



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

24 SEPTEMBER 2019

**PAUL BENNETT
GENERAL MANAGER**

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 10 September 2019, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

- 7.1 DEVELOPMENT APPLICATION NO. DA2019-0097 FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AT 828 MORRISONS GAP ROAD, HANGING ROCK (LOTS 46 AND 47 DP 753722) – FILE NO SF5761**

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Amanda Faulkner, Senior Development Assessment Planner

4 ANNEXURES ATTACHED

2 CONFIDENTIAL ENCLOSURES ENCLOSED

GENERAL MANAGER'S ADVISORY NOTE TO:

Councillors

Applicants

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

Record (Division) of Voting

In accordance with Section 375A(3) of the Local Government Act 1993, a Division is required to be called

whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

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

Relevant Planning Application

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

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

Relevant Public Submission

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

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

Disclosure of Reportable Political Donations and Gifts

Planning Applications

Nil

Public Submissions

Nil

RECOMMENDATION

That in relation to Development Application No. 2019-0097 for the Demolition of an Existing Dwelling and Construction of a New Dwelling at 828 Morrisons Gap Road, Hanging Rock (Lots 46 and 47 DP 753722), the application be refused for the following reasons:

- (i) on the basis that the development application has failed to adequately address clause 7.3 of the Biodiversity Conservation Act 2016;*
- (ii) on the basis that the development application has failed to adequately address the requirements of Planning for Bushfire Protection;*
- (iii) on the basis that the development application has failed to adequately address Part 2 of the State Environmental Planning Policy No.44 – Koala Habitat Protection;*
- (iv) the application is not considered to meet the objectives of the RU1 Primary Production zone, as the chosen location of the dwelling will not minimise the potential for conflict between land uses and properties;*
- (v) on the basis that the BASIX Certificate does not correspond in all relevant aspects with the description contained in the application and accompanying documents in accordance with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and Clause 164A(4) of the Environmental Planning and Assessment Regulation 2000;*

- (vi) *on the basis that the development application has failed to satisfy the following requirements of the Tamworth Regional Development Control Plan 2010:*
- a. *failure to submit legible and accurate plans to enable Council to carry out a proper and complete assessment of the application;*
 - b. *the application has not demonstrated compliance with the water servicing requirements;*
 - c. *the application has not provided details with regard to the height of proposed fencing or the location or type of access gates to provide vehicle access to the site;*
 - d. *the application has not provided adequate information to demonstrate that all weather 2WD access in the location shown on the part site plan is or can be provided; and*
 - e. *the application has not provided documentary evidence that the subject site has the legal right to access the site over Lot 210 DP 819485 and the adjoining reserve.*
- (vii) *the application is considered unacceptable as the development will likely have a significant social and economic impact on the local community as identified in the submissions made in accordance with the Act;*
- (viii) *as a result of the insufficient information that has been submitted with the application, Council is unable to be satisfied that the site is suitable for the development as proposed;*
- (iv) *the site is not considered suitable given the matters of public interest raised in the submissions made in accordance with the Act; and*
- (x) *given the perceived and potential social and economic impacts this development may have on the local community and the economy, as raised in the submissions. It is not in the public interest to approve the development.*

APPLICATION DETAILS:

Application No.	DA2019-0097
Application For:	Demolition of an existing dwelling and construction of a new dwelling.
Date Received:	10 September 2018
Applicant:	Zuzana Savage
Owner:	Zuzana Savage
Land/Address:	Lots 46 and 47 DP 753722, 828 Morrisons Gap Road, Hanging Rock.
Zoning:	RU1 Primary Production - <i>Tamworth Regional Local Environmental Plan 2010</i>

DEVELOPMENT ASSESSMENT SUMMARY

There are two key issues that relate to this application resulting in the recommendation to refuse the development. The first issue is that the Applicant has failed to submit sufficient information to enable Council to complete a full and proper assessment of the development application. The second is widespread public interest reflected in the 50 submissions from 40 submitters all in opposition to the proposed dwelling. There is a perceived and potential economic and social benefit impact on the local community and economy as a result of the nominated location of the dwelling and its impacts on the viability of an adjoining proposed state significant wind farm development.

DESCRIPTION OF PROPOSAL:

The development proposal involves demolition of an existing dwelling and the construction of a new dwelling containing two bedrooms, one bathroom, a laundry, an open plan kitchen and living room and a 2.1 metre wide deck that extends across the front of the dwelling. The plans submitted indicate that vehicle access to the dwelling will be from the existing gate access on the northern boundary of the site via an existing driveway that is proposed to also leave the site, crosses an adjoining reserve before going back onto the subject site.

