

TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**, commencing at **6:30pm**.

ORDINARY COUNCIL AGENDA

9 JULY 2019

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 25 June 2019, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 **DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 **MAYORAL MINUTE**

Nil

6 **NOTICE OF MOTION**

Nil

OPEN COUNCIL REPORTS

7 **ENVIRONMENT AND PLANNING**

7.1 NORTHERN REGIONAL PLANNING PANEL MEMBERSHIP – FILE NO SF3714

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Andrew Spicer, Acting Manager Integrated Planning

Reference: Item 8.1 to Ordinary Meeting 12 February 2019 - Minute No 9/19

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Northern Regional Planning Panel Membership”, Council:

- (i) appoint Mr Stephen Bartlett to serve as a Tamworth Regional Council expert member on the Northern Regional Planning Panel (NRPP);*
 - (ii) notify the NSW Planning Panels Secretariat of Mr Bartlett’s appointment; and*
 - (iii) write to Mr Swane and Ms Gleeson-Willey to thank them for their involvement in the Expression of Interest process.*
-

SUMMARY

The Northern Regional Planning Panel (NRPP) was formed on 1 July 2009, subject to the provisions of the *Environmental Planning and Assessment Act 1979*, to determine development proposals and consider planning matters of regional significance. The NRPP is comprised of five members; three appointed by the Minister and two members nominated by the relevant councils, to participate in regional development and planning matters in their particular Local Government Area.

A report to the Ordinary Meeting of Council on 12 February 2019, provided a detailed description of the operation of Regional Planning Panels and the increased focus on probity in the published *Planning Panels Operational Procedures (2016)* and the *Code of Conduct (2018)*. It was resolved at that Council Meeting that Mr James Treloar be appointed as Council's community member on the NRPP and Mayor Col Murray continue service as an alternate member on the Panel.

It was also resolved that an Expression of Interest (Eoi) process be undertaken to obtain services of additional suitably qualified persons to serve as potential Council expert members on the Panel. The purpose of this report is to summarise the outcomes of the Eoi process and make recommendation regarding a further Council appointment to the Panel.

COMMENTARY

The principal functions of Regional Planning Panels are to determine regionally significant development applications (DA's) and undertake rezoning reviews. Additional functions relate to acting as a relevant planning authority for planning proposals if directed by the Minister, determining Crown DA's, and providing advice in relation to planning and development matters when requested by the Minister.

The Northern Regional Planning Panel (NRPP) is subject to the provisions of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, *EP&A Regulation 2000*, *State Environmental Planning Policy (State and Regional Development) 2011* and Department of Planning and Environment practice notes and guidelines including a *Code of Practice*.

A Regional Planning Panel consists of five members, being three members appointed by the Minister (*State members*) and two nominees of an applicable Council (*Council nominees*). The *EP&A Act 1979 (S.2.13)* provides that at least one of the Council nominees must have a high level of expertise in at least one area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering and tourism.

In accordance with the Resolution of Council on 12 February 2019, Mr James Treloar has been appointed to the NRPP. Following a meeting of the NRPP in Tamworth the Chair of the NRPP, Mr Garry West, advised that Mr Treloar was well qualified to serve as an expert member on the Panel based on his particular knowledge of town planning as well as Local Government administration. The terms of Mr Treloar's appointment were subsequently amended with the NSW Planning Panels Secretariat from *community* member to *expert* member.

An Expression of Interest process was undertaken throughout April 2019, seeking the services of additional Council appointed nominees to the NRPP. The Eoi process involved advertising in four consecutive Saturday editions of the *Northern Daily Leader* and two advertisements in the both the *Manilla Express* and *Barraba Gazette* during the Eoi period. The Eoi material was placed on Council's website and direct letters were sent to 11 individuals/companies identified as potentially having an interest in the process.

Three Eols were received in response to the process. These were from Mr Stephen Bartlett, Mr Andrew Swane of Brown & Krippner Pty Ltd and Ms Shonell Gleeson-Willey of Moss Environmental Pty Ltd. It was considered that all three had qualifications and experience that would be suitable for them to effectively serve on the NRPP. The Expressions of Interest are **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 1**.

An assessment of the Eols was undertaken and it was concluded that Mr Bartlett should be recommended for appointment to the NRPP. Mr Bartlett has formal qualifications as follows:

- Public Service Board Regulation 116 and 127 Qualifications for NSW Local Courts Administration;
- Diploma in Local Government Administration & Accounting, Charles Sturt University, Bathurst;
- Master of Local Government Management, University of Technology, Sydney;
- Master of Local Government & Environment Law, Macquarie University; and
- Diploma in Legal Studies, University of New England, Armidale.

