warral Road, via railway underpass;
 - Warral Road, Duri – from Duri Road/Werris Creek Road via railway underpass to Duri Street, Duri via Railway Avenue;
 - Duri Street, Duri – from Railway Avenue, Duri to Curra Stock Route Road via Bielefelds Road; and

- Curra Stock Route Road, Duri – from Bielefelds Road to Glenbrook Road, Currabubula (outside the Tamworth LGA).
- The remaining route to Caroona falls outside of the Tamworth LGA.
- finish location: Caroona, NSW
- finishing time: 5.00pm

Two maps have been **ATTACHED**, refer **ANNEXURE 3**, to outline the route through Tamworth and Duri that has been proposed by the event organisers.

COMMITTEE RECOMMENDATION: the Committee members unanimously support the proposed “EDS Big, Big, Big Walk for Little Kids” charity walk being held in the Tamworth LGA from Thursday, 8 August to Saturday, 10 August 2024.

81/2024 – North Street Footpath Crossing, North Tamworth

Associated with Transport for NSW ‘Get NSW Active’ program, Council is proposing to install a new 1.5m footpath from Bligh Street, North Tamworth to Bourke Street, East Tamworth (via North Street).

In December 2023, “*Item 78/2023 - North Street, North to East Tamworth, Footpath Pedestrian Infrastructure*”, Council approved two crossing points associated with the project on Janison Street and Bligh Street.

A third crossing point to enable pedestrians’ safe access across Darling Street in East Tamworth is required. The area being investigated is shown below in Figure 6.



Figure 6: Third crossing point required on Darling Street, East Tamworth

As shown below in Figure 7, a crossing point was proposed on the southern side of MacArthur Place. This site, upon investigation, was deemed inappropriate due to the limited sighting distance available to pedestrians for southbound vehicles approaching at 50km/h.



Figure 7: Initial crossing point for new foot path across Darling Street, East Tamworth.

To ensure a compliant footpath crossing point, with appropriate sighting distance, Council would like to modify the median on North Street by removing vehicle access and relocating the informal foot path crossing point closer to North Street.

Details of this proposal can be found within the **ATTACHED** design, refer **ANNEXURE 4**.

As local residents on Darling Street would utilise this location to perform U-Turns and access their properties, Council is proposing to widen an existing turn-around point further along North Street to reduce any impact to residents.

Community consultation, including letter drops and door knocking, has been completed by the project manager with no issues raised by local residents.

COMMITTEE RECOMMENDATION: the Committee members unanimously support the changes to the median on North Street and the installation of the informal foot path crossing point on North Street, East Tamworth.

(a) Policy Implications

Nil

(b) Financial Implications

74/2024, 76/2024, 77/2024 and 78/2024 - Shall be funded by the event organisers.

81/2024 – Shall be funded by the State Government under the Get NSW Active program 2022/2023.

(c) Legal Implications

Nil

(d) Community Consultation

81/2024 – Community consultation including letter drops and door knocking of affected residents has been completed.

(e) Delivery Program Objective/Strategy

Focus Area 5 – Connect our region and its citizens

8.4 TAMWORTH REGIONAL AQUATIC CENTRE - AUGUST 2024 PROJECT UPDATE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

**Reference: Item 12.3 to Ordinary Council 9 July 2024 - Minute No 171/24
Item 8.1 to Ordinary Council 14 May 2024 - Minute No 92/24
Item 8.1 to Ordinary Council 8 August 2023 - Minute No 188/23
Item 12.6 to Ordinary Council 12 December 2023 - Minute No 355/23**

RECOMMENDATION

That in relation to the report “Tamworth Regional Aquatic Centre - August 2024 Project Update”, Council:

- (i) note the preferred 50m pool configuration as detailed in the body of the report;*
- (ii) adopt the operator strategy based on the facility being staffed and managed in-house by Tamworth Regional Council staff with an operator review completed after three years;*
- (iii) approve the funding strategy, including the allocation of Tamworth Regional Council’s co-contribution of \$30 million from loan funding pending the approval of a subsequent Capital Expenditure Review;*
- (iv) authorise the affixing of the Seal of Council to loan documents and any other documents required for the completion of the loan transactions pending the approval of a subsequent Capital Expenditure Review; and*
- (v) adopt the proposal for the facility to be branded and named as a unique entity with a future report to be presented for consideration based on further investigations and consultation.*

SUMMARY

This report provides an update to Council on the work undertaken in determining the pool configuration and depths of the main body of water in the Tamworth Regional Aquatic Centre (TRAC) and Northern Inland Centre of Sport and Health (NICSH). The report also presents a proposed operational model based on management of the facility being provided by in-house staff for an initial period, as well as a funding strategy for the \$45 million project budget and a proposal to investigate options for the naming and branding of the facility.

COMMENTARY

Background

Tamworth Regional Council is proposing to develop a major aquatic and sports health centre with a total project budget of \$45 million. This is Stage 1 of a potential three stage facility and includes the TRAC and the NICSH, collectively referred to as the facility. Figure 1 below shows an artist's impression of the entry to the facility.



Figure 1 – Current render of the entry way for the proposed facility.

A Development Application for Stage 1 of this project was submitted on 1 August 2024.

Pool Configuration and Depth

Extensive community consultation was undertaken in 2017 and 2018, to refine the proposal for a future aquatic centre in Tamworth. A total of 1,289 respondents completed the online survey, with additional written responses received. 87.5% of respondents indicated that they wanted an all year round indoor 50m pool.

The determination of the depths and equipment configurations for this 50m pool is a highly complex undertaking requiring consideration of the intended use, technical capability of equipment, safety of the arrangement, and compliance of the configuration with standards. With only one major pool and one supporting warm water pool, the multi-use functionality of the major pool has always been of critical importance. This pool is required to satisfy the use expectations of the community, general user groups, sporting user groups, and sporting peak aquatic organisations, as well as satisfying the program objectives of the project's funding partners. While satisfying these expectations, the pool is also required to be operated efficiently and generate revenue to maintain the long-term financial viability of the facility. This requires a balanced assessment of pool configuration options and the acceptance of compromises by user groups.

Council's technical staff and project team have been working for several months in identifying and evaluating options for the various depths and combinations of pool equipment. This has included consultation with Tamworth Aquatic Group (representing local swimming and water

polo groups), Water Polo NSW, Swimming NSW, NSW Office of Sport, Royal Life Saving Society Australia, external operators, Council's project consultant team, and other groups generally involved in Council's major projects. This consultation will continue as the detailed design of the project progresses and the proposal for the pool configuration is refined. The options for pool depth and pool equipment (refer to Figures 2-4 for examples of the equipment) considered include:

1. 50m pool – 1.2m fixed shallow end for 25m, central swim wall, 0-2m moveable pool floor in the deep end for 25m;
2. 50m pool – 1.35m fixed shallow end for 25m, central swim wall, 0-2m moveable pool floor in the deep end for 25m;
3. 50m pool – 0-2m moveable pool floor in the shallow end for 25m, central swim wall, 2m fixed end for 25m;
4. 51.5m pool – 0-2m moveable pool floor full length, moveable boom;
5. 51.5m pool – 1.35m fixed shallow end for ~12.5m, transition to 2m, 2m fixed deep end for 30m, moveable boom; and
6. 50m pool – 1.35m fixed shallow end for ~11m, transition to 2m, central swim wall, 0-2m moveable pool floor in the deep end for 25m (total length at 2m depth is maximum of 30m).



Figure 2 – Moveable floor (left) with swim wall in use (middle) with the floor rebate visible for when the wall is not in use (right).



Figure 3 – Two-part swim wall with one part in use (left) and the other part stored on the floor of the pool (right).



Figure 4 – Moveable boom option available in lieu of a swim wall.

Recent changes to Swimming Australia's dive entry policy has resulted in the minimum depth of pools where swimmers are diving from blocks being increased from 1.2m to 1.35m, aligning to FINA (World Aquatics) depths for high level competitive swimming. Unfortunately, this 1.35m depth is too deep to operate learn to swim classes in (which require a maximum depth of 1.2m). The inclusion of a moveable pool floor to have sections of the pool at 1.2m depth allows for this learn to swim functionality.

Further advice from Royal Life Saving Society Australia aimed at minimising the risk to users has emphasised the critical importance of having a small section of fixed shallow water to allow younger swimmers to be able to stand up on completion of an event (50m swim lap). The advice also stated that the design of the pool must ensure that there are no steps or drops in the pool (other than a compliance transition slope) where a user can inadvertently walk from a shallow section of a pool to a deep section with a single step.

Consideration of the intended uses of the pool, compliance requirements to current standards, safety considerations in the design, and limitations of equipment technology have resulted in the preferred pool configuration aligning to option 6 above and represented in Figure 5 below. This pool provides for core competitive swimming uses, a large water polo playing field, a large area for learn to swim classes made possible by the moveable pool floor, and a central swim wall to split the pool into sections to provide multiple concurrent uses.

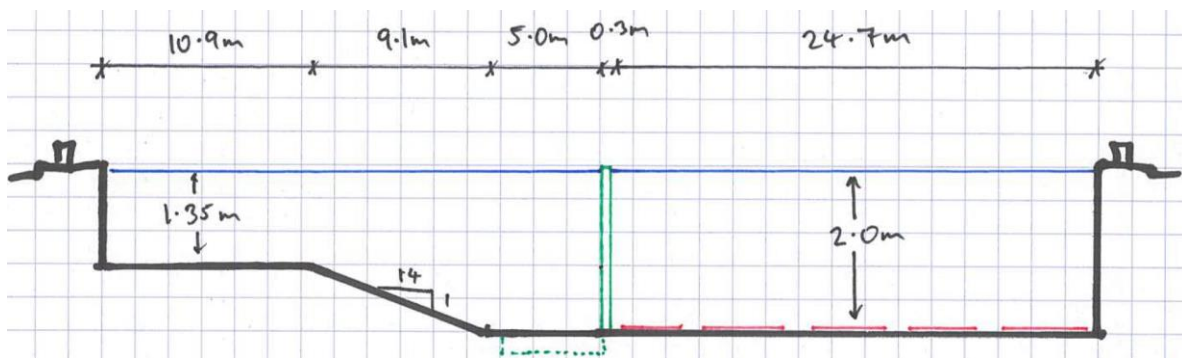


Figure 5 – Current preferred pool configuration (option 6 in this report) with the swim wall shown in green and the moveable floor shown in red.

As noted previously, these configurations involve some compromises by all user groups in order to provide for the multifunction and high number of uses of the one water body, with this configuration to be refined in consultation with the key users and stakeholders. The status of pool depths and equipment configurations will be included in future project update reports to Council.

Operator Management Model

Extensive research has been undertaken in relation to the appropriate model for the operation of the facility. This research highlights two main options – in-house management of the facility, or external management of the facility by a specialist leisure company under contract. A 2019 survey of Council owned aquatic centres across Australia by Council's leisure consultant Otium, found that there was an approximately even split between the two different models. In recent years, there has been a growing trend for some regional centres to revert back to an in-house model from an external contract model. Council's project team contacted some of these centres and identified that this was due to a multitude of issues, including degrading condition of the asset, declining service quality or quantity of services being offered, and inability for the Council to adequately manage the contract to ensure the external operator is performing well.

The evaluation of the appropriate operator model for this facility involved consideration of the cost to Council, the experience of the operator, the ability to maintain the asset, and the ability to estimate facility data to allow an external operator contract to be defined.

- Cost to Council – To assist Council in evaluating the two models, Otium (leisure consultant) provided comparative estimates for the operational costs of an in-house management model and a typical external management model. This analysis identified a negligible financial difference between the two.
- Experience of operator – A small number of major external operators exist within the market, including Belgravia Leisure, YMCA, and Bluefit. All have the experience and capability to manage the facility. Council also has the in-house experience to operate the facility. In addition to the pools currently operated by Council across the region, Council's ability to effectively operate modern facilities is evident at sites such as Tamworth Regional Entertainment and Conference Centre (TRECC), Australian Equine and Livestock Events Centre (AELEC), the Capitol Theatre, and the Tamworth Sports Dome.
- Ability to maintain the asset – For externally operated facilities, maintenance and repairs are generally identified by the operator and actioned by the Council. This relies on the operator proactively identifying maintenance and repair items for the asset

despite the asset not being under their ownership. This is able to be managed through suitable contractual arrangements, however some other facilities have seen a reduction in asset condition due to improper maintenance and repair inspections by the operator.

