

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

13 OCTOBER 2020

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	5
2	COMMUNITY CONSULTATION	5
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL	5
4	DISCLOSURE OF INTEREST	5
5	MAYORAL MINUTE	5
6	NOTICE OF MOTION	5
	OPEN COUNCIL REPORTS	5
7	ENVIRONMENT AND PLANNING	5
7.1	TAMWORTH REGIONAL HERITAGE ASSISTANCE FUND 2020/21 AND TAMWORTH REGIONAL HERITAGE WORKING GROUP MEETING - 18 SEPTEMBER 2020.....	5
	2 ANNEXURES ATTACHED	
7.2	DRAFT AMENDMENT NO. 14 TO TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN (TRDCP) 2010 - WATER SENSITIVE DESIGN CONTROLS	19
	2 ANNEXURES ATTACHED	
	1 CONFIDENTIAL ENCLOSURES ENCLOSED	
8	INFRASTRUCTURE AND SERVICES	24
8.1	IPART REVIEW OF PRICES CHARGED FOR BULK RAW WATER BY WATERNSW AND THE WATER ADMINISTRATION MINISTERIAL CORPORATION	24
	5 ANNEXURES ATTACHED	
8.2	REINSTATEMENT OF REGULAR OUT OF HOURS WATER RESTRICTION PATROLS	35
8.3	CROWN ROAD RESERVES KING GEORGE V AVENUE.....	37
8.4	DROUGHT MANAGEMENT PLAN REVIEW AND POST DROUGHT COMMUNITY WATER SURVEY	43
8.5	DAMS SAFETY NSW - INTRODUCTION OF A LEVY FOR ALL DECLARED DAM OWNERS	47
8.6	5 GLEN STREET COLEDALE - WAIVER OF FEES FOR DISPOSAL OF ASBESTOS CONTAINING MATERIALS AT FOREST ROAD LANDFILL	50
	1 CONFIDENTIAL ENCLOSURES ENCLOSED	
8.7	FOREST ROAD LANDFILL - SITE MASTER PLAN	52
	1 ANNEXURES ATTACHED	
9	GOVERNANCE, STRATEGY AND FINANCE	60
9.1	PUBLIC INTEREST DISCLOSURES AND CODE OF CONDUCT COMPLAINTS	60
9.2	AUSTRALIA DAY 2021	61
9.3	2019/2020 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS FOR AUDIT	63
	1 ANNEXURES ATTACHED	

9.4	DISCLOSURE OF INTEREST RETURNS	65
10	COMMUNITY SERVICES	66
10.1	TAMWORTH REGION ARTS ADVISORY COMMITTEE (TRAAC) - MINUTES - 3 SEPTEMBER 2020	66
		1 ANNEXURES ATTACHED
10.2	DISABILITY ACCESS WORKING GROUP MEETING - 22 SEPTEMBER 2020	68
		1 ANNEXURES ATTACHED
10.3	CRIME PREVENTION WORKING GROUP MEETING - 7 AUGUST 2020	69
		1 ANNEXURES ATTACHED
11	REPORTS TO BE CONSIDERED IN CLOSED COUNCIL	70
11.1	REQUEST REGARDING RESTRICTION AS TO USE	71
11.2	TAMWORTH GLOBAL GATEWAY PARK (TGGP) TRUNK STORMWATER PRECAST CULVERT SUPPLY	71

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, 22 September 2020, 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 TAMWORTH REGIONAL HERITAGE ASSISTANCE FUND 2020/21 AND TAMWORTH REGIONAL HERITAGE WORKING GROUP MEETING - 18 SEPTEMBER 2020

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Sam Lobsey, Acting Director Planning and Compliance

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Heritage Assistance Fund 2020/21 and Tamworth Regional Heritage Working Group Meeting – 18 September 2020”, Council:

- (i) *support the recommendations of the Tamworth Regional Heritage Working Group that offers of financial assistance through the Heritage Assistance Fund to paint and/or repair, as required, be made to the owners and/or tenants of the following properties:*

- | | | |
|-----|---|-------------------|
| 1. | 44 White Street, East Tamworth | \$0.00 |
| 2. | 130 Denison Street, West Tamworth (Project No. 1) | \$0.00 |
| 3. | 130 Denison Street, West Tamworth (Project No. 2) | \$1,000.00 |
| 4. | 395-401 Peel Street, Tamworth (Shearer's Arcade) | \$5,000.00 |
| 5. | 170 Carthage Street, East Tamworth | \$3,000.00 |
| 6. | Lot 1 Denman Avenue, Kootingal | \$0.00 |
| 7. | 98 Fitzroy Street, Tamworth | \$3,000.00 |
| 8. | 141A-B Brisbane Street, Tamworth | \$2,500.00 |
| 9. | 110-126 Bloomfield Street, Somerton | \$6,000.00 |
| 10. | 52-54 Fitzroy Street, Barraba | \$2,000.00 |
| 11. | 222-224 Manilla Street, Manilla | \$0.00 |
| 12. | 147 Marius Street, Tamworth (Tamworth Hotel) | \$5,000.00 |
| 13. | Lot 2A King George V Avenue, Tamworth | Withdrawn |
| 14. | 95 Carthage Street, East Tamworth | \$0.00 |
| 15. | 85-87 Queen Street, Barraba | \$3,000.00 |
| 16. | Rodney Street, Barraba (Barraba Showground) | \$1,500.00 |
| 17. | 140 Carthage Street, East Tamworth (Project No. 1) | \$0.00 |
| 18. | 140 Carthage Street, East Tamworth (Project No. 2) | \$0.00 |
| 19. | 885 Nundle Road, Piallamore | \$4,000.00 |
| 20. | 59 Fitzroy Street, East Tamworth | \$2,000.00 |
| 21. | 153 Carthage Street, Tamworth | \$3,000.00 |
- (ii) **give delegated authority to the Director Planning and Compliance to reassign any surplus funding towards the below projects (in order):**
1. **85-87 Queen Street, Barraba;**
 2. **885 Nundle Road, Piallamore; and**
 3. **153 Carthage Street, Tamworth; and**
- (iii) **receive and note the Minutes of the Tamworth Regional Heritage Working Group meeting held 18 September 2020.**

SUMMARY

The purpose of this report is to seek authorisation to issue \$41,000.00 in funding from the Tamworth Regional Heritage Assistance Fund 2020/21. The funding allocation totals \$41,000.00 which includes up to \$5,500.00 (excluding GST) provided for by the NSW Heritage branch grant.

COMMENTARY

Applications under the 2020/21 Tamworth Regional Heritage Assistance Program, were invited from 11 August 2020 to 10 September 2020 (inclusive). The launch of the funding program

included a number of posts on social media together with advertisement in the Northern Daily Leader. Contact was also made with those members of the public who had previously registered an interest in participating in the program together with specific industry groups who may have been interested in applying.

A total of 21 applications were received (which was an increase of 11 applications in comparison to last year). This year's applications were a diverse range of projects from repairs and maintenance to existing residential properties, churches and also a slab hut. Council's Heritage Working Group has reviewed and assessed each application and Council's Heritage Advisor has provided Council with recommendations in relation to each proposal.

Photographs of each of the properties are **ATTACHED**, refer **ANNEXURE 1**.

Projects offered financial assistance under Council's funding program (total of \$41,000.00). It should be noted that grant funding to be received is exclusive of GST.

The applications, together with the recommended offers of assistance, are detailed as follows:

Application 1

44 White Street, East Tamworth

Applicant:	Michael and Barbara Bidencope
Project Description:	External painting of home
Heritage Listed:	No
Total Cost of Work:	\$7,700.00 (inclusive of GST)
Heritage Advisor Comments:	Proposed works consist of external repainting to match the existing scheme. The dwelling is located within the significant precinct of East Tamworth. Funding requirement for only existing painted surfaces to be repainted.
Assessment:	Home not heritage listed and due to number of applications that are heritage listed unable to approve funding on this occasion.
Funding Amount:	\$0.00

Application 2

130 Denison Street, West Tamworth (Project 1)

Applicant:	Leesa Bryant
Project Description:	Repair of paint damage
Heritage Listed:	No
Total Cost of Work:	\$7,700.00 (inclusive of GST)
Heritage Advisor Comments:	This project includes paint repairs to two elevations and repairs to barn located at the rear of the property. The site has some contributory elements within the significant precinct of West Tamworth. This is a character area as identified under the Tamworth DCP 2010. Fencing is not considered significant, and the building appears to have non original detail.

Assessment: Home not heritage listed and due to number of applications that are heritage listed unable to approve funding on this occasion. Building also appears to have non-original detail.

Funding Amount: \$0.00

Application 3

130 Denison Street, West Tamworth (Project 2)

Applicant: Leesa Bryant
Project Description: Replace damaged gutter, painting and update fence
Heritage Listed: No
Total Cost of Work: \$14,522.20 (inclusive of GST)
Heritage Advisor Comments: Replacement and repair of guttering, fascias, painting of downpipes and fence repairs.

The site has some contributory elements within the significant precinct of West Tamworth. This is a character area as identified under the Tamworth DCP 2010. Fencing is not considered significant, and the building appears to have non original detail.

Assessment: Home not heritage listed and due to number of applications that are heritage listed unable to approve 50% funding on this occasion. Fencing is not considered significant. The Working Group agreed to provide an amount towards the repairs to the damaged gutter.

Funding Amount: \$1,000.00 (exclusive of GST)

Application 4

395-401 Peel Street, Tamworth (Shearer's Arcade)

Applicant: Robert and Margaret O'Brien
Project Description: Painting of outside walls – ground floor and 1st floor
(Shearer's Arcade)
Heritage Listed: Yes
Total Cost of Work: \$70,000.00 (inclusive of GST)
Heritage Advisor Comments: This building is an important remnant of a former hotel with significant restoration potential in a central location.

The two storey brick building was extensively altered at ground level for shops. Fitzroy Street frontage still has two storey verandah with lace valances, balustrades and iron columns.

The proposal consists of external repainting at upstairs and ground level in a sympathetic heritage colour scheme.

Assessment: Unfortunately, due to the number of applications received this year unable to fund 50% however, the Working Group agreed to provide an amount towards the total cost.

Funding Amount: \$4,500.00 (exclusive of GST)

Application 5

170 Carthage Street, East Tamworth

Applicant: Catherine Armstrong

Project Description: Restoration of guttering and roof and painting

Heritage Listed: Yes

Total Cost of Work: \$43,899.90 (inclusive of GST)

Heritage Advisor Comments: The item is architecturally significant.

The subject building is a single storey brick house with hipped iron roof and steeply pitched gable section over front bay window with unusual barge details and stucco window surrounds. It features a separate bull nosed verandah on two sides on pipe posts. Quoining at corners.

This is a particularly striking dwelling featuring ornate joinery and stucco detail to the front façade.

The proposal consists of guttering and roof restoration and the painting of fascia, barges and windows.

Roof sheeting and guttering are proposed for replacement. One quotation references the use of galvanised roof sheeting, which would be a requirement of funding. Deterioration of existing sheeting is noted.

Assessment: Due to the number of applications received this year unable to fund 50%; however, the Working Group agreed to provide an amount towards the total costs.

Funding Amount: \$3,000.00 (exclusive of GST)

Application 6

Lot 1 Denman Avenue, Kootingal (St Andrews Church, Kootingal)

Applicant: St Andrews Church

Project Description: Repair of floor boards and restumping (St Andrews Church, Kootingal)

Heritage Listed: Yes

Total Cost of Work: \$13,735.12 (inclusive of GST)

Heritage Advisor Comments: This church is a relatively early example of its type and is representative of the numerous Anglican Carpenter Gothic style churches in the region. It is important to both the local Anglican community and the broader community as a place of worship and as a social and cultural focus. It is also important in the course of the local parish development.

The proposed works consist of restumping in an area of the main hall where the floor has slumped.

The work will provide ongoing maintenance of the building, supporting its continued use.

Assessment: The proposed works are considered a lesser priority in the context of other applications submitted for this round due to their internal location.

Funding Amount: \$0.00

Application 7

98 Fitzroy Street, East Tamworth

Applicant: Greg and Marie Roese

Project Description: Painting of exterior walls and features on three sides

Heritage Listed: Yes

Total Cost of Work: \$18,100.00 - \$33,500.00 (inclusive of GST)

Heritage Advisor Comments: This is a single storey Victorian house with iron roof and attached verandah on timber posts.

It is considered as a good example of a late Victorian style house. This project consists of external painting to three sides of the house.

The works will have a positive impact on the streetscape contribution of the dwelling. The existing dwelling would benefit strongly from a suitable scheme which celebrates its considerable architectural detail.

Assessment: Due to the number of applications received this year unable to fund 50%; however, the Working Group agreed to provide an amount towards the total costs.

Funding Amount: \$3,000.00 (exclusive of GST)

Application 8

141A-B Brisbane Street, East Tamworth

Applicant: Alison and Brett Taggart

Project Description: Repainting of corrugated roof

Heritage Listed: Yes

Total Cost of Work: \$9,900.00 and \$18,030.00 (inclusive of GST)

Heritage Advisor Comments: This proposal consists of the repainting of an existing corrugated iron roof. The intention is to retain original fabric as long as is feasible which is supported.

The application provides detailed historical information on the site, with a number of valuable historical photographs.

It was constructed in 1891, and named *Prinsted* in honour of their ancestral home in Portsmouth, England. It is described as an interesting Victorian house with early commercial activity, an unusual group of single storey brick buildings, hipped iron roofs and Georgian shuttered windows.

Assessment: Due to the number of applications received this year unable to fund 50%; however, the Working Group agreed to provide an amount towards the total costs.

Funding Amount: \$2,500.00 (exclusive of GST)

Application 9

110-126 Bloomfield Street, Somerton

Applicant: Paula Pengilley

Project Description: Restump Slab Hut

Heritage Listed: Yes

Total Cost of Work: \$13,200.00 (inclusive of GST)

Heritage Advisor Comments: The construction of this building suggests that it is of a significant age. It is considered to be a rare building type and may contain information that would contribute to the cultural history of the area. It is representative of the type of residence in the last century.

The building has suffered from previous poor management with loss of its verandah to front and rear elevations.

The owner has managed the sourcing of tradespeople to undertake the repairs extremely well for a building type which is increasingly rare, requiring non-standard approach to care and maintenance.

The timber slab construction is a building type which Council has been actively promoting as of high significance across the LGA.

The project is considered to be a high priority given urgent structural requirements.

The proposal consists of substantial repairs including restumping, releveling, and the relaying existing flooring where required.

Assessment: Heritage Working Group agreed significant heritage item that needs preserving. It was agreed that 50% funding towards this project would be granted.

Funding Amount: \$6,000.00 (exclusive of GST)

Application 10

52-54 Fitzroy Street, Barraba (Barraba Anglican Church)

Applicant: Barraba Anglican Church

Project Description: Replace existing guttering and renew entrance (Barraba Anglican Church)

Heritage Listed: Yes

Total Cost of Work: \$9,251.00 (inclusive of GST)

Heritage Advisor Comments:	<p>The church was built with locally made bricks and is home to a fine nineteenth century pipe organ.</p> <p>It is of Federation Romanesque style. The red brick building features a steeply pitched asbestos shingle parapet gable roof with red brick buttresses. The red brick tower is topped by a pyramidal roof. It presents grouped semi-circular headed windows.</p> <p>A vestry was added as a memorial to all those who had served in the two World Wars 1950 – 1955.</p> <p>Further details are required as to the works, but in principal they are considered to have merit given drainage issues and repair to termite damage at the entrance.</p> <p>The proposal consists of replacement of the existing guttering on the western side of the Parish Hall building. Broken gutters are causing drainage issues which are contributing to rising damp on the western side wall of the building. The drainage needs to be rectified before proceeding with painting the internal walls.</p> <p>Works to the entrance of the Parish Hall are also proposed including repair of wooden louvers on the exterior and repanelling the entrance walls and ceiling which also received termite damage. Patching and filling works are to be done around the internal arch way and the inside walls to be painted an appropriate colour.</p>
Assessment:	<p>Due to the number of applications received this year unable to fund 50%; however, the Working Group agreed to provide an amount towards the total costs.</p>
Funding Amount:	<p>\$2,000.00 (exclusive of GST)</p>

Application 11

222-224 Manilla Road, Manilla

Applicant:	Hannah Lane
Project Description:	Design and install stained glass panels above shopfront
Heritage Listed:	No
Total Cost of Work:	\$17,800.00 (exclusive of installation)
Heritage Advisor Comments:	<p>The proposed works consist of the manufacture and installation of stained glass panels in the fanlight above the entrance door and within existing panels above the display windows.</p> <p>It is considered that the proposal has some aesthetic merit however should incorporate the retention of the existing coloured glass panels which are likely to be original.</p>

Assessment: The Heritage Working Group agreed that the proposed works required the removal and replacement of heritage significant fabric and did not support an allocation for this project.

