



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, 25-27 Fitzroy Street, Tamworth**, commencing at **6.30pm**.

ORDINARY COUNCIL AGENDA

26 AUGUST 2025

PAUL BENNETT
GENERAL MANAGER

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day 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, 5 August 2025, 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 CHARLES IMPEY - MENTAL HEALTH SUMMIT OF LOCAL MENTAL HEALTH SERVICE PROVIDERS

1 ANNEXURES ATTACHED

MOTION

That Council:

- (i) allocate the required staff resources and venue to host a Mental Health Summit of Local Mental Health Service providers. The intention of the summit is to seek guidance from the community Mental Health Services on the merit of establishing a Tamworth Regional Mental Health Working Group; and*
- (ii) allocate the required staff resources to establish the Tamworth Regional Mental Health Working Group in the event the establishment of a Working Group is supported by the community of Mental Health Service providers.*

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 26 August 2025.

SUMMARY

Tamworth Regional Council should be committed to ensuring that the Tamworth Region is home to a community which flourishes, grows and thrives into the future. The Mental Health of its population is a critical ingredient in helping to achieve this outcome.

Local Government can play an important role in advocating for the improvement of Mental Health Services across the Tamworth Local Government Area. A healthy population will help the community and region grow, prosper and flourish.

Tamworth Regional Council, as the Local Government Authority (LGA) is in the best position to provide community wide leadership and strong advocacy. As the LGA, there is an opportunity to work with key stakeholders to positively influence the culture of mental health and be a leader in helping to cultivate community conversation on mental health and to make such conversations normal.

Within the Tamworth Local Government Area:

- Headspace Tamworth reports that anxiety, depression, and suicidal ideation are the top presenting issues for young people aged 12–25, with service demand increasing year-on-year
- Tamworth Rural Referral Hospital sees a higher-than-average rate of mental health-related emergency presentations per capita compared to other regional centres
- The PHN has identified Tamworth as a priority area for mental health workforce development, citing shortages in psychologists and peer workers
- suicide risk remains a concern in the region, particularly among men aged 25–54 and Aboriginal communities, as identified by RAMHP.
- the most recent NSW Youth Parliament met in Sydney, July, 2025. Discussions focused on youth mental health. In 2022 to 2024, the NSW Office of Youth delivered in school workshops, one of the highest concerns for local youth was the mental health of young people.

SUPPORTING INFORMATION

According to the Australian Government's Australian Institute of Health and Welfare (AIHW), Mental Health is said to impact 43% of the adult population. <https://www.aihw.gov.au/mental-health/overview/prevalence-and-impact-of-mental-illness>

Mental Health is directly linked to community and social challenges including;

- Homelessness
- Loneliness and Social Disconnection
- General Crime
- Youth Crime
- Drug and Alcohol Use and Abuse
- Domestic Violence
- Sexual Violence
- Family Breakdown
- Suicide
- Depression
- Workplace Absenteeism
- Self Harm

- Eating Disorders and other Chronic Conditions
- Unemployment
- Overweight and Obesity
- Anorexia Nervosa
- Body Issues
- Financial Stress/Pressures
- Low Self-Worth
- Sleep Deprivation or Sleep Disturbance
- Racism
- Discrimination
- Gambling Addiction

Proposed Tamworth Regional Mental Health Working Group

This Working Group would guide, monitor and evaluate the implementation of a Community Mental Health Action Plan which would be facilitated and developed by the Working Group in partnership with Mental Health Service providers which understand challenges faced across the community. The Action Plan will provide strategic advice to Council on mental health and resilience challenges.

The Working Group will have a central focus and approach towards creating a stronger link and working relationship across the community of Mental Health Service Providers to assist with constructively and more strategically supporting Mental Health growth in service delivery and availability of essential and critical services for our growing region.

As is the case with other working groups such as those mentioned within the **ATTACHED** refer **ANNEXURE 1**, it is envisaged that the Tamworth Regional Mental Health Working Group may be established with a membership of:

- Two Councillors
- 10 community members which should include youth, culturally diverse and a cross section of people with lived experiences;
- NSW Health;
- TAFE NSW Member;
- UNE Member;
- Council Staff; and
- School Counsellor.

A position on the proposed Working Group shall be for an individual with lived experience of mental health challenges, including recovery. Their voices are vital in shaping services that are person-centred, trauma-informed, and recovery-oriented. Engaging people with lived experience brings authenticity and practical insight to decision-making. It aligns with national and state mental health frameworks that promote co-design and consumer participation.

Functions of the proposed Tamworth Regional Mental Health Working Group are outlined within the **ATTACHED** refer **ANNEXURE 1**.

(a) Policy Implications

The future outcomes of this NOM align with various already endorsed Council policies, plans, strategies and business cases by Council, which include:

- these priority areas align with various already endorsed plans, strategies; and
- business cases by Council, many of which have gone through their own rounds of community consultation, and all of which align with Blueprint 100.

Blueprint 100 Priority Themes:

- Create a prosperous region
- Build resilient communities
- Strengthen our proud identity

Blueprint Part 2

- A destination for vital services

Community Strategic Plan Focus Areas:

- Focus Area 2 - A Liveable Built Environment
- Focus Area 3 – Prosperity and Innovation
- Focus Area 4 – Resilient and Diverse Communities
- Focus Area 5 - Connect Our Region and its Citizen
- Focus area 8 – A Strong and Vibrant Identity

Other Tamworth Regional Council Plans and Strategies where there is a correlation between the activities encouraged throughout those plans & strategies and mental health.

- The Tamworth Region Creative Communities Plan 2024-2029; and
- Tamworth Regional Council Sport and Recreation Strategic Plan; and
- Active Transport Strategy; and
- Aquatic Facility Management Plan; and
- Chaffey Park Manilla Masterplan; and
- Nundle Recreation Ground and Peel River Park Masterplan; and
- Sheba Dams and Hanging Rock Lookout Masterplan; and
- Victoria Park Masterplan; and
- Bicentennial Park Masterplan; and
- Viaduct Park Masterplan; and
- Tamworth Region Creative Communities Plan; and
- TRC Public Art Strategy; and
- NICSE Master Plan; and

- Sport and Recreation Strategic Plan; and
- Urban Street Tree Management Plan; and
- Water Sustainability Strategic Plan; and
- Tamworth Regional Youth Strategy; and
- Disability Action Working Group; and
- Tamworth Regional Housing Strategy; and
- Tamworth Turf Precinct Masterplan.

Internally aligned with Tamworth Regional Council pillars and the Tamworth Regional Council's Culture (Workforce Management Action Plan). One of the four values of Tamworth Regional Council – Wellbeing (Prioritising physical, mental and community safety, creating a thriving environment for all)



One of the four values of Tamworth Regional Council – Wellbeing (We prioritise physical, mental and community safety, creating a thriving environment for all)



Alignment with additional external plans and strategies including National, and State Plans, additionally, alignment with 8 of the recommendations which the NSW Government have either supported or supported in principle following the NSW Upper House Inquiry into the Equity, Accessibility and appropriate delivery of outpatient and community mental health care in New South Wales.

Additionally, the details outlined within the **ATTACHED** refer **ANNEXURE 1**.

(b) Financial Implications

If the Summit were to proceed, Council would incur expenses in relation to staff resourcing, venue hire and other costs associated with hosting such an event.

(c) Legal Implications

Nil

(d) Community Consultation

A large number of agencies have been part of significant consultation, details are contained **ATTACHED** refer **ANNEXURE 1**.

Cr Charles Impey

20 August 2025

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 DA2024-0283 - CONSTRUCTION OF A NEW MEDICAL CENTRE, WELLBEING CENTRE AND ALLIED USES ON LOT 2 IN DP 1264030, SOUTH TAMWORTH NSW 2340

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Alice Elsley, Team Leader - Development Assessment

3 ANNEXURES ATTACHED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

GENERAL MANAGER'S ADVISORY NOTE TO:

Councillors

Applicants

Persons making public submissions (written or verbal) Members of the Public

Record (Division) of Voting

In accordance with Section 375A(3) of the Local Government Act 1993, a Division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

A DIVISION under Section 375A(3) of the Act is required on this Planning Application.