- Ability to estimate facility data – With the facility being a new facility, accurate costs for operating costs and revenue are not known. As a result, any external operator would need to be engaged under a fee-for-service arrangement for approximately three years while the data is collected. After this time, a lump sum management contract could be entered into to provide improved value for money for Council compared to a fee-for-service arrangement. However, there is a risk that an operator would operate the pool at inflated operational capacities in order to increase the expenditure data collected, allowing for a higher lump sum contract value to be justified at the end of the three-year period.

Council is in a good position to adopt the in-house management model for approximately three years, with the ability to reassess the facility data and market conditions at the end of this period. This will allow Council to gather accurate data on the capability of the facility and enable Council to ensure value for money from any future external operator contract arrangement.

Funding Strategy

Council has secured \$15 million from the NSW Government under their Centre of Excellence Fund based on the original project budget of approximately \$61.77 million. This budget was based on a contribution from the federal government of \$30 million which was reduced to a maximum of \$15 million when Council applied for funding under their Growing Regions Program.

With Council being unsuccessful under the Federal Government's Growing Regions Program, a \$30 million co-contribution from Council is required to supplement the NSW Government's \$15 million of grant funding, to fully fund a revised \$45 million project. Council is currently working with the NSW Government to vary the project budget under the Centre of Excellence Fund to align with this \$45 million total project. To fund this Council co-contribution, it is proposed to obtain loan funding, with the repayments made from two funding streams as identified:

- \$15 million in loan funding repaid through Special Rates Variation revenue relating to the renewal of Council's assets; and
- \$15 million in loan funding repaid through decreased expenditure and increased revenue (one-off asset sales). The source of expenditure savings will be identified through Council's regular operational procedures with future Council reports prepared for any land asset sales.

In order for Council to obtain loan funding, a Capital Expenditure Review is required to be prepared and submitted to the NSW Office of Local Government. The Capital Expenditure Review includes a detailed capital expenditure estimate that is expected to be within 5% of the final cost. It will also include the operational impact of the facility on Council's General Fund's bottom line, with the capital and operating expenditure required to be incorporated into Council's Long Term Financial Plan to ensure that expenditure is considered for the life of the asset. The project team are working with the project design team to limit the operational expenditure of the new facility to be no more than the existing two facilities combined. The Capital Expenditure Review requires evidence of Council's commitment to the funding co-contribution, which relates to the recommendation of this report.

It is critical to provide Council's commitment to the funding strategy to keep the Capital Expenditure Review progressing and to provide confidence to our funding partner, the NSW Office of Sport, that Council is committed to the delivery of this major facility for the Community. Failure to provide Council's commitment at this time is likely to breach the deed conditions associated with the Centre of Excellence fund and may jeopardise this \$15 million of funding provided by the NSW Office of Sport.

Branding and Naming

The new facility offerings extend beyond those of a typical regional aquatic centre, with the ability to provide health, education, fitness, sport administration, and aquatic services. As such, it is critical that the facility management prioritise business development opportunities for the facility to ensure that visitation is high from the opening day to generate ongoing revenue. In order to do this, the facility will need to have a robust and adaptable marketing plan to target the intended user groups. It is proposed that this marketing is undertaken separately to Council's normal marketing and communications activities, utilising unique facility branding and naming. This allows for the facility business development to be pushed independent of Council's normal operating obligations. It also allows for the facility operator to change in the future without changing any of the branding.

An increasing number of newly constructed or re-developed aquatic and leisure facilities around Australia are independently branding their assets for the above reasons. Therefore, it is recommended that Council endorse the project team to investigate naming and branding options for this facility and report back to Council with options for consideration

(a) Policy Implications

Nil

(b) Financial Implications

The total project budget is \$45 million, with \$15 million secured through the NSW Government's Centre of Excellence Fund. The remaining \$30 million is proposed to be contributed by Council from loan funding repaid through two mechanisms as detailed in the body of this report.

\$1 million has already been allocated to the project from Council's Regional Development Fund for preliminary investigations and to commence detailed design. Refer to Item 12.3 to Ordinary Council 9 July 2024 – Minute No 171/24. This amount is part of Council's full co-contribution and so will be refunded to the Regional Development Fund.

While this report is asking for endorsement of the funding strategy, additional work is required to be undertaken to refine the 'whole of life' costs of operating the proposed facility. This ensures that the community service obligation for the provision of the proposed facility is not greater than the two existing facilities in Tamworth. If the obligation is greater, Council will need to find savings in other areas to offset this increased cost. Council's Long Term Financial Plan will need to be updated as part of this financial review process.

(c) Legal Implications

Pending Council's approval of the funding strategy and NSW Office of Local Government's approval of the Capital Expenditure Review, Council will enter into a

loan contract with an external entity, with the contract and associated documents requiring the Seal of Council.

The *Local Government (General) Regulation 2021*, Clause 400(4), requires that the Seal of Council must not be affixed to a document unless the document relates to the business of Council and Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

(d) Community Consultation

Detailed information regarding consultation with the Community since 2018 has previously been provided to Council, refer to Item 8.1 to Ordinary Council 8 August 2023 – Minute No 188/23.

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

Community consultation during the Development Application process for the TRAC and NICSH includes a 28-day public notification/exhibition period in accordance with Council’s adopted “Managing Conflict of Interest in Council Related Development Applications Policy”.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

8.5 TAMWORTH INTEGRATED TRANSPORT PLAN

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Nicholas Smith, Senior Transport Engineer

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Integrated Transport Plan”, Council adopt the strategy.

SUMMARY

The purpose of this report is to request Council endorse and adopt the Tamworth Integrated Transport Plan (ITP). The ITP has been developed in collaboration with Transport for NSW (TfNSW) and outlines how the Tamworth region will manage transport demands into the future to cater for commuters, freight providers, tourists and recreational users through embracing the multi-modal “Movement and Place” philosophy.

COMMENTARY

The Tamworth ITP is **ATTACHED**, refer **ANNEXURE 1** and outlines how Tamworth Regional Council, in partnership with TfNSW, will ensure that Tamworth and its surrounds continue to be a vibrant and attractive place to live, visit, work and play by recognising the important role transport has in achieving this. Only through providing a functional, efficient, safe and sustainable transport network will our region reach its full potential.

The ITP sits above all transport-related strategies produced by Council, including the Active Transport Strategy, CBD Parking Strategy, and the Bridge and Major Culvert Strategy. It aligns with various local, state and federal strategic documents and visions, including Council's Blueprint 100 document.

A Councillor workshop was held in May 2023, with both Council and TfNSW staff presenting key information contained within the ITP. Following this workshop, and incorporating minor adjustments to the document, a period of public exhibition ran from 4 June to 3 July 2024. Feedback received was generally highly supportive, with two new projects added to the identified list of projects based on the feedback received. These were:

- Hills Plain Walking and Cycling Connection Stage 2; and
- TGGP/Airport Walking and Cycling Connection.

(a) Policy Implications

Nil

(b) Financial Implications

Nil currently, however identified projects will require funding as they are developed. It is expected that external funding (either State or Federal) secured through competitive grant funding processes will form a large component of the overall funding.

(c) Legal Implications

Nil

(d) Community Consultation

Various meetings with key stakeholders including many localised studies which form part of the project identification process.

A period of public exhibition ran from 4 June and 3 July 2024.

(e) Delivery Program Objective/Strategy

Focus Area 5 – Connect our region and its citizens

8.6 CONTINUATION OF THE WASTE WAGON

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste
Reference: Item 8.2 Ordinary Council Meeting 8 November 2022 - Minute No. 324/22

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Continuation of the Waste Wagon”, Council:

- (i) agree to continue the present Waste Wagon service across the Council area for the 2024/2025 financial year; and*
- (ii) request the Director, Water and Waste provide a further report on the cost of the service towards the end of the 2024/2025 financial year.*

SUMMARY

At its meeting of 8 November 2022, Council agreed to commence a trial of a book in, fee for service, removal of bulky household waste service, for a period of one year and to evaluate whether to continue the service in the 2024/2025 financial year.

The purpose of this report is to seek Council’s direction in relation to this matter

COMMENTARY

Council considered a report on the introduction of a Modified Bulky Household Waste Collection service, called Waste Wagon, at its meeting of 8 November 2022, and resolved as follows:

‘That in relation to the report “Modified Bulky Household Waste Collection Service – Waste Wagon”, Council:

- (i) proceed with the implementation of the one-year trial of the Waste Wagon Service at a uniform fee of \$25.00 per service and all other conditions as per the report;*
- (ii) commence the trial with a service launch on 1 February 2023, to allow for a community communication plan to be implemented and finalise education resources;*
- (iii) allocate the funds required for the trial as outlined in the report from the Waste Reserve; and*
- (iv) after the 12-month trial is complete, request the Director of Water and Waste submit a report to Council with the results of the trial to inform Council’s future direction with a Waste Wagon style service.’*

The Waste Wagon service commenced taking online bookings on 1 June 2023. Prior to that date, trial or controlled tests, were undertaken with four Homes North Properties in May to test our documentation, processes and procedures, safety measures etc.

To 30 June 2024, the following numbers are relevant:

- 184 services were provided comprising as follows:
- 17 Rural Collections (9.2%)
 - Nundle 5 (2.7% of overall collection);

- Bendemeer 2 (1.1%);
- Kootingal 5 (2.7%);
- Manilla 2 (1.1%);
- Moonbi 2 (1.1%); and
- Timbumburi 1 (0.5%).
- 167 Tamworth Collections (90.7%);
- 30 residents commenced the booking process but didn't complete the process – 12 of those properties followed through and made bookings and sometimes multiple bookings. 18 residents did not complete a booking at all and it is unknown why;
- 24 Homes North properties booked collections;
- 25 properties used the service more than once;
- average number of services is 3 per day;
- the number of services per day break down:
 - 1 – 29 times;
 - 2 – 42 times;
 - 3 – 33 times;
 - 4 - 17 times; and
 - 5 – 3 times.
- actual cost of providing the service was \$81,452, which includes \$20,000 in costs related to setting up the automated system. Whilst there will be ongoing costs associated with the automated system, they will be significantly less than \$20,000 per year;
- income received from the customers is \$2,850; and
- nett cost to Council is \$78,902 for the 23-24 financial year which equates to an approximate cost per service of \$428. If the start-up costs related to setting up the automated system are excluded then the cost per service reduces to \$320 per service.

In the 2024/2025 financial year there have been 17 services completed with 10 booked in and scheduled.

One change has been made to the service to try and reduce the high cost of provision. Originally the service was provided Monday to Friday but given the bookings being received, and the spread of bookings, a decision was made to reduce the days where bookings could be made to Wednesday and Thursday only. This does not appear to have affected numbers of bookings to date and this may be because the majority of the customers booking the service do not work.

There is still an issue with validating pension discounts online. For this reason, pensioners who want to claim the discounted price are asked to visit customer service. If Council wishes to offer this service and a pensioner discount long term then an attempt will be made to address this issue, however the cost to do so may be significant.

It is considered the initial cost of the waste wagon service is too high for Council to continue to offer the service in the long term. However, it is also considered there may be opportunities to further reduce costs, which may reduce the level of subsidy community members, who do not use the service, are making for those that do at present. For this reason, it is recommended the service continue for the remainder of the 2024/2025 financial year and Council reassess before the 2025/2026 financial year.

(a) Policy Implications

Nil

(b) Financial Implications

As per the body of the report

(c) Legal Implications

Nil

(d) Community Consultation

There has been extensive community engagement to promote the Waste Wagon service as detailed in the document **ATTACHED**, refer **ANNEXURE 1**.