Mr Bartlett has more than 40 years experience in NSW Local Courts Administration and service in Local Government at five NSW Councils. He has fulfilled roles in middle and senior management at Gunnedah Shire Council, Dubbo City Council, Nundle Shire Council (Shire Clerk), Tamworth City Council and Tamworth Regional Council in several Department Head positions including Director Corporate and Governance. He also served as Executive Officer of the Namoi Joint Organisation for five years.

Currently, Mr Bartlett is Director and Board Member of Destination Country & Outback NSW Tourism Network, Board Member of CentaCare New England North West, Board Member of Tamworth Country Music Foundation, and a Justice of the Peace.

An assessment of Mr Bartlett's qualifications and wide ranging experience identifies him as the preferred appointee compared to the other Eol.

It is emphasised that Mr Swane and Ms Gleeson-Willey are considered to be suitably qualified to serve on the NRPP. It is recommended that Council express their appreciation to both Mr Swane and Ms Gleeson-Willey for their involvement in the Expression of Interest process.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

The proposed appointment is in alignment with the relevant legislation and *Planning Panels Code of Practice*.

(d) Community Consultation

The Expression of Interest process has involved advertising in local newspapers and the placement of relevant materials on Council's website as outlined in this report.

(e) Delivery Program Objective/Strategy

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

7.2 DEVELOPMENT APPLICATION NO. DA2019-0304 FOR CONSTRUCTION AND USE OF A 9MW SOLAR FARM AND ASSOCIATED INFRASTRUCTURE ON LOT 1 DP 1234850, 72 WALLAMORE ROAD, TAMINDA – FILE NO DA2019-0304

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Lucy Walker, Executive Manager of Planning

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to Development Application No. DA2019-0304 for Construction and Use of a 9MW Solar Farm and Associated Infrastructure on Lot 1 DP1234850, 72 Wallamore Road, Taminda, to be determined by the Joint Regional Planning Panel for construction and use of a 9MW solar farm and associated infrastructure on Lot 1 DP 1234850, 72 Wallamore Road, Taminda, Council:

- (i) note the application is scheduled for determination by the Regional Planning Panel on 24 July 2019; and*
- (ii) determine whether to make a submission to the Regional Planning Panel in relation to the application.*

SUMMARY

The development application seeks consent for construction and use of a 9MW solar farm and associated infrastructure on Lot 1 DP 1234850, 72 Wallamore Road, Taminda.

The application must be determined by the Regional Planning Panel (RPP) pursuant to Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, as the proposal is for electricity generating infrastructure by a private developer, and has a capital investment value of more than \$5 million.

COMMENTARY

Details of the application are as follows:

DA Number	DA2019-0304
Proposed Development	Construction and use of a 9MW solar farm and associated infrastructure.
Street Address	Lot 1 DP 1234850, 72 Wallamore Road, TAMINDA
Applicant/Owner	Elton Consulting/Mr HD Stearman
Date of Lodgement	4 February 2019
No. of Submissions	One submission of objection

The proposed development involves the construction and operation of a 9 Mega Watt (MW) solar farm covering approximately 7.7 hectares. The development will consist of:

- thirty-two modules, each module comprises 864 photovoltaic (PV) panels. Each module is 24 PV panels wide (east-west) and 36 PV panels long (north-south). PV panels are paired and are mounted on an alternate height framing system. A total of 27,648 PV panels are proposed. Each panel is two metres x one metre;
- the PV panels will be mounted on steel pegs and will have a maximum height of 1.05 metres;
- two combined inverter/transformer stations and eight battery storage containers within a combined storage capacity of 20 MWh (2.5 MWh per container);
- the provision of 1.8 metre high chain wire fencing around the solar modules to provide a compound. Pedestrian and vehicle access to the compound will be via a set of double leaf gates located adjacent to the south-east corner of the compound. Low scale security lighting will be provided within the compound;
- earthworks (cut and fill) within the 7.7 hectare compound, to provide a pad for the infrastructure, are required to provide a safe operating zone for the solar farm. The proposed cut is 7,302 cubic metres and the proposed fill is 4,876 cubic metres. A net result is a cut of 2,426 cubic metres. Fill will not be imported to the site. The proposed finished ground level (~371RL) is approximately one metre below the 1-in-100 year flood level (~372RL). The solar farm steel peg support system will provide a 1-1.2 metre clearance from the proposed finished ground level. This places the solar panel infrastructure approximately 200mm above the 1 in 100 year flood level; and
- the construction of a vehicle access road and parking area adjacent to the south-eastern corner of the compound. The vehicle access road is to be compacted 200mm densely graded gravel and will be 4 metres in width. The vehicle access road will connect to Dampier Street.

The Applicant has advised that the construction programme for the solar farm is 12 weeks and that no heavy machinery is proposed for the installation of the solar panels. Heavy machinery would be used for the completion of the earthworks.