Relevant Planning Application

In accordance with Section 10.4(4) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Relevant Public Submission

In accordance with Section 10.4(5) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant public submission to Council in relation to a relevant planning application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Disclosure of Reportable Political Donations and Gifts

Planning Applications

Nil

Public Submissions

Nil

RECOMMENDATION

That in relation to the report “Construction of a new Medical Centre, Wellbeing Centre, and Allied uses” on Lot 2 DP 1264030, Hillvue Road, South Tamworth NSW”, Council:

- (i) receive and note the development assessment report and recommended conditions of consent;*
- (ii) note that the application is scheduled for determination by the Regional Planning Panel (Northern Region) in September 2025; and*
- (iii) determine not to make a submission to the Regional Planning Panel (Northern Region).*

APPLICATION DETAILS:

Application No.	DA2024-0283
Application For:	Construction of a new Medical Centre, Wellbeing Centre, and Allied uses
Date Lodged:	23 February 2024
Applicant:	Tamworth Aboriginal Medical Service
Owner:	Tamworth Regional Council
Land/Address:	Lot 2 in DP 1264030 (Hyman Park), Hillvue Road, SOUTH TAMWORTH NSW
Zoning:	RE1 Public Recreation - <i>Tamworth Regional Local Environmental Plan 2010</i>

SUMMARY:

Development Application (DA2024-0283) seeks consent for the construction of three new buildings that will involve an allied health services building, medical centre and wellbeing centre. The facility will also include a pharmacy room, café, creche, meeting rooms, gathering area, reflection spaces and a yarning circle.

The Regional Planning Panel (Northern Region) (NRPP) is the consent authority for this Development Application (DA), pursuant to Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*, as the proposed development has a “capital investment value” of more than \$5 million and Tamworth Regional Council is the landowner.

The purpose of this report is to inform Councillors of the final staff recommendation and recommended conditions of consent prepared for the Regional Planning Panel to make a final determination.

DESCRIPTION OF PROPOSAL:

Tamworth Aboriginal Medical Service proposes to construct and operate a Medical Centre, Wellbeing Centre, and Allied uses ('the proposal') at land was previously known as Hyman Park, Hillvue Road, South Tamworth.

Tamworth Aboriginal Medical Service is an Aboriginal community-controlled health care service providing culturally appropriate preventative primary health care services, designed to improve individual health care outcomes for the Aboriginal and non-Aboriginal community of Tamworth.

DA2024-0283 seeks consent for the construction of three new buildings that will involve an allied health services building, medical centre and wellbeing centre. The facility will also include a pharmacy room, café, creche, meeting rooms, gathering area, reflection spaces and a yarnning circle. A copy of the Architectural Plan set is **ATTACHED**, refer to **ANNEXURE 1**. The assessment report is **ATTACHED**, refer to **ANNEXURE 2** and the list of recommended conditions of consent is **ATTACHED**, refer to **ANNEXURE 3**.

Access to the site is proposed via Hillvue Road, Robert Street and Kathleen Street. A total of 132 car parking spaces will be provided throughout the site.

The applicable planning instrument is the *Tamworth Regional Local Environmental Plan 2010* (TRLEP), under which the subject site is zoned RE1 Public Recreation. The proposed use is defined as a 'medical centre', which is a permissible development with consent.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EPA Act').

The application was advertised and notified to adjoining and nearby landowners. The public exhibition period commenced on 13 March 2024, and ended on 17 April 2024. A total of 22 submissions and a petition were received over the public exhibition period.

The NRPP will meet to determine the DA in September 2025. Council may choose to make a submission to the NRPP Secretariat up to seven days before the RPP meeting.

(a) Policy Implications

There are no policy implications.

(b) Financial Implications

The development will be subject to conditions requiring payment of developer contributions.

(c) Legal Implications

Clause 66A of the Environmental Planning and Assessment Regulation 2021, states that a Council-related development must not be determined by the consent authority unless the Council considers the adopted conflict of interest policy in determining the application. The subject site is Council owned and as such the application is classified to be a Council-related development.

The proposal meets the following management control and strategy requirements of the *Managing Conflict of Interest in Council-Related Development Policy*:

Management controls	Proposed	Complies
Where Council is the assessing	The application was prepared by an	Yes

authority, the application shall not be prepared by Council's Liveable Communities Division. Alternatively, applications may be prepared by another Division of Council or external consultancy.	external Applicant: Barnson Pty Ltd	
Council related applications are exhibited for a minimum 28 days.	The application was exhibited via the NSW Planning Portal for 28 days and 22 submissions and 1 petition were received.	Yes
Management controls for Council related DAs with a cost of works greater than \$5 million include: • DA to be assessed by a third-party consultant • DA to be determined by the Regional Planning Panel (Northern Region).	Estimated cost of proposed works is over \$5million. DA has been assessed by an independent planning consultant. DA to be determined by the Regional Planning Panel (Northern Region).	Yes

(d) Community Consultation

The application was advertised and notified to adjoining and nearby landowners. The public exhibition period commenced on 13 March 2024, and ended on 17 April 2024. A total of 22 submissions and a petition were received over the public exhibition period. The submissions are **ENCLOSED** in **CONFIDENTIAL ENCLOSURE 1**.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

Focus Area 4 – Resilient and Diverse Communities

8 INFRASTRUCTURE AND SERVICES

8.1 OPTIONS FOR COMMERCIAL DEVELOPER CHARGES

DIRECTORATE: WATER AND WASTE
AUTHOR: Naomi Schipanski, Manager - Projects, Strategy and Infrastructure

Reference: Item 8.4 to Ordinary Council 24 April 2018 - Minute No 136/18
Item 8.5 to Ordinary Council 26 June 2018 - Minute No 216/18

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Options for Commercial Developer Charges”, Council retain the current charging methodology and associated charges (Option 1).

SUMMARY

Council's current water and sewer Developer Charges were adopted by Council at its Meeting of 26 June 2018. The charges were developed in accordance with the then NSW Department of Primary Industries "2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater" and the final adopted charges include different charges across the water and sewerage service areas. When adopting the present charges Council resolved, amongst other things, to *"request the Director Water and Waste investigate policy options that consider mitigation strategies on the impacts of Developer Service Charges on non-residential development in the service areas of Hills Plains and Arcadia"*.

Unfortunately, this request has not been actioned to date, and the purpose of this report is to present options and explore the impact of those options, should Council choose to change from the present charges for non-residential development in the service areas of Hills Plain and Arcadia in Tamworth, and to seek Council's direction about how to proceed.

COMMENTARY

What are Developer Charges?

The sources of revenue for Council, as a Local Water Utility, can generally be categorised as:

- water charges – for the supply of water to residents and businesses, includes fixed and usage charges;
- sewerage charges – for the collection, treatment, and disposal of wastewater from residents and businesses including both fixed and demand charges;
- trade waste charges – based on the type and volume of trade waste, these are charges for liquid substances other than domestic sewerage. These are typically from businesses, industrial premises, and septic tanks; and
- **water and sewerage developer charges** – levied on developers to recover part of the infrastructure costs incurred by Council to provide services to new developments or cater for additional demand arising from changes to existing developments.

The authority for Local Government Councils to levy developer charges for water supply and sewerage derives from Section 64 of the Local Government Act 1993 and an associated cross-reference to Section 306 of the Water Management Act 2000. Section 306(3) of the Water Management Act 2000, requires that "consideration is to be given to any guidelines issued for the time being for the purposes of this section by the Minister". In 2018, Council undertook a review of the developer charges for water supply and sewerage in accordance with these guidelines, the "2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater" (the Guidelines) published by the NSW Department of Primary Industries. The Guidelines provide a methodology for setting developer charges.

It should be noted the 2016 Guidelines used for the 2018 review are still current.

Developer charges serve three related functions:

- they provide a source of funding to offset some of Council's costs for Council provided infrastructure required for new urban development;
- they provide signals regarding the cost of urban development and thus encourage less costly forms and areas of development; and

- are an integral part of the fair pricing of water and wastewater related services.