(e) Delivery Program Objective/Strategy

Focus Area 6 – Working with and protecting our environment

8.7 IPART - DAMS SAFETY NSW LEVY REVIEW - DRAFT REPORT

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations
Reference: Item 8.5 Ordinary Council Meeting 13 October 2020 Minute No 308/20

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “IPART - Dams Safety NSW Levy Review - Draft Report”, Council:

- (i) receive and note the report; and*
- (ii) not make a submission in relation to the Draft Report.*

SUMMARY

In late 2020, the NSW Government announced it was considering introducing a levy on the owners of declared dams to fund the ongoing regulatory activities of Dams Safety NSW, specifically in relation to the administration of the Dams Safety Act 2015.

Dams Safety NSW was established in late 2019, as an independent regulator to manage dam safety in NSW. Since the creation of Dam Safety NSW, all operational costs of Dam Safety NSW have been funded by the NSW Government. The NSW Government authorised the Independent Pricing and Regulatory Tribunal (IPART) to design a levy to recover the costs of regulating the safety of declared dams in NSW from owners of declared dams. Council, as the owner of three declared dams, will be required to pay this levy, if it is introduced.

A ‘Draft IPART Dams Safety NSW Levy Review Report’ has been prepared and released in July 2024, proposing the implementation of a Dams Safety NSW Levy. IPART is currently seeking comment on the proposal with submissions closing 19 August 2024.

COMMENTARY

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

The Act and Regulation is administered by Dam Safety NSW. Dams Safety NSW was established in late 2019, as an independent regulator to manage dam safety in NSW. Since the creation of Dam Safety NSW, all operational costs of Dam Safety NSW have been funded by the NSW Government. The NSW Government authorised the Independent Pricing and Regulatory Tribunal (IPART) to design a levy to recover the costs of regulating the safety of declared dams in NSW from owners of declared dams. Council as the owner of three declared dams will be required to pay this levy, if it is introduced.

A ‘Draft IPART Dams Safety NSW Levy Review Report’ has been prepared and released in July 2024, proposing the implementation of a Dams Safety NSW Levy. IPART is currently seeking comment on the proposal with submissions closing 19 August 2024.

To establish a levy, IPART reviewed Dam Safety NSW’s operations and expenditure. IPART concluded that the current annual expenditure of \$4.6 million reflected a sufficient and

reasonable level of resources for Dam Safety NSW to undertake its obligations under the Dams Safety Act 2015. In designing a levy for dam owners, IPART allocated Dam Safety NSW's costs into the following three categories:

- direct costs (\$3.02 million) – directly attributable to dam owners and driven by dam characteristics such as dam consequence category;
- indirect costs (\$1.32 million) – necessary for providing services to all dam owners, but not as variable between dams e.g., corporate overheads; and
- non-levy costs (\$0.25 million) – costs unrelated to declared dams.

IPART have recommended that \$4.34 million or 95% of Dam Safety NSW's costs are included in a levy, and the remaining \$0.25 million or 5% of Dam Safety NSW's costs continue to be funded by the NSW Government.

IPART's calculated annual levies per declared dam range from \$7,639 to \$15,264. The levy cost varies with the consequence rating of the dam to recognise that higher consequence dams require more regulatory effort from Dam Safety NSW and so drive more of its costs. The proposed levies are provided below:

- low consequence dam - \$7,639;
- significant consequence dam - \$10,574;
- high consequence dam - \$12,613; and
- extreme consequence dam - \$15,264.

Council's three declared dams are high consequence category dams. As such, the annual cost for each dam is \$12,613 or a total annual cost of \$37,839.

IPART have also made a series of recommendations for the future, should the NSW Government decide to implement the levy: These include:

- the Government should consider providing funds to decommission some unused dams that no longer serve a purpose but continue to pose safety risks;
- Dam Safety NSW's efficient costs and the levy should be independently reviewed in three years to ensure the levy is accurate and fit for purpose as the regulatory regime matures;
- Dam Safety NSW should improve data collection to allow for more accurate cost allocation in the levy and to provide assurance that its costs are efficient;
- in the upcoming review of the Dams Safety Act 2015, Dam Safety NSW should consider adding the ability to charge 'fees for services' and possibly retaining some funding from penalty notices that it issues; and
- the Government should consider auditing Dam Safety NSW's performance, regardless of whether it introduces a levy, in recognition of the critical work it does.

The full IPART Draft Report is **ATTACHED**, refer **ANNEXURE 1**.

At its Meeting of 13 October 2020, Council was presented a report in relation to the proposed introduction of a NSW Dam Safety levy. At the time, the proposed total annual cost of levies for Council's three dams was expected to be \$12,120. As part of this report, Council considered the following in relation to whether or not Council should comment on the proposal at the time:

- Government oversight of dams is considered necessary because of the potential loss of life and property from dam failures;
- the amount Council will have to pay is a relatively small amount at the moment, but given previous experience, the cost will rise in the future and ultimately Council and other dam owners may be paying a lot more than at present;
- oversight of dam safety was provided free of charge by the NSW Government before the introduction of the new Act;
- the levy could be considered another example of cost shifting away from the Government;
- in future Council may have to reconsider the use of retention and detention basins in dealing with stormwater issues since large detention and or retention basins could be classified as declared dams and therefore will attract the levy charge; and
- it could be argued the all taxpayers of NSW benefit from dams and the contribution they make to economic activity. Further the State benefits from a well-regulated system which reduces the risk of dam failures and possible corresponding loss of life and property. As a result, the State should contribute to the cost of regulation as well.

On balance, it was considered, at the time, reasonable for declared dam owners to contribute towards the cost of the regulator responsible for regulating declared dams and Council resolved not to make a submission.

In relation to the current Draft IPART Report it is proposed Council not provide any submission to IPART given Council's previous resolution and also noting IPART has considered all previous issues raised by dam owners including:

- the appropriateness of charging a levy on activities that may provide a public benefit, such as flood mitigation;
- the affordability of the levy for smaller dam owners and local government;
- the lack of benchmarking data available to assess the efficiency of Dam Safety NSW's costs;
- the challenge of distinguishing between Dam Safety NSW's current efficient costs and its potentially lower future efficient costs as the industry gets more familiar with the regulatory regime; and
- alternative methods of calculating the levy, including charges based on dam volume, consequence category, compliance history and dam type.

(a) Policy Implications

Nil

(b) Financial Implications

The levy, if introduced, is a new charge and additional funds will have to be allocated in future annual operating budgets to pay the levy charge.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our water security

8.8 WATER SERVICES ASSOCIATION OF AUSTRALIA - USA STUDY DELEGATION

DIRECTORATE: WATER AND WASTE

AUTHOR: Naomi Schipanski, Manager - Projects, Strategy and Infrastructure

RECOMMENDATION

That in relation to the report “Water Services Association of Australia - USA Study Delegation”, Council receive and note the Report

SUMMARY

The Water Services Association of Australia (WSAA) lead an Australian/New Zealand study delegation to the USA to attend the WaterReuse Symposium in Denver Colorado, which is the pre-eminent conference globally on water recycling. Council’s, Manager, Strategy, Projects and Infrastructure, Mrs Naomi Schipanski was invited and attended the symposium and a study tour including operational sites, constructions sites and demonstration facilities for projects which have been proposed but are not yet underway. The report provides a summary of the tour.

COMMENTARY

Symposium

The Symposium took place in Denver over four days and covered the following topics:

- Climate Resiliency & Adaptation;
- Collaboration & Trust Building to Advance Reuse;
- Water Reuse Communications, Education, & Outreach;
- Industrial Water Reuse;
- Potable Reuse Innovations & Research;
- Water Reuse Planning, Governance, & Management;
- Advancing Reuse in Small & Underrepresented Communities;
- Onsite and Decentralized Water Recycling Systems;
- Removing Policy & Funding Barriers to Reuse;
- Removing Regulatory & Permitting Barriers to Reuse; and
- Water Reuse Operations.

Three members of the delegation spoke at the Conference: Danielle Francis, Manager, Policy and Strategy, Water Services Association of Australia, Kellie McDonald, Manager Brand & Community Marketing, SA Water and Dr Kaye Power; Principal Public Health Advisor for Sydney Water.

The keynote speaker at the Conference, Pete McBride, spoke about issues with the Colorado river, which has a lot of parallels with the Murray Darling Basin.



Site Tours

Colorado School of Mines DPR Trailer

The PureWater Colorado Mobile Direct Potable Reuse Demonstration trailer. This travelling trailer is a joint creation between Colorado Springs Utilities, the Colorado School of Mines and designers Carollo Engineers. The trailer is used as a research facility and engagement tool, geared more for technologists, utilities and regulators. The trailer uses a carbon-based treatment train to treat up to 20L/min of secondary or tertiary-treated wastewater to drinking water standards. As it is mobile, the trailer is able to test treatment at different source water locations making it a unique and flexible research facility.



Aurora Binney Water Purification Facility (WPF) Prairie Waters Colorado

This plant has two separate treatment trains, one designed to treat mountain water and one to treat water from the South Platte River. There are multiple wastewater plants which discharge to the South Platte River upstream of the offtake point and as a result the river water comprises approximately 90% treated effluent. The first barrier is riverbank filtration, it is then pumped to the Binney WPF where it goes through chemical softening, ultraviolet light coupled with advanced oxidation, biological activated carbon filtration and activated carbon adsorption. Water from both treatment trains is blended before begin distributed for municipal use



El Paso Water – Fred Hervey Facility

El Paso Texas, has been a world leader for Indirect Potable Reuse, driven by water scarcity. Since the mid-1980's The Fred Hervey Reclamation Plant has been treating wastewater to drinking water standards. The purified recycled water is then used to replenish the groundwater through injection wells and infiltration basins.

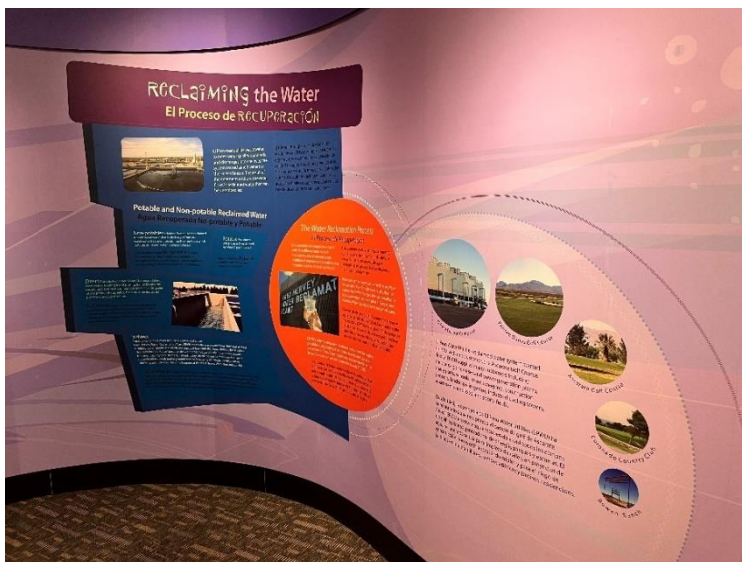


El Paso Water has recognised a need to diversify their water supplies and is currently constructing a Direct Potable Reuse scheme which will be used to supplement drinking water supplies. Their Advanced Water Purification Facility will use a direct-to-distribution approach.



El Paso Water has put a lot of effort into community education for many decades. This includes liaising with the community as well as all of their own employees, the medical fraternity (not just public health

people, but medical practitioners) and local universities. The Tech2O Learning Centre, with mascot Willie the Water Drop, is a vast education facility which uses informative static displays to tell the story of how the city of El Paso has grown in a desert by diversifying its water supply.



East County Advanced Water Purification, CA (Padre Dam Municipal Water District)

California boasts numerous groundwater replenishment schemes driven mainly by the need to combat seawater intrusion into aquifers (resulting from over extraction). The East County project is the first reservoir augmentation scheme, a collaboration between four agencies, which will see recycled water returned to Lake Jennings, an existing drinking water storage. The projects' capacity will meet a dilution target of 100:1.