Funding Amount: \$0.00

Application 12

147 Marius Street, Tamworth (The Tamworth Hotel)

Applicant: The Tamworth Hotel

Project Description: Paint and restore the Marius Street façade
(Tamworth Hotel)

Heritage Listed: Yes

Total Cost of Work: \$12,056.00 (inclusive of GST)

Heritage Advisor Comments: This building is a large two storey brick structure with hipped tile roof, central cornice at upper level flanked by covered balconies. Style appears relatively modern (1920-30)

The item is architecturally significant.

The proposed works include undertaking rust prevention and painting works to the Marius Street awning and external repainting to the Marius Street façade.

The contributory awning is showing signs of deterioration.

External repainting shall be approved by Council prior to commencement and consists of existing painted surfaces only. Face brickwork should remain unpainted.

Assessment: Due to the number of applications received this year unable to fund 50%; however, the Working Group agreed to provide an amount towards the total costs. The Working Group agreed though very significant heritage building within the CBD.

Funding Amount: \$4,500.00 (exclusive of GST)

Application 13

Lot 2A King George V Avenue, Tamworth

Applicant: Ruth Stuart

Project Description: Underpinning of southern corner

Heritage Listed: Yes

Total Cost of Work: \$13,116.00 (inclusive of GST)

Assessment: Application was withdrawn on the day of assessment due to not being in a position to finance 50% of project.

Funding Amount: \$0.00

Application 14

95 Carthage Street, East Tamworth

Applicant:	Nick and Angela Brown
Project Description:	Replacement of rusted gutters and upgrade stormwater
Heritage Listed:	Yes
Total Cost of Work:	\$6,000.00 (estimate only – quote not available at time of assessment).
Heritage Advisor Comments:	<p>The item is architecturally significant</p> <p>It is a single storey brick house with hipped iron roof separate verandah on front and two sides supported on brick columns and featuring a semi-circular arched brick portico.</p> <p>Good example of local homestead vernacular.</p> <p>The proposal consists of quad gutter replacement and stormwater upgrade to improve drainage around the verandah.</p> <p>These works are major maintenance works which will assist in the ongoing care of the dwelling. In particular stormwater management adjacent to the masonry verandah walls are a priority.</p> <p>The use of gal guttering is recommended at this stage in place of Deep Ocean colorbond.</p>
Assessment:	Heritage Group were made aware that a quote was forthcoming and it was agreed that we would allow the Applicant until Monday to provide such quote.
Funding Amount:	To be decided (see note at the end of this assessment).

Application 15

85-87 Queen Street, Barraba

Applicant:	Gary and Sandra Allen
Project Description:	Replacement of windows at rear of the building
Heritage Listed:	Yes
Total Cost of Work:	\$19,734.00 (inclusive of GST)
Heritage Advisor Comments:	<p>This building is considered to be an integral component of the Barraba streetscape due to its architectural and design elements and is representative of the type of building of its time.</p> <p>Red brick building with six shop fronts and decorative pediment. Shop fronts vary, with some recessed entrances.</p> <p>It is the site of the original St Laurence's Church of England church. In 1909, Treloar & Lillis extended the building to the corner of Alice Street. The original verandah and façade have been modified.</p>

The commercial premises of the Treloar Building date from the heyday of Barraba when the railway reached the town and it enjoyed an economic boom. It is locally significant as a good reflection of the physical fabric of the town from almost 100 years ago.

The proposed works consist of replacement of deteriorated timber framed windows which adjoin an outdoor dining area. While at the rear of the building, they are noted to be a location with public access and visibility.

Assessment: Due to the number of applications received this year unable to fund 50%; however, the Working Group agreed to provide an amount towards the total costs. It was also agreed that if there are funds leftover unused that this project would be first priority to receive more funding.

Funding Amount: \$3,000.00 (exclusive of GST)

Application 16

Rodney Street, Barraba (Barraba Showground)

Applicant: Don Roberts

Project Description: Bird Proofing of Pavilion (Barraba Showground)

Heritage Listed: Yes

Total Cost of Work: \$3,450.00 (inclusive of GST)

Heritage Advisor Comments: The Barraba Showground and Racecourse is significant to the community for social and cultural reasons. It is representative of a social and cultural sporting activity of small rural villages.
This project involves the installation of gutter guard and bird netting. It will result in preventative maintenance for the main Barraba Showground pavilion and provides for its ongoing public usage.

Assessment: Heritage Working Group agreed to fund this project due to the minimal cost of preserving an important building at the showground.

Funding Amount: \$1,500.00 (exclusive of GST)

Application 17

140 Carthage Street, East Tamworth (Project No. 1)

Applicant: Peter and Sue Miller

Project Description: Remove, supply and install roof cladding

Heritage Listed: Yes

Total Cost of Work: \$33,106.70 (inclusive of GST)

Heritage Advisor Comments: The building is a single storey brick house with hipped iron roof and gables over three street corners with bay windows.

The proposal consists of re-sheeting the main structure roof so as to protect the building from the ingress of water which is causing structural damage.

The existing sheeting appears to be in poor condition, and it is agreed, its replacement is a priority. The use of galvanised sheeting is recommended, preferably laid so as to be consistent with the existing pattern and sections which are distinctive and clearly visible to both elevations.

Assessment: Heritage Working Group agreed that due to the Applicant receiving funding in previous year they were unable to grant funding for the second year in a row.

Funding Amount: \$0.00

Application 18

140 Carthage Street, East Tamworth (Project No. 2)

Applicant: Peter and Sue Miller

Project Description: Supply and install cast iron columns, handrails etc

Heritage Listed: Yes

Total Cost of Work: \$14,173.50 (inclusive of GST)

Heritage Advisor Comments: The building is a single storey brick house with hipped iron roof and gables over three street corners with bay windows.

The item is architecturally significant.

The proposal consists of installation of period cast iron verandah posts and balustrading to the Carthage Street and Hill Street frontage of the property.

The works would see the reinstatement of key missing architectural features to the front verandah. The verandah had been previously enclosed, and while reopened, would benefit for careful consideration of accurate detailing. Timber posts and brackets are currently in place.

These works would be subject to development approval.

Assessment: Heritage Working Group agreed that due to the Applicant receiving funding in previous year they were unable to grant funding for the second year in a row.

Funding Amount: \$0.00

Application 19

885 Nundle Road, Piallamore (St Martins Church)

Applicant: Brendan Woods and Meredith Abrams

Project Description: Roof restoration and external painting (St Martins Church)

Heritage Listed: Yes

Total Cost of Work: \$17,159.90 (inclusive of GST)

Heritage Advisor Comments: This church is important in the course of the local parish development. A good example of a small gothic, rural, church it has aesthetic appeal and is important to the local community for social, cultural and spiritual reasons.

The building is in Federation Carpenter Gothic style dating to c1915.

The proposed works are substantial including installation of a new roof and external repainting. Timber joinery is currently deteriorated and it would benefit from the proposed works. The use of galvanised iron is recommended in place of zincalume.

Assessment: Due to the number of applications received this year unable to fund 50%; however, the Working Group agreed to provide an amount towards the total costs. It was also agreed that if there are funds leftover unused that this project would be second priority to receive more funding.

Funding Amount: \$4,000.00 (exclusive of GST)

Application 20

59 Fitzroy Street, East Tamworth

Applicant: Mitch and Belinda Gillogly

Project Description: Painting exterior of home

Heritage Listed: Yes

Total Cost of Work: \$12,936.00 (inclusive of GST)

Heritage Advisor Comments: This project consists of external repainting to the dwelling including the verandah and detail. Repairs to be undertaken to original timber cladding and fretwork.

The dwelling is architecturally significant as a single storey weatherboard cottage with pyramidal roof and separate bull nosed verandah on two sides. Timber posts feature carved angle brackets.

Assessment: Due to the number of applications received this year unable to fund 50%; however, the Working Group agreed to provide an amount towards the total costs.

Funding Amount: \$2,000.00 (exclusive of GST)

Application 21

153 Carthage Street, East Tamworth

Applicant: Claire Flynn

Project Description: Restoration of the exterior of the building

Heritage Listed: Yes

Total Cost of Work: \$76,205.46 (inclusive of GST)

Heritage Advisor Comments: This application relates to a two-storey brick Victorian house with iron gable end roof and hipped section over two storey bay windows to Carthage Street frontage. It features a two-storey bull nosed verandah with lace valances, columns and balustrade. It also features angle brackets supporting eaves and white stucco work over windows. One of few two storey houses in Tamworth.

The item is architecturally significant.

The proposed works are substantial and consist of repairs to the external two storey verandah, and double hung window restoration, render repairs and external trim repainting.

They will result in a very public improvement to the streetscape presentation of the building.

Assessment: Due to the number of applications received this year unable to fund 50%; however, the Working Group agreed to provide an amount towards the total costs. It was also agreed that if there are funds leftover unused that this project would be third priority to receive more funding.

Funding Amount: \$3,000.00 (exclusive of GST)

Application 14 – Further Information

The quotation for the proposed works was not received until after the assessment of applications (22 September 2020) and could not be accepted under this round.

It was agreed that the balance of funding being \$1,000.00 would be equally shared amongst Application 4 (Shearer's Arcade) and Application 12 (The Tamworth Hotel).

Tamworth Regional Heritage Working Group (TRHWG) Meeting

The Minutes of the TRHWG meeting held on 18 September 2020, are **ATTACHED**, refer to **ANNEXURE 2**.

The main purpose of the meeting was to review and assess the 2020/21 Tamworth Regional Heritage Assistance Fund applications. The recommendations from the Working Group are outlined in this report for Council's consideration. It is recommended that Council receive and note the Minutes of this particular meeting.

CONCLUSION

The Heritage Assistance Funding program, with the support of the NSW Heritage Branch, continues to provide funding to assist Council and the community to deliver excellent heritage and urban design management outcomes. The restoration and rehabilitation works that will be undertaken during this year's funding program will be eligible for the Tamworth Regional Biennial Heritage Awards to be held in 2022.

(a) Policy Implications

Nil

(b) Financial Implications

The suggested funding allocations, as outlined in this report, are in accordance with the \$41,000.00 allocated under the 2020/21 budget.

(c) Legal Implications

Nil

(d) Community Consultation

Community consultation included promotion of the Program via the media and direct contact with those members of the public who had registered an interest in participating in the Program.

(e) Delivery Program Objective/Strategy

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

7.2 DRAFT AMENDMENT NO. 14 TO TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN (TRDCP) 2010 - WATER SENSITIVE DESIGN CONTROLS

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Genevieve Harrison, Manager Integrated Planning

2 ANNEXURES ATTACHED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Draft Amendment No. 14 to Tamworth Regional Development Control Plan (TRDCP) 2010 – Water Sensitive Design Controls”, Council resolve to adopt the draft amendments as outlined in the TRDCP 2010 (Amendment No. 14).

SUMMARY

Council is committed to reducing reliance on potable (drinking) water and increasing the reuse of greywater throughout the region.

One of the ways that Council will assist the community to achieve these outcomes is through a set of draft Water Sensitive Design measures to be added to the *Tamworth Regional Council Development Control Plan 2010* (TRDCP 2010).

The TRDCP 2010 came into effect on 21 January 2011. Approval for the exhibition of Draft TRDCP 2010 (Amendment No. 14) was undertaken during June/July 2020.

Following completion of public exhibition of the Water Sensitive Design Controls, it is recommended that Council adopt Amendment No. 14 to TRDCP 2010 subject to the changes outlined in this report.

COMMENTARY

The Water Sensitive Design measures will require that all new houses and other forms of residential development incorporate a range of water efficiency measures at the design stage of the proposed development. The proposed amendment will also update the fast track development stream for residential developments and reduce expected processing times for applications.

The draft Water Sensitive Design measures together with Council’s current Water Rebate Scheme aims to achieve significant potable water savings across the region.

Public Exhibition of Draft TRDCP (Amendment No. 14)

The Water Sensitive Design Controls were placed on public exhibition for a period of six weeks from 20 June 2020 until 31 July 2020 (inclusive).

During this time, interested community members were encouraged to view the draft Water Sensitive Design measures as well as the associated Fact Sheets on Council's website and provide comments, suggestions and written feedback in relation to the proposed measures.

Extensive media coverage was undertaken throughout the exhibition including TV and Radio Interviews plus Print and Social Media stories.

An online industry forum presentation including a Q&A session was also held during the exhibition period (and the recorded webinar session was made available on Council's website).

In addition, advertisements were placed on Council's website (as per the COVID-19 Public Health Orders) and face to face consultations were held with community members and development industry representatives.

Exhibited Development Controls

The following is a summary of the Water Sensitive Design Controls that were placed on exhibition:

- the proposed Water Sensitive Design measures will require that all new homes and other forms of development incorporate a range of water efficiency measures at the design stage of the proposed development;
- small scale development such as homes and dual occupancies will be eligible for a faster approval process if they meet the development controls which include **three** out of **six** Water Sensitive Design Essentials (WSE's).

The six choices were:

- *Water Efficient Appliances* - these are products which have a Water Efficiency Labelling and Standards (WELS) rating of more than three stars. These may include shower heads, dual flush toilets and flow-controlled taps;
- *Rainwater tank* - a capacity of 1.5KL of water for each toilet in the house is required. A typical house with two or three toilets will require a three or 4.5KL rainwater tank;
- *Rain garden* - an outdoor landscaped area of approximately 2m² to 'filter' stormwater runoff from the roof;
- *Greywater diversion device* - requires a land area of about 10m² and subsurface irrigation;
- *Greywater treatment device* - treats greywater for use in toilet flushing, washing machines and sub surface irrigation in the garden; and
- *Pre-plumbing for recycled water* - preparation of the house slab for future greywater devices;
- for all new dwellings, pre-plumbing works for recycled water will be a mandatory requirement and two out of the remaining five Water Sensitive Design measures must also be selected;

- other development, including industrial, commercial and larger residential development will need to have a Water Sensitive Design statement that shows how the proposed development will meet three targets which are:
 - reduction in the use of potable water; and
 - improving stormwater quality and maintaining quantity.Some of Council's financial incentives will also apply to commercial and industrial development;
- subdivisions of more than 10 lots will need to have a Water Sensitive Design statement that shows how proposed subdivision will meet the targets of stormwater quality and quantity and promote stormwater reuse on public land; and
- the proposed amendment to the TRDCP 2010, will update fast track development provisions allowing for a 10 day approval turnaround for residential developments that comply with the TRDCP 2010 development controls. Dwellings will need to comply with three out of six WSE's in order to be fast tracked through the DA process.

The key part of the above measures is that water saving rebates are currently available from Council for a number of the suggested WSE's. This means that Council can require 'essentials' that are greater than standards required by BASIX.

Submissions received during the public exhibition of TRDCP 2010 (Amendment No.14)

A total of 12 submissions were received during the exhibition period. A full copy of the submissions are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**, for the information of Councillors.

Overall, the submissions were very positive and supported Council's approach to achieving potable water saving outcomes. A number of the submissions offered suggestions for additional efficiency measures and identified potential changes to the exhibited TRDCP 2010.

A snapshot of the issues raised and suggestions offered are as follows:

- encourage Council to consider the promotion of artificial turf, especially in Council's parks and gardens.