Development Servicing Plans (DSPs) are prepared to document the methodology, data and results of applying the procedures required by the Developer Charges Guidelines. Council's 2018 DSP's have been developed based on population, urban growth, assets and capital works data, including forward projections.

What are the present Developer Servicing Charges?

The Developer Charges adopted in 2018, have been increased over the intervening years, in accordance with Council resolution, such that, in the 2025/2026 financial year, developer charges for water are as follows:

Water Service Area	Charge/ET (Excl GST)
Tamworth	\$4,858
Hills Plain	\$14,407
Arcadia	\$10,960
Manilla	\$646
Barraba	\$646
Nundle	\$646
Attunga	\$646
Bendemeer	\$646
Moonbi/Kootingal	\$4,858

And the developer charges for sewerage are as follows:

Sewer Service Area	Charge/ET (Excl GST)
Tamworth	\$1,805
Hills Plain Gravity	\$5,191
Hills Plain Pressure	\$2,427
Arcadia	\$7,162
Kootingal	\$598
Manilla	\$598
Barraba	\$598

Why are there different areas and different charges?

The Guidelines require that charges are calculated for different Service Areas for water supply and sewerage. Service Areas are identified as being:

- a separate water supply distribution system or a separate sewage treatment works. An example is separate towns and villages compared to Tamworth;
- a new development area of over 500 lots – this applies to the new development areas of Hill Plains and Arcadia; and
- an area with alternative technology (for example, a pressure sewerage system) – this applies to that part of Hills Plain serviced by low pressure sewer.

If Council wishes to address differences in charges, the Guidelines address this via a provision for cross subsidy by increasing annual water and sewerage bills for existing and future customers, including residents and commercial activities. The requirements of applying a cross subsidy are:

- the cross subsidy must be disclosed in Council's Development Servicing Plan;
- there must be justification for the cross subsidy; and
- the developer charges should maintain relativities (i.e. price signals should be maintained).

The two previous Council reports considered by Council when adopting the Developer Charges in 2018, are **ATTACHED**, refer **ANNEXURE 1** and **2**. These reports provide more detail about the method of calculating developer charges. In addition, the report to the Council Meeting on 26 June 2018, details the results of public exhibition about the then proposed charges undertaken at that time. The further investigations undertaken by Council, included an Economic Assessment prepared by Preston Rowe Paterson, which looked at the effects on the viability of future subdivision development within the Hills Plain area if the proposed charges were adopted, and other charging options considered by Council at the time. Councillors are encouraged to read these two previous reports if possible, noting that some charges, including the charge for the Hills Plain water and gravity sewer service areas were reduced at adoption of the Development Servicing Plan, with the cross-subsidy resulting, from these reductions, disclosed in relevant documents.

Why are some charges higher?

A service area's developer charge ends up being higher because it is more expensive to service – for reasons including distance from existing infrastructure, topography, complexity of servicing requirements and density of housing. The differences in costs for various development areas provide price signals to the market regarding the cost of urban development and thus encourage less costly forms and areas of development.

Application of the Charges

Developer charges are levied per Equivalent Tenement (ET). An Equivalent Tenement is effectively one residential house. Non-residential development is assessed based on its relativity to a house with the intention that a development (including commercial or residential) which places a higher demand or loading on the system, pays a proportionally higher charge. In order to determine a non-residential development's number of ET's Council uses the Section 64 Determinations of Equivalent Tenements Guidelines. These Guidelines are used for input into the process of proportioning developer charges under s64 of the Local Government Act 1993 to ensure full and equitable cost recovery between different land use categories. The Guidelines are designed to provide a consistent framework for determining water and sewer ET figures.

Payment Options

Recognising that some commercial developments can have relatively large developer service charges imposed, and payment of these charges is usually required before an occupation certificate is granted, Council has previously adopted a policy that facilitate options for commercial developers to repay developer charges over time. Provided an Agreement is signed between Council and the developer in relation to the repayment of the levied charges then the occupation certificate will be issued, assuming all other development consent requirements have been met.

The Water and Sewer – Headworks Charges – Industrial/ Commercial Development Policy allows for payment by instalment as follows:

For development with combined water and sewer headworks charges of less than \$20,000, Council may agree to payment by instalment over a maximum period of two years. For headworks charges greater than \$20,000 the maximum period for repayment will be five

years, unless the developer is classified as a Not-For-Profit Organisation, when the maximum period will be eight years.

For instances where the combined charges are greater than \$150,000, the same policy also allow for charges to be paid off via a loading applied to the water usage of the property as follows:

For development with combined water and sewer headworks charges of greater than \$150,000, Council may allow the Developer may elect to enter into a formal Agreement between the Developer and Council agreeing to pay the headworks charges for water and/or sewer to Council through Council applying an additional charge over and above the appropriate water consumption charge (see policy “Water Consumption Charges – Food Processor Category”) for each kilolitre of water consumed by the development. Such charge to be paid for a period of ten years from the date of connection.

Note that these payment options do not have interest applied.

What if Council adopts charges that do not comply with the Guidelines

Council is required to meet and balance the needs of a wide range of customers, with the aim of establishing processes which facilitate fair, consistent and defensible decision making. The main risk to Council in not applying the methodology detailed in the Guidelines is should Council be challenged on the Developer Charges and Council has not followed the methodology detailed in the relevant NSW Government Guidelines, it is uncertain what that would mean for Council’s ability to defend the charges levied.

Options Development

In accordance with the resolution passed by Council at it’s Meeting of 26 June 2018, staff have developed a number of options for Council to consider to mitigate the impacts of Developer Service Charges on non-residential development in the service areas of Hills Plains and Arcadia.

Three options have been developed, with an example development being used for each option to give a practical illustration of the impact of the changes. In the example the development is non-residential and has been calculated as placing a demand on water supply of eight ET, and demand on sewer of six ET.

Option 1: Business as Usual.

The current charges and methodology remain the same. Under Option 1 the combined water and sewer charges for the example development would be:

Hills Plain	\$ 146,402
Tamworth	\$ 49,694
Arcadia	\$ 130,652

Advantages:

- Council has a defensible methodology for levying developer charges; and
- Council is compliant with the NSW Government’s Regulatory & Assurance Framework

This is the option recommended by staff.

Option 2: Create a uniform Non-Residential Developer charge across the identified areas (Tamworth, Hills Plain, Arcadia) using agglomeration

This option would use a method known as agglomeration (that is, a weighted average of charges, based on the Present Value of ET's) to create a uniform charge across the three identified areas. The impact of this option is that non-residential development in the Tamworth Service area will cross subsidise non-residential development in both Arcadia and Hills Plain.

It is noted that agglomeration of charges, is specifically mentioned in the Guidelines as being against the philosophy of the methodology. As mentioned previously the guidelines state one of the functions of the different charges is to provide signals regarding the cost of urban development and thus encourage less costly forms and areas of development. Agglomeration of charges effectively causes more economical-to-develop sites to cross-subsidise less economical ones.

An agglomerated charge (based on the Present Value of ET's used in the original 2018 calculation) would be:

	Current Charge	Option 2 – Agglomerated Charge Per ET (Excl GST)
Water		\$8,305
Hills plain	\$14,407	
Tamworth	\$4,858	
Arcadia	\$10,960	
Sewer		\$3,321
Hills plain - Gravity	\$5,191	
Tamworth	\$1,805	
Arcadia	\$7,162	

Under option 2 the charges for the example development, including water and sewer would be:

	Charge	Difference to Option 1
Hills Plain	\$86,363	-\$60,039
Tamworth	\$86,363	+\$36,669
Arcadia	\$86,363	-\$44,289

Under this option, for the example development in Hills Plain the developer would see a reduction in charges of \$60,039, the developer in Arcadia would see a reduction in charges of \$44,289. The developer in Tamworth would see an increase in charges of \$36,669.

Advantages:

- similar non-residential development in any of the main service areas, will pay the same charges; and
- ratepayers are not further subsidising non-residential development.