The solar farm will provide renewable energy to the grid via an existing Essential Energy 11kv substation feeder line that is located to the south of the development site in Wallamore Road and to a padmount substation to be located on adjoining Lot 2 DP 1234850. The cable will be provided both above and below ground.

A map indicating the location of the site is **ATTACHED**, refer to **ANNEXURE 1**.

A copy of the plans submitted with the Development Application are **ATTACHED**, refer to **ANNEXURE 2**.

There was one submission received during the exhibition period and that submission raised concern in relation to the potential impacts of the development on the adjoining racecourse.

The assessment report prepared for consideration by the RPP will be forwarded to Councillors once it has been completed, and will be publically available on the RPP website before the meeting. Council or elected representatives may make a submission to the Panel Secretariat up to seven days before the RPP meeting.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The application was publicly exhibited in accordance with the Tamworth Regional Council Development Control Plan 2010, from 15 April 2019 to 6 May 2019. The application was advertised in the Northern Daily Leader on 13 April 2019, and notification letters were sent to all adjoining property owners. One submission of objection was received during the exhibition period.

(e) Delivery Program Objective/Strategy

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

8 INFRASTRUCTURE AND SERVICES

8.1 2019 LOCAL GOVERNMENT WATER MANAGEMENT CONFERENCE - ALBURY 2 - 4 SEPTEMBER 2019 – FILE NO SF706

DIRECTORATE: WATER AND WASTE
AUTHOR: Jo Binks, Executive Assistant

1 ANNEXURES ATTACHED

DRECOMMENDATION

That in relation to the report “2019 Local Government Water Management Conference – Albury 2 - 4 September 2019”, Council nominate representatives to attend this Conference as appropriate.

SUMMARY

The purpose of this report is to advise Council that the 2019 Local Government Water Conference, will be hosted by Albury City Council at Albury Entertainment Centre on 2 to 4 September 2019, inclusive.

COMMENTARY

The Draft Program is **ATTACHED**, refer **ANNEXURE 1**. The programme includes the following speakers and topics:

- The Hon David Littleproud MP Commonwealth Minister for Water Resources has been invited to present on “The National Water Grid – Securing Australia’s Water Needs”;
- Mr James McTavish – Regional Town Water Supply Coordinator and NSW Cross – Border Commissioner from the Department of Premier and Cabinet will present “Short Term fixes and long term solutions”. Addressing water supply issues in NSW regional towns;

- Mr Mathew Coulton, Water Sector Engagement Lead from the Bureau of Meteorology will present “Climate and Water Briefing for NSW – a look at current conditions, trends and the outlook”; and
- Mr Michael Blackmore – Director Water Utilities- Department of Planning, Industry and Environment “Safe and Secure Water – Risk Based Funding and Regulation”.

The Water and Waste Director and the Manager of Water and Waste Operations are proposing to attend the Conference.

It should be noted that the Conference’s welcome reception and registration is on Monday, 2 September 2019, from 3:00pm, with the Conference commencing on Tuesday, 3 September 2019, at 9:00am, and concluding on Wednesday, 4 September 2019.

(a) Policy Implications

Councillor(s) authorised to attend the 2019 Local Government Water Management Conference, in accordance with Council’s policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

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

(b) Financial Implications

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

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

Conference Early Bird Registration, if paid in full by Friday, 12 July 2019, will be \$550.00 per person and normal Conference Registration will be \$650.00 per person if paid in full by 20 August 2019.

(c) Legal Implications

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership L22 – To be a leader in best practice for Local Government.

8.2 DROUGHT RESPONSE AND WATER SUSTAINABILITY ACTIONS – FILE NO SF9442

DIRECTORATE: WATER AND WASTE

AUTHOR: Ian Lobban, Water Sustainability Officer

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Drought Response and Water Sustainability Actions”, Council receive and note the report.

SUMMARY

The following report is presented to update Council on the drought responses in various centres across Council and any future planned works.

COMMENTARY

The latest update is provided below:

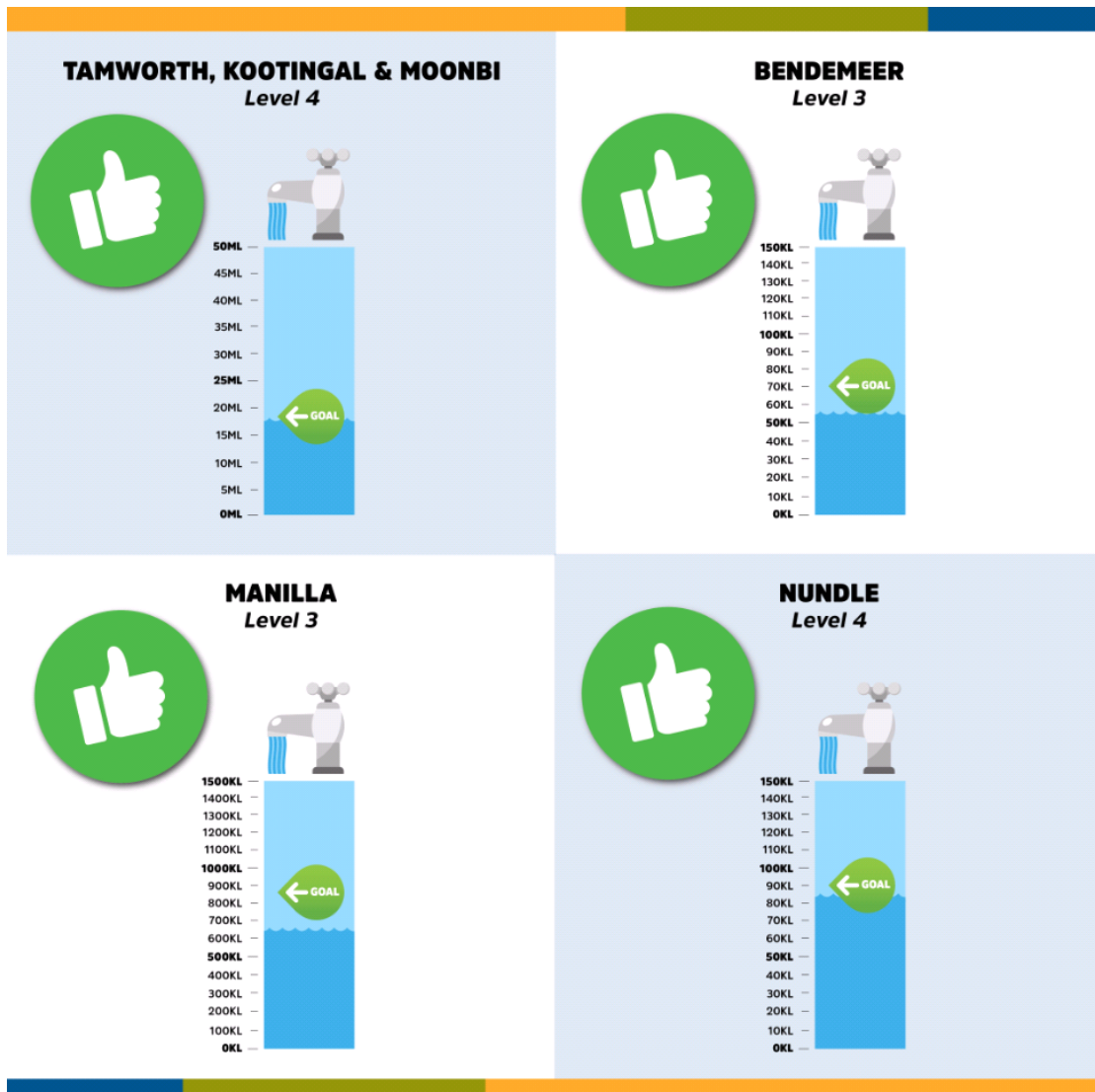
Water Restrictions

Water restrictions presently in place at various centres are detailed below:

Area	Restrictions	Water Supply	Situation 3 June 2019
Barraba	Permanent	Split Rock Dam	Split Rock Dam level is currently sitting at 2.24%.
Bendemeer	Level 3	MacDonald River	Average monthly flow in the Macdonald River is currently zero Megalitres. Airlie Road bore is now operational.
Nundle	Level 4	Peel River/Nundle Bore/Crawney Road Bore	Average monthly flow in the Peel River is currently zero megalitres. Crawney Road Bore is currently operational.
Manilla	Level 3	Namoi River/Manilla River	Average monthly flow in the Namoi River is currently zero megalitres. Manilla River source is being fully utilised.
Attunga	Permanent	Attunga Bores	Bore levels are stable.
Tamworth/Moonbi-Kootingal	Level 4	Chaffey Dam/Dungowan Dam – Moonbi-Kootingal via Nemingha Pipeline	Chaffey Dam level is currently at 23.1%.

Water consumption is being monitored across each of the supplies currently on water restrictions and shows that residents are reducing their water use. The Drought Management Plan sets daily consumption targets for each water supply and all four areas

were well under this target for the week ending 23 June 2019. The sustainability and communications unit are publishing a weekly consumption tracker on social media.



Consumption tracker published 24 June 2019.