Response

Council does already use artificial turf in a number of locations throughout the region and further follow up will be undertaken to identify other suitable locations on an ongoing basis.

- increase the number of choices for selection of Water Sensitive Design Essentials from three out of six to five out of six;
- small scale builds should comply with four or more Water Sensitive Design measures; and
- the mandatory minimum requirement for a rainwater tank should be 10,000 litres.

Response

Following a review of the exhibited provisions of the TRDCP 2010, it is recommended that the Council consider amending the selection for small scale development from three out of six to two out of five WSE's. The mandatory pre-plumbing for grey water re-use in all new homes is to be removed from the essentials list and included as a separate development control for all new dwellings. The basis for the reduction of the

WSE selections from three out of six to two out of five is to increase the rating/size requirements of each essential and thereby maximising water saving efficiencies i.e. water efficient appliances from a 3-star rating to a 4-star rating, and rainwater tanks changing from a calculation based control on the number of toilets to one minimum size requirement of 10,000 litres.

Whilst these proposed changes are higher than the BASIX requirement, they are linked to Council's rebate scheme, so offer good value for money and achieve water savings at the same time. The implementation of the WSE's for all residential development involving water and sewer connection will ensure water savings are also captured on those developments that currently do not trigger BASIX requirements (e.g. works less than \$50,000).

- rain Garden is an excellent way to encourage people to think about garden design; and
- rain Gardens are not very practical for residential purposes.

Response

A designated area in the garden to 'filter' rainwater is not considered an onerous requirement and whilst it does not directly result in potable water savings, it does provide a tangible way to improve environmental outcomes. The size of the area will need to be increased from 2m² to 5m² to reflect the proposed increase in the size of rainwater tanks.

- strongly disagree with the installation of Greywater Diversion Systems. There are concerns in relation to odour, soil suitability and general lack of operational knowledge by property owners.

Response

Whilst a number of these concerns are valid, the current take up rate for these types of systems from Council's Rebate Scheme is extremely low and it is therefore suggested that it remain as a WSE but that the take up rate be monitored and reviewed if there is a significant increase.

Ongoing community consultation will be necessary to ensure users of Greywater Diversion Systems have good understanding about appropriate use. Council Facts Sheets will be revised explaining the do's and don'ts when operating a Greywater Diversion System.

- strongly support the installation of Greywater Treatment Systems.

Response

Whilst there is considerable evidence that the Treatment Systems are an excellent device for re-using grey water safely, the take up rate for these types of systems is very low due to the high costs associated with purchase. It is therefore suggested that Council's rebate scheme for this category be monitored and reviewed to encourage wider community usage.

- need to rethink the stormwater detention requirements in Step 3 for larger residential/industrial/commercial developments and subdivisions (concerns in relation to alignment with Council's existing requirements and potential maintenance issues).

Response

It is suggested that there needs to be more industry consultation and a review of Council's Engineering Minimum Standards for Subdivisions and Developments before including this requirement in the TRDCP 2010.

The drivers behind expenditure of funds and energy on water quality management in Tamworth are not as pronounced as they are in coastal centres. It is suggested that water quality management in Tamworth should be focused on areas of demonstrated need. In terms of stormwater quantity, the TRDCP 2010, and Minimum Standards already incorporate a raft of requirements. In practice, not all catchments are sensitive to runoff quantities, and the requirements can be relaxed in some instances. The introduction of a blanket requirement for detention systems for every subdivision and development without greater scientific analysis of the environment within the Tamworth Region has potential to be a retrograde step.

The wording of the stormwater detention requirements that were included in the Draft DCP were perhaps overly simplistic, and in some instances represented a considerable departure from the current requirements. Any revisions to the existing requirements should be targeted at providing clarity around these matters, for both greenfield subdivision and individual lot development.

There is also significant work being undertaken by the State Government in relation to the provision of Green Infrastructure which may provide direction (and potential funding) for Council in relation to these types of requirements.

Recommended changes to the exhibited TRDCP 2010 (Amendment No. 14)

As suggested in the responses outlined in this report, it is recommended that the exhibited version of the TRDCP 2010 (Amendment No. 14), be amended in response to a number of the issues raised during the public exhibition. A table showing the exhibited version of the WSD Essentials versus the recommended changes is **ATTACHED**, refer **ANNEXURE 1**.

The recommended changes can be summarised as follows:

1. applicants to select two out of five Water Design Essentials plus mandatory pre-plumbing for small scale residential development;
2. the WSD Essentials be amended to increase 3-star water efficient appliances to 4-star, the rainwater tank size to 10,000 litres and raingardens be set a 5m² minimum retention area requirement in addition being designed by a suitably qualified person; and
3. the requirement for stormwater detention (including water quality/quantity targets, for Subdivision, Commercial and Industrial Developments (Step 3) be removed from TRDCP 2010 (Amendment No. 14).

A final 'marked up' copy of the TRDCP 2010 (Amendment No. 14) showing the proposed changes in red is appended to this report is **ATTACHED**, refer **ANNEXURE 2**.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

This amendment will alter the provisions of the TRDCP 2010, by adding a series of controls that will facilitate potable water savings across the region.

(d) Community Consultation

Community Consultation was undertaken by Council via public exhibition of the draft Amendment for a period of six weeks from 21 June 2020 until 31 July 2020 (inclusive). A series of changes are proposed to the exhibited version of the draft Amendment based on the issues raised in the submissions.

(e) Delivery Program Objective/Strategy

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

8 INFRASTRUCTURE AND SERVICES

8.1 IPART REVIEW OF PRICES CHARGED FOR BULK RAW WATER BY WATERNSW AND THE WATER ADMINISTRATION MINISTERIAL CORPORATION

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

Reference: Item 8.2 to Ordinary Council 13 November 2018 - Minute No 280/18

5 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “IPART Review of Prices Charged for Bulk Raw Water by WaterNSW and the Water Administration Ministerial Corporation”, Council provide a submission to IPART on the proposed prices and associated issues as detailed in the report.

SUMMARY

The Independent Pricing and Regulatory Tribunal (IPART) has released two issues papers concerning the review of prices for Water NSW and the Water Administration Ministerial Corporation for the four year period 2021-22 to 2024-25. The time line for this review is as follows:

Milestone	Date
Release IPART Issues Paper	15 Sept 2020
Public Submissions due	16 October 2020
On line Public Hearing	17 November 2020
Release Draft Determination and Draft Report	March 2021
Release Determination and Final Report	Mid-June 2021

The purpose of this report is to seek direction from Council whether or not Council would like to prepare a submission on the matters raised in each of the Issues Papers.

COMMENTARY

Council pays charges to two State Government entities for access to bulk water, both surface and groundwater – Water NSW and the Water Administration Ministerial Corporation (WAMC). As both entities are monopoly providers, the charges levied are subject to review by the Independent Pricing and Regulatory Tribunal.

Water NSW supplies Council with bulk water from regulated rivers and streams which for Council include the Namoi Valley (part Manilla and all Barraba supply) and the Peel Valley (Chaffey Dam supply for Tamworth).

The Department of Planning, Industry and Environment (DPIE), the Natural Resources Access Regulator (NRAR) and Water NSW provide services on behalf of WAMC. DPIE retains responsibility for setting water management policies and undertaking water planning in NSW. Water NSW is responsible for undertaking WAMC's licensing functions, providing metering services and account management services to water management customers in NSW. NRAR was established in 2018, as the independent water regulator to improve compliance and enforcement arrangements and to restore community confidence in water compliance.

Pricing reviews are undertaken every four years. Following the review, IPART releases the maximum prices that can be charged by the entities for the supply of the services over the next four year period.

IPART has recently released two Issues Papers associated with its review of rural bulk water services for Water NSW and WAMC for the period 1 July 2021 to 30 June 2025. IPART is calling for submissions on the Issues Papers with the deadline for submissions being 16 October 2020. The Issues Papers released by IPART include a number of matters it is seeking comment on, as well as the proposed charges for both entities for the next four-year period.

The final prices determined by IPART may be different to those detailed in the Issues Paper. A draft determination will be released by IPART in March 2021. Previously, stakeholders have been invited to provide submissions on the draft determination, before IPART makes its final determination, however on this occasion, that opportunity does not appear in the timeline provide by IPART.

The Issues Paper for Water NSW and WAMC will be dealt with separately.

Water NSW

The Issues Paper is **ATTACHED**, refer **ATTACHMENT 1**.

Key points to note include:

- Water NSW proposes significant increases in both operating expenditure and core capital expenditure;
- Water NSW details higher expenditure is required to deliver several large drought related capital projects including Dungowan Dam. It is proposed that initial capital cost of these projects not be funded by license holders;
- Water NSW predicts that proposed prices for 2021-22 will not cover its costs, and as a result NSW Government would pay some costs;
- IPART does not believe that Water NSW's proposal to under recovery, as detailed in the dot point above, will be possible under current legislation and regulation;
- normally the determination is for a set four year period. Water NSW is proposing a determination for one year to align with the next determination of prices for the Broken Hill Pipeline;

- over the four years of the previous 2017 determination period, Water NSW spent significantly more than IPART allowed for when setting prices – both capital and operating;

Table 2.1 Actual operating expenditure compared with IPART's allowance for the 2017 determination period (\$million, \$2020-21)

	2017-18	2018-19	2019-20	2020-21	Total
IPART 2017 allowance	39.7	37.9	37.3	36.0	150.9
Actual/forecast	46.1	48.9	55.2	58.0	208.3
Difference	6.4	11.0	17.9	22.0	57.4
Difference (%)	16%	29%	48%	61%	38%

Note: The numbers in this table have been adjusted using the correct inflation rate.

Source: Water NSW, *Pricing proposal to IPART*, June 2020, p 75.

Table 2.2 Water NSW core capital expenditure for the 2017 determination, excluding drought (\$ million, \$2020-21)

	2017-18	2018-19	2019-20	2020-21	Total
IPART 2017 allowance	54.7	54.3	28.7	26.4	164.1
Actual/forecast	39.5	45.2	68.9	80.6	234.2
Difference	-15.2	-9.1	40.2	54.2	70.1
Difference (%)	-28%	-17%	140%	205%	43%

Source: Water NSW, *Pricing proposal to IPART*, June 2020, Tables 12 and 13, pp 60-61, IPART analysis.

- the NSW Government has publicly announced a 50:50 mix of NSW Government and Commonwealth Government funding for the Wyangala and Dungowan Dam projects. The Commonwealth Government has committed \$325 million for the Wyangala Dam and \$242 million for the Dungowan Dam through the National Water Infrastructure Development Fund (NWIDF), however no formal funding agreement is in place. Water NSW proposes allocating none of the costs associated with the major drought-related dams to licence holders. Instead, the NSW and Commonwealth Governments will pay for the initial construction of these projects. IPART is unsure if the NSW Government will subsidise the ongoing operation and maintenance costs for these dams;
- IPART has an initial preference for the standard four-year determination, not one year as requested by Water NSW; and
- at present Water NSW allows a different split up of forecast income generated from fixed and usage charges. Generally, this split up is 40% fixed/60% usage – this is the case in the Namoi. In the Peel the split up is 80%/20%. Councillors may recall Council objected to this change when first proposed, because it effectively placed greater financial burden on customers in the Peel with the highest entitlements, whether they use the water or not, and no customer has a higher entitlement than Council.

Table 3.3 Water NSW's proposed forecast revenue from fixed and usage charges

Valley	Price structure (fixed to usage)
Murray–Darling Basin valleys	
Border	40:60
Gwydir	40:60
Namoi	40:60
Peel	80:20
Lachlan	40:60
Macquarie	40:60
Murray	40:60
Murrumbidgee	40:60
Lowbidgee ^a	100:0
Fish River	80:20
Coastal valleys	
North Coast	90:10
Hunter	60:40
South Coast	80:20

^a Lowbidgee has only supplementary licences.

Note: Excludes MDBA and BRC costs and charges.

Source: Water NSW, *Pricing proposal to IPART*, June 2020, p 128.

In 2019, IPART reviewed how future operating and capital expenditure is shared between rural water users (via Water NSW's bulk water prices) and the NSW Government (on behalf of other users and the broader community).

Based on this cost shares review, IPART maintained its position to use the impactor pays principle to allocate the efficient costs of rural bulk water services between water users and the NSW Government. That is, those that create the need to incur the costs should pay the costs. IPART allocated costs to users using an activity-based cost sharing framework. That is, IPART applied a user and government cost share ratio for each of Water NSW's 18 activities.

The purpose of the cost share review was to inform the starting point for determining user and government cost share ratios for the 2021 price review.

The table below presents the rationale and the application of the impactor pays principle to Water NSW's activities set in the 2017 Determination.

Table 3.2 Assessment of Water NSW's activities

Impactor	Activities	How we have identified the impactor?
Water users are the sole impactor (100% user share)	<ul style="list-style-type: none"> ▼ Customer support ▼ Customer billing ▼ Metering and compliance ▼ Direct insurances ▼ Irrigation corporation and district (ICD) rebates ▼ Risk transfer product (RTP) 	<p>In a world without high consumptive water use, these activities would not be required.</p> <p>For example, metering and compliance is undertaken because licence holders extract water. If users did not extract water, these activities would not be required.</p>
Water users are major impactors	<ul style="list-style-type: none"> ▼ Water delivery and other operations (95%) ▼ Flood operations (80%) ▼ Hydrometric monitoring (90%) ▼ Water quality monitoring (80%) ▼ Corrective maintenance (95%) ▼ Routine maintenance (95%) ▼ Asset management planning (95%) ▼ Dam safety compliance (80%) ▼ Environmental planning and protection (80%) ▼ Corporate systems (80%) ▼ Renewals and replacement (95%) 	<p>In a world without high consumptive water use, these activities would still be required for non-consumptive purposes. However, the primary driver of these activities is associated with water users.</p> <p>For example, hydrometric monitoring is primarily driven by water consumption. The government will still require some level of hydrometric monitoring but the government is a minor impactor.</p>
The NSW Government is the sole impactor (0% user share)	<ul style="list-style-type: none"> ▼ Dam safety compliance, pre-1997 capital projects 	<p>This activity is a legacy cost and therefore we do not apply the impactor pay principle. Rather the costs are allocated to the NSW Government.</p>

Source: IPART, *Rural Water Cost Shares, Final Report*, February 2019, Appendix B.

The questions IPART has sort feedback on are detailed below. A staff comment is included on those where it is considered Council could provide feedback.

1. How well has Water NSW delivered its bulk water services since 2017?

The primary function of Water NSW is to deliver bulk water from its storages in accordance with the rules set by others, primarily in Water Sharing Plans and associated documentation. Council does have significant concerns about the rules presently in place in the Peel Valley that has contributed to the City of Tamworth and Moonbi/Kootingal being on Level 5 water restrictions (the most severe in Council's Drought Management Plan) for almost 12 months, however accepts that the rules are not set by Water NSW.

On this basis, looking only at the delivery of bulk water from storages Council has no issues with the delivery of water by Water NSW since 2017.

2. Was Water NSW's capital expenditure over the 2017 determination period efficient?

Council has no detail of the breakup of expenditure nor how that expenditure was incurred to be able to comment on this issue.

3. Is Water NSW's proposed expenditure on maintenance efficient?

Again, Council has no detail of the breakup of expenditure nor how that expenditure was incurred to be able to comment on this issue.

4. Do you have any comments on Water NSW's operating activities and associated operating costs?

No comment.

5. Is the current structure of the Risk Transfer Product (RTP) efficient and equitable?

Council has to deal with volatility in its income due to fluctuations in consumption of water by customers without resorting to charging those same customers for insurance to insure against a reduction in revenue. Council believes Water NSW should do the same.

In the 2020-2021 financial year, Council will pay \$734,228 per year in fixed charges whether any water is sourced from Chaffey Dam (this figure is more than double what Council would pay if it was sourcing water from any other source). Council's goal is to minimise water consumption by consumers at all times, yet when we do minimise our consumption and thereby use less water from Chaffey Dam, Council is charged for the insurance cover used by Water NSW to protect its revenue and any water that we do not consume can be sold to other customers in the valley.