Disadvantages:

- residential development will be charged differently to non-residential development in the three main service areas;
- non-residential development in the Tamworth Service area would be cross subsidising development in the Hills Plain and Arcadia areas; and
- if challenged, the levying of charges in this way is not in accord with the prescribed methodology referenced in the Act making it more difficult to justify or defend.

Should Council wish to support option 2 then an alternate recommendation would be as follows:

That in relation to the report “Options for Commercial Developer Charges”, Council:

- (i) *request the Director Water & Waste engage a Consultant to peer review and confirm the calculations associated with Option 2 as detailed in the body of the report;*
- (ii) *agree, in the event the Peer Review of Option 2 confirms the proposed charges are correct, to place the proposed charges on public display for a period of not less than 28 days, seeking public submissions in relation to the proposed change;*
- (iii) *agree, in the event the Peer Review process indicates changes should be made to the proposed charges, the Director of Water and Waste present a further report to Council regarding this matter; and*
- (iv) *agree, in the event the proposed charges are placed on public display, request the Director and of Water and Waste submit a further report to Council with details of any submissions received.*

Option 3: Create a uniform Non-Residential Developer charge across the identified areas (Tamworth, Hills Plain, Arcadia) equal to the lowest charge.

This option would introduce a uniform charge for non-residential development, based on the current lowest charge (Tamworth).

Under Option 3 the charges would be:

	Current Charge	Option 3 – Proposed Charge Per ET (Excl GST)
Water		\$4,858
Hills plain	\$14,407	
Tamworth	\$4,858	

Arcadia	\$10,960	
Sewer		\$1,805
Hills plain - Gravity	\$5,191	
Tamworth	\$1,805	
Arcadia	\$7,162	

Under option 3 the charges for the example development, including water and sewer would be:

	Charge	Difference to Option 1
Hills Plain	\$49,694	- \$ 96,708
Tamworth	\$49,694	-
Arcadia	\$49,694	- \$ 80,958

In this option, the developer in Hills Plain would see a reduction in charges of \$96,708, the developer in Arcadia would see a reduction in charges of \$80,958. The developer in Tamworth would see no change.

In this scenario, the shortfall of income would have to come from Council's other funding sources, including water and sewer charges paid by residential and commercial customers across the LGA.

Advantages:

- non-residential development in Arcadia and Hills Plain would be charged the same as similar development in Tamworth; and
- as opposed to option 2 non residential developers in Tamworth would not subsidise the cost of non- residential development in Arcadia and Hills Plain.

Disadvantages:

- residential development will be charged differently to non-residential development in two large service areas; and
- non-residential development in Hills Plain and Arcadia is receiving a cross-subsidy but non-residential development in Tamworth is not;
- all water and wastewater customers in the LGA would be cross subsidising development in the Hills Plain and Arcadia areas; and
- if challenged, the levying of charges in this way is not in accord with the prescribed methodology referenced in the Act making it more difficult to justify or defend.

Should Council wish to support option 3 then an alternate recommendation would be as follows:

That in relation to the report "Options for Commercial Developer Charges", Council:

- (i) request the Director Water & Waste engage a Consultant to peer review and confirm the calculations associated with Option 3 as detailed in the body of the report;
- (ii) agree, in the event the Peer Review of option 3 confirms the proposed charges are correct, to place the proposed charges on public display for a period of not less than 28 days, seeking public submissions in relation to the proposed changes;
- (iii) agree, in the event that the Peer Review process indicates changes should be made to the proposed charges the Director of Water and Waste present a further report to Council regarding this matter; and
- (iv) in the event the proposed charges are placed on public display request the Director of Water and Waste submit a further report to Council with details any submission received.

Cumulative impact of changes

Another way of looking at the implications of each if the proposed options is to consider the cumulative impact over time. The table below summarises the combined water and sewer charges for each option.

	Service Area Charge	Combined Water & Sewer Charge per ET
Option 1 (maintain current charges)	Hills Plain	\$19,598
	Tamworth	\$6,663
	Arcadia	\$18,122
Option 2	Agglomeration	\$11,626
Option 3	Lowest Charge	\$6,663

As an example, assume there will be 100 non-residential water and sewer ET developed over the next ten years. Under option two non-residential development in the Hills Plain Service area would receive a cross subsidy of \$797,242 from development in the Tamworth service area. A non-residential development in the Arcadia Service area would receive a cross subsidy of \$649,642 from development in the Tamworth service area. Under option 3, the non-residential development in Hills Plain and Arcadia service areas would receive a cross subsidy each of approximately \$1.2 Million from all customers paying water and sewer charges. Note that this calculation is based on current year's charges only.

(a) Policy Implications

Fees and Charges will need to be amended to define the new charges should Option 2 or 3 be adopted.

(b) Financial Implications

The Development Servicing Plan provides a means of balancing income with expenditure for proposed future capital works. Should option 3, which will result in non-residential development in Hills Plain and Arcadia being cross subsidised by rate payers, be implemented, then there will be an impact on water and sewer charges for all customers connected to water and/or sewer over time.

(c) Legal Implications

The authority for Local Government Councils to levy developer charges for water supply and sewerage derives from Section 64 of the Local Government Act 1993, and an associated cross-reference to Section 306 of the Water Management Act 2000. Section 306(3) of the Water Management Act 2000, requires that “consideration is to be given to any guidelines issued for the time being for the purposes of this section by the Minister”. Pursuant to this Section, the Minister has issued the “2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater”. These Guidelines are based on the net present value approach adopted in the NSW Independent Pricing and Regulatory Tribunal’s Determination on 9 September 2000.

(d) Community Consultation

Should Council elect to proceed with either option 2 or 3 then the proposed new charges will have to be placed on public display for a period of not more than 28 days inviting comments from the public.

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security

8.2 NEW DUNGOWAN PIPELINE OWNERSHIP AND EASEMENT ACQUISITION

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations
Reference: Item 8.3 to Ordinary Council 25 January 2022 - Minute No 18/22
Item 12.5 to Ordinary Council 22 February 2022 - Minute No 56/22
Item 8.2 to Ordinary Council 12 July 2022 - Minute No 206/22
Item 12.5 to Ordinary Council 9 May 2023 - Minute No 97/23
Item 8.5 to Ordinary Council 28 November 2023 - Minute No 295/23

4 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “New Dungowan Pipeline Ownership and Easement Acquisition”, Council:

- (i) receive and note the report;*
- (ii) acknowledge the new Dungowan Pipeline (Stage 1) asset vesting to Council on 26 June 2025; and*
- (iii) endorse the Negotiation Protocol and other agreements as required, to allow Department of Climate Change, Energy, the Environment and Water to start the easement acquisition for the new pipeline.*
- (iv) for the purpose of the New Dungowan Pipeline as identified in Schedule 4 of the Memorandum of Understanding executed between Council and the Department of Climate Change, Energy, the Environment and Water on 23 April 2024:*
 - a. Council acquire every such easement as may be necessary or convenient for the construction, operation or maintenance of the New*

Dungowan Pipeline.

- b. Council, in accordance with s187 of the Local Government Act 1993, acquire each such easement referred to in Resolution 1 by agreement or by compulsory acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.***
- c. Council undertake all such negotiations as may be necessary or convenient for the purposes of each such acquisition.***
- d. If the acquisition is to proceed by the publication of an acquisition notice under s20 of the Land Acquisition (Just Terms Compensation) Act 1991, Council make all necessary applications to and correspondence with the Minister.***
- e. If agreement can be reached in respect of any such acquisition including under sections 29, 30 or 63 of the Land Acquisition (Just Terms Compensation) Act (1991), that such agreement be entered into and for this purpose the General Manager (or any attorney appointed in accordance with clause 10.2 of the Memorandum of Understanding) may enter into and give effect to such agreement***
- f. Council authorise the General Manager to execute as a deed, Powers of Attorney in substantially the same form as the two deeds included with the report, appointing the persons named in Schedule 1 of each of those deeds jointly and severally to be Council's attorney for the purposes provided for in those deeds.***

SUMMARY

Construction of the first stage of the new Dungowan Pipeline, referred to as Stage 1 reached completion in November 2023. Stage 1 of the new pipeline construction is from the Calala Water Treatment Plant (CWTP) to the point where the Chaffey Dam Pipeline meets the existing Dungowan Pipeline near the Dungowan Recreation Ground. The pipeline was successfully commissioned in September 2023 with the new pipeline section delivering water directly to the Calala Water Treatment Plant via raw water balance tanks and also delivering water to the raw water storage dam at the CWTP. Since construction completion, the NSW Government has been working towards vesting the new Dungowan Pipeline asset to Council ownership. This process has taken approximately 18 months and the asset was vested to Council on 26 June 2025, with notice provided to Council on 2 July 2025.