The East County project offered great insight into the journey with regulators, and included a tracer study, using rhodamine dye, undertaken on Lake Jennings to verify water path modelling. The study used a remote-controlled underwater vehicle to detect the dye in 3D, driven by the need to minimise algae. Lake stratification and inversions will be avoided by use of aerators and two air curtains will be used to minimise opportunity for short-circuiting.



Pure Water San Diego, CA

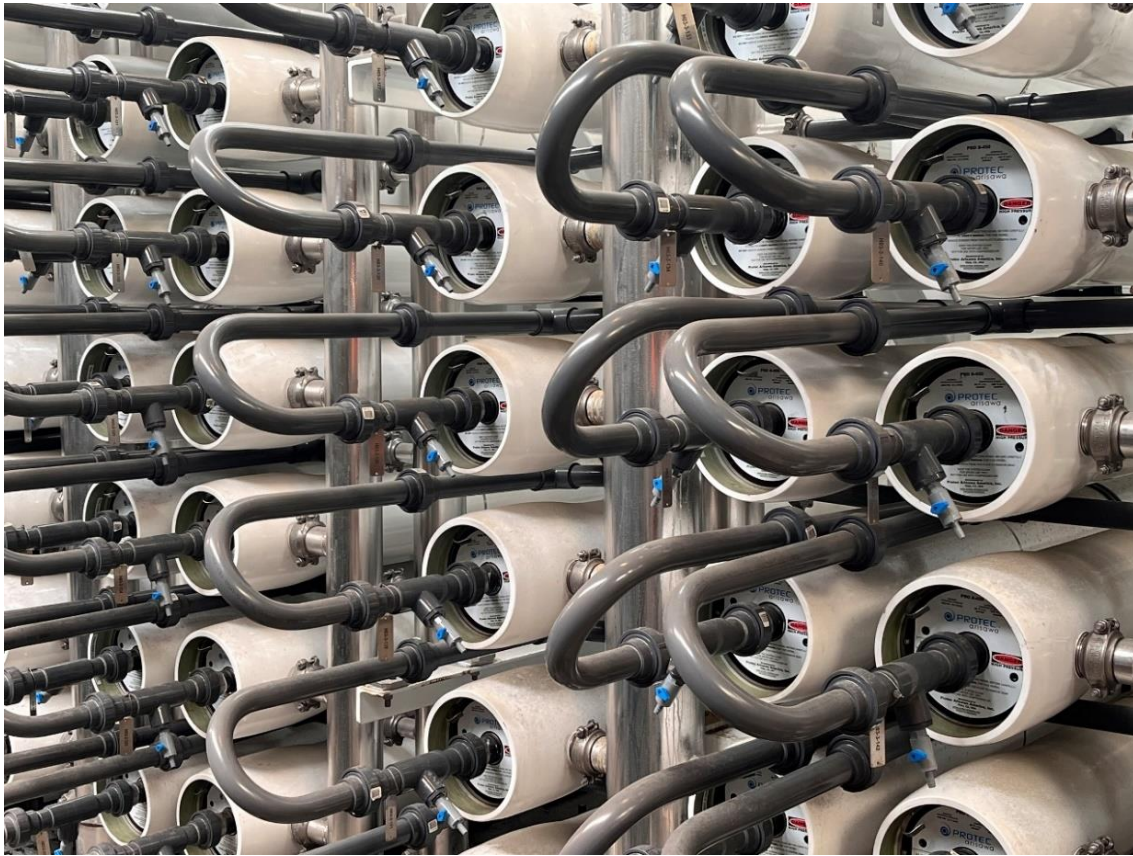
San Diego has significant and varied challenges resulting from extreme local water scarcity. 85% of water is currently imported from different (and very distant) catchments. The cost of imported water is significant and the aqueduct via which it is imported is subject to significant earthquake risk.

Pure Water San Diego is an ambitious staged project which will ultimately supply approximately half of the City of San Diego's water supply. The first stage of the project is an Indirect Potable Reuse Scheme producing 114ML/Day of Purified Recycled Water which will be returned to the potable system via Reservoir Augmentation. The second Stage of the project is proposed to be Direct Potable Reuse and is scheduled to be implemented by 2035.

The project's community engagement team gave insight into how they managed the public consultation via honest communication with residents, with one of the most effective public engagement tools being a map showing that San Diego was already in unacknowledged reuse (via the Colorado River). The Californian community also preferences bottled water, something the project team directly combated by directly posing the community question: "where do you think the bottled water producer gets their water from?"

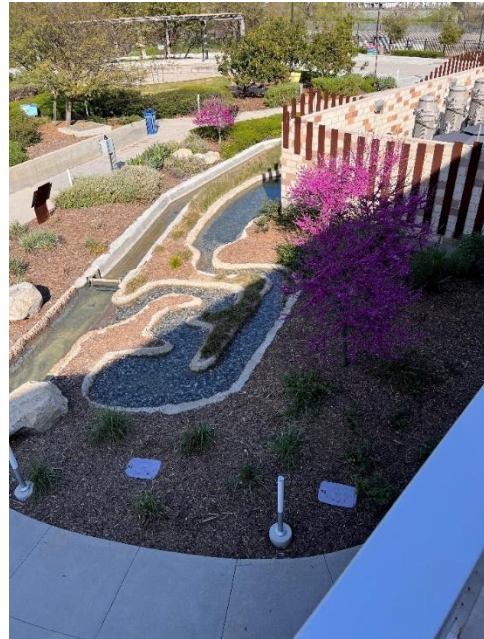
Orange County Water District, CA

The Orange County Water District Groundwater Replenishment System has been augmenting local aquifers since 2008 and is now the largest purified recycled water facility for Indirect Potable Reuse in the world. Approximately 110ML/Day of the schemes water is supplied to groundwater injection wells which prevent seawater intrusion in to aquifers. Another 380ML/Day of purified recycled water is transferred to basins which soak into the groundwater system and replenish the aquifers. From there, 19 separate water retailers draw from the groundwater supplying drinking water to around two and a half million people. The scale and complexity of both the facility and the water market is difficult to convey. Being leaders in providing Indirect Potable Reuse has meant the Orange County team have not always had a straightforward community engagement road, they now go by the very straightforward slogan "It tastes like water.....because it is water".



Albert Robles Centre, Water Replenishment District of Southern California

This site visit was all about Community Engagement and Education. The Albert Robles Centre is a stunning facility which includes an education facility with rooftop and outdoor gardens, including a mock San Gabriel River. Adjacent to the education facility is the actual plant, cleverly laid out with viewing platforms so that work isn't interrupted whilst tours of the facility are underway.



The Water Replenishment District treats approximately 56ML/Day and is responsible for supplying water used to replenish seawall barriers, and spreading grounds for aquifer recharge. The groundwater is accessed various entities that are involved in the complex market around water supply that exists in Los Angeles, ultimately supplying drinking water to around four million people.

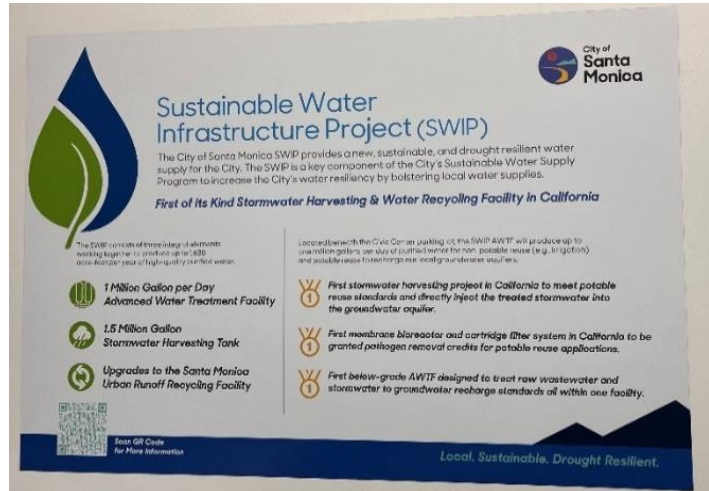
Pure Water Southern California

The A.K Warren Water Resource Recovery Facility is the only LA plant discharging used water to the ocean and has a capacity of around 1500ML/Day. Pure Water will ultimately produce 590ML of purified recycled water each day and will distribute this to approximately 19 million people.

The project aims to be producing purified recycled water by 2032, and is currently running pilot/ demonstration plants which are being used for extensive testing and research and also for site tours. The community being supplied is diverse, and community education programs are being developed in six languages.

Santa Monica SWIP, CA

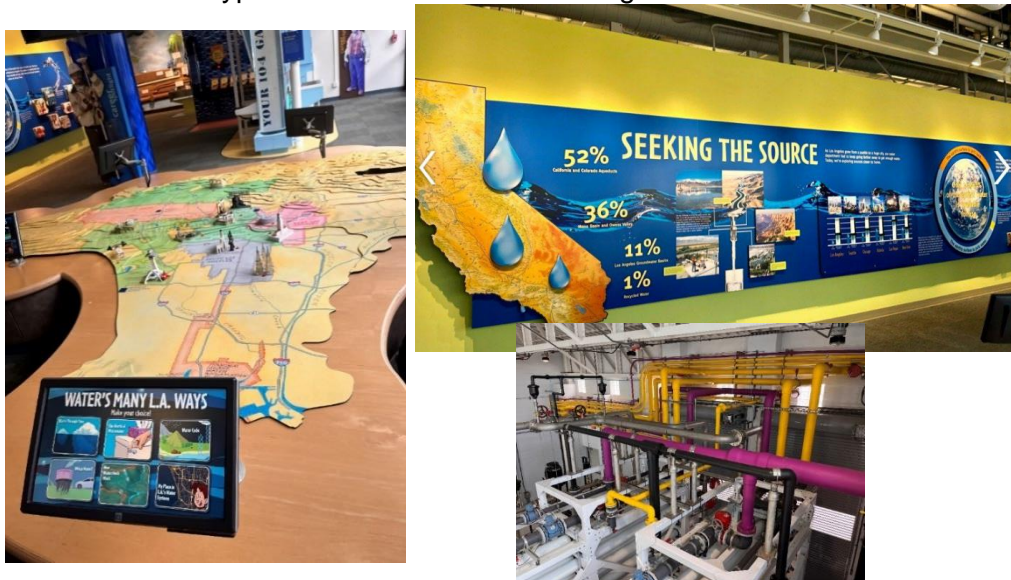
The Santa Monica Sustainable Water Infrastructure Project is an augmentation of an established stormwater recycling system that has been supplying cleaned urban stormwater for irrigation for approximately 20 years. The treatment plant is located underground beneath the civic centre carpark. This project was unique in that the community acceptance levels for Direct Potable Reuse are very high. Water has to be imported into the catchment and so is very expensive, this means projects like this can be incredibly cost effective. The project team also reported that the community don't see water as a burning issue, with homelessness dominating.



Los Angeles Hyperion

Hyperion Water Reclamation Plant is Los Angeles' oldest and largest wastewater treatment facility operating since 1894. Currently, around 80% of LA's water is imported and there is an undertaking to reduce that amount to 30%. Current plans are for an Indirect Potable Reuse scheme which will supply enough Purified Recycled Water to meet around 50% of water demand, with a reduction in consumption of approximately 20% providing the remainder of the savings. The Hyperion Facility currently discharges effluent to the Santa Monica Bay and so as well as providing purified recycled water to the supply network there is a large perceived environmental benefit in removing discharge of nutrients to the Bay.

This site visit included tours of the two demonstration plants currently operating at the site, and a tour of the Hyperion Environmental Learning Centre



The opportunity to be exposed to the vast amount of technical expertise from around the world and to witness a range of water recycling projects in various stages of development has been invaluable. Common themes emerged as the tour progressed, helping gain an

understanding of where the issues may lie with implementing water recycling, not just in this Community but across Australia. The Australian/ New Zealand tour group included experts in Policy, Process Engineering, Operations, Community Engagement and Strategic Planning from a range of different water utilities. Spending the tour time in the company of leaders in this field from across Australia and New Zealand has also been invaluable to allowing informed decisions to be made for our community.