What is the benefit to Council of the current arrangement? If the rules were to be changed such that water Council did not use was held in storage to improve the security and reliability of Council's supply, Council may be more amenable to considering paying more to Water NSW to pay for insurance premiums that cover volatility risk.

6. How should Water NSW manage its revenue volatility risk?

The same way Tamworth Regional Council does - by altering expenditure as income allows.

7. How should Water NSW most efficiently meet its requirements for fish passageways?

No comment.

8. What are your views about Water NSW's overall level of core capital expenditure over the 2021 determination period?

Council does not have sufficient information or knowledge to comment on the works proposed and/or the estimated cost of those proposed works.

9. Should governments bear all the costs of increasing water security and availability for licence holders?

In earlier submissions to IPART Council has proposed the cost of bulk raw water from regulated river and streams and all groundwater should be the same across NSW. To date that approach has not been supported by IPART.

Assuming IPART's position remains unchanged then Council does not believe government should bear all the costs of increasing water security for license holders. Council believes there should be three key principles when considering who and how much should pay as follows:

- all those who benefit from the increased water security should be required to contribute;*
- the contribution amount should be considered against the capacity of the license holders to pay; and*
- the costs imposed cannot rise to a point where it is no longer economic for that industry/business, the increased secure water supply is supporting, to continue.*

10. Who should pay for future expenditure on major drought-related projects, including asset renewals and upgrades?

In earlier submissions to IPART, Council has proposed the cost of bulk raw water from regulated river and streams and all groundwater should be the same across NSW. To date that approach has not been supported by IPART.

Assuming IPART's position remains unchanged then Council does not believe government should bear all the costs of increasing water security for license holders. Council believes there should be three key principles when considering who and how much should pay as follows:

- all those who benefit from the renewal or upgrading work should be required to contribute;*
- the contribution amount should be considered against the capacity of the license holders to pay; and*
- the costs imposed cannot rise to a point where it is no longer economic for that industry/business, the more secure water supply is supporting, to continue.*

11. Over what determination period should we set prices?

There is considerable work for license holders to respond to IPART every time charges are reviewed; therefore, Council supports aligning as many reviews as possible to limit the amount of time license holders need to allocate to prepare submissions etc.

On that basis Council supports a four year determination period that sets the prices for Water NSW and WAMC at the same time.

12. Are there policy and industry reforms that make four-year forecasts of costs and usage difficult? Has COVID-19 hampered Water NSW's customer consultation?

Council is not aware of any policy or industry reforms that make four year forecasting difficult. Yes, COVID-19 has made customer consultation with Water NSW more difficult.

13. Do you agree with the cost share ratios set in our cost share review? If not, for which activities should we modify the cost share ratio? Please specify an updated cost share ratio and explain why it is appropriate.

NB – Council considered a report on this matter at its Meeting of 13 November 2018, and resolved to not provide a submission on this matter. The final cost shares are as proposed in the draft that Council was asked to comment on.

No comment

14. We are required to set prices that recover Water NSW's efficient costs in the MDB valleys. If efficient costs are increasing, how should costs be recovered over the determination period?

Council believes there should be three key principles when considering who and how much should pay to recover increasing costs as follows:

- all those who benefit should be required to contribute;*
 - the contribution amount should be considered against the capacity of the license holders to pay; and*
 - the costs imposed cannot rise to a point where it is no longer economic for that industry/business, the more secure water supply is supporting, to continue.*
-

15. How should we set prices in coastal valleys?

No comment

16. What is the appropriate mix of fixed and usage charges?

*Council's submission to IPART in April 2017 **ATTACHED**, refer **ATTACHMENT 2**, discussed Council's objection to the then proposed 80/20 split over a 40/60 split and the reasons for that objection. Council's position has not changed.*

WAMC

The Issues Paper is **ATTACHED**, refer **ATTACHMENT 3**.

Key points to note include:

- the last review of WAMC's prices was undertaken in 2016 (the 2016 determination), this set prices through until June 2020. IPART deferred commencement of the latest review by 12 months at the request of WAMC;
- the WAMC proposal includes substantial increases in water management and planning costs, to address the recommendations of past inquiries and stakeholder concerns;
- to mitigate the impact on customers, WAMC proposes capping annual price increases at 5% per year (excluding the effects of inflation);
- WAMC and its agencies have also identified reform actions and programs that are yet to be included in their proposed future costs and prices. In particular, they are currently working on the impact of the non-urban metering reform program to their business. They have flagged that this could result in changes to metering services and potential investments in new systems and data platforms, which may impact costs and prices;
- WAMC's operating expenditure to June 2020, exceeded the amount allowed for by IPART when setting prices in the 2016 determination;
- In the 2021 determination period, DPIE proposes to expand its water management activities, including to address some of the activities where it did not meet the performance targets in the previous period. Further, it is including expenditure for some activities that were previously funded by the Commonwealth Government;
- DPIE aims to ramp up regional water planning by establishing 12 Regional Water Strategies under the NSW Government's Water Strategy Program. DPIE has indicated that developing strategies at the regional level will help better understand current and future water needs and water resource management risks;
- DPIE is accelerating its floodplain and drainage management planning, which was mainly funded by the Commonwealth Government in the 2016 determination period;
- a range of Water Sharing Plans, Water Resource Plans and Regional Water Plans are in place or will be developed during the 2021 determination period; and
- DPIE is planning to undertake water management works, for example to address erosion and salinity. These activities were predominantly funded by the Commonwealth Government in the 2016 determination period.

The questions IPART has sort feedback on are as detailed below. A staff comment is included on those where it is considered Council could provide feedback.

1. How well has WAMC performed its water management functions?

Not at all. Council believes that DPIE's repeated failure to act and adopt Council's requests for change to the way water is managed in the Peel Valley over many years and improve the security of water supply for Tamworth, is directly responsible for the fact that within three years of the newly augmented Chaffey Dam being full, residents in Tamworth City were placed on water restrictions and as of September 2019, went onto the most severe water restrictions in Council's Drought Management Plan (Level 5) for a period of almost 12 months.

Council acknowledges the area did experience the worst drought on record but the lack of action by DPIE on options to improve Tamworth's water security through changes to the rules contained in the relevant Water Sharing Plan contributed to the severity and length of restrictions imposed on Tamworth.

Council's view is that DPIE want to be involved in everything, have veto and approval powers but takes no responsibility for decisions made or not made.

It is not just Council who shares this view. The NSW Auditor General, Margaret Crawford, in her report - Support for Regional Town Water Infrastructure – Performance Audit 24 September 2020), delivered a scathing assessment of DPIE and the management of water across NSW including a failure to effectively support or oversee town water infrastructure planning in regional NSW, since at least 2014. It has also lacked a strategic, evidence-based approach to targets investment in town water infrastructure.

IPART also mentioned DPIE did not meet some of its water management targets during the 2016 determination.

Why would Council be willing to pay more when it believes it does not benefit at all from the present arrangements, has no control over how the money will be spent, the work to be undertaken with that money nor the outcomes, nor any guarantee that any work will be actually undertaken.

2. Do you agree with WAMC's proposed areas of focus for water management (and their associated costs)?

Council agrees that more focus needs to be on water management but not at higher costs than at present. Higher focus on water management has been a priority for several years and Council has yet to see the benefit of this focus. What guarantee has Council that a higher focus will actually see more productive work in this area, rather than Council paying more for a continued substandard service.

3. How well has NRAR performed its water regulation functions?

Council believes a regulator with the necessary resources to identify illegal use of water and the necessary powers to act where these actions are identified is extremely important. However, Council cannot comment on why this required level of resourcing cannot be provided within existing budgets

4. Will NRAR's proposed activities and costs facilitate effective and efficient water regulation?

See earlier comment.

5. How well have Water NSW and NRAR performed their licence processing functions?
It is difficult to review licensing functions as the prolonged drought had a significant impact on license applications and associated delays in addressing the applications. With a return to more “normal” rainfall it is possible that the current level of resources is adequate to provide the required level of service.
6. Do you agree WAMC should focus on providing better services (e.g. more information and consultation) to customers, supported by higher levels of expenditure?
Council believes the primary focus of WAMC is water planning and improving the regulatory framework license holders work under. Providing information and consulting when it is not linked to the primary focus is a waste of time and money.
7. Do you consider DPIE, NRAR and Water NSW consulted adequately with stakeholders on their pricing proposals?
In relation to pricing principles yes. In relation to other responsibilities no.
8. How important is it to improve the incentives for DPIE to actively engage in negotiating MDBA and BRC contributions to ensure only efficient costs are passed onto WAMC customers?
No comment.
9. Was it efficient for Water NSW to apply capital expenditure from its water monitoring program to cover its shared capital costs?
No comment.
10. Is WAMC’s water monitoring program efficient?
No comment.
11. Given the increase in WAMC’s capital costs, is the arrangement of Water NSW providing WAMC’s capital program efficient?
No comment.
12. Do you agree with the cost share ratios set in the cost share review? If not, for which activities should we modify the cost share ratio? Please specify an updated cost share ratio and explain why it is appropriate.
NB – Council considered a report on this matter at its Meeting of 13 November 2018, and resolved to not provide a submission on this matter. The final cost shares are as proposed in the draft that commented was asked to comment on.
No comment.
13. Over what determination period (i.e., how many years) should we set prices?
There is considerable work for license holders to respond to IPART every time charges are reviewed; therefore, Council supports aligning as many reviews as possible to limit the amount of time license holders need to allocate to prepare submissions etc.
On that basis Council supports a four year determination period that sets the prices for Water NSW and WAMC at the same time.
14. If we set a shorter period for Water NSW rural bulk water prices, are there benefits in aligning WAMC’s determination period with Water NSW rural bulk water? What are the costs and benefits of setting a one year period for WAMC to potentially align with Water
-

NSW rural bulk water? Alternatively, what are the costs and benefits of setting a longer period (e.g. five years) and aligning these two determinations at the next review?

See earlier response.

15. What are your views on WAMC's proposed price structures?

Under the proposed price structure Tamworth Regional Council will again pay the highest charges across the Murray Darling Basin for the services delivered by WAMC. This seems unjustifiable given the size of the Peel valley and therefore the limited number of services, or the scale of any of those services in the Peel compared to say the Murray.

Further, given the lack of planning services provided by WAMC to date and lack of faith that this will change in the future, Council is opposed to paying more for the WAMC's range of services, when one of those primary services has not yet been received.

16. Is there merit in setting separate charges to recover MDBA and BRC costs?

No comment.

17. How should we transition prices to achieve full cost recovery? Or, what is a reasonable price path that would enable transition to full cost recovery? How would this affect customer affordability?

Council believes there should be three key principles when considering who and how much should pay to recover increasing costs as follows:

- *all those who benefit should be required to contribute;*
- *the contribution amount should be considered against the capacity of the license holders to pay; and*
- *the costs imposed cannot rise to a point where it is no longer economic for that industry/business, the more secure water supply is supporting, to continue.*

18. Do you agree with Water NSW's proposal to introduce a demand volatility adjustment mechanism for WAMC to address its revenue risk? Should we effectively allocate more risk to customers?

Council has to deal with volatility in its income due to fluctuations in consumption of water by customers without resorting to charging those same customers for insurance to insure against a reduction in revenue. Council believes WAMC NSW should do the same.

The deadline for submissions on the Issues Paper is 16 October 2020.

(a) Policy Implications

Nil

(b) Financial Implications

The graph **ATTACHED**, refer **ATTACHMENT 4**, shows previous charges levied by Water NSW for bulk raw water by Valley and Water NSW's proposed charge for the same valleys for the 2021-2022 water year. It shows under the current proposal Council will pay, based on average annual usage of water from Chaffey Dam, more than \$830,000 per year. This cost is approximately \$300,000 more than Council would pay if Tamworth was sourcing water from the Namoi, and more than 6.8 times what the same water would cost to source from the Murrumbidgee. Council has long petitioned IPART that blindly following a user pays principle can lead to perverse outcomes such as what

is proposed in the Peel, and Council believes the cost of raw water in NSW should be the same regardless of the valley it is sourced in.

A graph of previous charges levied by the WAMC for bulk raw water by Valley (for regulated streams) and the proposed charges for the next four years is **ATTACHED**, refer **ATTACHMENT 5**. Again, the charges paid by Council to WAMC will be the highest in the state.

(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.

8.2 REINSTATEMENT OF REGULAR OUT OF HOURS WATER RESTRICTION PATROLS

DIRECTORATE: WATER AND WASTE

AUTHOR: Louise Cadell, Sustainability Officer - Water

Reference: Item 8.5 to Ordinary Council 11 June 2019 - Minute No 188/19

RECOMMENDATION

That in relation to the report “Reinstatement of Regular Out of Hours Water Restriction Patrols”, Council:

- (i) receive and note the report; and***
- (ii) provide additional funding of \$5,000 per month, on an ongoing basis, from the Water Reserve to fund out of hours water restrictions patrols until 31 December 2020.***

SUMMARY

The move from Level 5 Water Restrictions to Level 4 for Tamworth, Moonbi and Kootingal residents has led to slight increase in water restriction breach reports.

To help curb this behaviour ahead of the summer months, which is a traditionally high consumption time, Council’s Compliance staff have begun extra out of hours water restriction patrols.

To ensure these patrols can continue, additional funding of \$5,000 per month, ongoing, is being requested to reinstate water restriction patrols.

COMMENTARY

A high level of water restrictions is in place for Tamworth, Moonbi and Kootingal residents. The move to Level 4 came after 12 months on Level 5 Water Restrictions. Residents were encouraged to use 150L per person per day and Chaffey Dam reached its lowest level at 12.8%.

Throughout this time, Council's Compliance staff undertook out of hours water restriction patrols. Council agreed to provide \$5,000 per month to fund these patrols at the Ordinary Council Meeting held 11 June 2019. This budget was in place until 30 June 2020.

On 1 July 2020, a review of the patrols was undertaken. Due to average daily consumption consistently below 16.1ML/day, the target consumption on Level 5 Water Restrictions, and minimal water restriction breach reports; the out of hours patrols were put on hold.

On 31 August 2020, Tamworth, Moonbi and Kootingal residents were eased back to Level 4 Water Restrictions. While the move was reflective of a slight improvement in the water supply situation, this level of water restrictions is similar to Level 5 Water Restrictions. The new residential household use target is 200L per person per day, however all residential outdoor use of the town water supply is still banned.

While it is positive to see most residents doing the right thing, and the average daily consumption well below the new target of 18.5 ML/day, there has been a significant increase in water restriction breach reports.

During the month of September, 11 water restriction breaches were reported by residents via Councils Report It feature. In addition, Compliance Rangers have also received several calls during business hours in relation to the use of hoses for washing cars and watering gardens.

As a result, patrols recommenced using existing budgets. Compliance Rangers are undertaking two patrols on Saturday and Sunday and one patrol during the week, alternating between mornings and evenings.

However, with the hot weather ramping up, extra budget is required to continue the out of hours water restriction patrols into the summer.

Following the previous success of patrols in the summer of 2019/20, the highly visible presence of Council Rangers and the possibility of on the spot fines of \$220 for residents and \$2,200 for business, these patrols will help curb water restriction breaches.

A monthly budget, of an ongoing basis of \$5,000 is requested from the Water Reserve to cover the cost of these patrols until 31 December 2020, when the continuation of the patrols will be reviewed and if necessary, additional funding requested.

(a) Policy Implications

These projects and activities are implemented from stated outcomes of Council's *Demand and Drought Management Plans* and the *Drought Management Plan – Communication and Engagement Plan*.

(b) Financial Implications

The additional funding request for water restriction patrols in response to ongoing water restrictions is \$5,000 per month. There is no funding available for this drought response in the current Annual Operational Plan; therefore, should Council agree to provide the requested funding, it will be required to be sourced from the Water Reserve.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.3 CROWN ROAD RESERVES KING GEORGE V AVENUE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Michael Hazelwood, Acting Manager Infrastructure and Works

RECOMMENDATION

That in relation to the report “Crown Road Reserves King George V Avenue”, Council request transfer of all five Crown Road Reserves to Council.