As previously reported to Council, the NSW Government department managing the delivery of the new Dungowan Pipeline Project, Water Infrastructure NSW, now known as the Department of Climate Change, Energy, the Environment and Water (DCCEEW), does not have appropriate legal authority to compulsorily acquire easements if agreement cannot be reached with impacted landowners. As Council does have such powers, a Memorandum of Understanding (MOU) was executed with DCCEEW to facilitate the easement acquisition process for the new pipeline. The MOU provides details on the easement acquisition process and responsibilities of both parties. DCCEEW will be responsible for the project management of acquiring easements including all engagement and negotiation with property owners. All costs associated with the easement acquisition will be funded by DCCEEW. It should be noted that as the asset owner Council will be responsible for initial compensation payment, however, this would be reimbursed by DCCEEW in accordance with terms established in the MOU.

This report discusses the new Dungowan Pipeline Project and provides recommendations to Council in respect to easement acquisition for the new Pipeline.

COMMENTARY

Construction of the first stage of the new Dungowan Pipeline, referred to as Stage 1 reached completion in November 2023. Stage 1 of the new pipeline construction was from the Calala Water Treatment Plant (CWTP) to the point where the Chaffey Dam Pipeline meets the existing Dungowan Pipeline near the Dungowan Recreation Ground. Construction of the Pipeline was project managed by Water Infrastructure NSW, now known as the Department of Climate Change, Energy, the Environment and Water (DCCEEW) with construction undertaken by contractor MPC Kinetic.

The pipeline was successfully commissioned in September 2023, with the new pipeline section delivering water directly to the CWTP via raw water balance tanks and also capable of delivering water to the raw water storage dam at the CWTP.

Since construction completion, the NSW Government has been working towards vesting the new Dungowan Pipeline asset to Council ownership. This process has taken approximately 18 months, and the asset was vested to Council on 26 June 2025, with notice provided to Council on 2 July 2025.

The initial scope for the new Dungowan Dam and Pipeline Project included three stages of pipeline design and construction occurring as follows:

Stage 1 was to include:

- detailed design of the new pipeline (full length) from the CWTP to the new Dungowan Dam site; and
- construction of the new pipeline from CWTP to the connection of the existing Dungowan Pipeline and the Chaffey Dam Pipeline. A total pipeline length of approximately 21 Kilometres.

Stage 2 was to commence following completion of Stage 1 and proposed to include:

- continuation of construction of the new pipeline from the connection point/end of stage 1 to the downstream side of the new dam site. A total pipeline length 32km.

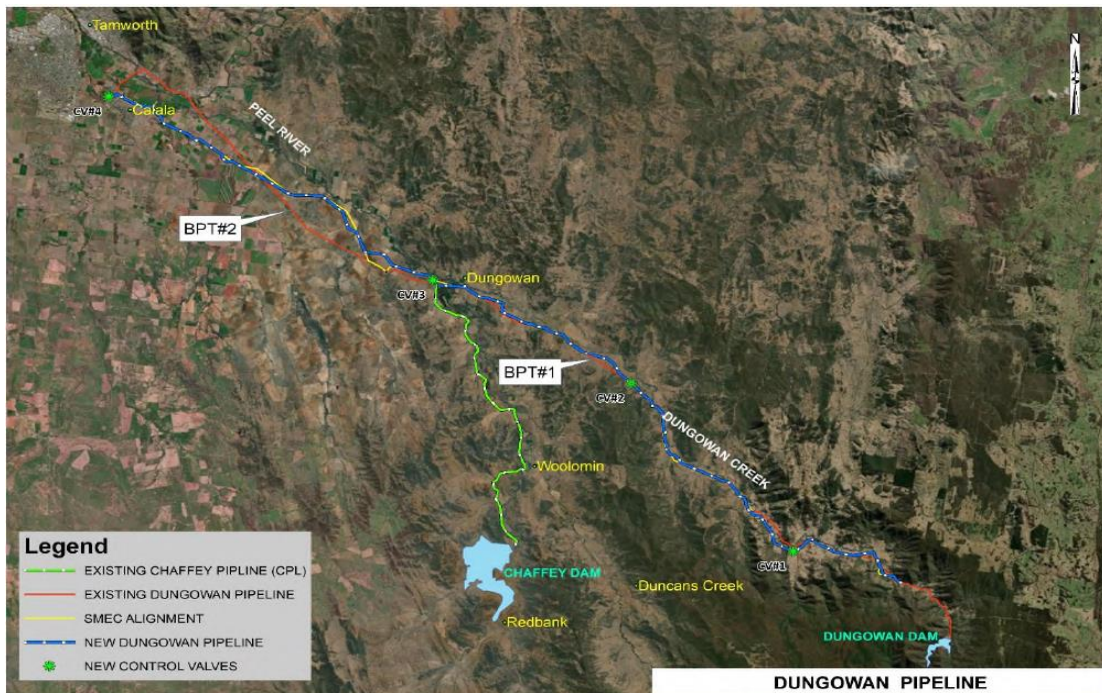
Stage 3 was to occur following completion of the new dam and proposed to include:

- connection of the new pipeline from Stage 2 to the outlet structure of the new Dungowan Dam.

Given the announcement in May 2023, by both the NSW and Federal Governments that the new Dungowan Dam Project would not be proceeding, the final scope of the new Dungowan Pipeline Project was limited to Stage 1. The completion of Stage 1 included the following works:

- final design route for the new pipeline from the CWTP to the new Dungowan Dam site;
- detailed design and all associated approvals for Stage 1 of the new pipeline:
 - the pipeline was designed to provide a maximum flow rate of 71 ML/day to the CWTP and was designed to be constructed primarily of high-density polyethylene with an external pipe diameter of 900mm.
 - through urban areas of Calala, the pipeline was designed to be constructed of ductile iron cement lined pipe with a diameter of 600mm; and

- the new pipeline route, existing pipeline location and Chaffey Dam Pipeline are shown in the following image.



- the project constructed approximately 21km of new pipeline as per the completed detail design. The pipeline construction incorporated a fibre optic cable installed adjacent to the pipeline for communications i.e. data transfer for pipeline operation.
- approximately 2.1 kilometres of the existing Dungowan pipeline was slip lined with a new 160mm polyethylene water main to service properties that had an existing Dungowan Pipeline water connection but could not be serviced by the new pipeline. The works are shown in red below.



- Stage 1 of new pipeline include three pipeline flow and pressure control systems as follows:
 - control valve building constructed at the CWTP which provides the desired water flow rate to be delivered to the CWTP or raw water storage. Images of this infrastructure are provided below.



- pressure reducing valve building located at the Dungowan Recreation Ground. This building also incorporates the connection point for the Chaffey Dam Pipeline. WaterNSW has ownership and operational responsibility of the connection point and associated valving. Images of this infrastructure are provided below.



- a temporary pressure reducing valve station was installed at Dungowan village (Nundle Road). This infrastructure was required to be installed to facilitate the operation of the new pipeline and reduce water pressure in a section of the existing pipeline from Dungowan village to the Dungowan Recreation Ground. This system was planned to be removed from service on the completion of Stage 2 of the new pipeline project. It will now be required to be maintained until the remainder of the existing pipeline is renewed.