The site is not serviced by Council's water or sewer infrastructure. Water supply for the dwelling is proposed to be obtained from rainwater tanks connected to the roof of the dwelling. A septic tank and absorption trench are proposed adjacent to the dwelling. The Applicant has indicated that the dwelling will be entirely "off-grid" and will not be connected to the electricity grid.

The Applicant has advised that the development will require new star picket and wire fencing to be provided along part of the northern and western boundaries of the site, in the vicinity of the proposed dwelling.

The development application documentation submitted by the applicant is **ATTACHED**, refer **ANNEXURE 1**.

SUBJECT SITE AND LOCALITY MAP:

The site is Lots 46 and 47 in DP 753722 and is known as "Glen Rai", 828 Morrisons Gap Road, Hanging Rock. The site is mountainous, highly vegetated and has an area of 512 hectares. An existing timber dwelling and detached outbuildings are located approximately three kilometres downhill from the Morrisons Gap Road access point to the site.

The site is located at the termination of the constructed Morrisons Gap Road. The constructed Morrison Gap Road is not located within the road reserve and is located on private property. A Crown road reserve extends along the western boundary of the site. The road reserve is an unformed road that is meant to contain Morrisons Gap Road.

A water reserve runs along the northern boundary of the site. The reserve contains McDivitts Creek. The Arc-en-Ciel Trout Farm is located on the adjacent land to the north of the site. Grazing lands are located to the west and south. The proposed driveway is intended to be formed within this reserve. The ridgeline areas of the grazing lands to the west, north-west and south-west are identified as the potential location of wind turbines for a proposed state significant wind farm development.

The Locality Plan and Site Plan are **ATTACHED**, refer **ANNEXURE 2**.

ASSESSMENT REPORT:

The following matters listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are relevant in considering this application:

S4.15(1)(a)(i) Provisions of any environmental planning instrument

State Environmental Planning Policies

Biodiversity Conservation Act 2016 (Bio Con Act):

The site contains areas of biodiversity value, as identified on the Biodiversity Vegetation and NSW Native Vegetation Maps. The proposed dwelling and driveway access are not located within the identified areas. Nonetheless, section 7.2 of the Bio Con Act requires Council, as the consent authority, to determine if the proposed development is “likely to significantly affect threatened species.”

For Council to determine if the proposed development is likely to significantly affect threatened species or ecological communities, or their habitats, section 7.3 requires a Test of Significance, prepared by a suitably qualified person (e.g Ecologist) to be submitted.

The Test of Significance would make an assessment of whether the proposed development is likely to significantly affect threatened species or ecological communities, or their habitats and whether a Biodiversity Development Assessment Report (BDAR) is required.

The Applicant has failed to address the requirements of the Bio Con Act. As a result, Council is unable to conduct a full and proper assessment with respect to the requirements of the Bio Con Act.

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No.44):

In accordance with Part 2 of SEPP No.44, as the site has an area in excess of one hectare, Part 2(7)(1) requires Council to be satisfied whether or not the land is a potential koala habitat. Should Council be satisfied that the land is potential koala habitat, Part 2(8)(1) then requires Council to be satisfied whether or not the land is core koala habitat.

In accordance with Part 2(7) and 2(8), Council requested the Applicant to provide a report from a suitably qualified person, being a person who is qualified and experienced in tree identification. The Applicant provided the following response to Council’s request:

“The location in which the new dwelling is to be positioned is an existing cleared site used for stock grazing. There is no clearing or removal of vegetation necessary for this development.”

It should be noted that the site plan submitted indicates that vehicle access to the dwelling will be via an existing driveway. However, during Council’s site inspection, an existing driveway was not identified and relatively dense trees and undergrowth existed in the nominated location of the existing driveway. Hence, for an all weather vehicle access to be provided in the nominated location, removal of vegetation would be required.

As a report from a suitably qualified person has not been received, Council is unable to be satisfied whether or not the land is a potential koala habitat and as such, Council is unable to make a full and proper assessment with regard to the provisions of SEPP No.44.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No.55):

In accordance with Clause 7 of SEPP No.55, Council is satisfied that the land upon which the proposed dwelling is to be located does not raise concerns with respect to the potential for contamination.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004:

Part 3(1)(a) of this Policy requires the subject development application to be accompanied by a BASIX Certificate that contains a list of commitments by the applicant, which aim to achieve sustainable residential development.