SUMMARY

The purpose of this report is to seek Council’s endorsement for the transfer of existing Crown Road Reserves from the Department of Lands to Council.

COMMENTARY

The Department of Lands (the Department) has acknowledged that many Crown Roads within the public road network are not required to maintain public access. In these cases, Crown Roads may be sold or closed without compromising the broader public interest. With regard to King George V Avenue, there are five Crown Road Reserves which are identified in Figure 1.



Figure 1: Aerial imagery showing King George V Avenue. Crown Roads are highlighted in purple shading and identified numerically.

- Crown Road 1 located at the King George V Avenue reserve;
- Crown Road 2 unsealed property access;
- Crown Road 3 unsealed property access;

- Crown Road 4 forms part of an unsealed property access; and
- Crown Road 5 appears fenced and provides unsealed property access.

The total area of Road Reserves constitutes approximately five hectares of land.

The existing Crown Roads off King George V Avenue provide unsealed access between existing properties and this has historically allowed for convenient movement of farming equipment. Should the Road Reserve be closed and sold, the free movement of farming equipment could become restricted.

Currently the two neighbours adjacent to Crown Road 2 have negotiated a right of carriageway on the basis that one property owner had requested the opportunity to purchase the land from the Department, see Figure 2.



Figure 2: Imagery indicating property boundaries adjoining Road Reserve 2

This right of carriageway would need to be renegotiated each time the ownership of a property adjoining the existing reserve was transferred. This however would be a private matter and of no impact to Council's operations.

Should the Road Reserve be closed and sold it would be unreasonable to suggest that property owners adjoining a Crown Road would be required to negotiate a right of carriage way to maintain access to their property.

Crown Road Reserve 4 provides a connection to a small section of Council road corridor located along the Calala anabranch. Should Crown Road 4 be closed, Council itself would be required to negotiate access to this parcel of land, see Figure 3.

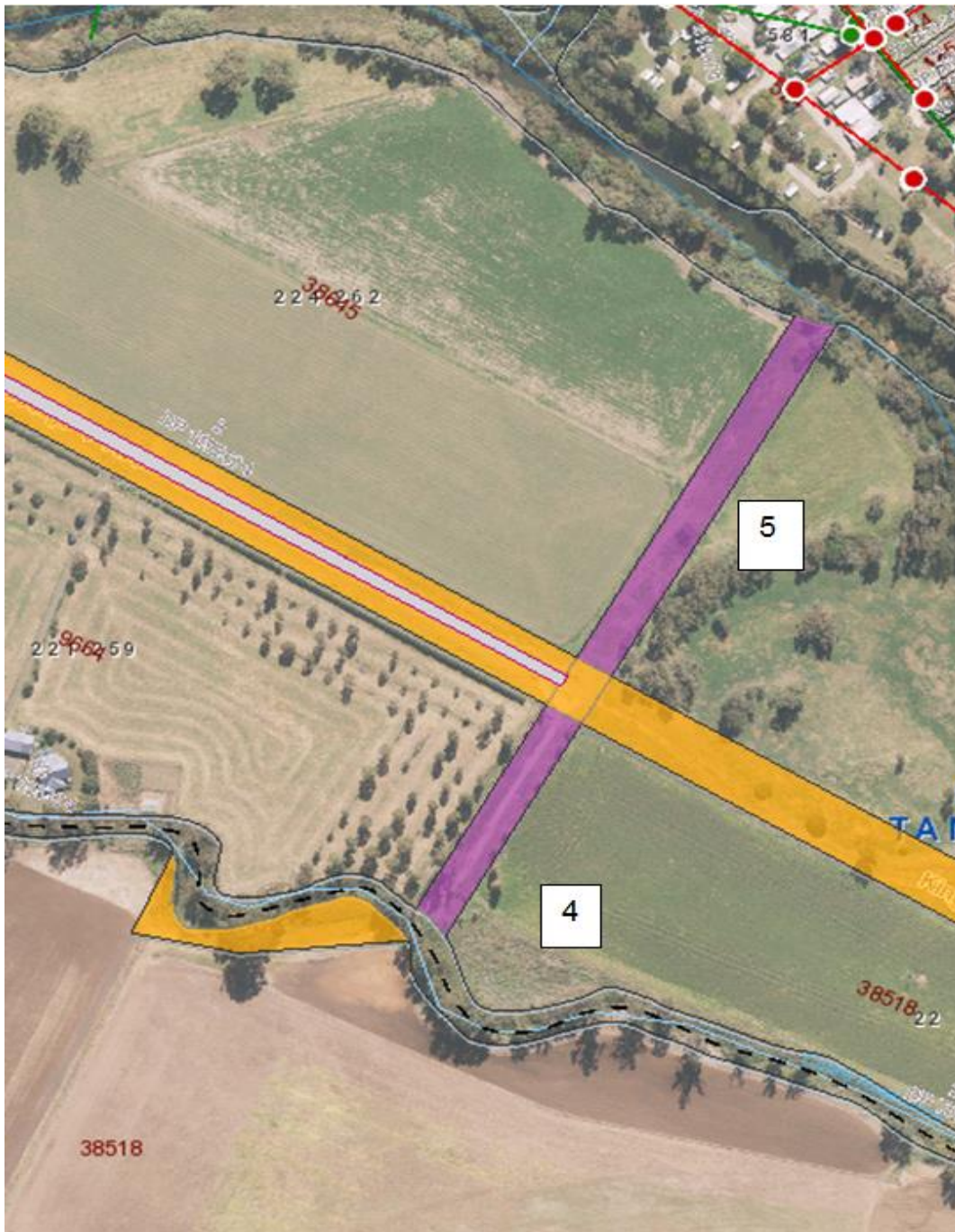


Figure 3: Crown Road Reserve 4 and 5 located at the end of the maintained section of King George V Avenue. Notice the isolated section of road corridor on the opposite side of the Calala anabranch to Crown Road 4.

Should these Road Reserves be transferred to Council, there is no further or ongoing requirement for a right of carriageway to be negotiated by residents.

Council has identified within the Sports and Recreation Strategic Plan that the area can be used for unstructured recreational activities. Unstructured activities are those that are undertaken away from competitive/club environment.

This Plan details a requirement to upgrade and expand recreational trails for walking, running and cycling to meet the increasing popularity of these pursuits and population growth as a result of Council's Blueprint 100 strategy.

Crown Road 1 (see Figures 4 and 5) is located next to King George Avenue Reserve and this area is currently being developed and will also form part of the Sport and Recreation Strategic Plan.

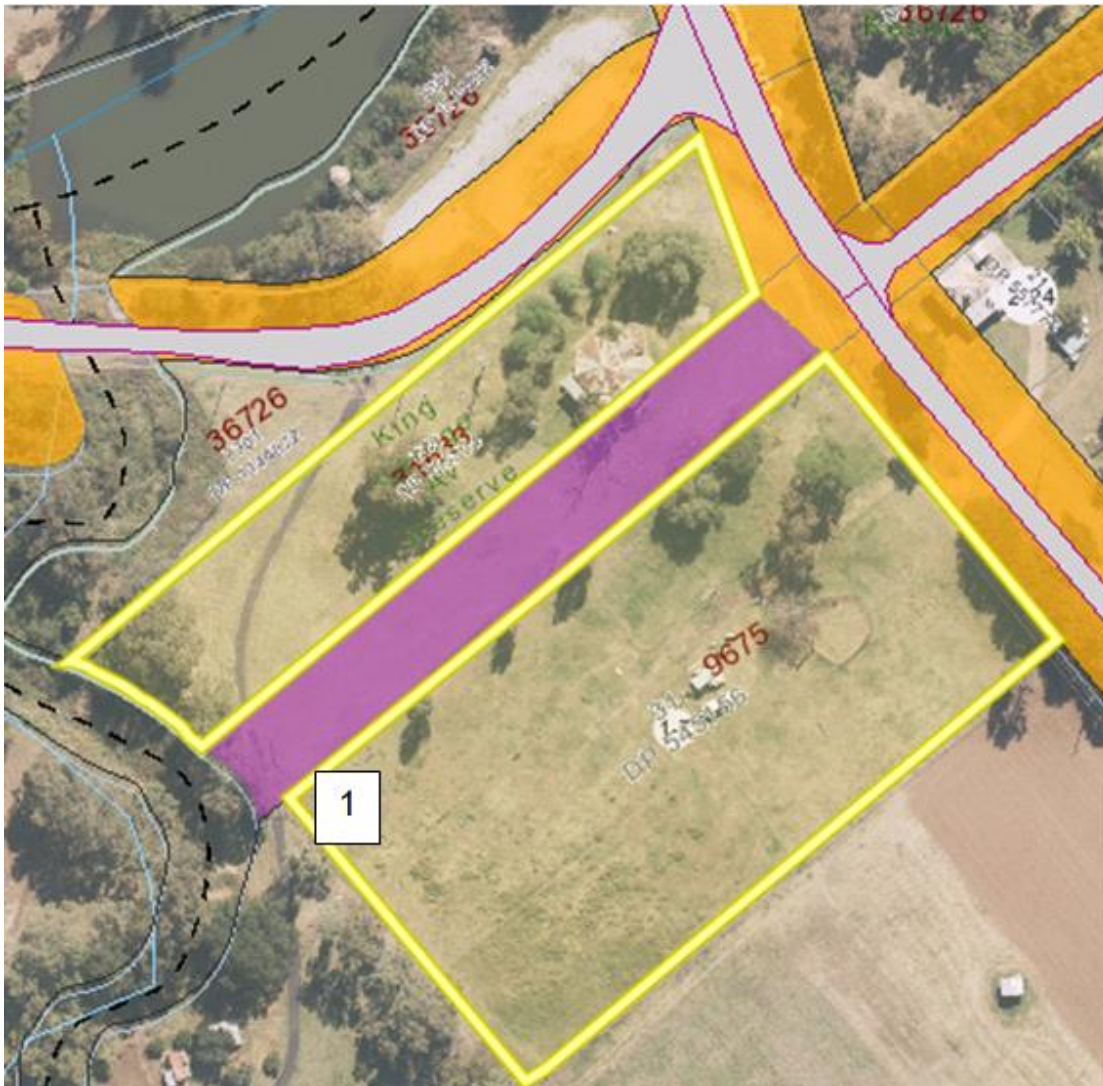


Figure 4 : Imagery of Crown Road 1 located beside King George Avenue Reserve.



Figure 5: Landscape architect's impression of the completed park at King George Avenue Reserve.

Council is currently undertaking the development of a transport strategy for Calala. By requesting the transfer of these Road Reserves to Council, any future recommendation of this strategy requiring the Road Reserves for transport links remains possible.

As these roads provide access to more than one property, Council would be required to take on some additional maintenance as the total length of these roads is 1,774 metres. This would constitute an increase in Council's unsealed road network of 0.1%. Of that 1,774 metres, approximately 250 metres of road services multiple properties and would require maintenance.

Council has identified a number of options including:

- transfer all five existing Crown Road Reserves to Council;
- transfer three of the five Crown Road Reserves to Council; and
- allow the sale of the Crown Road Reserves to adjoining property owners.

Option 1: Request the transfer of all Crown Roads off King George V Avenue to Council

Transfer all of these to Council will:

- provide ongoing access to properties without adjacent landholders requiring negotiation of access agreements;
- allow for future possible use by Council as identified in the Sports and Recreation Strategic Plan and the developing Calala Lane Corridor Strategy at a minimum expenditure by Council, as connecting shared paths and cycle ways will be included in the ongoing residential development of Calala;
- connect Crown Road 4 with an isolated section of Council Road Reserve adjoining the Calala anabranch; and

- treat all five Road Reserves with consistency and provides a basis for how future urban Crown Roads should be treated.

This option will possibly cause community concern that Council intends to provide road access from Calala to the central business district (CBD) along King George V Avenue and will require further communication once the Calala Lane Corridor Strategy has been finalised.

Option 2: Request the transfer of Crown Roads 1, 2 and 3 to Council

Transfer of these three Road Reserves to Council will:

- provide ongoing access to properties without landholders requiring negotiation of access agreement; and
- allow for future possible use by Council as identified in the Sports and Recreation Strategic Plan and the developing Calala Lane Corridor Strategy.

These Crown Road Reserves were selected as they provide the most likely route for future unstructured recreational activities, however, this option leaves Crown Roads 4 and 5 unresolved. From Figure 1 it is noted that Crown Road 4 adjoins a small section of Council road reserve on the opposite side of the Calala anabranh.

This option will likely do nothing to allay community concerns that Council intends to provide road access from Calala to the CBD along King George V Avenue and will require further communication once the Calala Lane Corridor Strategy has been finalised.

Option 3: Allow the sale of Crown Road Reserves to adjoining property owners

Notification would need to be provided to the Department of Lands that Council no longer maintains an interest in the road reserves and has no objection to the sale of the land to adjoining residents.

Endorsement of this option would then significantly impact the use identified in the Sports and Recreation Strategic Plan and possibly the developing Calala Lane Corridor Strategy.

Whilst it would be possible for Council to use the existing Campbell Road corridor, or negotiate a land acquisition with the land owner, this would add significant cost to Council to achieve the goals as identified in the Sports and Recreation Strategic Plan.

(a) Policy Implications

Nil

(b) Financial Implications

Nil from the transfer of land to Council as detailed in options 1 and 2.

Possible future financial impact should land acquisition be required if the non-preferred Option 3 be selected.

(c) Legal Implications

Council has an obligation to provide community services as identified within the AOP and strategic plans.

(d) Community Consultation

Council has received a number of requests from residents and concerned citizens and has had a number of differing positions on these road reserves over the past years.

Once a final position of Council is adopted, further consultation of affected property owners will be required.

(e) Delivery Program Objective/Strategy

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

An Accessible Region – A22 Improve and expand the region’s public and community transport services.

8.4 DROUGHT MANAGEMENT PLAN REVIEW AND POST DROUGHT COMMUNITY WATER SURVEY

DIRECTORATE: WATER AND WASTE
AUTHOR: Tracey Carr, Sustainability Coordinator

RECOMMENDATION

That in relation to the report “Drought Management Plan Review and Post Drought Community Water Survey”, Council:

- (i) receive and note the report;*
- (ii) commence a review of the Drought Management Plan across the whole Council area when all centres, receiving treated water from Council, are on Level 2 Water Restrictions or below;*
- (iii) undertake a detailed post drought community water survey engaging all residents connected to a drinking water supply operated by Council when all centres, receiving treated water from Council, are on Level 3 Water Restrictions or below;*
- (iv) as part of the survey in (iii) above, engage an appropriately and experienced consultant to undertake a phone based survey to ensure sufficient responses are received to provide a statistically significant response which will provide meaningful feedback to the Drought Management Plan review; and*
- (v) request the Director of Water and Waste hold a Councillor Workshop to consider the questions for the survey.*

SUMMARY

The purpose of this report is to seek Council direction in relation to key decisions as the Council area hopefully continues to emerge from the worst drought on record. These decisions include:

- when should the review of Council’s existing Drought Management Plan be commenced;
 - should Council undertake a survey of all residents connected to treated water in relation to the drought, Council’s management of the drought and what areas the community thinks needs to change/improve, whilst the experience of the drought is still fresh in people’s minds, if so, when;
 - which survey delivery method will be most effective in collecting feedback from the community; and
 - whether Council wishes to review the example questions for any survey, and if so how will these be reviewed.
-

COMMENTARY

Hopefully the worst drought on record is relaxing its grip on residents living in Tamworth, Moonbi and Kootingal. While all other centres – Barraba, Manilla, Attunga, Bendemeer and Nundle, have moved to Permanent Water Conservation Measures; Level 4 Water Restrictions (Very High) are now impacting Tamworth, Moonbi and Kootingal.

It was always intended that the current Drought Management Plan (the Plan), which has been used as a reference to steer Council and residents through the most recent drought, would be reviewed at some point in the future. This review would include calling for submissions from the public about what worked and what didn't work with the present Drought Management Plan. The Plan itself states that Council will review it every five years.