As previously reported to Council, any existing water connections to the Dungowan Pipeline were to be provided a raw water connection to the new Pipeline. In addition, Council resolved to amend its previous policy of not allowing any additional raw water connections to the Dungowan Pipeline and to allow new connections on the new Dungowan Pipeline should a property be traversed by the new pipeline. Any new connections were required to enter into a raw water supply agreement. The new pipeline incorporates approximately 50 metered raw water connection points.

Council resolved to accept ownership of Stage 1 of the new Dungowan Pipeline at its meeting of 28 November 2023. In accordance with this resolution Council owns and operates all infrastructure constructed as part of Stage 1 with the exclusion of the Chaffey Dam Pipeline extension and connection point to the new Dungowan Pipeline at the Dungowan Recreation Ground. These assets are the ownership of WaterNSW. The separation of assets between Council and WaterNSW at this point is shown in the plan below with assets in red being owned by Council i.e., new Dungowan Pipeline and assets in green owned by WaterNSW i.e. Chaffey Dam Pipeline:



Noting the above comment, the following high level financial implications have been provided previously to Council regarding the financial implications of the asset transfer to Council:

- _____

Based on the above the expected potential increase to water charges would be approximately 2.7% to cover the increased depreciation charge. As previously advised to Council, it is proposed to not change any water charges directly as a result of the asset transfer until a decision regarding the renewal of the remainder of the Pipeline and existing Dungowan Dam is made. To allow Council to make an informed decision, this will require the completion of the following two projects currently underway:

- Dungowan Dam Safety Review – as the new Dungowan Dam is not proceeding, Council, at its Meeting of 8 August 2023, resolved to proceed with commencing a safety review for the existing Dungowan Dam. This work aims to address outstanding recommendations from previous studies regarding the long-term safety of the dam and is due for completion mid 2026; and
- Water Security Plan Project – Council is working with NSW State Government Agencies in relation to identifying the best long-term source of raw water and alternative water use options for Tamworth.

Asset Ownership Transfer Process

NSW State Government Agencies completed a detail review of the best process to transfer the ownership of new Dungowan Pipeline asset to Council. The identified best approach was deemed to be to transfer the asset from the Department of Planning and Environment to Council, via WaterNSW, by the way of ministerial vesting orders.

The vesting order process was a two-step process. The steps that occurred consecutively on the same day in the following sequence are:

1. ministerial vesting order to transfer all assets, rights and liabilities held by DCCEEW to WaterNSW pursuant to s 28(1) of the *WaterNSW Act* (being Order 1); and
2. ministerial vesting order to transfer constructed assets, all associated assets, rights and liabilities held by WaterNSW to Council pursuant to s 28(2) of the *WaterNSW Act* (effectively, the Minister transfers the ‘full bundle’ to Council), (being Order 2).

In respect to the above, liabilities included previous documents and contracts not under Council’s control, for example, the pipeline construction contract that DCCEEW had with MPC Kinetic, remained the responsibility of the NSW Government.

Prior to signing the vesting order, the voting shareholders of WaterNSW must give their concurrence to the making of the order, as required under sections 28(1) and 28(2) of the Act.

The voting shareholders of WaterNSW are the Treasurer (Daniel Mookhey MLC) and the Minister for Finance (Courtney Houssos MLC).

The Minister for Water (Rose Jackson MLC), on behalf of the State, and Council must consent to the transfers as required by section 28(3) of the Act.

This process has taken approximately 18 months and the asset was vested to Council on 26 June 2025, with notice provided to Council on 2 July 2025.

Construction Contract Defects Period

The construction contract between DCCEEW and MPC Kinetic had defect rectification clauses i.e. any defects identified during the 12-month period from the contract completion date requires MPC Kinetic to rectify. Under this arrangement DCCEEW would continue to manage the construction contract defects with MPC Kinetic for the 12-month defect period. Council would operate the Pipeline and any defects would be reported by Council staff to

DCCEEW project management staff to coordinate defect repairs. Any identified defects would be classified as:

- minor – repairs could be completed by Council staff. Any costs to be paid by DCCEEW; and
- major – repairs could not be completed by Council staff without MPC Kinetic involvement. DCCEEW would manage contractor repairs in consultation with Council staff.

This defects period ended 3 November 2024. There have been no major defects with the pipeline since this time.

Easement Acquisition

Given the uncertainty of long-term asset ownership when the new Dungowan Dam and Pipeline Project commenced, to facilitate construction commencement, DCCEEW entered into construction leases with all impacted properties i.e. those properties the new pipeline traversed. On commissioning completion of the new Dungowan Pipeline these leases converted to a three-year operating licence to allow the acquisition of easements of the new pipeline assets including slip lined assets and building compounds.

The construction leases were executed between DCCEEW and impacted landowners to provide property access for pipeline construction and commissioning. Leases provided payment for annual land rent, a one-off signup fee, legal costs, construction disturbance payment. All costs were borne by the project and DCCEEW.

All construction leases terminated as of 18 September 2023, and converted to operational licences to allow DCCEEW and Council access to properties to operate and maintain the pipeline. In accordance with these licences, DCCEEW pay the landowner an annual rent. Easement terms including widths were included in the construction leases and are proposed to be 10 metres in width on pipeline assets. The operational licences have a maximum term of three years on similar terms to the construction lease and will expire in October 2026 or once an easement has been established. The primary purpose of this three-year period was to allow for the acquisition of easements for the new Pipeline assets. Given the timeframe taken to vest the Pipeline assets to Council, all easements may not be able to be acquired prior to operational licences expiring in October 2026. DCCEEW are currently reviewing options for extending licences in the event this is required.

As previously reported to Council, DCCEEW does not have appropriate legal authority to compulsorily acquire easements if agreement cannot be reached with impacted landowners. As Council does have such powers, a Memorandum of Understanding (MOU) was executed with DCCEEW to facilitate the easement acquisition process. The MOU provides details on the easement acquisition process and responsibilities of the parties. DCCEEW will be responsible for the project management of acquiring easements including all engagement with property owners.

All costs associated with the easement acquisition will be funded by DCCEEW. It should be noted that as the asset owner, Council will be responsible for initial payment, however, this would be reimbursed by DCCEEW. A copy of the executed MOU is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

A key sub document required by the MOU is an easement Negotiation Protocol to be approved by Council that establishes a clear process for DCCEEW for acquiring easements. This Protocol establishes:

- communication conduct and negotiation with landholders by DCCEEW;

- compensation offer terms; and
- limit of compensation negotiation value authority of DCCEEW.

A copy of the Negotiation Protocol is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 2**.

Councillors are asked to take particular note of the compensation ranges included in the Protocol and ensure they agree with the numbers proposed.

Should Council approve the Negotiation Protocol, it is expected that the easement acquisition i.e. property owner engagement will commence in September 2025.

To facilitate DCCEEW undertaking easement acquisition on behalf of Council, processes associated with easement acquisition will be allocated to DCCEEW staff in accordance with the MOU by executing by way of deed, Power of Attorney. These processes include preparing and entering into correspondence and associated compensation agreements with property owners regarding easement acquisition. The draft deeds for Power of Attorney are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 3** and **4**.

(a) Policy Implications

Nil

(b) Financial Implications

DCCEEW will fund all costs for project managing easement acquisition with the exclusion of any Council staff time requirements. Noting Council will have to fund the initial payment for easement acquisition; however, Council will be refunded these costs from DCCEEW in accordance with the executed MOU.

(c) Legal Implications

DCCEEW and Council will be required to negotiate and acquire easements in accordance with all relevant legislation in particular the NSW Land Acquisition (Just Terms) Compensation Act.

(d) Community Consultation

DCCEEW will undertake an extensive property owner engagement including in person discussion with property owners. This will be conducted in accordance with the principles of Council's Communication Strategy.