The BASIX Certificate submitted has been reviewed and it is noted that the following commitments to be shown on the plans submitted with the development application have not been achieved:

BASIX Certificate Energy Commitment	Commitment Shown on Plans Submitted	Comment
Installation of a rainwater tank of at least 6000 litres on the site.	The plans notate a rainwater tank of at least 2100 litres on site.	The plans submitted are not consistent with the BASIX Certificate.

Clause 164A(4) of the *Environmental Planning and Assessment Regulation 2000* states that the description of the proposed development must correspond in all relevant respects with the description contained in the relevant application and any relevant accompanying documents.

In this regard, it is noted that the BASIX Certificate relates to Lot 47 DP 753722 and does not include Lot 46 DP 753722, which is part of the site and is referred to on the Development Application form submitted to Council. The Certificate also states that the site area is 2,220,393 square metres (approximately 222 hectares). Lot 47 has an area of approximately 385.55 hectares and Lot 46 has an area of 126.99 hectares.

Given the above inconsistencies, it is considered that the development application does not satisfy the requirements of Part 3(1)(a) of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 or clause 164A(4) of the *Environmental Planning and Assessment Regulation 2000*.

Local Environmental Plan

Tamworth Regional Local Environmental Plan 2010:

The site is located within the RU1 Primary Production land use zone. The objectives of the RU1 zone are:

- *to encourage sustainable primary industry production by maintaining and enhancing the natural resource base;*
- *to encourage diversity in primary industry enterprises and systems appropriate for the area;*
- *to minimise the fragmentation and alienation of resource lands;*
- *to minimise conflict between land uses within this zone and land uses within adjoining zones;*
- *to permit subdivision only where it is considered by the Council to be necessary to maintain or increase agricultural production.*
- *to restrict the establishment of inappropriate traffic generating uses along main road frontages;*

- *to ensure sound management of land which has an extractive or mining industry potential and to ensure that development does not adversely affect the extractive industry; and*
- *to permit development for purposes where it can be demonstrated that suitable land or premises are not available elsewhere.*

As the site plan submitted indicates that the proposed dwelling will be located 12 metres from the boundary of site, with the 20 metre wide Morrisons Gap Road road reserve, the dwelling will be setback 32 metres from the adjoining agricultural property to the west, known as “Malonga”. Given the proposed setback, it is not considered that the development proposal is consistent with the objectives of the RU1 zone, as the chosen location of the dwelling will not minimise the potential for conflict between land uses and properties.

Due to close proximity, the chosen location of the dwelling will have the potential to adversely impact on the ability for the property known as “Malonga” to undertake diverse primary industry enterprises or systems, which may be appropriate for the area or to permit development for purposes where it can be demonstrated that suitable land or premises are not available elsewhere, for example, sustainable wind energy. As alternative locations for a dwelling can be nominated on the site, it is not considered that the development proposal is consistent with the objectives of the RU1 land use zone.

Clause 4.2B - Erection of dwelling houses on land in certain rural and environmental protection zones:

The objectives of clause 4.2B are to minimise unplanned rural residential development and to enable the replacement of lawfully erected dwelling houses in rural land use zones.

As there is an existing dwelling located on the site, the Applicant was requested to provide evidence that the dwelling is a lawfully erected dwelling house. The Applicant has not provided evidence of such and a search of Council’s records has also not established that the dwelling is a lawfully erected dwelling house. Accordingly, Council is unable to consider the proposed dwelling as a replacement dwelling, as per clause 4.2B(5) of the Plan and must rely upon clause 4.2B(3).

Clause 4.2B(3) relates to the permissibility of a dwelling on the land and the Applicant was requested to demonstrate that the proposed dwelling is permissible in accordance with this clause. The Applicant also failed to satisfy this request.

Nonetheless, Council staff have formed the view that Lots 46 and 47 DP 753722, which comprise the property known as 828 Morrisons Gap Road, are an existing holding, being all land that was held in the same ownership on 14 November 1982. Therefore, in accordance with clause 4.2B(3), upon Council’s own investigations, the proposed dwelling is permissible with consent, subject to the demolition of the existing dwelling.