Assuming Council still wishes to undertake a review of the Drought Management Plan then it is considered there are number of decisions for Council to make as detailed below:

1. when should the Drought Management Plan review commence;
2. how should the community participation be undertaken; and
3. when should the community be invited to participate in this review.

These issues are considered in more detail below

When should the Drought Management Plan review commence

It is considered Council has the following options:

Option 1:

The review of the Drought Management Plan is to take place immediately. This would ensure feedback from residents is timely, with the memory of the drought still fresh in their minds.

However, in completing a review now and implementing the new plan soon thereafter, there is risk that the supply in Chaffey Dam will not be sufficient to meet restriction targets identified in the new plan, if one of the results of the review is to increase triggers for the various water restriction targets.

Option 2:

A review of the Drought Management Plan takes place when all the centres across the Council area have moved to a relatively low level of water restrictions. It is suggested this trigger is Level 2 restrictions. Therefore, under this option when Tamworth, Moonbi and Kootingal residents are moved back to Level 2 Water Restrictions and assuming all other centres remain on Level 2, 1 or Permanent Water Conservation measures, the review of the Drought Management Plan will commence.

For Tamworth Moonbi and Kootingal this would mean Chaffey Dam has to reach a storage level of 35% and all other centres are on Level 2 restrictions or below before the Drought Management Plan review would commence.

Option 2 is the recommended option.

How should this community participation be undertaken?

There are two main methods Council can consider to seek community participation in the Drought Management Plan review. Prepare a Draft Drought Management Plan and seek feedback through community consultation whilst the Plan is on public exhibition; or a survey prior to commencing the Drought Management Plan review that could inform the review process. The amended draft Plan would be placed on public display before final adoption to

ensure that feedback and community input is an accurate reflection of a broad cross section of the community and provides information that is valuable and meaningful to the Drought Management Plan review. A survey prior to commencing the review is the recommended approach.

The proposed survey will cover some key areas including water consumption, supply, the operation of community assets, how water impacted planning and compliance and sport and recreation. Multiple Council Directorates will be consulted ahead of the survey being created, with the drought impacting a number of key stakeholders equally.

It is proposed the survey questions will be the subject of a Workshop where Councillors will review and amend questions to best reflect the desired outcome.

Examples of questions that could be asked in the survey include:

Q1)

- a) Do you own a swimming pool?
- b) Would you consider decommissioning your pool during times of drought?
- c) Would an incentive encourage you to decommission your pool in times of drought?

Q2)

Did you purchase water from a Council owned Bulk Re-fill Station between 2019 and 2020?

Q3)

- a) Does your house have an evaporative air conditioning unit?
- b) How often would you run it during summer?
 - i) All day
 - ii) During the heat of the day
 - iii) Both day and night
 - iv) Only for a few hours a day
 - v) Not at all
 - vi) Other – please advise
- c) How much water do you think evaporative air conditioning units use per hour?

Q4)

- a) Are you aware of Council's 2015 Drought Management Plan?
- b) Have you read Council's 2015 Drought Management Plan?
- c) Do you think water restriction levels were implemented at the right time? Do you think Council should have implemented higher levels of water restrictions earlier?
- d) Do you think higher levels of water restrictions should be in place for longer?

It is considered there are two options for releasing the survey to the community:

Option 1

The survey is developed by Council staff and housed on the MyTRC Online Community. Hardcopy surveys will be available for residents who do not have access to internet services. This method relies on active community participation and it is not guaranteed how many responses will be collected.

Another potential issue with conducting the survey online is the likelihood of only receiving responses from community members with strong opinions or thoughts on the current Drought Management Plan. There is a risk in this approach that any change suggested by the responses do not reflect the views of the wider community based on possibly a limited number of responses.

This approach would only require a Marketing and Communications budget of approximately \$6,000. The only other task required would be printing and staff time which can be provided at no additional cost. There are sufficient funds in the existing Water Restrictions Marketing and Communications budget to fund the Post Drought Community Water Survey, and marketing campaign to promote the survey to the community. This is due to money being allocated for the drought response to encourage reduced water consumption within the community. However, due to a positive response from the community and the daily average consumption consistently below the target, this money has not been fully expended. Also, a portion of the funds were set aside in the event Chaffey Dam hit the 10% trigger point, and further community engagement was required, which has also not been expended due to the Dam not reaching this storage level.

Option 2

Given the value of the feedback that will be collected from the community through this survey, Council could engage a third party to undertake a phone survey as well as the survey detailed in Option 1 above. A phone survey would ask the same questions as the survey in Option 1 but would keep ringing residents, seeking feedback, until the number of responses had reached a level where it was considered the responses represent the views of the wider community.

Council's Marketing and Communications team has advised the upper cost limit of conducting the survey in this way, inclusive of marketing and communications, would be \$60,000.

This is considered to be a necessary spend to ensure timely and relevant feedback is collected from the community ahead of the review of the Drought Management Plan, it is comparatively less than what has been spent already on the drought response.

By engaging a third party, Council can also ensure background information is read to the participant prior to the questions being asked. This means the resident is prepared and understands the context surrounding the question which will not be available for anyone who just takes the survey on line.

There are sufficient funds in the Water Restrictions Marketing and Communications budget to cover the cost of the Post Drought Community Water Survey and a marketing campaign to promote the survey to the community. This is due to money being allocated for the drought response to encourage reduced water consumption within the community. However, due to a positive response from the community and the daily average consumption consistently below the target, this money has not been fully expended. Also, a portion of the funds was set aside in the event that Chaffey Dam hit the 10% trigger point, which has also not been expended due to the Dam not reaching this storage level.

Option 2 is the preferred option.

When should the community be invited to participate in this review

After 12 months of Level 5 Water Restrictions, limited to 150L per person per day, the lived experiences of an emergency water situation are not too far from residents' minds. Given it is unknown how long it will be before Chaffey Dam reaches 35%, which is the suggested trigger for the Drought Management Plan review to commence, Council might consider whether it is

preferred to seek feedback from residents and businesses now while these experiences are fresh in people's minds or wait until the trigger for review of the Plan is reached and seek feedback then.

Option a:

The survey is released when the current Drought Management Plan is reviewed. This is dependent on what option is chosen for the time to review the plan. If Option 1 is chosen, the survey will be released while Tamworth, Moonbi and Kootingal are on Level 4 Water Restrictions. If Option 2 is chosen then the information will be collected at Level 2 Water Restrictions or below. It is not known when this date will be reached.

Option b:

The survey is released when Tamworth, Moonbi and Kootingal residents are moved to Level 3 Water Restrictions (High). This would ensure the information that is captured is pertinent to the recent drought conditions. The survey results would be stored until such times the current Drought Management Plan is reviewed.

Option b is the preferred option.

(a) Policy Implications

These projects and activities are implemented from stated outcomes of Council's *Demand and Drought Management Plans* and the *Drought Management Plan – Communication and engagement Plan*.

(b) Financial Implications

The survey will be funded from the existing Water Restrictions Marketing and Communications budget.

(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.

8.5 DAMS SAFETY NSW - INTRODUCTION OF A LEVY FOR ALL DECLARED DAM OWNERS

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

RECOMMENDATION

That in relation to the report "Dams Safety NSW – Introduction of a Levy for all Declared Dam Owners", Council:

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

SUMMARY

The NSW Government is proposing introducing a levy on the owners of prescribed dams to fund the ongoing regulatory activities of Dams Safety NSW, specifically in relation to the administration of the Dams Safety Act 2015.

Council as the owner of three prescribed dams will be required to pay this levy, if it is introduced.

The Government, through Dams Safety NSW, is seeking comment on the proposal with submissions closing 30 October 2020.

COMMENTARY

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

The Act and Regulation is administered by Dam Safety NSW. Dams Safety NSW proposes to change the Dams Safety Regulation 2019, to add a provision to introduce a Dams Safety Levy under Section 41 of the Dams Safety Act 2015.

The proposed levy:

- would be payable by the owners of declared dams (there are about 400 declared dams in NSW);
- would be used to meet Dams Safety NSW cost in administering the Act;
- would be introduced on 1 July 2021, and be payable in May each year;
- an independent review by KPMG recommended that it would likely drive more prudent and efficient regulatory costs if the dams safety regulator were funded by risk creators, which are the owners of declared dams;
- KPMG found a levy is a fairer way to ensure costs of regulatory activities are borne by those creating the need for regulation (rather than all taxpayers);
- would be calculated by reference to a levy unit, which, for the year commencing 1 July 2021, is proposed to be \$5,050;
- the number of levy units payable by the owner of a declared dam would be:
 - for a declared dam that is classified as being very low or low consequence: one levy unit;
 - for a declared dam that is classified as significant consequence: 1.80 levy units;
 - for a declared dam that is classified as high A, high B or high C consequence: 2.97 levy units;
 - for a declared dam that is classified as extreme consequence: 3.35 levy units; and
- where the owner of a declared dam owns two or more dams, the owner would be eligible for a reduction of the levy as follows:
 - the owner would pay the full levy for the highest consequence category dam owned or, if there are two dams that are equal highest consequence category, one of those dams; and
 - the owner would pay 70% of the levy for every other dam owned.

Council is the owner of three declared dams. The levy paid for each dam and the total payable based on a levy unit of \$5,050 is shown in the table below:

Dam	Consequence Category	No. of Levy units payable	Discount	Total levy payable
Dungowan Dam	High A	2.97	Nil	\$5,050
Connors Creek Dam	High C	2.97	0.70	\$3,535
120 ML storage at Calala Water Treatment Plant	High C	2.97	0.70	\$3,535
Total				\$12,120

Dams Safety NSW has requested comment from dam owners in relation to this proposal, with the deadline for responses 30 October 2020.

In relation to whether or not Council should comment on the proposal, the following is considered worth noting:

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

On balance, it is considered reasonable for declared dam owners to contribute towards the cost of the regulator responsible for regulating declared dams.

(a) Policy Implications

Nil

(b) Financial Implications

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

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.6 5 GLEN STREET COLEDALE - WAIVER OF FEES FOR DISPOSAL OF ASBESTOS CONTAINING MATERIALS AT FOREST ROAD LANDFILL

DIRECTORATE: WATER AND WASTE

AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “5 Glen Street Coledale - Waiver of Fees for Disposal of Asbestos Containing Materials at Forest Road Landfill”, Council:

- (i) receive and note the report, and;***
- (ii) agree to waive the waste disposal fees for asbestos containing material sourced from the property located at 5 Glenn Street Coledale and delivered to the Forest Road Landfill to a maximum of 100 Tonnes.***

SUMMARY

Council has had a request from St Peter’s Anglican Church for Council to consider waving fees associated with the disposal of asbestos containing material to Council’s Forest Road Landfill associated with the Church’s proposed redevelopment of 5 Glen Street Coledale.

COMMENTARY

St Peter’s Anglican Church (St Peter’s), South Tamworth has been seeking to connect with and serve the Coledale Community for the past ten years. Engagement has been successfully achieved through the gathering of people in a local resident’s front yard in Glen Street. St Peter’s references this project as the Coledale Front Yard Church. The Front Yard Church Community started with a handful of residents and has grown to approximately 80 people (15 from St Peter’s and 65 from Coledale).

Prior to COVID-19 impacts, the services were held every Wednesday evening as a kid’s church with parental attendance welcomed. The goal of the Front Yard Church project was to create an encouraging and safe community, where children, youth and parents feel valued and affirmed. Members of the Church Yard Community participated within singing, Bible input, birthday celebrations and a free meal provided by St Peter’s. Many of the Coledale residents walk to attend the gathering and are provided with a bus service home to safely transport residents at the conclusion of the service.

St Peter’s has been considering the long-term future of the Front Yard Church and on-going issues currently being faced. Some issues include, the gatherings are weather dependant and are reliant on the local resident remaining at the existing property. For these reasons, St

Peter's recently purchased the available block next door at 5 Glen Street, with the view of providing a simple weather shelter to continue to support this positive Community engagement. Initial conversations with Council's Planning and Compliance Directorate, indicated that the zoning of this area permits the establishing of a place of worship and a brief for what might be constructed is being discussed by St Peter's.

The money for this project is to be raised by donation from St Peter's Church members. The 5 Glen Street property currently has a burnt out house on it and an initial inspection by a local demolition contractor indicated that the house contains friable asbestos. Cost estimates provided by this contractor indicated that disposal fees of the asbestos containing material may be in excess of \$20,000. This cost excludes additional demolition and damage repairs (smoke and water), approval requirements and construction of the outdoor weather proof shelter.

St Peter's also engaged EnviroScience Solutions to assess the extent of the damage and provide some further guidance and recommendations in regards to asbestos management. The final report **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**, provides a detail scope of works to remove the asbestos contaminated material from the site.

Council has been approached by representatives from St Peter's seeking financial assistance to waive disposal fees for the disposal of asbestos containing materials from this property. Asbestos removal estimates are 100 tonnes, including requirement for soil scraping of the site to enable clearance approvals.

The Council's current Fees and Charges for 2020/21, includes a charge for Asbestos and Fibreglass Insulation disposal at the Forest Road Landfill of \$223.00 (Incl GST) per tonne.

In respect to this request it is considered to be three options available for Council's consideration:

1. enforce the disposal fees as listed in the 2020/21 fees and charges;
2. agree to offer a percentage reduction on the gate fees; or
3. waive the whole disposal fee cost.

Should Council prefer to offer a discount or waive the complete disposal cost, it is important that Council include a capped limit to the total amount of asbestos material received from the property. The owner of the property and the contractor should be held accountable for managing quantities of waste disposal, or else the property could become susceptible to unwanted illegal dumping of asbestos contaminated material followed by site security issues.

Waste Disposal fees make a significant contribution towards the cost of providing waste disposal services and the gate fees directly related to the cost of processing relevant waste streams. 100 tonnes of asbestos material would consume approximately 156 cubic meters of available landfill airspace.

Asbestos waste can only be disposed of at specific landfills located in various regions of in NSW. The Forest Road Landfill offers the cheapest disposal cost for asbestos disposal, therefore hazardous waste contractors are attracted from outside of the Council boundary areas.

Given the positive community impacts that the Front Yard Church project has within the Coledale Community, it is recommended that Council supports Option Three to waive disposal fees of asbestos containing materials to a limit of 100 tonnes from this property.

(a) Policy Implications

Nil

(b) Financial Implications

Should Council agree with the recommendation then approximately \$20,000 income will be lost from the Forest Road Landfill. Further, it is proposed to create a new area in the Waste budget to track the income lost from fee waiver requests such as this and allocate the lost income to this area.

(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.

8.7 FOREST ROAD LANDFILL - SITE MASTER PLAN

DIRECTORATE: WATER AND WASTE

AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Forest Road Landfill Master Plan”, Council:

- (i) receive and note this report;*
- (ii) agree to adopt the Site Master Plan and associated Action Plan as listed in the report; and*
- (iii) incorporate the action plan and other capital works listed in the Site Master Plan into a revised long-term capital works program for solid waste and prepare financial models for Council’s future consideration based on this revised capital works program.*

SUMMARY

A Site Master Plan has been developed for Council’s Forest Road Landfill. The Master Plan is a guide aimed at considering future objectives regarding Site uses that will maximise land optimisation and direct future decisions at the Landfill.

The Master Plan will be used to review and amend the existing waste capital works program and that amended capital works program will be referenced in the preparation of future financial modelling focusing on fees and charges levied in the waste area.

The purpose of this report is for Council to consider and adopt the Forest Road Landfill Site Master Plan.

COMMENTARY

Council has engaged a consultant, Talis Consultants, to research and prepare a Forest Road Landfill Master Plan (The Site Plan) for Council’s consideration and inclusion into the waste division’s long-term financial plan.

A major focal point of the Master Plan is assessing the site ability to satisfy Council's longer term (+25 years) waste disposal requirements. It is well recognised that security of landfill disposal is the foundation to an effective resource recovery strategy. Therefore, it is imperative that the planning and implementation of best practice landfill cells provides long-term waste disposal for domestic and commercial customers.