Installation of storage tank at Namoi River weir at Manilla

Within Manilla, the Manilla River (water released from Split Rock Dam) is currently used to supplement the Namoi River (Manilla's primary raw water source). The system operates by pumping up to one megalitre per day from the Manilla River to the Namoi River with water discharged behind the weir. At this point, the pump station from the Namoi River delivers water to the water treatment plant for distribution to consumers. Given the ongoing drought conditions and no flow in the Namoi River, the water quality is reducing in the Namoi River. This means Council is pumping good quality water from the Manilla River into poor quality water which is leading to a more costly and difficult water treatment process. In addition, there are water losses associated with pumping from one river to the other. To solve these issues, Council is in the process of installing a storage tank at the Namoi River weir. This tank will be connected directly to the Manilla River pump station pipeline and will also be directly connected to the pumps that deliver water to the treatment plant. This solution

means that water will be transferred directly from the Manilla River to the water treatment plant, solving both of the issues identified above. This temporary arrangement will be in place until river flow conditions improve in the Namoi River or the new water treatment plant is commissioned. The new treatment plant will have the capacity to take flows directly from either river raw water source. The total approximate cost for this project is \$23,660 and funding will be incorporated in to the existing budget allocation for the new Manilla Water Treatment Plant.

Temporary low level weir at Peel River (Calala) Pump Station

As the releases from Chaffey Dam are reduced the bulk of the water in the Peel River is also reduced making it difficult for Council to extract its licenced allocation from its water pump station located within Calala. In order to assist with this Council has received the relevant NSW Fisheries approvals to install a low level temporary weir at the Calala Pump Station to increase the water level directly over the pump offtake. This will facilitate a continuous pumping operation at lower flow rates. Water can still pass over this weir system and continue to flow downstream. NSW Fisheries has allowed this temporary weir to be implemented until Tamworth eases to Level 3 water restrictions or below. The implementation of this weir is an operational cost and will be incorporated within the relevant operational budget.

Calala Treatment Plant returning backwash water to head of plant for reuse

As Council would be aware, a key part of the water treatment process is the backwashing of water treatment filters. Excess water from this process is currently utilised as part of Council's recycled water scheme within the AELEC precinct for the irrigation of AELEC, synthetic hockey fields, Sportsdome and athletics track. Given the colder weather and on site water use reductions at these sites, not all this water is currently being used. In the past the excess water would be discharged to Goonoo Goonoo Creek in accordance with a NSW EPA licence. Rather than discharge water to Goonoo Goonoo Creek, Council has now implemented a system whereby this water is returned to the head of the treatment plant and incorporated in the treatment process. This project has cost less than \$5,000 by modifying existing pumping and piping infrastructure on site.

Using treatment plant lagoon water for road works in Barraba

Council is in the process of finalising an upgraded backwash water to the head of the treatment plant at the Barraba Water Treatment Plant. Again, water used for backwashing filters is stored on site in lagoons and will be returned to the start of the treatment process. In addition, Council will be utilising this water for road construction and maintenance to further offset potable water use in Barraba. The total approximate cost for this project was \$35,000 and was funded as part of Council's 2018/19 capital works budget.

Tamworth Regional Water Supply Task Force

Following from the Councillor Workshop presentation on Thursday, 20 June 2019, the terms of reference for the Tamworth Regional Water Supply Task Force (TRWST) have now been established.

The TRWST aims to create a forum for discussion and exchange of information between Council and representatives from key business stakeholder groups while assisting Council to understand the values, aspirations and preferences that the wider business community has for water management. The TRWST will also act as a communication link between Council and other stakeholders.

The Task Force will be implemented in early August, approximately four weeks prior to Level 5 water restrictions being introduced.

Drought Action Group

The Drought Action Group continues to meet on a fortnightly basis to develop and implement actions relating to the ongoing drought and low water supply situation. The group is made up of key members of the Water area including Headworks and Distribution and includes representatives from other key areas of Council including Regional Services, Communications, Community Engagement and Customer Service.

It was decided at the most recent meeting to establish a separate operations group meeting where detailed technical responses and options could be considered and have this group report back to the Drought Action Group, allowing for a more efficient communication between operational and non-operational staff.

Large Water Users audit

The independent auditing of Large Water Users is close to completion. Auditors from Smart Water Advice have spent the last six weeks conducting site visits and consumption analysis of 53 of the region's Large Water Users (LWUs). These LWUs are defined as any business, commercial or industrial operation consuming in excess of 3.5 megalitres per annum. Once all business and commercial operations have been audited they will be provided with a report detailing:

- water use and performance;
- benchmarking;
- water use breakdown;
- audit findings;
- existing water saving measures;
- potential water saving opportunities;
- water saving actions and their cost;
- potential savings in kilolitres per day;
- cost savings in water per year; and
- payback period.

Council will also get a copy of each report and a summary of the savings identified and how much water could be saved if all the water savings initiatives were implemented. It is important to note that it is up to the business/commercial operator whether or not to implement the suggested actions and realise the associated savings **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

Once all reports have been distributed Council will receive an independent review of some of its own properties and operations from the same auditors.