S4.15(1)(a)(ii) Provisions of any draft environmental planning instrument

Nil

S4.15(1)(a)(iii) Provisions of any Development Control Plan

Tamworth Regional Development Control Plan 2010 (TRDCP 2010):

The development proposal has been assessed with respect to the General Housing and Ancillary Development Controls of the TRDCP 2010. The following assessment is provided with respect to the relevant provisions:

Utilities:

The site is not serviced by Council's water or sewer infrastructure. TRDCP 2010 requires a minimum rainwater storage tank of 60,000 litres, of which a minimum of 10,000 litres is to be retained for fire fighting purposes. Although the Applicant has advised that rainwater tanks will be provided, the number or volume of the tanks has not been advised.

Electricity infrastructure that is connected to the grid is provided within the site, by connection to the existing dwelling. The connection to the existing dwelling is approximately two kilometres (straight line distance) from the location of the proposed dwelling.

The Applicant has advised that the proposed dwelling will not be connected to the electricity grid and will be serviced by a "stand alone solar system." No other details of the system have been submitted.

Fencing:

The Applicant has advised that approximately 200 metres of standard rural fencing (star pickets and wire) will be provided along the parts of the northern and western boundaries of the site, which are currently unfenced. The existing chain wire fencing located along the eastern boundary and part of the northern boundary will be retained. The Applicant has not advised of the height of the star and picket fence and details of the two sets of gates for the proposed driveway that will be required along the northern boundary have not been provided.

Access and Crown Road Access:

The plans submitted indicate that access to the dwelling will be via an existing driveway, which runs within the site and the adjoining reserve.

During the site inspection, an existing driveway was not identified and relatively dense trees and undergrowth existed in the nominated location of the driveway. As such, Council cannot be satisfied that all weather 2WD access to the dwelling for a standard B99 sized vehicle in accordance with AS2890.1 can be achieved and issues with regard to SEPP No.44 and the Bio Con Act have previously been discussed. Issues with regard to obtaining a legal right of access over adjoining land and the reserve are discussed further in this report.

S4.15(1)(a)(iia) Provisions of any Planning Agreement

The site and the proposal are not the subject of a Planning Agreement.

S4.15(1)(a)(iv) Any matters prescribed by the Regulations

In accordance with clause 54 of the Regulations, Council made the following requests for additional information on 4 October 2018 and 10 May 2019. Whilst the Applicant provided some additional information as requested, sufficient information has not been submitted to enable Council to conduct a full and proper assessment. The outstanding information has been discussed throughout this report.

The Additional Information Letters to the Applicant are **ATTACHED**, refer **ANNEXURE 3**.

S4.15(1)(b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Access, Transport and Traffic

The address of the site is Morrisons Gap Road and the constructed road terminates at the northern boundary of the site with a set of gates. The constructed road is not located within the Crown road reserve.

The Applicant can legally gain access to the site from the Crown road reserve, which is located approximately 150 metres to the west of the constructed road. The Crown road is unformed and not a Council controlled road and the construction of a road within the Crown road reserve is a matter for the Crown.

The constructed road appears to be the practical access to the site and is located within privately owned property (Lot 210 DP 819485) and a reserve (McDivitts Creek) that extends along the northern boundary of the site.

The Applicant has not submitted evidence that they have a legal right of access over the adjoining property and the reserve and the application is not supported on this basis.

An aerial map showing the existing Morrisons Gap Road practical access and the crown road reserve is **ATTACHED**, refer **ANNEXURE 4**.

Planning for Bushfire Protection 2006 (PBP):

The site is identified as bushfire prone land and the Applicant has submitted a bushfire self assessment that nominates BAL 12.5 for the proposed dwelling.

A bushfire assessment carried out by Council nominates a BAL 40, which requires the application to be referred to the NSW Rural Fire Service and as such, the Applicant was requested to obtain a BPAD (Bushfire Planning and Design) Report, prepared by a suitably qualified person. The Applicant has not submitted a BPAD Report.

It is also noted that the plans submitted indicate that a 30 metre Asset Protection Zone (APZ) nominated by the Applicant is partially located on the Crown road reserve. In accordance with the provisions of PBP, an APZ cannot be located on adjoining property without consent of the adjoining owner(s), in this case Crown Lands. The Applicant has not submitted the consent of Crown Lands.

For the abovementioned reasons, Council cannot be satisfied that the development proposal achieves the requirements of Planning for Bushfire Protection 2006 (PBP).

Economic and Social Impact

There is a potential impact on the local community in relation to a proposed state significant wind farm development known as the Hills of Gold Wind Farm (HOGWF). The majority of proposed turbines for the HOGWF are to be located on the property adjoining the subject site directly to the west. The location of the proposed dwelling has attracted significant objection from members of the Hanging Rock and Nundle communities.