To prepare the Site Master Plan, an assessment of the current Site uses, including the location and layout, was undertaken. This assisted with determining what future uses can be facilitated at the Site, in particular their potential locations and spatial requirements.

Over the years, a range of issues regarding Site operations and infrastructure have been identified as follows:

- **Surface water management**

A hydrology investigation by Hunter H2O in June 2017, indicates that the 12ML storage pond and the storage pond in the Western Void are currently able to store the run-off volume from their respective sub-catchments including their base flow contributions for the adopted design storm. However, the 3ML stormwater pond in the south-east Corner of the Site includes inflow from the Site along with the contribution from the sub-catchment east of Forest Road. The data indicates that the current storage capabilities do not meet the total storage space required onsite.

The Site Master Plan considers additional surface water pond spatial requirements and locations to not only ensure there is sufficient capacity both for the short-term but also for the long-term when the landfill is in an aftercare phase.

- **Leachate management**

A leachate investigation undertaken by Constructive Solutions in April 2020, concluded that the current leachate management system onsite is under capacity. During high rain events, the system floods and an overflow from the leachate system occurs. The study concluded that a significant increase in capacity is required. Historically, the leachate has been pumped out into the TRC's sewer system; however, this is no longer a viable option due to increased restrictions.

On 4 May 2020, the Director of Water Utilities from the Department of Planning, Industry and Environment wrote to Council stating that the previous approval to allow discharge of leachate in to the sewer was withdrawn:

"Department cannot endorse the proposed discharge due to the risk to workers health and safety. Accordingly, the Department cannot provide concurrence to Council's trade waste approval to discharge the leachate from the Forest Road Landfill to the sewerage system directly from the landfill Site without any on-Site treatment for reducing ammonia levels."

The Site Master Plan considered both short-term and long-term leachate infrastructure requirements. One of the most effective leachate treatment options is a shallow evaporation pond that is lined with an HDPE geomembrane and that maximises the surface area exposed to the sun and wind, optimising the evaporation rate.

- **Heavy vehicle movements onsite**

An alternative route for heavy vehicles accessing locations within the site may be required as the existing landfill footprint is developed. Heavy vehicles currently access the active landfill area and stockpiles via the internal access road that runs in a north-

west direction from the weighbridge. Future landfill cell developments will result in this access pathway not being available.

The Site Master Plan includes the preferred haulage road option identified in the Preliminary Options for Alternate Routes Assessment Report undertaken by Constructive Solutions in February 2020.

- **Excessive queuing at the Site Entrance**

A combination of the Site's current design and its popularity has resulted in significant queuing at the main Site entrance, on occasion. Some key design factors causing these queuing issues include:

- one combined entry and exit point for all Site users, including those for the Challenge Recycling Centre;
- all heavy vehicles that enter the Site are required to weigh in and out; and
- single weighbridge, vehicles required to reweigh upon exiting create congestion whilst they are either waiting to cross over onto the wrong side of the road to use the weighbridge or as they are using the weighbridge system upon exiting.

The Site Master Plan includes a potential solution to alleviate the congestion and excessive queuing at the Site entrance.

- **Interactions between heavy and light vehicles**

There are several areas onsite where heavy vehicles interact with light vehicles, particularly at the weighbridge and the entrance to the Small Vehicle Transfer Station. According to best practice design principles, these types of interactions should be eliminated if possible or at least minimised and any potential solutions should be incorporated into the Site Master Plan.

- **Composting Area**

The Composting Area is insufficient in size to manage the tonnages of green waste that are deposited and processed at the Site. As a result, a Composting Overflow Area has been developed within the existing landfill footprint to manage the additional volumes. Council has already recognised this issue and gained approvals for the development of an Organics Recycling Facility (ORF) offsite, which would initially accept FOGO collected from the kerbside, and greenwaste along with other organic streams.

An organics recycling facility (ORF) would greatly reduce the footprint requirements for the Composting Area on site and eliminate the Composting Overflow Area. The Site Master Plan includes a greenwaste stockpile and reception area but at a diminished footprint in the anticipation that an ORF is constructed within the next two years.

- **Continuation of activities during construction**

The Site needs to continue to operate and provide essential services to the community and commercial operators during any redevelopment or construction works.

- **Site boundary and topography constraints**

The current Site boundary and topography restricts the development of new lined landfill cells and reduces the effectiveness of surface water and leachate management onsite.

The Site Master Plan also considered future expansions of current activities and the incorporation of any new services to the community. These activities were summarised as follows:

- **Expansion of Landfill Operations**

Quarry operations within the Western Void have ceased and the area is currently underutilised. The Master Plan includes expansion of landfill operations into the Western Void to maximise the Site's landfill capabilities and to support Council's long-term disposal requirements.

The Site Master Plan includes the proposed landfill cell construction within the Western Void, taking into consideration the Site topography and the tie-in into the existing landfill footprint and surrounding undulating ridge line to the west.

- **Landfill Gas Management Expansion**

As landfill operations expand, the landfill gas management system presently in place, will need to be upgraded and may require additional infrastructure. The network of gas extraction wells will need to be expanded with the intention to add three new wells every financial year to maximise gas extraction. Council has also entered into a contract with LMS Energy to install a gas turbine at the Site once the required ACCU's and levels of Methane are met.

The Site Master Plan ensures that there is a designated expansion area in close proximity to the Site's landfill gas flare to provide a centralised location for the Site's landfill gas management system.

- **Weighbridge Upgrade**

A dual weighbridge system is already funded for the Site to reduce queuing experienced at the weighbridge. The upgraded weighbridge would allow vehicles to reweigh upon exiting the Site with minimal queuing. The weighbridge upgrade will include bypass lanes to facilitate staff access into the Site without having to go over the weighbridge.

There is a potential opportunity to relocate the administration offices to be adjacent to the new dual weighbridge and gatehouse to consolidate Site management to one area of the Site. The Site Master Plan considered the spatial requirements for the upgraded and relocated infrastructure.

- **New Liquid Waste Facility**

The Site's previous liquid waste facility was decommissioned in May 2020. The Waste and Resource Recovery Division is investigating the construction of a new liquid waste facility specifically designed to manage the type and volume of liquid wastes that are being generated within the region.

The Site Master Plan includes a potential location for the new liquid waste facility; however, it will be difficult to assess the spatial requirements without knowing any further information regarding the type and volume of liquid waste that could be received and processed at the Site.

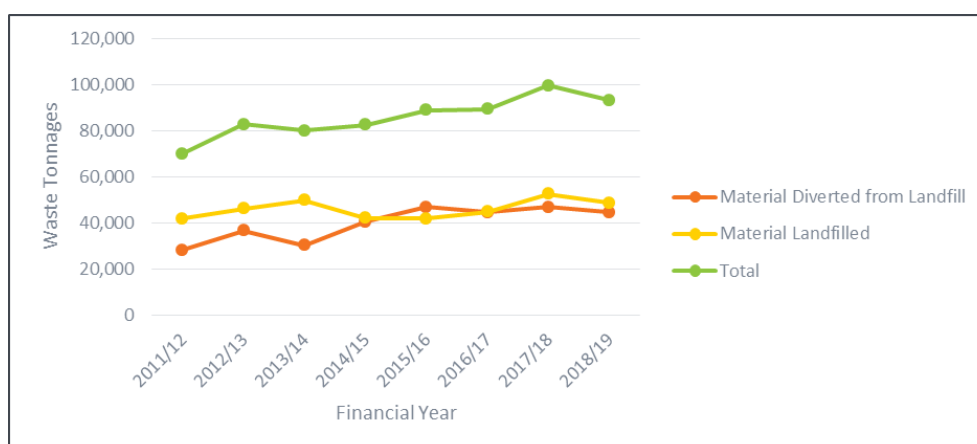
- **Leachate Evaporation Ponds**

There is an urgent need to design and install a landfill leachate evaporation pond system for the Site, which will be progressively constructed as landfill operations continue to expand. A leachate evaporation pond system is a relatively cheap treatment option that takes advantage of the Site's high evaporation vs. precipitation rate ratio. The first initial

leachate evaporation pond will need to be constructed as soon as possible to replace the Site’s current method of carting leachate offsite for disposal and will need to be sized to manage the current generation rate of approximately 1000m³/year.

- **Consideration of historic and future waste landfilled**

The Site Master Plan considers historical records of the Site’s waste data, detailing quantities of the various waste materials deposited and recovered to estimate future waste tonnages delivered to the Site. These figures allow an update of the demand profile for the Site over a 25-year period. The collected waste data was summarised by financial year and spanned over an eight year period from 2011/12 Financial Year (FY) to 2018/19. All waste delivered to the Site is either stockpiled for recycling or for future disposal, used as landfill cover, directly deposited to landfill, or processed at the composting facility.



Given the correlation between the volume of waste generated in a community and its population, and using an annual population growth rate for Tamworth City of 1% can be applied to determine what future volumes should be catered for at the Site. Utilising the adopted growth rate, a summary of the waste projections over a 25-year period is shown in Table 1.1 below.

Waste Stream	2019/20 Year 0	2023/2024 Year 5	2028/2029 Year 10	2033/2034 Year 15	2038/2039 Year 20	2043/2044 Year 25
MSW – Domestic	16,378	17,213	18,092	19,014	19,984	21,004
MSW – Council	604	635	667	701	737	775
MSW – Other	331	348	366	385	404	425
C&I	26,341	27,685	29,097	30,581	32,141	33,781
C&D	110	115	121	128	134	141
Asbestos	1,040	1,093	1,149	1,207	1,269	1,334
Paunch	4,503	4,733	4,975	5,228	5,495	5,775
Total	49,307	51,822	54,467	57,244	60,164	63,235

Table 1.2 below summarises waste projections for waste having to be stockpiled on Site.

Waste Stream	2019/20 Year 0	2023/2024 Year 5	2028/2029 Year 10	2033/2034 Year 15	2038/2039 Year 20	2043/2044 Year 25
Clean Fill	23,727	24,937	26,209	27,546	28,952	30,428
C&D	9,366	9,844	10,346	10,873	11,428	12,011
Metal	2,057	2,162	2,273	2,389	2,511	2,639
Tyres	58	61	64	67	71	74
Timber	1,756	1,846	1,940	2,039	2,143	2,252
E-Waste	61	64	67	70	74	78
Oil	26	27	28	30	31	33
Rural Recycling	240	252	265	279	293	308
Cardboard	32	33	35	37	39	41
Total	37,323	39,227	41,228	43,331	45,541	47,864

- **New Landfill Cell Construction**

The Site Master Plan proposes the new landfill cells within the Western Void be lined with an engineered composite lining system and in accordance with the NSW Landfill Guidelines. This ensures that construction and operational risks are mitigated, and the environment is protected throughout the lifespan of the landfill.

- **Final Fill Profile**

In October 2014, SLR Consulting undertook a Void Study and Filling Plan for the Site's existing landfill. The Site Master Plan follows the general filling strategy outlined in the Void Study and Filling Plan, with some modifications.

Upon review of the current final fill profile design, it was found that several slopes were steeper than 1:5(V:H), which greatly increases the risk of erosion and presents significant challenges in installing the restoration profile and maintaining its integrity in the long-term. A final fill profile has been designed for the facility that incorporates the existing SLR design, the existing and capped landfill and future design profile.

- **Landfill Density Issues and Remaining Life of the Landfill**

To inform the Master Plan a density/compaction rate test on the active landfill cells two and three over 86 days of consecutive landfilling was completed. An unmanned aerial vehicle (UAV) surveyed this area on 12 April 2020, and then again on 7 July 2020. Determining the landfill airspace consumed over this period and comparing it to the amount waste tonnages landfilled allows for a Site-specific compaction rate to be calculated.

However, there were some limitations identified following the testing period that resulted in an unrealistically low compaction rate that could not be adopted as a baseline. As a result, and for the purposes of the Plan, the Site-specific density of waste after placement is assumed to be 0.55t/m³ to reflect the potential inconsistent compaction occurring within the landfill operational area.

This Site-specific compaction rate is significantly less than the typical industry standards that are used for Void Space modelling, which assumes a 0.65-0.75t/m³ compaction rate with 10% of the total available void space volume consumed by daily cover. Table 1.3 below outlines the estimated landfill lifespan at the Site using three different compaction

rates to highlight the existing life of the landfill and the additional landfill lifespan that can be reached if a higher rate of landfill compaction can be achieved.

Table 1.3 Landfill life versus compaction rates

Parameters	Existing Site Landfill	Western Void	Total
Total Void Space	1,418,050m ³	1,354,421m ³	2,772,472m ³
Void Space ex 10% Daily Cover (m ³)	1,276,245m ³	1,218,979m ³	2,495,224m ³
Landfill Capacity @ 0.75t/m ³ compaction	18 years	17 years	35 years
Landfill Capacity @ 0.65t/m ³ compaction	16 years	15 years	31 years
Landfill Capacity @ 0.55t/m ³ compaction	13 years	12 years	25 years

The modelling shows that there are significant long-term landfill capabilities at the Site if landfill operations extend into the Western Void. The Site's existing landfill on its own does not satisfy the Councils long-term waste disposal objectives. The operations in the Site's existing landfill may only provide 13-17 years of landfilling depending on the operational compaction rates achieved. The Western Void would provide an additional 13-17 years of landfill capacity for the Site.

In order to maximise the Site's landfill capabilities, it is considered essential that Council invests in improving the Site's compaction rate to be at or above the typical industry standards to provide better long-term waste disposal security at the Site.

If there are any further waste diversion initiatives implemented in the TRC region in the coming years, particularly the development of the ORF facility, then the lifespan of the landfill operations would increase accordingly.

The Site Master Plan includes an Action Plan to define the key tasks to further progress the Site Master Plan and progress the development of the Site. The potential works and tasks have been identified and assigned a priority level from Low to High. It is important to note that the listed tasks do not need to be implemented in sequential order and some tasks can be carried out concurrently. As the Site further progresses, the Site Master plan should be updated accordingly and the Action Plan should be revised.

Table 1.4 Action Plan

Tasks	Description	Priority Level
1	Prepare a Leachate Management Plan for the Site including an update water balance assessment and determining the sizing of infrastructure (evaporation ponds). By taking advantage of the climatic conditions, TRC should be able to resolve its current leachate issues at the Site.	High
2	Following on from the Leachate Management Plan, TRC should commence with the Detailed Design and Construction of the required leachate infrastructure at the Site.	High
3	Prepare a Landfill Closure and Post Closure Management Plan based on Site Master Plan including utilising the Western Void. The plan should include: capping design; final fill profiles and filling plan; surface water, leachate and landfill gas management systems;	Medium

Tasks	Description	Priority Level
	after life uses (e.g. open public recreational space); Environmental Risk Assessment; aftercare maintenance; and Environmental Monitoring Plan.	
4	Undertake a Feasibility Study into the development of a Liquid Waste Facility at the Site.	Medium
5	Obtain the necessary approvals from the NSW EPA to expand deliver the key elements of the Site Master Plan, particularly: addition of any new infrastructure (leachate infrastructure, liquid waste facility, expansion of the landfill into the Western Void, etc); and expansion of the Site boundary to the west.	High
6	Continue to progress the developmental approvals for the Organics Recycling Facility to reduce the spatial requirements for greenwaste processing at the Site.	High
7	Continue to oppose development within the 500m landfill buffer until such a time that post-closure landfill monitoring (including gas migration results) supports a reduction of the buffer. An Environmental Risk Assessment should be prepared to determine a suitable buffer reduction.	Medium
8	Continue to obtain clean fill material to minimise the Site’s material shortfall	Low
9	Review and update Waste Division Financial modelling following the adoption of the Site Master Plan	High

The following items have commenced development already and projects are underway:

- Post Closure and Approvals Plan;
- Leachate Management Plan;
- Liquid Waste Feasibility Study;
- Waste Reduction Action Management Plan; and
- financial modelling for the Waste and Resource Recovery Division.

A copy of the Site Master Plan – Forest Road Waste Management Facility is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Nil

(b) Financial Implications

Financial implications of the Master Plan will be developed and discussed at a Council Workshop before being presented in a report to a Council Meeting in early December 2020.