Residential mail out

Residents have now received a water efficiency fact sheet sent during Level 4 water restriction and outlining how they can achieve full water efficiency within their households. The fact sheet includes information on:

- a 10 minute shower can use up to 90 litres of water;

- waterwise showerheads;
- dual flush toilets;
- turning off taps when brushing teeth;
- dripping taps can waste 12,000 litres per year;
- leaking toilets can waste over 96,000 litres per year;
- WELS star rating system;
- rainwater, greywater and recycled water;
- uncovered pools can lose up to 55,000 litres per year by evaporation; and
- the Smart WaterMark interactive Blue House.

The fact sheet also reminds residents that they can receive a free shower timer, available for pickup when they attend any Council customer service centre. There are 5,000 shower timers ready and available for distribution. If residents would like another copy of the fact sheet there are spares available at all Council customer service centres.

Specialist communications advice

Council has engaged GHD Australia to provide specialist communications advice on how best to engage residents during higher levels of water restrictions. GHD staff presented a Councillor Workshop on Monday 27 May 2019, to outline the communications planning framework and its key components. The communications planning framework is designed to maximise community buy-in through a series of key tasks, outputs and outcomes that are implemented at different set points within Level 5 water restrictions. The final communications framework plan will be presented by GHD to Council via a workshop on Thursday 25 July 2019. This specialist communications advice will integrate closely with the specialist technical advice being provided by Hunter H2O for Level 5 restrictions.

Technical advice for Level 5 restrictions

As part of preparatory measures taken before reaching Level 5 water restrictions, consultant Hunter H2O has been engaged to provide technical advice. The first task Hunter H2O will conduct is a Drought Response Model that will estimate the remaining available water volume in Chaffey Dam and Dungowan Dam (“months until empty”) based on worse case inflow, either using historical inflows or modified historical inflows.

Hunter H2O will initially liaise with Department of Industry - Water to obtain the latest Integrated Quantity and Quality Model (IQQM) of the Peel River. It is anticipated that a spreadsheet-based model will be developed using the data extracted from the IQQM model and will be the primary tool used to estimate remaining months of supply, supplemented with Peel IQQM scenarios.

The model will be run with a number of different rainfall/runoff and demand scenarios that will assist Council in deciding how to manage demands during Level 5 Emergency restrictions. It is anticipated that the model will be regularly updated as conditions change and/or if Council wishes to consider alternative scenarios. The demand scenarios will also consider possible water carting to surrounding villages and rural water supply schemes. The model will provide Council with a framework for determining when to target increasing levels of reductions in water usage for both the residential and non-residential sectors. A revised estimate of the minimum essential supply requirements would also be calculated based on the latest population figures and more recent water consumption data.

The second task Hunter H2O will conduct is the development of a Framework for Non-Residential Prioritisation to better inform TRC's rollout of demand management measures and restrictions for the non-residential sector.

Automated Meter Readers (AMRs)

No further AMR's have been installed on residential properties at this stage. Residential water consumption remains low and reports of restrictions breaches have decreased.

Through the Drought Action Group it has been agreed that AMR's will be fitted to properties that receive a third restrictions breach warning that is referred to compliance. Second warning letters issued to residents have been updated to inform the resident that a further report could result in an AMR being fitted to the property.

Data from the AMR's currently installed has been received and communication with residents about the data findings will commence on the week commencing 1 July 2019.

Rainwater tank and bore inspections

Council continues to conduct rainwater tank and bore inspections for those residents who have access to these alternate supplies. Once the site has been inspected by a Council staff member, Council approved signs are issued to the resident to display when these alternate water sources are being used. This display of signage helps to communicate to other residents what is happening and in turn curbs unnecessary complaints to Council.

Since the introduction of water restrictions for Tamworth, Kootingal and Moonbi on 7 January 2019, approximately 620 tank inspections have been completed.

Residential plumber's audit

Council is now offering rebates to residential customers who may like to engage a plumber to undertake an audit of their premises to:

- analyse consumption against size of property and number of occupants;
- identify leaks;
- find potential areas of waste or inefficiency that could be corrected;
- test current water appliances and products; and
- provide advice on upgrading water usage devices such as flow restrictors, toilets, rainwater tanks, hot water return systems, greywater reuse, etc.

These audits will be managed through Council's current Residential Water Saving Rebate Scheme where a resident will be provided with a rebate of \$100 once they have provided documentary proof that a general water audit has been conducted at their residential property by a licensed plumber.

Council will be undertaking additional promotion of the plumbers audit rebate in the coming months to increase uptake.