I would like to sincerely thank the Council for this opportunity.

(a) Policy Implications

Nil

(b) Financial Implications

The cost of the tour was \$16,500

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SHEBA DAMS AND HANGING ROCK LOOKOUT 2024 MASTERPLAN

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Samuel Eriksson, Sports and Recreation Strategy Officer

1 ANNEXURES ATTACHED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Sheba Dams and Hanging Rock Lookout 2024 Masterplan”, Council adopt the masterplan titled “Sheba Dams and Hanging Rock Lookout 2024 Masterplan”.

SUMMARY

As part of future planning for the continued population growth in line with Tamworth Regional Council’s Blueprint 100 Strategy, Council staff have developed a masterplan for Sheba Dams and Hanging Rock Lookout. The masterplan will guide the future governance and management of Sheba Dams and Hanging Rock Lookout and outlines a collective vision for both areas to remain significant tourism destinations for the region.

The draft masterplan was placed on public exhibition for a period of 28 days between 2 May 2024 and 30 May 2024. A total of 18 respondents commented on the masterplan. Following a detailed and collaborative approach to the development of a community masterplan for Sheba Dams and Hanging Rock Lookout, it is recommended that Council adopt this masterplan and work towards addressing the priority actions within.

COMMENTARY

Sheba Dams is located 11km east of Nundle on Barry Road and is 1,140m above sea level. The dams were built by hand in 1888 to provide water for gold mining operations in the Hanging Rock and Nundle areas. The associated campground is widely dispersed through natural bush with unreserved and unpowered sites. Community facilities include picnic tables, chairs, undercover areas, amenities and a jetty. Sheba Dams is a popular spot for camping, fishing, bird watching, swimming, kayaking, canoeing and bushwalking.

Hanging Rock Lookout is located 6km east of Nundle on Barry Road and it provides spectacular views of the Peel Valley from its vantage point at 1,100m. The lookout includes a viewing area accessible by man-made steps, a hand rail and a sheltered picnic table. A log cabin is located on the Hanging Rock Lookout Road, 275m from the Barry Road turn off and is also part of the project subject area.

The Sheba Dams and Hanging Rock Lookout 2024 Masterplan, acknowledges that the Sheba Dams and Hanging Rock Lookout are utilised to facilitate a broad range of activities and recreational pursuits that span from both passive to active. Addressing this broad spectrum will lead to the success of the Sheba Dams and Hanging Rock Lookout 2024 Masterplan. Both localities have a clear operational focus of community recreation and tourism, with the goal of maximising usage and promoting the area. This will ensure all investment in both localities has a broader flow on effect of social and economic benefits into the community at large. This masterplan provides options for the actions to be implemented in stages. This ensures the prioritisation of each action as funding becomes available or if community needs or demands change.

Strategically, the Sheba Dams and Hanging Rock Lookout 2024 Masterplan will sit under Council's Regional Blueprint 100 Strategy and Council's Sport and Recreation Strategic Plan. The alignment with both of these strategies is critical in achieving improved cultural, social and physical amenity within the community over the next 20 years.

The Sheba Dams and Hanging Rock Lookout 2024 Masterplan project was completed in six key stages as follows:

- Stage 1: Council staff commenced development of a masterplan by undertaking a broad analysis of all relevant existing conditions in the study area. This site analysis included a physical overview of the study area including onsite inspections, photographic study and assessment of existing open space facilities, structures and connections to and between the study area.
- Stage 2: A Project Control Group (PCG) was established that included representation from a range of divisions within Council in an effort to address the broad nature of elements to be addressed within the masterplan. The PCG members identified key opportunities and areas for development within the study area.
- Stage 3: These ideas were presented to the Project Advisory Group (PAG) made up of key local community persons to comment on and provide additional ideas.
- Stage 4: A draft masterplan was developed that incorporated all ideas concluded by the PCG and PAG. This masterplan was placed on public exhibition for a period of 28 days between 2 May 2024 and 30 May 2024. A total of 18 respondents formally commented on the draft plan. This feedback is summarised and **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.
- Stage 5: The community consultation feedback and recommendations were presented to the PCG for endorsement and the final masterplan produced.
- Stage 6: A final masterplan developed and is **ATTACHED**, refer **ANNEXURE 1**.

Following this detailed and collaborative approach to the development of a community masterplan for Sheba Dams and Hanging Rock Lookout, it is recommended that Council adopt this masterplan and work towards addressing the priority actions within.

(a) Policy Implications

Nil

(b) Financial Implications

There are no costs associated with adopting the masterplan.

There are no funds currently allocated to implement any components or priority actions of this plan.

(c) Legal Implications

Nil

(d) Community Consultation

A critical component to developing this masterplan was the PAG. The PAG included representation from Crown Lands, local Indigenous elders, Nundle Business Tourism and Marketing Group, Arc-en-Ciel Trout Farm and Nundle Fishing Club. The key involvement of the PAG was to finalise all ideas and concepts included in the draft masterplan that was placed on public exhibition.

The draft Sheba Dams and Hanging Rock Lookout 2024 Masterplan was placed on public exhibition for a period of 28 days between 2 May 2024 and 30 May 2024. A number of different methods were used to engage the community in this project. People were invited to participate through a range of communication methods, media channels, social media, radio, face-to-face information stands, Council website promotion, and a feedback form for formal submissions to be made. A total of 18 respondents formally commented on the draft plan.

(e) Delivery Program Objective/Strategy

Focus area 2 – A liveable built environment

9.2 NUNDELE RECREATION GROUND AND PEEL RIVER PARK 2024 MASTERPLAN

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Samuel Eriksson, Sports and Recreation Strategy Officer

1 ANNEXURES ATTACHED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Nundle Recreation Ground and Peel River Park 2024 Masterplan”, Council adopt the masterplan titled “Nundle Recreation Ground and Peel River Park 2024 Masterplan”.

SUMMARY

As part of future planning for the continued population growth in line with Tamworth Regional Council’s Blueprint 100 Strategy, Council staff have developed a masterplan for Nundle Recreation Ground and Peel River Park. The masterplan will guide the future governance and management of the Nundle Recreation Ground and Peel River Park and outlines a collective vision for both areas to remain significant locations for locals and tourists.

The draft masterplan was placed on public exhibition for a period of 28 days between 2 May 2024 and 30 May 2024. A total of 15 respondents commented on the masterplan. Following this detailed and collaborative approach to the development of a community masterplan for the Nundle Recreation and Peel River Park, it is recommended that Council adopt this masterplan and work towards addressing the priority actions within.

COMMENTARY

The Nundle Recreation Ground is located on the left-hand side of Oakenville Street at the entrance to Nundle. Bordered to the north and west by the Peel River, the Nundle Recreation Ground includes significant community infrastructure. It is used throughout the year by the local primary school for sporting events, is a home ground for the local bush cricket team and is the location for the annual ‘Great Nundle Dog Race’.

Peel River Park is located on the right-hand side of Oakenville Street at the entrance to Nundle. Bordered by the Peel River on the west, Peel River Park is predominately used as a rest stop for travellers utilising the picnic areas.

The Nundle Recreation Ground and Peel River Park 2024 Masterplan acknowledges that the Nundle Recreation Ground and Peel River Park are utilised to facilitate a broad range of activities and recreational pursuits that span from both passive to active. Addressing this broad spectrum will lead to the Nundle Recreation Ground and Peel River Park 2024

Masterplan's success. Both localities have a clear operational focus of community recreation and tourism, with the goal of maximising usage and promoting the area. This will ensure all investment in both localities has a broader flow on effect of social and economic benefits into the community at large. This masterplan provides options for the actions to be implemented in stages. This ensures the prioritisation of each action as funding becomes available or if community needs or demands change.

Strategically, the Nundle Recreation Ground and Peel River Park 2024 Masterplan will sit under Council's Regional Blueprint 100 Strategy and Council's Sport and Recreation Strategic Plan. The alignment with both of these strategies is critical in achieving improved cultural, social and physical amenity within the community over the next 20 years.

The Nundle Recreation Ground and Peel River Park 2024 Masterplan project was completed in six key stages as follows:

Stage 1: Council staff commenced development of a masterplan by undertaking a broad analysis of all relevant existing conditions in the study area. This site analysis included a physical overview of the study area including onsite inspections, photographic study and assessment of existing open space facilities, structures and connections to and between the study area.

Of particular interest was a flood review of the subject area. Nundle Recreation Ground and Peel River Park are prone to flooding and the masterplan acknowledges this in all facets of design and proposals.

Stage 2: A Project Control Group (PCG) was established that included representation from a range of divisions within Council in an effort to address the broad nature of elements to be addressed within the masterplan. The PCG members identified key opportunities and areas for development within the study area.

Stage 3: These ideas were presented to the Project Advisory Group (PAG) made up of key local community persons to comment on and provide additional ideas.

Stage 4: A draft masterplan was developed that incorporated all ideas concluded by the PCG and PAG. This masterplan was placed on public exhibition for a period of 28 days between 2 May 2024 and 30 May 2024. A total of 15 respondents formally commented on the draft plan. This feedback is summarised and **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

Stage 5: The community consultation feedback and recommendations were presented to the PCG for endorsement and the final masterplan produced.

Stage 6: A final masterplan developed and is **ATTACHED**, refer **ANNEXURE 1**.

Following this detailed and collaborative approach to the development of a community masterplan for Nundle Recreation and Peel River Park, it is recommended that Council adopt this masterplan and work towards addressing the priority actions within.

(a) Policy Implications

Nil

(b) Financial Implications

There are no costs associated with adopting the masterplan.

There are no funds currently allocated to implement any components or priority actions of this plan.

(c) Legal Implications

Nil

(d) Community Consultation

A critical component to developing this masterplan was the PAG. The PAG included representation from Crown Lands, Nundle Public School, Nundle Parents and Citizens Association, Nundle Cricket Club and Nundle Woollen Mill. The key involvement of the PAG was to finalising all ideas and concepts included in the draft masterplan that was placed on public exhibition.

The draft Sheba Dams and Hanging Rock Lookout 2024 Masterplan was placed on public exhibition for a period of 28 days between 2 May 2024 and 30 May 2024. A number of different methods were used to engage the community in this project. People were invited to participate through a range of communication methods, media channels, social media, radio, face-to-face information stands, Council website promotion, and a feedback form for formal submissions to be made. A total of 15 respondents formally commented on the draft plan.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A liveable built environment

9.3 LOCAL GOVERNMENT NSW 2024 CONFERENCE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Lisa May, Coordinator Governance and Executive Services
Reference: Meeting of Ordinary Council dated 23 July 2024 - Minute No 181/24

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Local Government NSW 2024 Conference”, Council determine issues that are important to Tamworth Regional Council for motions to be drafted and request a further report to be prepared for approval.

SUMMARY

This purpose of this report is to determine Council motions to submit to Local Government NSW (LGNSW) for the 2024 LGNSW Annual Conference held in Tamworth on 17-19 November 2024.

COMMENTARY

The 2024 Local Government NSW Annual Conference will be held at Tamworth Regional Entertainment Conference Centre from Sunday 17 November 2024, to Tuesday 19 November 2024.

Motions are encouraged to be submitted by Friday, 15 August 2024, however, the final close date for submissions is on 20 October 2024. Proposed motions should be strategic, affect members state-wide and introduce now or emerging policy issues and actions, the Motions Submission Guide is **ATTACHED**, refer **ANNEXURE 1**, for reference. Members are encouraged to review the Action Reports from previous conferences before submitting motions for the 2024 Conference. Action reports from previous conferences are available on the Annual Conference page on the LGNSW website.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus area 9: Open and Collaborative Leadership

10 COMMUNITY SERVICES

10.1 TAMWORTH REGION MUSEUM AND ARCHIVE STRATEGY

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES
AUTHOR: Bridget Guthrie, Director Art Gallery and Museums

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Region Museum and Archive Strategy ”, Council adopts the draft Tamworth Region Museum and Archive Strategy 2024/2025 to 2029/2030.