(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 PUBLIC INTEREST DISCLOSURES AND CODE OF CONDUCT COMPLAINTS

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

RECOMMENDATION

That in relation to the report “Public Interest Disclosures and Code of Conduct Complaints”, Council receive and note the report.

SUMMARY

The purpose of this report is to advise Council of any Public Interest Disclosures and Code of Conduct complaints made to Council from 1 July 2019 to 30 June 2020.

COMMENTARY

Public Interest Disclosures

Council is required under the Public Interest Disclosures Regulation 2011, to provide information in relation to Public Interest Disclosures in the Annual Report each year and to the NSW Ombudsman every six months. The following information is required to be published in Council’s Annual Report in relation to Public Interest Disclosures:

	1 July 2019 – 30 June 2020
Number of public officials who made PIDs	0
Number of PIDs received	0
Of PIDs received, number primarily about:	0
Corrupt Conduct	0
Maladministration	0
Serious and substantial waste	0
Government information contravention	0

Local government pecuniary interest contravention	0
Number of PIDs finalised	0

Tamworth Regional Council has established an internal reporting policy that is available to all staff on the Council intranet. The Internal Reporting Policy has also been emailed to all staff to ensure they are made aware of Public Interest Disclosures and training is provided in-house to staff throughout the year. Public Interest Disclosures training is provided to new staff members at induction.

Code of Conduct Complaints

Tamworth Regional Council received no Councillor Code of Conduct complaints during the 2019/20 reporting year.

(a) Policy Implications

This report conforms to Council’s Code of Conduct and Public Interest Disclosures Policy.

(b) Financial Implications

Nil

(c) Legal Implications

Section 4 (1) of the Public Interest Disclosures Regulation 2011, requires each public authority to provide information in the Annual Report each year and every six months to the NSW Ombudsman.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.2 AUSTRALIA DAY 2021

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

RECOMMENDATION

That in relation to the report “Australia Day 2021”, Council:

- (i) receive and note the report;*
- (ii) acknowledge that no large public gatherings will be organised by Council on Australia Day; and*
- (iii) endorse the online event to announce the Australia Day Awards.*

SUMMARY

The purpose of this report is to advise Council of the current situation in relation to the impact of events normally undertaken for Australia Day 2021 due to COVID-19, and to recommend to Council that no large public events be organised.

COMMENTARY

26 January 2021, will be unlike any other Australia Day that Tamworth Regional Council has experienced. With the Tamworth Country Music Festival events not being held and the ever present threat of COVID-19, any organised events to celebrate Australia Day in 2021, are inconceivable at this point in time. Currently the NSW Public Health Order prohibits gatherings of more than 20 people and even if this is increased between now and January 2021, the ability to plan and organise an event safely will not be able to be done and may need to be cancelled at the last minute if cases increase.

With the current restrictions in mind, the usual Australia Day activities are not being planned for next year. However, the Awards for Australia Day are still able to be run and the nominations have opened. It is anticipated to close the Awards on Friday 6 November 2020. The Awards for each location are:

Barraba

Citizen of the Year

Frank Darlington Young Achiever

Community Event of the Year

Manilla

Citizen of the Year

Young Citizen of the Year

Community Event of the Year

Achiever of the Year

Nundle

Citizen of the Year

Junior Citizen of the Year

Community Recognition

Sports

Environmental Citizen of the Year

Tamworth

Citizen of the Year

Young Citizen of the Year

Mitchell Brady Encouragement

It is recommended that a virtual online event will be held on Australia Day with the Mayor and Councillors to announce the winners of the Awards. Further details of this event will be provided in due course.

A small Citizenship Ceremony will also be held in Ray Walsh House to confer Australian Citizenship on up to 15 candidates on Australia Day as per the guidance from the Australian Citizenship Ceremonies Code. This ceremony will be closed to the public due to COVID-19 restrictions.

(a) Policy Implications

Nil

(b) Financial Implications

Expenditure for these events is allocated in the 2020/21 Annual Operational Plan and Budget.

(c) Legal Implications

In an instrument of approval under subparagraph 12(2)(a)(iv) of the Australian Citizenship Act 1948, the Minister has approved that the Mayor of a city, municipality or town and the General Manager of a Council are authorised to be presiding officers for citizenship ceremonies. For this reason, the Mayor (or General Manager in the Mayor's absence) is invited to perform the ceremony in Tamworth on Australia Day.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.3 2019/2020 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS FOR AUDIT

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “2019/2020 General Purpose and Special Purpose Financial Reports for Audit” for the period ending 30 June 2020, Council:

- (i) resolve to present the Audited General Purpose and Special Purpose Financial Reports, together with the Auditors Reports at a Public Meeting to be held as part of Council’s Meeting on 17 November 2020, in accordance with Section 419 (1) of the Local Government Act 1993;*
- (ii) record as an opinion of Council pursuant to Section 413 (2c) of the Local Government Act 1993 (NSW) (as amended), that the General Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2020:*
 - (a) have been prepared in accordance with:*
 - the Local Government Act 1993 (as amended) and Regulations made thereafter;*
 - the Australian Accounting Standards and professional pronouncements; and*
 - the Local Government Code of Accounting Practice and Financial Reporting;*

- (b) the General Purpose Financial Report presents fairly Council's operating result and financial position for the year;*
 - (c) the General Purpose Financial Report accords with Council's accounting and other records; and*
 - (d) the signatories are not aware of anything that would make the General Purpose Financial Report false or misleading in any way;*
- (iii) record as an opinion of Council pursuant to the Local Government Code of Accounting Practice and Financial Reporting, that the Special Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2020:*
- (a) have been prepared in accordance with:*
 - the NSW Government Policy Statement "Application of National Competition Policy to Local Government";*
 - the Division of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"; and*
 - the Local Government Code of Accounting Practice and Financial Reporting;*
 - (b) the Special Purpose Financial Reports present fairly the operating result and financial position for each of Council's declared Business Activities for the year;*
 - (c) the Special Purpose Financial Reports accord with Council's accounting and other records; and*
 - (d) the signatories are not aware of anything that would make the Special Purpose Financial Reports false or misleading in any way.*

SUMMARY

The purpose of this report is to comply with statutory requirements in relation to the General Purpose and Special Purpose Financial Reports for the year ended 30 June 2020 for Tamworth Regional Council.

COMMENTARY

The General Purpose and Special Purpose Financial Reports for Tamworth Regional Council for the year ended 30 June 2020, have been prepared and are ready for audit.

A draft set of the financial reports will be provided to the Audit Risk and Improvement Committee for review at its October meeting. When the audit is completed the NSW Audit Office will issue a client service report which will be presented along with the audited financial reports to the Audit Risk and Improvement Committee for review.

The audited financial statements and independent auditors report will then be presented to Council and the public at the Ordinary Council Meeting to be held on 17 November 2020, in accordance with Section 419 (1) of the Local Government Act 1993.

A copy of the draft principal statements for the General Purpose and Special Purpose Financial Reports for Tamworth Regional Council are **ATTACHED**, refer **ANNEXURE 1** and **2**.

Section 413(2)(c) requires a Statement, signed by the General Manager, Responsible Accounting Officer, Mayor and one Councillor, in the form approved by the Council as to its opinion on the General Purpose Financial Reports, Special Purpose Financial Reports and any

such Special Schedules. It should be noted that the Statement reflects an opinion only and is not legally binding.

Staff Certification

The General Manager, Mr Paul Bennett, and the Responsible Accounting Officer, Mrs Sherrill Young, certify that to the best of their knowledge, the General Purpose and Special Purpose Financial Reports have been prepared in accordance with all statutory requirements and believe the reports present fairly the financial position of Tamworth Regional Council at 30 June 2020.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

A Statement by Councillors and Management authorised by this report is required to be included with Council's General Purpose Financial Statements and Special Purpose Financial Statements under Section 413(2)(c) of the *Local Government Act 1993* (as amended).

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.4 DISCLOSURE OF INTEREST RETURNS

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Elizabeth Lantz, Administration Supervisor
Reference: DOCUMENTS TABLED

RECOMMENDATION

That in relation to the report “Disclosure of Interest Returns”, Council:

- (i) note that Councillors and designated persons have completed and lodged Disclosure of Interest Returns prior to the first Council Meeting after 30 September 2020; and***
- (ii) advise the Office of Local Government accordingly.***

SUMMARY

The purpose of this report is to satisfy the requirements of the Model Code of Conduct and Section 440AAB of the *Local Government Act 1993*, and table Disclosure of Interest Returns from Councillors and designated persons completed and lodged.

COMMENTARY

Section 440AAB requires returns lodged with the General Manager under Section 440AAB must be tabled at a Meeting of the Council, being:

- (2) *Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.*

Councillors and designated persons have complied with the Model Code of Conduct and Section 440AAB provision of the Act in relation to disclosure of interests.

The Register of Disclosure of Interest is available for perusal by any Councillor or member of the public.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Model Code of Conduct and Section 440AAB of the *Local Government Act 1993*.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

10 COMMUNITY SERVICES

10.1 TAMWORTH REGION ARTS ADVISORY COMMITTEE (TRAAC) - MINUTES - 3 SEPTEMBER 2020

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Region Arts Advisory Committee (TRAAC) – Minutes – 3 September 2020”, Council receives and notes the Minutes.

SUMMARY

The purpose of this report is to present the Minutes of the Tamworth Region Arts Advisory Committee (TRAAC) meeting held 3 September 2020, and to provide Council with an overview of the meeting outcomes.

COMMENTARY

The recently appointed TRAAC committee held its first full meeting of members in person, due to the effects of the COVID-19 lockdown. The Minutes of the meeting are **ATTACHED**, refer **ANNEXURE 1**.

A new format and style of meeting was implemented to foster better community engagement and empowerment of the committee members. The following reports were received:

- Tamworth Regional Gallery and Museums Report; and
- Entertainment Venues Report.

A presentation and discussion with the University of New England's (UNE) Michael Wilmore, Head of School, Humanities, Arts and Social Sciences, and Donna Hewitt, Head of Department, Creative Arts and Communications regarding the future Tamworth UNE campus occurred at the meeting.

Tamworth has recognised the importance of a university presence in driving economic growth, increasing industry productivity and enhancing social and cultural vibrancy. To realise these outcomes, Tamworth is partnering with universities that understand and work closely with the regional community and can be well integrated into the local industry and future cultural precinct.

A presentation was provided by artist Lucy Irvine on the design and development of a new public artwork for Bicentennial Park. The intention of this artwork is to create a welcoming entry point to the park and members of the public travelling on Kable Avenue. This artwork provides a placemaking narrative for Tamworth and brings Tamworth's association with textile art into the public space.

Lucy proceeded to provide an update on the design and production of this public artwork. She advised that she is working closely with the local fabricator from Moonbi, Raymond McLaren, regarding the production through Andromeda Industries. There was a general consensus of support regarding the public art location and overall design from the committee.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

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

(e) Delivery Program Objective/Strategy

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

10.2 DISABILITY ACCESS WORKING GROUP MEETING - 22 SEPTEMBER 2020

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Kay Delahunt, Manager - Cultural and Community Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Disability Access Working Group Meeting – 22 September 2020”, Council receive and note the Minutes.

SUMMARY

The purpose of this report is to present the Minutes of the Disability Access Working Group Meeting held on 22 September 2020, and provide Council with an overview of the outcomes.

COMMENTARY

The main topics discussed at the meeting are detailed in the Minutes **ATTACHED**, refer **ANNEXURE 1**.

The Meeting can be summarised as follows:

- Access reports were received from the Tamworth Access Group and the Nundle and Barraba Place Managers. Particular mention was made of:
 - the significant project undertaken by the CWA to provide disabled access and vehicular access to the CWA Health Rooms at Nundle; and
 - a disabled access point that has been established on the northern side of the Nundle Memorial Hall by the Hall Trust.
- Angela Webb, Operations Engineer, attended the meeting to provide an update on the design for the carpark at the Tamworth Regional Astronomy and Science Centre. Angela also sought feedback on the installation of tactile markers on the Goonoo Goonoo Road shared path; and
- planning commenced for the 2020 Tamworth Regional Access Awards.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

The activities of the Disability Access Working Group assist Council in meeting legislative requirements under the Disability Inclusion Act 2014. Australian Government NDIS Act 2013, The NSW Anti-Discrimination Act 1977 and the Local Government Act 1993, which require Council to provide adequate, equitable, and appropriate services and facilities for the community.

(d) Community Consultation

The Disability Access Working Group includes representatives from the Tamworth Access Group, as well as aged and disability services to consult and advise Council on access issues.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C14 Meet social justice principles through the provision of accessible and inclusive high-quality, integrated community services that meet current and emerging needs.

10.3 CRIME PREVENTION WORKING GROUP MEETING - 7 AUGUST 2020

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Gino Tiberi, Crime Prevention and Development Compliance Officer

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Crime Prevention Working Group Meeting – 7 August 2020”, Council receive and note the Minutes of the Crime Prevention Working Group Meeting held 7 August 2020.

SUMMARY

The purpose of this report is to present the Minutes of the Crime Prevention Working Group (CPWG) meeting held 7 August 2020, and provide Council with an overview of the meeting outcomes.

COMMENTARY

The following information provides a summary of the main items discussed at the Crime Prevention Working Group Meeting held on 7 August 2020, as reported in the **ATTACHED** Minutes, refer **ANNEXURE 1**:

- the Tamworth and District Liquor Accord reported that after a forced temporary closure due to the COVID-19 virus, venues are now operating. Regular inspections are being undertaken to ensure all venues are adhering to strict COVID Safe guidelines;
- Oxley Police District advised that crime rates decreased across most key crime categories. Encouragingly, Domestic Violence Assaults have seen a steady reduction. While there was concern that Domestic Violence incidents may increase during the COVID-19 lockdown period, thankfully it did not materialise.

Part of the success with the lower Domestic Violence incidents may be attributed to the continued strong focus on performing Apprehended Violence Order compliance checks. As part of operation ‘No More’, police have been targeting recurring domestic violence offenders in a variety of ways, including attending their residence. Any breaches detected are captured on video so as to provide the Court with a greater perspective of what occurred; and

- a graffiti statistics report was tabled outlining results between 1 February 2020 and 31 July 2020. Throughout this period eleven separate incidents were registered costing Council \$1,759 to remove. During the same period last year fifteen incidents were recorded costing Council \$2,170 to remove. These figures have continued to reveal a stable trend which has existed for the past three years.

Due to the remediation of the former skate park in Peel Street Tamworth, consultation with key stakeholders, including members of the local graffiti community, was undertaken in order to identify potential sites for the installation of a new legal graffiti wall. Tamworth Lion's Park, also known as Bryan Martin Park, in Coorigal Street Hillvue, was identified as an appropriate site. The recommendation was supported by the CPWG. After consulting with neighbouring residents, it is expected that works will commence at the end of September and completed in early October.

Homes North advised they currently have an office in Kenny Drive West Tamworth, which is permanently staffed. Homes North are focused on finding opportunities to re-engage with local youth. It is hoped they can participate in programs that curb criminal activity in the area, particularly the burning of unoccupied properties.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Consultation to be undertaken with affected property owners in Coorigal Street Tamworth, adjacent to Lion's Park, regarding the installation of a legal graffiti wall within the park.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C31 Create safe places to live, work and visit.

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 REQUEST REGARDING RESTRICTION AS TO USE

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
2 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 to request that Council resolve to consent to a variation of a Restriction on the Use of Land which currently applies to the land known as 43 Falcon Drive, Calala and described as Lot 1608 in Deposited Plan 1205441. Specifically, the variation will authorise building within a previously sterilised area.

11.2 TAMWORTH GLOBAL GATEWAY PARK (TGGP) TRUNK STORMWATER PRECAST CULVERT SUPPLY

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Senior Project Management Engineer
Reference: Item 12.4 to Ordinary Council 11 February 2020 - Minute No 26/20

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

SUMMARY

The purpose of this report is to seek Council's approval to award Tender T029/2021 – TGGP Trunk Stormwater Drainage Precast Culvert Supply and execute a schedule of rates 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.