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SOCIAL MEDIA POLICY

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Lisa May, Coordinator Governance and Executive Services

Reference: Item 9.2 to Ordinary Meeting of 29 April 2025 - Minute No 94/25

1 ANNEXURES ATTACHED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Social Media Policy”, Council:

- (i) adopt the Social Media Policy attached to this report; and*
- (ii) note the submissions received during the public exhibition period.*

SUMMARY

At Council’s Ordinary Meeting of Tuesday, 29 April 2025 Council considered the ‘Draft Social Media Policy’ and resolved to publicly exhibit the Policy for period of 28 days. The draft Policy was placed on formal public exhibition from 8 May 2025 to 5 June 2025. The purpose of this report is to recommend the adoption of the policy.

COMMENTARY

At its Meeting held on 29 April 2025, Council resolved as follows:

That in relation to the report “Social Media Policy”, Council:

- (i) endorse the Draft Social Media Policy to be placed on public exhibition for a period of 28 days; and*
- (ii) request a further report to Council to consider any feedback received throughout the public exhibition period and present for formal adoption of the final Social Media Policy.*

In accordance with Council’s resolution the draft Policy was placed on public exhibition from Thursday, 8 May 2025 until Thursday, 5 June 2025. During the public exhibition period four submissions in relation to the draft Policy were received and are **ENCLOSED**, refer to **CONFIDENTIAL ENCLOSURE 1**.

Based on the submissions and Councillor and staff feedback the draft Policy, as **ATTACHED**, refer to **ANNEXURE 1**, is therefore recommended to Council for adoption.

(a) Policy Implications

Should Council adopt the Policy, it will be added to the General Policy Register which is publicly available on Council’s website.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The Draft Social Media Policy was placed on public exhibition for 28 days. The public exhibition period was open from 8 May 2025 to 5 June 2025. At the conclusion of the exhibition period four submissions were received.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and Collaborative Leadership.

9.2 COUNCIL INVESTMENTS JULY 2025

DIRECTORATE:

OFFICE OF THE GENERAL MANAGER

AUTHOR:

Sherrill Young, Manager - Financial Services

Hannah Allwood, Accountant

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments July 2025”, Council receive and note the report.

SUMMARY

In accordance with *Local Government (General) Regulation 2021*, Clause 212, the purpose of this report is to:

- provide Council with a register of investments held as at 31 July 2025; and
- provide Responsible Accounting Officer certification that investments comply with: the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council’s Investment Policy.

The register and accompanying certification can be found **ATTACHED**, refer **ANNEXURE 1**.

COMMENTARY

The register **ATTACHED**, refer **ANNEXURE 1** shows Council’s cash and investment holdings as at 31 July 2025.

The Reserve Bank of Australia had its meeting on Tuesday 12 August and unanimously determined to drop cash rate from 3.85% to 3.60%. The Reserve Bank media release indicated that inflation was retreating back to the 2 – 3 per cent range and therefore “easing of monetary policy was appropriate”.

During the month, Council’s portfolio performed above the industry average, returning 4.58% against the three-month Bank Bill Swap rate (3mBBSW) of 3.68%. Since July returns on new investments have decreased with term deposits taken out in early August returning just over 4.1%, this was prior to the rate cut.

(a) Policy Implications

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

(b) Financial Implications

Although it is early in the new financial year, if interest rates on investments remain low it is likely that Council’s interest income for the year will not achieve the budget forecast of \$9.2 million consolidated. Council’s investment earnings are also impacted by the timing of forecast cash flows which will govern cash holdings. The 2025/26 budget for investment earnings was based on returns of 4.75%.

(c) Legal Implications

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

- *Local Government Act 1993* – Section 625;
- *Local Government Act 1993* – Order (of Minister) dated 16 November 2000; The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A (2), 14C (1) and 2;

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and Collaborative Leadership

9.3 SISTER CITIES EXCHANGE VISIT TO NASHVILLE, TENNESSEE – JUNE 2025

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES
AUTHOR: Peter Ross, Executive Manager Creative Communities and Experiences

Reference: Item 9.1 to Ordinary Council 25 February 2025 - Minute No 24/25

RECOMMENDATION

That in relation to the report “Sister Cities Exchange Visit to Nashville, Tennessee – June 2025”, Council receive and note the report.

SUMMARY

The Sister Cities relationship between Nashville, Tennessee, and Tamworth, New South Wales, stands as a powerful example of international collaboration, cultural exchange, and mutual enrichment. Both cities are globally recognised as iconic homes of country music, and their formal connection has provided a unique platform for deepening cultural ties, fostering artistic collaboration, and promoting tourism and economic development.

The purpose of this report is to provide Council with an overview and outcomes of the Sister Cities delegation visit to Nashville, Tennessee in June 2025, coinciding with the CMA Fest, and to outline future opportunities arising from the exchange.

COMMENTARY

Tamworth and Nashville have enjoyed a long-standing Sister Cities relationship, founded on shared values, cultural identity, and their global reputations as country music capitals. In June 2025, Mayor Russell Webb and Executive Manager Creative Communities and Experiences Peter Ross, visited Nashville as part of an official Sister Cities exchange, aligned with CMA Fest. Melanie Fillios, Director of Place Based Education and Research for the University of New England (UNE) also joined the delegation.

Beyond music, the partnership also opens doors for broader educational, civic, and economic collaboration. It encourages tourism between the cities and highlights the unique character and hospitality of both communities. The relationship has also inspired school partnerships, exchanges, and collaborative projects that celebrate innovation, creativity, and shared values.

The visit was planned and hosted by Sister Cities Nashville, with special acknowledgment to Sarah Lingo, Executive Director, who coordinated a comprehensive week-long itinerary. Both

Council delegates were home-hosted and shown extraordinary hospitality by the Board of Sister Cities Nashville and members of the community.

The itinerary provided a rich blend of civic engagement, industry networking, cultural immersion, and strategic learning opportunities relevant to Tamworth's identity as Australia's Country Music Capital.

Civic Engagement:

- a formal meeting with the Mayor of Nashville was held, including a ceremonial exchange of gifts to acknowledge and celebrate the Sister Cities relationship;
- the exchange reinforced the importance of civic diplomacy and Tamworth's role in international cultural relations; and
- water security, housing and infrastructure were discussed as well as other social, cultural and economic topics.

Tourism and Branding Insights:

- meetings with the Nashville Convention & Visitors Corp offered valuable insights into how Nashville leverages its musical identity to brand, market, and position itself globally; and
- discussions focused on destination marketing, audience development, and strategic tourism planning - all of which hold potential application for Tamworth's tourism and events strategy.

Public Art and Placemaking:

- a tour of the Capitol View Mural Park demonstrated how music-themed and history-based murals contribute to the vibrancy of public spaces, enhance wayfinding, and encourage social media-driven visitation; and
- this model could inspire future placemaking projects within the Tamworth region.

Education and Industry Collaboration:

- meetings with Vanderbilt University and Belmont University explored how music and music business courses are integrated into formal education pathways;
- Melanie Filios from UNE joined the delegation for joint discussions on aligning tertiary education with Tamworth's music sector; and
- the dialogue identified potential for institutional partnerships, exchange programs, and curriculum development tailored to the music industry.

Industry Engagement During CMA Fest:

- Peter Ross held several meetings with international music agents, producers, and representatives from the Canadian and UK and other International country music industries;
- engagements took place at key venues including the Ryman Auditorium, Grand Ole Opry House, Nissan Stadium, and more intimate spaces such as The Listening Room and The Spot; and
- the experience affirmed Tamworth's position in the global country music landscape and opened doors for future collaborations, artist exchanges, and potential industry showcases.

Cultural Immersion and Observation:

- the delegation immersed themselves in the live music culture of Lower Broadway and the iconic Honky Tonks, the FanFest Auditorium, and the Nissan Stadium Concerts gaining first-hand experience of Nashville’s unique entertainment models and audience dynamics; and
- it was good to see first-hand how the city deals with road closures and traffic and pedestrian flow and infrastructure and amenities to service large crowds.