SUMMARY

The draft Tamworth Region Museum and Archive Strategy (Strategy) has been on public exhibition for 28 days and received several public submissions. This Strategy outlines a framework for the support of ten public museum, archive and social history collections located in the Tamworth Regional Council catchment area associated with Tamworth Regional Council.

COMMENTARY

Tamworth is home to a number of professionally and volunteer run museums throughout our region. The Tamworth Region Museums and Archive collections tell the stories of the people, places and events that have been instrumental in our region becoming the unique regional centre that it is today.

While each of the ten museums and archives have a unique offering, common themes are evident across the collections, including The City of Music, The City of Light, Film & Sound, and Mining & Minerals. Each museum houses documents, artefacts and exhibits that are vital community assets, helping to contribute to Tamworth's collective memory. These common themes relate back to Tamworth's unique identity and connection to place.

The draft Tamworth Region Museum and Archive Strategy (Strategy), see **ATTACHED**, refer **ANNEXURE 1**, outlines a framework for the support of ten public museum, archives and social history collections located in the Council catchment area and associated with Tamworth Regional Council. The intention of the document is to create a blueprint for the ongoing support and development of each unique collection and to identify the most effective manner for Council to support and resource the preservation of the region's heritage.

It is recommended that Council adopts the draft Strategy to be finalised from 2024/2025 through to 2029/2030.

(a) Policy Implications

Upon adoption, this strategy will be included on Council's website.

(b) Financial Implications

The implementation of the Strategy can be predominately actioned through the existing Museum budget allocations and staffing resources but is also reliant on a series of external grants.

Council plans to apply for multi-year funding through Create NSW for our Museums and Archives portfolio and the Tamworth Region Museum and Archive Strategy is an essential document to support this application.

(c) Legal Implications

Implementation of this Strategy will assist with Council's forward planning, Asset Management and Risk Management processes.

(d) Community Consultation

This Strategy has now been on public exhibition for 28 days from Wednesday 10 July to Tuesday 6 August 2024. Community feedback was generally positive. A total of 9 comments were received from community members, see **ATTACHED**, refer **ANNEXURE 2**

The Strategy was developed via consultation with key stakeholders in early 2024 and is supported by prior research and consultation contained in existing collection/community documentation, including Collection Significance Assessments, Strategic Plans, the Community Strategic Plan, the Tamworth Region Cultural Plan and various other council planning documents.

In addition, an online museum survey was also undertaken to ensure that the visitor's voice was heard and receive feedback from our audiences. Almost 50 visitors

completed the survey and provided valuable information and feedback that was site specific to each museum location.

Community museum sessions with support from Museum Advisor Kim Biggs and TRC staff have taken place in Manilla, Barraba, Moonbi, Nundle and Tamworth as part of the consultation process. After these consultation sessions, some alterations and changes were made to the strategy based on the volunteers feedback and recommendations.

Furthermore, the draft Strategy has been presented to the Tamworth Region Arts Advisory Committee (TRAAC) for endorsement. The TRAAC includes six community members who represent a broad range of art disciplines. The Committee provides strategic advice to the Council in relation to ‘Arts and Cultural’ matters within the region and makes recommendations regarding priority areas for development.

(e) Delivery Program Objective/Strategy

Focus area 3 – Prosperity and Innovation

Focus area 7 – Celebrate Our Cultures and Heritage

Focus area 8 – A Strong and Vibrant Identity

10.2 TAMWORTH REGION ARTS ADVISORY COMMITTEE MEETING MINUTES - 4 JULY 2024

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES

AUTHOR: Bridget Guthrie, Director Art Gallery and Museums

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Region Arts Advisory Committee Meeting Minutes - 4 July 2024”, Council:

- (i) receive and note the minutes;*
- (ii) support in-principle the New England Sculpture Track (NEST) project; and*
- (iii) endorse Council’s in-kind support for the development, implementation and promotion of the NEST project.*

SUMMARY

The purpose of this report is to present the minutes of the Tamworth Region Arts Advisory Committee (TRAAC) meeting held 4 July 2024, and to provide Council with an overview of the meeting outcomes.

COMMENTARY

An ordinary meeting of the Tamworth Region Arts Advisory Committee (TRAAC) was held on Thursday, 4 July 2024. The minutes of the meeting are **ATTACHED**, refer **ANNEXURE 1**.

At this meeting, those attending received a detailed presentation from Jamie Hook from the Bendemeer Art Show and nationally acclaimed sculptor, Stephen King on the New England Sculpture Track (NEST) public art proposal.

The proposed NEST locations at Bendemeer offer significant highway access at the intersection of two important NSW highways being the New England and Oxley highways. The opportunity to loan a series of public artworks from nationally and internationally acclaimed artists has become available to form a public art trail in Bendemeer and the surrounds. As described below:

'A proposal to relocate a collection of stunning sculptures to the New England Region establishing a long-term cultural link between Bendemeer and Walcha and maybe beyond, integrating the brilliant landscape features of the New England with Sculptures of significance.'

It is proposed that a public art trail initially linking some of the works to be removed from the Hillview collection and other prize-winning artworks (including 2020 winner of the Wollombi Sculpture in the Vineyards and 2012 winner works from Sculpture by the Sea) would give the project instant recognition and provide opportunities for high profile cultural tourism for the Tamworth region.

To date, the NEST project has raised over \$50,000 from the community towards the implementation of the public art trail. The TRAAC members unanimously supported this proposal and commended all those involved for their vision, hard work and efforts to date.

Public art for Manilla was also discussed at this meeting. As a result of direct requests from community and the consultation conducted with the recent Cultural Plan development, Manilla residents have requested more public art and especially murals in the main street and CBD. The TRAAC heard from Council's Place Manager, Lisa Hannaford regarding a proposal to generate an additional Manilla mural and address ongoing damage to existing public art and infrastructure.

Council's Director Gallery and Museums provided an update on the current public art projects, including the implementation of the "Women, Life, Freedom" mural, Stage two for later in 2024 and acknowledged the strong connection between the Women, Life, Freedom movement and Multicultural Tamworth.

Other public art updates included the finalisation of the Fitzroy Street Projections noting two weatherproof enclosures to house projectors were installed ready for NAIDOC week. Furthermore, the country music bronze busts have all been relocated in Bicentennial Park and the granite sculpture also relocated to finalise Pioneers parade and address sight lines.

Council's Manager Learning Community, Kay Delahunt and Executive Director Arts North West, Lauren Mackley provided an update on Council's Cultural Plan, titled Tamworth Region Creative Communities Plan 2024-2029. Additionally, the Tamworth Region Public Art Strategy and the draft Tamworth Region Museums and Archive Strategy were also discussed and documents distributed.

The Committee commended those involved in the completion of these plans, the relevant and engaging community consultation and the implementation process to ensure that Council is best placed to respond to future funding opportunities.

(a) Policy Implications

Nil

(b) Financial Implications

The TRAAC approved financial support for the identified public art projects from the allocated Public Art Fund. The financial benefits to the region will be substantial as the NSW Visitor Economy and Tourism continue to rise. Regional NSW has a strong track record in driving the NSW visitor economy and visitors spent a total of \$51.4 billion in 2023. Domestic overnight visitor growth was up 3.3 per cent year on year for regional NSW and New England North West had the strongest growth (up 16%). Information from Destination Country & Outback NSW see **ATTACHED**, refer **ANNEXURE 2**.

(c) Legal Implications

Nil

(d) Community Consultation

The TRAAC includes six community members who represent a broad range of art disciplines. The Committee provides strategic advice to the Council in relation to 'Arts' matters within the region and makes recommendations regarding priority areas for development.

(e) Delivery Program Objective/Strategy

Focus area 3 – Prosperity and Innovation

Focus area 7 – Celebrate Our Cultures and Heritage

Focus area 8 – A Strong and Vibrant Identity

10.3 PROPOSED LEASE ADJUSTMENT NORTH TAMWORTH RUGBY LEAGUE FOOTBALL CLUB OF LOT 15 IN DEPOSITED PLAN 858511

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Samuel Eriksson, Sports and Recreation Strategy Officer

RECOMMENDATION

That in relation to the report “Proposed Lease Adjustment North Tamworth Rugby League Football Club of Lot 15 in Deposited Plan 858511”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a new lease to North Tamworth Rugby League Football Club set out herein; and***
- (ii) authorise the affixing of the Seal of Council to the lease document and any other associated documentation.***

SUMMARY

The purpose of this report is to advise Council of the matters relating to North Tamworth Rugby League Football Club and a proposed extension to the lease agreement between the two lease parties for a further 10 years, and the inclusion of a sublease opportunity.

COMMENTARY

The North Tamworth Rugby League Football Club (Bears) hold a current lease with Tamworth Regional Council (Council) between 1 October 2021 and 30 September 2041 in regard to Lot 15 in Deposited Plan 858511, commonly referred to as Jack Woolaston Oval, as shown in Figure 1 below.

The Bears have expressed an interest in extending the current lease by ten years and including in the lease the option to sublease part of the land.



Figure 1: North Tamworth Rugby League Football Club (Jack Woolaston Oval)

Lease Extension

The Bears have requested the current lease be extended by ten years, up until 1 October 2051. Council has an adopted uniform approach regarding the lease and/or license of Council owned land for sport and/or recreational purposes. As this parcel of land is currently under a lease agreement between the two parties, it is recommended that the Bears are offered the extension requested.

As a result, it is recommended that Council give approval for staff to negotiate a proposed lease with Bears in accordance with the details provided in Table 1 below.

Term	1 October 2021 - 1 October 2051
Option	10 years
Commencing rental 2024	\$563.00 plus GST per annum
Annual increase	3% per annum
Outgoings	Rates, water, sewer, insurance, electricity, telephone and general maintenance is the responsibility of the lessee

Table 1: Proposed lease details

Sublease

The Bears have requested the proposed new lease include the opportunity to sublease part of the land within the leased area.

The purpose of a lease extension with a sub lease opportunity enables the Bears to explore infrastructure improvements such as a gym and health facilities that will benefit the Bears and the broader community.

It is therefore recommended Council support this lease extension, with a sub lease opportunity in the new lease.

(a) Policy Implications

Nil

(b) Financial Implications

The rental received from North Tamworth Rugby League Football Club for the lease of the complex will be allocated to the Sports and Recreation division budget.

(c) Legal Implications

The Seal of Council is required to be affixed to the lease.

The *Local Government (General) Regulation 2021, section 400(4)*, requires that the Seal of Council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 2 – A liveable built environment

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.

TENDER T028/2024 - DESIGN AND CONSTRUCTION OF THE TAMWORTH REGIONAL SKYWALK

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Claire Turnor, Projects Engineer

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 Council's acceptance of tender T028/2024 to award a lump sum contract for the design and construction of the Tamworth Regional Skywalk.

Background

The Tamworth Regional Skywalk (Skywalk) project is the construction of an approximate 1.6km length of on grade concrete path and elevated recreational boardwalk that will provide an unforgettable experience in regional NSW. The Skywalk and supporting carpark will provide safe walking access to the already established and popular Oxley Lookout, and incorporate viewing platforms that will provide views of regional NSW. Promoting unstructured recreational activity for people of all ages and abilities, users will experience broad beneficial health outcomes. This unique experience will be a key tourism destination in regional NSW, resulting in more regional, interstate and international tourists to the region and economic injection into the local economy.

The Skywalk is proposed to be constructed from Endeavour Drive to the top of the Oxley Lookout, giving people the chance to enjoy the natural bushland of Victoria Park and its commanding views toward the Liverpool Ranges. See Figures 1 and 2 below. The carpark and Skywalk alignment shall consider the impact of proximity and sight lines into adjoining properties.