(a) Policy Implications

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

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 EVOCITIES MEMORANDUM OF UNDERSTANDING 2019-2023 – FILE NO SF7221

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: John Sommerlad, Director Business and Community

Reference: Item 9.2 to Ordinary Council 13 November 2018 - Minute No 285/18

RECOMMENDATION

That in relation to the report “Evocities Memorandum of Understanding 2019-2023”, Council receive and note the report.

SUMMARY

The purpose of this report is to advise Council of the status of the Evocities Memorandum of Understanding (MOU) for the period of 1 July 2019 to 30 June 2023.

COMMENTARY

At its Ordinary Meeting on 13 November 2018, Council resolved:

- (i) to confirm its commitment to Evocities for the period beginning 1 July 2019 and concluding on 30 June 2023;
- (ii) authorise the Mayor and General Manager to execute the Evocities Memorandum of Understanding for a further four years term; and
- (iii) receive and note the Evocities Report 2017/2018 and 2018/2019.

Only five of the seven Evocities Councils resolved to execute the new MOU. These were Albury, Bathurst, Dubbo, Orange and Tamworth. Wagga Wagga and Armidale deferred their consideration of the MOU until recently with both resolving not to continue to participate in the program.

As a result of the decisions by Wagga Wagga and Armidale Councils, the Evocities Steering Committee representatives from the five remaining cities, following discussions with their respective councils, met on 6 June 2019, to consider the program’s future. The Steering Committee reviewed the program’s achievements including the boost it provided to local economics. In 2018/19, more than 150,000 people, mostly from Sydney, visited the Evocities websites. Over the past five years 2,366 people registered their interest in moving to an Evocity.

Since its launch in September 2010, Evocities:

- a) has collectively welcomed over 3,960 new households;
- b) seen more than 681,000 visits to evocities.com.au;
- c) seen more than 2.51 million visits to evojobs.com.au;
- d) seen over 52,000 jobs promoted on evojobs.com.au; and
- e) has responded to more than 8,400 potential relocater enquiries.

While the results were encouraging and confirmed the value of the program, with only five member councils committed to a new MOU this brought into question the effectiveness of an ongoing marketing campaign with a significantly reduced budget.

The Steering Committee, reflecting the position of the five remaining councils, resolved not to proceed with the execution of the MOU for the period beginning 1 July 2019 to 30 June 2023. On this basis the MOU has been withdrawn and requires no further action by Council.

A representative of the Evocities Steering Committee has been invited to make a presentation to the August meeting of the new group Regional Cities NSW. This presentation will detail the achievements of the Evocities program and the value of a collaborative marketing campaign to attract new residents, investment and industry relocation to regional cities.

The Evocities and Evojobs websites have been placed in maintenance mode until 30 November 2019, when the current contract for web hosting will expire. During this time councils will be able to upload jobs and also respond to relocater enquiries. There are currently 3,500 job seekers registered for information from the Evojobs website.

Tamworth Regional Council has provided secretariat services for the administration of Evocities under an agreement with the member councils. This agreement will cease on 30 June 2019. All Evocities accounts will be paid prior to 30 June 2019, and remaining funds will be equally distributed to the seven councils.

(a) Policy Implications

Nil

(b) Financial Implications

Budgeted funds for this project have been redirected to other initiatives

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Prosperous Region – P21 Utilise the Destination Tamworth brand to market the Region as a destination for living, working and leisure.

9.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE – FILE No SF5614

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

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Audit, Risk and Improvement Committee”, Council receive and note the Minutes of the meeting held 30 April 2019.

SUMMARY

The purpose of this report is to present to Council the Minutes of the Audit, Risk and Improvement Committee meeting held Tuesday 30 April 2019.

COMMENTARY

The quarterly meeting of the Audit, Risk and Improvement Committee was held on Tuesday, 30 April 2019. The Minutes of the meeting are **ENCLOSED**, refer **ENCLOSURE 1**. The Members of the Committee were invited on a tour of the Tamworth Town Pool after the meeting to review and understand the risks of the current facility.

(a) Policy Implications

Nil

(b) Financial Implications

Costs associated with the Internal Audit function are budgeted in the 2018/2019 Annual Operational Plan.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.3 SISTER CITY STUDENT EXCHANGE VISIT TO NASHVILLE, TENNESSEE, USA – FILE No SF5464

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

Reference: Item 9.5 to Ordinary Council 30 October 2018 - Minute No 250/18

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Sister City Student Exchange Visit to Nashville, Tennessee, USA”, Council receive and note the report.

SUMMARY

The purpose of this report is to provide Councillors with a report on the student exchange visit to Nashville held from the 12-21 April 2019.