The HOGWF is subject to, amongst many other controls, separation distance controls that aim to minimise noise and visual impacts of wind turbines on existing or approved dwellings. As a result, the nominated location of the proposed dwelling is likely to result in the loss of wind turbines.

The development of the wind farm will have a significant positive economic and social impact on the Hanging Rock and Nundle communities through job creation, the Wind Farm being a tourist attraction and the requirement for a Community Enhancement Fund that will inject considerable capital into the community, annually for 25 years. The submissions objecting to the dwelling have been unanimous in their support for the HOGWF due to the potential community benefits.

If the proposed dwelling was approved it would have a significant detrimental local community and economic impact given the proposal's proximity to the proposed windfarm and taking into account the submissions.

Although the HOGWF state significant development has not been lodged with the NSW Department of Planning, Industry and Environment, the project has received the Secretary's Environmental Assessment Requirements (SEARS), which provide the requirements that are to be addressed in the Environmental Impact Statement (EIS) that is to be lodged with the development application. The HOGWF have advised that the EIS will be lodged with the Department by November 2020, as required by the SEARS. .

Given the community submissions received with regard to the perceived and potential economic and social impacts associated with the proposed wind farm, Council has obtained legal advice, which is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

S4.15(1)(c) *The Suitability of Site for the Development*

As a result of the insufficient information that has been submitted with the application, as discussed throughout this report, Council is unable to be satisfied that the site is suitable for the development as proposed.

S4.15(1)(d) *Any Submissions Made in Accordance with the Act or Regulations*

The application was notified in accordance with the Tamworth Regional Development Control Plan 2010 and no submissions in support of the proposal were received. However, 50 letters of objection from 40 submitters were received. The submissions are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 2**.

A summary of the issues raised and a planning response is provided below:

1. *The location of the proposed house will “sabotage” the Hills of Gold Wind Farm.*

Comment: This comment is noted. The Hills of Gold Wind Farm have advised that the location of the proposed dwelling is likely to significantly impact the location and overall number of wind turbines.

2. *The potential economic impact on the community from the reduction in or loss of the wind farm.*

Comment: This comment is noted and has been discussed previously in this report. It is considered that there is a real perceived and potential impact on the local economy if the dwelling was approved in the proposed location and likely impacting on the wind farm development.

2. *The location of the dwelling will have an impact the water quality of McDivitts Creek, which will impact on the Arc-en-Ciel Trout Farm.*

Comment: Given the location of the trout farm and McDivitts Creek with respect to the location of the proposed dwelling, potential impacts from the proposed dwelling are unlikely.

3. *The Applicant does not have unfettered ownership of the land where she intends to build. Adjoining neighbours have a “tenancy at will and therefore have the right of exclusive occupation of the land”.*

Comment: Council notes that the location of the proposed dwelling forms part of the Applicant's property, but that this section of land has been in use by the adjoining property owner, this is also evident by the location of current fence lines. This concern however is a private matter between the respective parties.

4. *The dwelling is contrary to the objectives of the TRLEP 2010 and the RU1 land use zone.*

Comment: Agreed, as discussed previously in this report.

5. *The cost to build new roads and the potential impact on the adjoining properties from construction traffic.*

Comment: This concern is noted.

6. *Potential impacts on the Crown road reserve and on farming activities on the adjoining property (Lot 2 DP 1171688). Fragmentation of agricultural lands and accessibility impacts.*

Comment: These matters have been discussed previously in this report.

7. *Insufficient information with regard to Biodiversity, Bushfire and inaccurate plans.*

Comment: Agreed, as discussed previously in this report.

8. *Potential impact on an existing farm airstrip on the adjoining property to the west.*

Comment: Whilst this concern is noted, the farm airstrip is not adjacent to the location of the proposed dwelling.

9. *The Applicant has not demonstrated that the proposed dwelling is permissible.*

Comment: This concern has been discussed previously in this report.

S4.15(1)(e) The Public Interest

It is considered that the proposal is contrary to the public interest due to the:

- perceived and potential detrimental economic and social impacts on the Hanging Rock and Nundle communities given its proximity to the proposed state significant wind farm development; and
- insufficient information to enable Council to conduct a full and proper assessment of the application.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

See attached confidential legal opinion.

(d) Community Consultation

The development was notified and a total 50 letters of objection from 40 submitters have been received.