Figure 1 – Locality plan for the Skywalk



Figure 2 – Concept route alignment

Tender Scope

A tender for the design and construction of the Skywalk was advertised for a period of 56 days and closed on 4 July 2024. Tenderers were required to provide a schedule of prices for the works to generally include:

- project management, site management, administration, quality assurance, traffic controls, and environmental controls;
- detailed design;
- construction of the works, including:
 - site establishment;
 - boardwalk and bridge construction, including foundations, superstructure, decking, lookouts, and balustrades;
 - civil works, including earthworks, carpark construction, drainage, pedestrian crossings, shared path slabs;
 - ancillary elements, including shade structures, seating, benches, lighting, informational panels, wayfinding signage, landscaping, and artworks;
 - features at entrances on Endeavour Drive and at Oxley Lookout; and
 - site rehabilitation.
- preparation of management plans; and
- quality verification, works as executed information, operational and maintenance manuals, warranties, and the like.

PROPOSED LEASE OF COUNCIL OWNED LAND TO ALLOW CONSTRUCTION AND OPERATION OF AN ANAEROBIC DIGESTER

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director - Water and Waste

Reference: Item 8.8 to Ordinary Council 12 December 2023 - Minute No 333/23

4 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

At its Meeting of 12 December 2023, Council considered a report on the possible leasing, to a private consortium, of a parcel of Council owned land, being part of 428 Wallamore Road, for the purposes of establishing an Anaerobic Digester.

Following consideration of that report Council resolved as follows:

That in relation to the report "Proposed Lease of Council Owned Land to Allow Construction and Operation of an Anaerobic Digester", Council:

- (i) *authorise the Mayor and General Manager to negotiate a suitable lease of a parcel of*

Council owned land being part of 428 Wallamore Road including the provisions mentioned in the body of this report; and

- (ii) request the Director Water and Waste submit a further report to a future Council Meeting on the outcome of these negotiations before any lease is signed.

Negotiations have now been finalised and an Agreement for Lease prepared. The purpose of this report is to seek further direction from Council in relation to this matter.

PROPOSED SUBDIVISION AND SALE OF COUNCIL OWNED LAND - LOT 73 DEPOSITED PLAN 1107041

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Graeme McKenzie, Manager - Strategy, Assets and Design

Reference: Item 5.1 to Ordinary Council 12 June 2018 - Minute No 187/18
Item 5.1 to Ordinary Council 28 November 2023 - Minute No 285/23

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

The purpose of this report is to seek Council's authorisation to lodge a Development Application for the subdivision of Council owned land, being Lot 73 DP 1107041 and to authorise the Mayor and General Manager to negotiate and enter into a Contract for the Sale of Land or similar Agreement with the party identified in the body of this report.

The report also requests approval for expenditure in relation to the subdivision and sale of part of Lot 73 DP 1107041 as outlined in the body of this report.

TENDER T080/2024 - DESIGN AND CONSTRUCTION OF WINTON RFS BRIGADE STATION

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Claire Turnor, Projects Engineer

Reference: Item 12.3 to Ordinary Council 12 September 2023 - Minute No 233/23

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 the report is to seek Council's acceptance of tender T080/2024 to award a lump sum contract for the design and construction of a proposed NSW Rural Fire Service (RFS) Brigade Station in Winton.

The Winton RFS Brigade Station is proposed to be constructed on a portion of Lot 43 DP 755348 as shown in Figures 1 and 2 below.



Figure 1 – Locality of the proposed Winton RFS Brigade Station



Figure 2 – Location of the proposed Winton RFS Brigade Station

The construction of a new 'Category 2A' RFS Brigade Station will be fully funded by the NSW RFS and is planned to consist of a two-bay engine shed, a multipurpose space with kitchenette as well as changeroom and amenities facilities. The works will also include supporting infrastructure such as a new gravel driveway, water tank for potable water, septic tank, power connection and surrounding gravel hardstand area. The successful contractor will be responsible for detailed design of the Brigade Station based off the RFS 'Category 2A' station generic design plans provided by the RFS and preliminary design undertaken by Council. The proposed floor plan is shown in Figure 3 below.

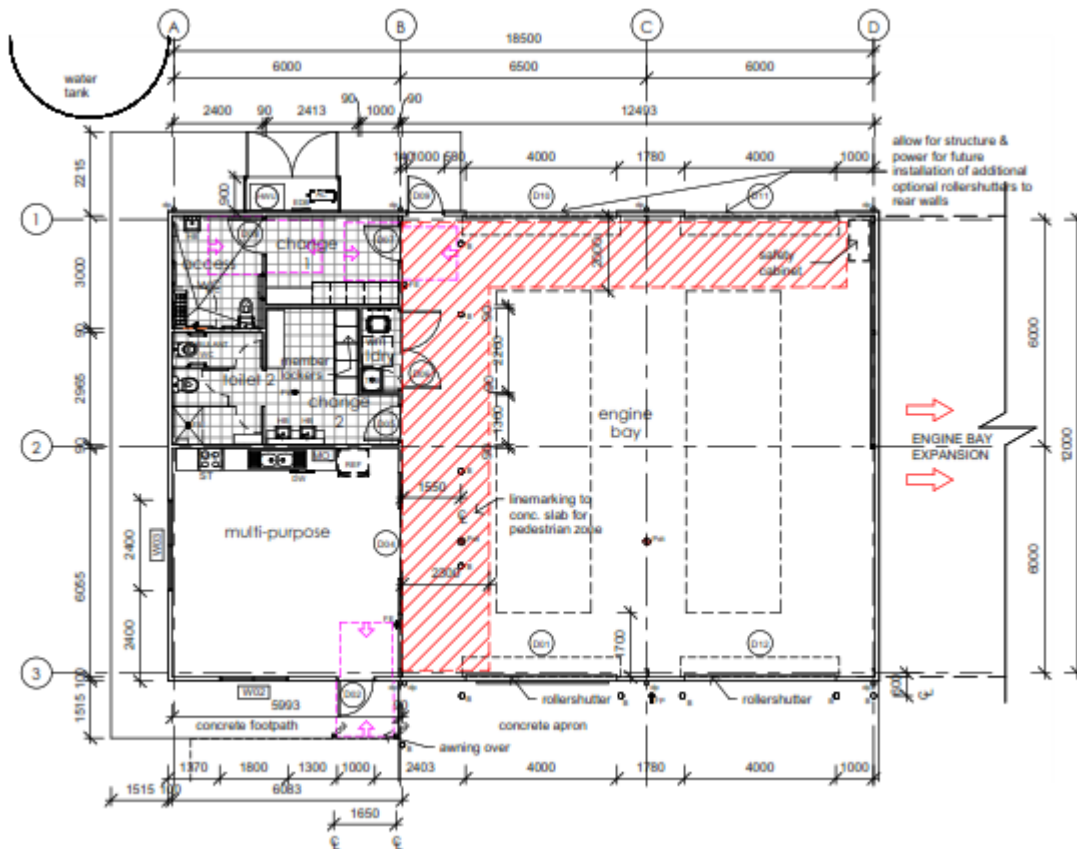


Figure 3 – Category 2A Station floorplan

The construction of the new Winton RFS Brigade Station will provide the necessary facilities for the Winton RFS Brigade to assist and protect the community, and strengthen the emergency response capacity within the Tamworth region.

Tender Scope

A tender for the design and construction of the Winton RFS Brigade Station was advertised for a period of 42 days and closed on 8 May 2024. Tenderers were required to provide a schedule of prices to include:

- detailed design of a category 2A Brigade Station;
- preparation of a design report, including Building Code of Australia (BCA) compliance, and providing justification and calculations as appropriate;
- project management, site management, administration, quality assurance, traffic controls, and environmental controls;
- construction of a new category 2A Brigade Station and associated infrastructure at the nominated location; and
- provision of all quality management documentation including building certificates, warranties and work as executed drawings.

PROPOSED LICENCE AGREEMENTS OF PART INTERNATIONAL FLIGHT TRAINING TAMWORTH FACILITY AT THE TAMWORTH REGIONAL AIRPORT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Reference: Item 12.1 to Ordinary Council 10 October 2023 - Minute No. 261/23

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)ii of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

SUMMARY

The purpose of this report is to seek Council's authorisation to negotiate and enter into licence agreements for a flight training school to occupy part of the International Flight Training Tamworth Facility at the Tamworth Regional Airport.

TENDER T079/2024 - SUPPLY AND DELIVERY OF ONE LANDFILL COMPACTOR

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Sebastian Lees, Technical Officer - Plant and Supply

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

This tender is for the replacement of one landfill compactor. The replacement is scheduled in accordance with Tamworth Regional Council's Plant and Fleet Asset Management Plan. The landfill compactor will primarily be utilised at Council's Forest Road landfill site with its main functions being to spread and compact waste in order to maximise landfill life.

TENDER T111/2024 - PANORAMA ROAD, CALALA AND EVANS STREET, WESTDALE STORMWATER UPGRADES

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Lachlan Mackiewicz, Project Engineer

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

SUMMARY

The purpose of this report is to seek Council's acceptance of tender T111/2024 to award a

lump sum contract for the construction of the stormwater upgrades on the south side of Panorama Road, Calala between house number 43 and number 91 and the east side of Evans Street, Westdale between house number 2 and number 24.

Background

The construction of stormwater upgrades has been identified as part of a strategic project within Tamworth Regional Council's (Council) Strategy, Assets and Design team. Locations requiring stormwater upgrades were identified from data obtained through various flood studies and historic information. These locations were then compared with Council's Kerb and Gutter (K&G) Construction Priority Program to identify opportunities where both stormwater and K&G upgrades can occur simultaneously to improve the efficiency of delivering these works. Council's Survey and Design team prepared detailed designs for both projects.

Works are proposed to be constructed on the 'low side' of the road/street as shown in Figures 1 and 2 below. This provides the most cost-effective solution for stormwater improvements based on current conditions at these locations.