COMMENTARY

In April 2019, three students from Tamworth accompanied by a chaperone, visited Nashville, Tennessee to experience the cultural of living in another country with a host family. This exchange visit was approved at the Council Meeting held 30 October 2019. A full report of the student exchange is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Nil

(b) Financial Implications

Students will cover all travel costs. Council will provide travel costs for the chaperone of approximately \$3000 to be covered from the Sister City Budget.

(c) Legal Implications

The current directive from the Office of Local Government provides that any Council decision for delegates to undertake overseas travel must be determined at an Ordinary meeting of Council in Open Session. Details of overseas travel by official Council representatives are also to be recorded in Council’s Annual Report for the respective financial year.

(d) Community Consultation

Expressions of Interest were initially sought from our current list of host families who have home hosted students from Nashville. Unfortunately not enough interest was received, so further Expressions of Interest were sought from the wider student community.

(e) Delivery Program Objective/Strategy

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

10 COMMUNITY SERVICES

10.1 FEE WAIVER REQUEST FROM THE WHITE ELEPHANT SPRING BALL COMMITTEE – FILE NO SF8773

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: Mickaela Fairall, Senior Business Support Officer

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Fee Waiver Request from the White Elephant Spring Ball Committee”, Council consider and determine the request.

SUMMARY

The purpose of this report is to advise Council that the White Elephant Spring Ball Committee (Ball Committee) has requested the hire fees for the use of the Tamworth War Memorial Town Hall (Tamworth Town Hall) and its associated costs be waived for the Batyr White Elephant Spring Ball 2019, to be held on Saturday, 12 October 2019.

COMMENTARY

The White Elephant Spring Ball supports Batyr, a preventative mental health organisation that directly helps young people in Tamworth and the New England region. In its request to Council, the Ball Committee says this year it is being seen to be more important than ever to support Batyr, as the impacts of drought are felt throughout the community.

Previously, money raised from the event has been able to fund one 'Being Herd' workshop and 20 Batyr at school programs, where students from Calrossy Anglican School, Farrer Memorial Agricultural High School and Oxley High School have benefited.

This year, Batyr's target is to deliver two 'Being Herd' workshops, with Peel High School being amongst the 30 at school programs to be delivered. It will also train more local facilitators to deliver the programs.

The Ball Committee has approached Council for the use of the Tamworth Town Hall for the Batyr White Elephant Spring Ball 2019 event. The Ball Committee has received a written quotation from Entertainment Venues totalling \$4,930.00 for the hire of the venue and associated costs. The Ball Committee has been granted a discount on Council's fees and charges for the hire of the Tamworth Town Hall by being quoted the Community Rate. A copy of the Entertainment Venues Estimated Quotation is **ENCLOSED**, refer to **CONFIDENTIAL ENCLOSURE 1**.

The Ball Committee has submitted the request seeking Council's consideration to waive the fees stating that any support provided by Tamworth Regional Council will be appreciated and will benefit hundreds of young people and local students through workshops and at school programs.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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

11.1 TENDER T127/2019 - FOREST ROAD LANDFILL GAS UTILISATION PROJECT – FILE No T127/2019

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

Reference: Item 14.4 to Ordinary Council 9 April 2019 - Minute No 117/19
1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c) 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 recommend to Council the award of a contract for the beneficial reuse of Landfill Gas from the Forest Road Waste Management Facility.

11.2 TENDER T062/2019 TAMWORTH REGIONAL ASTRONOMY AND SCIENCE CENTRE – DETAILED DESIGN AND CONSTRUCTION – FILE No T062/2019

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Infrastructure and Works

1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (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 for Council to consider submissions for Tender T062/2019 Tamworth Regional Astronomy and Science Centre – Detailed Design and Construction as part of the Tamworth Regional Astronomy and Science Centre project.

11.3 PROPOSED ACQUISITION OF LAND – FILE No SF9417

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel
Reference: Item 8.3 to Ordinary Council 24 November 2015 - Minute No 344/15
Item 8.5 to Ordinary Council 24 May 2016 - Minute No 137/16
Item 14.4 to Ordinary Council 9 August 2016 - Minute No 241/16
Item 8.5 to Ordinary Council dated 8 November 2016 - Minute No 329/16
Item 8.5 to Ordinary Council 13 February 2018 - Minute No 17/18
Item 14.6 to Ordinary Council dated 9 April 2019 - Minute No 119/19

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

SUMMARY

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

11.4 DESIGN AND CONSTRUCTION OF THE AELEC WARM UP ARENA UPGRADES – FILE No T136/2019

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council's approval to award Tender T136/2019 – Design and Construction of Warm Up Arena Upgrades at the AELEC as part of the NICSE Stage 2 Project under a Firm Lump Sum Contract.

CLOSED COUNCIL

Confidential Reports

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

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

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

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

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

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

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

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

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

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

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

Resolutions passed in Closed Council

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