There was a guided tour of the Country Music Hall of Fame and Museum in Nashville - one of the most significant cultural institutions dedicated to the preservation and celebration of country music history. The museum is thoughtfully laid out over multiple levels, guiding visitors through a chronological journey of the genre's evolution. Beginning with its early roots, the exhibition flows into the golden eras of country, the rise of Nashville as Music City, and into contemporary styles, all supported by immersive displays, rare archival footage, and iconic instruments, costumes, and memorabilia. One particularly striking feature is the “Hall of Fame Rotunda,” where the names of inductees are etched into the stone, emphasizing their lasting legacy. There were several learnings as we plan to refresh and revitalise our experiences relating to the history of Australian Country Music.

The Sister Cities exchange to Nashville has reinforced the strength and value of our international relationship. The visit yielded high-level civic, cultural, and industry connections that will benefit Tamworth’s tourism, events, education, and creative industries.

There is an opportunity to build on this momentum by:

- deepening industry engagement through formalised partnership programs;
- exploring mural and placemaking strategies for Tamworth;
- strengthening educational pathways through collaboration with Nashville-based and Australian institutions, at both a secondary and Tertiary level; and
- promoting reciprocal artist residencies and cultural exchange during CMA Fest and the Tamworth Country Music Festival.

This exchange highlights the importance of international cultural connection and positions Tamworth as a proactive global player in the music and creative industries and as an international tourist destination.

(a) Policy Implications

The attendance of the Mayor and the Executive Manager Creative Communities and Experiences is in accordance with Council’s Policy as stated in the Tamworth and Nashville Sister City Protocol.

(b) Financial Implications

The total cost for The Mayor and Executive Manager Creative Communities and Experiences for the Nashville Sister City delegation was \$19,447.12. Flights \$17,159.26, Transport \$663.88 and other costs \$1,623.98.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 3 – Prosperity and Innovation

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

That the confidential reports as listed be considered in a Meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.

11.1 PROPOSED SALE OF COUNCIL LAND - TAMWORTH GLOBAL GATEWAY PARK (TGGP) - 1 GODDARD LANE, WESTDALE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Nicholas Hawkins, Commercial Property Officer

Reference: Item 12.2 to Ordinary Council 13 July 2021 - Minute No 199/21
Item 12.2 Ordinary Council 13 December 2022 - Minute No 392/22
Item 12.2 to Ordinary Council 23 July 2024 - Minute No 187/24

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 authorisation to negotiate and enter into a Contract for the Sale of Land with the party identified in the body of this report, in relation to 1 Goddard Lane, Westdale.

11.2 TAMWORTH GLOBAL GATEWAY PARK (TGGP) - PROPOSED INDUSTRIAL HARD PLASTICS PROCESSING FACILITY - 7 BANDAAR DRIVE, WESTDALE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Nicholas Hawkins, Commercial Property Officer

Reference: Item 12.2 to Ordinary Council 23 July 2024 - Minute No 187/24
Item 12.1 to Ordinary Council 11 February 2025 - Minute No 14/25

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 authorisation to allocate Council owned land at the Tamworth Global Gateway Park (TGGP) to the Water & Waste Directorate for the purpose of the proposed industrial hard plastics processing facility.

11.3 TENDER T107-2025 - DESIGN, SUPPLY AND INSTALLATION OF TELECOMMUNICATIONS HUT - ONE TREE HILL

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

To enable continuous operation and monitoring of water and sewer infrastructure, Council has a diverse Operational Technology system comprising of the following:

- computer hardware;
- communications equipment;
- operating system software;
- instrumentation;
- engineering support tools; and
- data display, recording and reporting.

These systems allow effective remote monitoring, control, automation, data collection, alarms management and reporting of Council's water, wastewater, and recycled water assets. This is critical for ensuring worker and public safety, facilitate compliance to operating licenses and legislation and reduce operational and business costs. These systems are also a key part of the water and wastewater network and treatment plant strategies for optimising life cycle management of assets as the availability of timely, high-quality data allows staff to operate assets to the full potential, reduce operational costs and better manage maintenance.

During 2023/24 Council electrical engineering staff and specialist consultants undertook a review of Councils Operational Technology for water and wastewater systems. This review aimed to identify any current operating risks, identify current and future technology options and develop an Operational Technology strategy for existing asset renewal and new asset installation for a 10-year planning horizon. The review also considered cybersecurity risks and how these can be minimised.

A critical Operational Technology asset within Tamworth's water and wastewater communications network is a centralised data collection point located at One Tree Hill in South Tamworth. Given the elevation and central location of this site, radio data for the

majority of Council's reservoirs and pump stations is transmitted back through the site to be incorporated in overall scheme monitoring based at the water and wastewater treatment facilities.

Currently, the existing communications equipment is located in a water pump station building at One Tree Hill. In addition to requiring upgrade of existing infrastructure, the location of the communications equipment within the water pump station building creates a risk of communication equipment failure should the equipment become flooded from a pipe leak or similar. The existing building also does not have the space requirements to cater for planned upgrades and future Council assets.

The purpose of this report is to recommend the acceptance of a Tender for the design, supply and installation of a new, dedicated building which will house this critical telecommunications equipment. This new building will provide a secure, climate-controlled building which is weatherproof, fire-resistant and has room for future growth of future communications equipment. The new building will improve the security and reliability of the communications networks and allow for future asset requirements.

This report discusses the merits of the tenders received, analysis based on selection criteria and recommends a preferred Tenderer.

11.4 TENDER T116/2025 - SEWER VENT STACK REPLACEMENT

DIRECTORATE: WATER AND WASTE

**AUTHOR: Aaron Anderson, Senior Distribution Engineer
Daniel Coe, Manager - Water and Environmental Operations**

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

Council carries out an ongoing inspection program of sewer assets to identify asset condition and prepare rehabilitation programs as required. Determination of asset condition is also used by Council to calculate the economic value of assets.

Sewer vents were installed as part of the sewer reticulation system up to the 1980's. The vents form a critical part of the sewer network by allowing the ventilation of the system to reduce odour and corrosion of assets. Later sewer systems (or additions) rely on venting through individual properties rather than from the larger network vents. Council has approximately 180 sewer vents within its sewer network (Tamworth, Manilla and Barraba), of these vents, Council has already removed and replaced 123 vents with painted stainless-steel vents.

The purpose of this report is to recommend the acceptance of a Tender for the removal and replacement of a further 10 sewer vents located in Tamworth and Barraba. This report discusses the merits of the Tenders received; analysis based on a selection criterion and recommends a preferred Tenderer.

11.5 WESTDALE WASTEWATER TREATMENT PLANT - PROCUREMENT OF REPLACEMENT AERATION BLOWERS

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The Westdale Wastewater Treatment Plant (WWTP) has been in operating in its current configuration since 2010. The aeration blowers are one of the most critical and most expensive individual items of mechanical equipment at Westdale WWTP.

The blowers provide air that delivers oxygen to the Intermittently Decanted Aerated Lagoons (IDALs). The IDALs provide the main treatment process at the WWTP removing pollutants from the wastewater including Biological Oxygen Demand, and nitrogen and phosphorus. The oxygen is consumed by microorganisms in the IDALs on an almost continuous basis, so it is necessary to have blowers available 24 hours a day, seven days a week, 365 days per year to ensure Westdale WWTP operates effectively and is able to treat the wastewater and produce effluent that meets the EPA licence requirements

There are a total of six aeration blowers installed at Westdale and they have been very reliable during the 15 years of operation.

The expected reliable operational life of the blowers is approximately 15 years and as such they are approaching the end of their expected service life. Given the criticality of these assets, Council has an asset replacement strategy which involves the installation of two blowers in the 2025/26 financial year and then replacement of the remaining four blowers over the following two financial years.

The purpose of this report is to inform Council of the identified options available for the procurement and delivery of this project.

11.6 E117-2025 - EXPRESSION OF INTEREST - LAND NEAR DUNGOWAN DAM OGUNBIL - PROPOSED LEASE OR AGISTMENT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 8.7 to Ordinary Council 12 December 2023 - Minute No 332/23
Item 12.1 to Ordinary Council 9 April 2024 - Minute No 68/24

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

SUMMARY

The purpose of this report is to note the outcome of Expression of Interest E117-2025 and to seek direction from Council regarding the future management of the parcel of Council land identified in the body of this report.