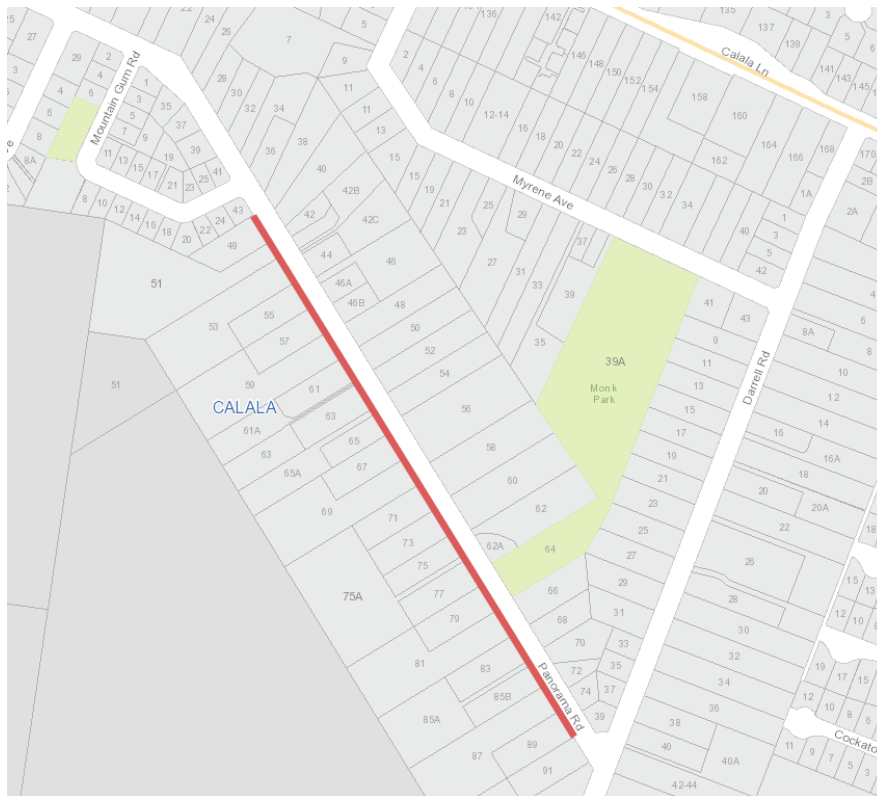


Figure 1 – Locality plan for Panorama Road, Calala

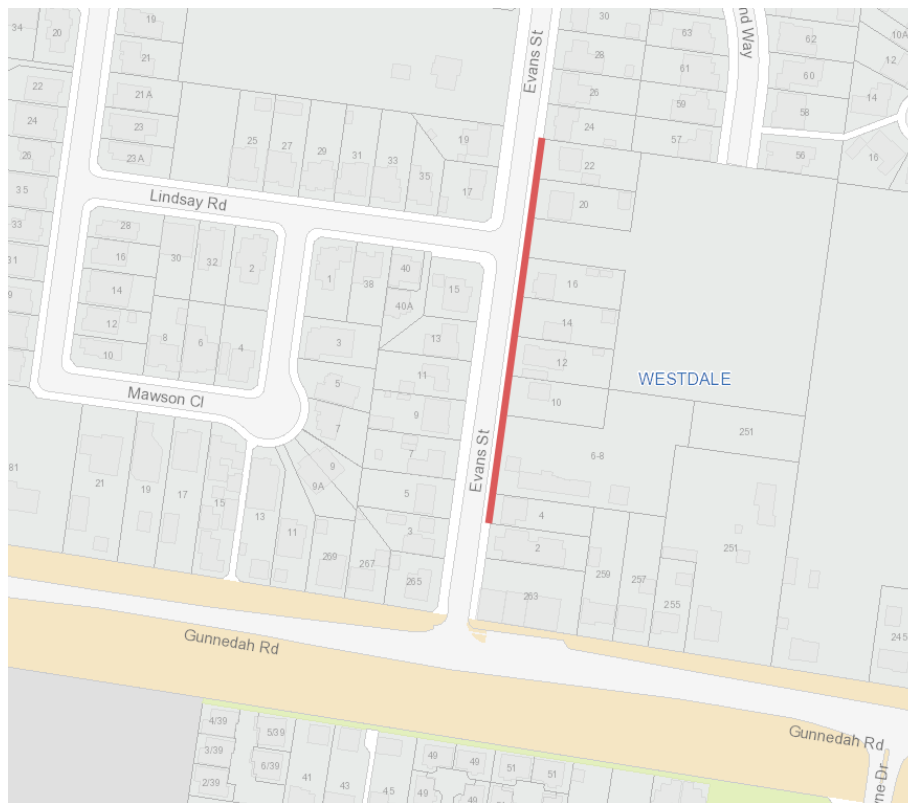


Figure 2 – Locality plan for Evans Street, Westdale

This work is proposed to be funded by Council's relevant reserves, being:

- Kerb and Gutter Construction Priority Program Reserve for the kerb and gutter works; and
- Urban Drainage Levy Works Reserve for stormwater works.

Tender Scope

The tender for the construction of Panorama Road and Evans Street stormwater upgrades was advertised for a period of 34 days and closed on 16 July 2024. Tenderers were required to provide a schedule of prices for the works, including:

- project management, site management, administration, quality assurance, traffic controls and environmental controls;
- construction of the works, including:
 - site establishment;
 - clearing and establishment of environmental control;
 - water service adjustments;
 - stormwater pit and pipe construction works;
 - kerb and gutter construction works;
 - road widening pavement works for parking lane;
 - road verge earthworks and rehabilitation;

- driveway adjustment works within the road reserve; and
- site rehabilitation.
- quality verification, works as executed information, operational and maintenance manuals, warranties, and the like.

EXPRESSION OF INTEREST - E032/2024 TAMWORTH REGIONAL AIRPORT - PROPOSED USE OF COUNCIL FACILITIES - INTERNATIONAL FLIGHT TRAINING TAMWORTH

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Billy Gleeson-Barker, Manager Aviation Precinct

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 note the outcome of Expression of Interest: E032/2024 and update Council on the negotiations regarding an agreement to occupy part of the International Flight Training Tamworth facility with the party described in the body of this report.

TENDER T110/2024 SHAND CIRCUIT REHABILITATION AT TAMWORTH REGIONAL AIRPORT

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Claire Turnor, Projects Engineer

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 T110/2024 to award a lump sum contract for the construction of Shand Circuit Rehabilitation at Tamworth Regional Airport. The location of work is shown in Figure 1 below.



Figure 1 – Location and extent of works at Tamworth Regional Airport

Several years ago, changes to the short-term carpark were made at the Tamworth Regional Airport. This project involves the completion of these works to Shand Circuit where the kerb is to be realigned, the front of the terminal building walkway re-constructed and extended, and Shand Circuit Road pavement at the front of the terminal building reconstructed. The proposed work is shown indicatively in Figure 2 below.

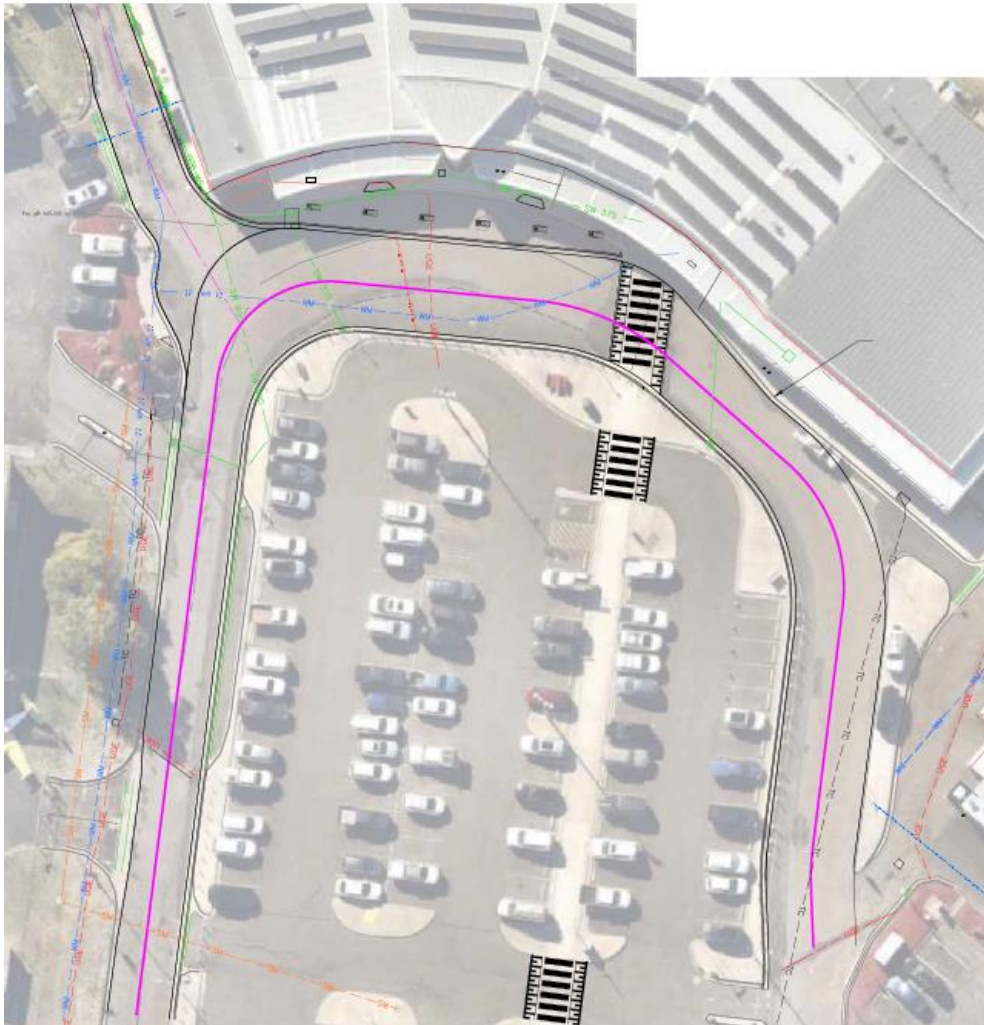


Figure 2 – Works layout plan

Tender Scope

A tender for the construction of Shand Circuit Rehabilitation at Tamworth Regional Airport was advertised for a period of 36 days and closed on 8 May 2024. Tenderers were required to provide a schedule of prices including:

- project management, site management, administration, quality assurance, traffic control, pedestrian management and environmental controls of the site;
- construction of roadworks including new pavement and stormwater drainage ensuring smooth transition to existing;
- management of potentially contaminated PFAS material onsite;
- demolition of existing walkway and kerb and guttering at the front of the Tamworth Regional Airport terminal building;
- realignment and reconstruction of kerb and gutter on new alignment;
- reconstruction of concrete walkway area at front of terminal building;
- signage and line marking, including marking of pedestrian ('zebra') crossings;

- install further embellishment to the front of terminal concrete area, including:
 - additional bin surrounds ('wood-look' aluminium); and
 - planter boxes and trees.
- preparation of works as executed drawings.

TENDER T005/2025 - 2025 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY, INSTALLATION AND SERVICING OF EVENT TOILETS AND SHOWERS

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES

AUTHOR: Barry Harley, Manager - Events

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to recommend to Council the acceptance of the Tender for the 2025 Tamworth Country Music Festival - Supply, Installation and Servicing of Event Toilets and Showers. This recommendation follows the assessment of Tender T005-2025. The contract is for one year with an option to extend for a further two years.

TENDER Q002/2025 - 2025 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY OF SECURITY SERVICES

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES

AUTHOR: Barry Harley, Manager - Events

6 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 recommend to Council the acceptance of the quote for the 2025 Tamworth Country Music Festival – Supply of Security Services. This recommendation follows the assessment of tender Q002-2025. The contract is for one year with an option to extend for a further two years.

TOURISM PRECINCT UPDATE - POSSIBLE SALE AND DEVELOPMENT OF THE OLD ATHLETICS TRACK GOONOO GOONOO ROAD, TAMWORTH

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste
Reference: Item 12.7 Closed Council Meeting 27 September 2022 - Minute No 289/22
Item 12.1 Closed Council Meeting 25 July 2023 - Minute No 181/23

8 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

On the 14 October 2021, a Councillor workshop was held with Councillors focusing on the development of the old Athletics track, Goonoo Goonoo Road, Tamworth and considered:

- the need for a single combined Visitor Information Centre (VIC) on the corner of Greg Norman Drive and Goonoo Goonoo Road;
- the need for an accommodation facility in any development; and
- development of this space should enhance the AELEC status as a world class facility.

Following the workshop an Expression of Interest (EOI), was advertised, EOI 089-2022 Sale and Activation of the old Athletics Track, on 8 November 2021. A report detailing the EOIs received was considered by Council in that part of the Council meeting of 27 September 2022, closed to the public, with Council resolving to, inter alia, "Authorise the Mayor and General Manager to progress the negotiation with the preferred proponent on the terms set out in the body of the report."

Negotiations have been on going. The purpose of this report is to be provide an update and to seek further direction from Council on this matter.

LANDFILL GAS - FINALISATION OF AGREEMENT WITH THE CLEAN ENERGY REGULATOR IN RELATION TO PAYMENTS FOR GAS CAPTURED

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste
Reference: Item 12.2 Closed Council 25 July 2023 Minute No 182/23

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

In November 2016 Council agreed to enter into two contracts in relation to landfill gas generated at Council's Forest Road Waste Management Facility (FRWMF). The first was a contract for the design, installation and operation of a system to capture the landfill gas and direct it towards an on-site flare, where it would be flared off and destroyed. The second was a contract with the Australian Government, through the Clean Energy Regulator, in relation to Australian Carbon Credit Units. This contract was for seven years and, under the contract, Council committed to destroying a certain amount of carbon contained in the landfill gas each year of the contract, and measured as Australian Carbon Credit Units (ACCU's). In return Council would be paid an agreed price per ACCU.

At its meeting of 25 July 2023, Council considered a report on the volume of landfill gas being generated at the facility and the possibility of Council not meeting its agreed amount of landfill gas to be destroyed. Following consideration of the report Council agreed to make application to the Clean Energy Regulator to purchase back 21,534 Australian Carbon Credit Units (ACCU's) at the price detailed in the report.

Council's application to purchase the ACCU's was successful.

The contract for the remainder of the ACCU's is now nearing completion and further direction is required from Council in relation to some options Council has in relation to this matter.