(e) Delivery Program Objective/Strategy

A Region for the Future – F21 Protect our natural environment.

(f) Reason for Consideration by Council

The number of letters of objection received and as refusal of the application is recommended.

CONCLUSION:

This report provides an assessment of the development with regard to all relevant matters listed under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and issues raised in the public submissions.

Insufficient information has been submitted to enable Council to complete a full and proper assessment of the application and the proposal is not considered to be satisfactory, having regard to the public interest and it is considered that the development will have a negative impact on the community.

As a consequence, it is recommended that the application be determined by refusal.

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH VETERANS CRICKET ENGLAND TOUR MATCH FEE WAIVER REQUEST – FILE NO SF8773

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation

RECOMMENDATION

That in relation to the report “Tamworth Veterans Cricket England Tour Match Fee Waiver Request”, Council contribute to the Civic Reception and Cricket Match by:

- (i) waiving the field and park hire charges; and*
- (ii) paying the cost of catering, marque hire and other minor operational expenses.*

SUMMARY

As part of a planned cricket match between a touring over 60’s England Cricket Team and a Tamworth over 60’s representative team, Tamworth Veterans Cricket have requested financial support from Tamworth Regional Council for the hosting of a Civic Reception and associated cricket match.

COMMENTARY

Tamworth Veterans Cricket (TVC), through Veterans Cricket NSW, has secured a cricket match against a touring England “Over 60’s Cricket Team” on Saturday, 30 November 2019. This upcoming game will be the first international cricket match in Tamworth since 1996. Due to the significance of this event TVC has requested Tamworth Regional Council (Council) support the event through the:

- funding and hosting of a Civic Reception for the touring side in Tamworth;
- waiving of field hire and preparation charges associated with the cricket match; and
- paying of fees associated with the temporary hiring of two marquees to be used as change rooms for their cricket match.

In relation to this event, the Mayor and General Manager have agreed to hold a Civic Reception for the Tamworth and England teams at the Oxley Lookout on the morning of the game, Saturday, 30 November 2019. This reception will include a breakfast and a presentation of the players match day shirts. A great deal of gratitude has been expressed

to Council from both teams for this opportunity as this is one of two Civic Receptions the English team will receive whilst on its tour of Australia.

Costs associated with the Civic Reception at Oxley Lookout are estimated to be:

- Park Hire = \$60.00 (\$15 per hour x approximately four hours, non-exclusive use)
- Catering = \$1,300.00 (estimated breakfast cost for up to 100 people)
- Event bins = \$28.00 (\$7 per bin x approximately four bins)

Costs associated with the game at No. 1 Oval include:

- Field Prep = \$225.88 (inclusive of 80% subsidy)
- Field Hire = \$331.02 (inclusive of 80% subsidy)
- Lights = \$135 (for approximately four hours of use)
- Event bins = \$28.00 (\$7 per bin x four bins)

The change rooms at No. 1 Oval do not comfortably house a full sporting team and associated playing equipment. To be utilised as additional change rooms, TVC has requested Council cover the costs of hiring two marquees for this event. These marquees have been booked with Peel Valley Hire and will cost a total of \$900 for both marquees for the day.

(a) Policy Implications

Nil

(b) Financial Implications

It is recommended that \$2,200 will be allocated from the General Manager's Contingency Fund to cover the cost of the Civic Reception breakfast catering (\$1,300) and for the hire of the two marquees (\$900) for temporary change rooms.

In addition, a total of \$808 (in waived fees and minor operational expenses) will be absorbed in the Sport and Recreation operational budget. These expenses are associated with the park hire for the Civic Reception, field hire, field preparation, lights and event bins for the cricket match. An expense account is to be created to track such subsidised events.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Spirit of Community – C11 Provide high-quality open spaces, parks and reserves suitable and accessible to all.

8.2 LIVE LIFE GET ACTIVE FEE WAIVER REQUEST REVIEW – FILE NO SF8773

DIRECTORATE:

REGIONAL SERVICES

AUTHOR:

Paul Kelly, Manager Sports and Recreation

Reference: **Item 9.2 to Ordinary Council 26 February 2019 - Minute No 41/19**

RECOMMENDATION

That in relation to the report “Live Life Get Active Fee Waiver Request Review”, Council waive the \$865.00 fee associated with the program to operate until 31 December 2019.

SUMMARY

Live Life Get Active (LLGA) provides a free community health initiative by offering free exercise activity classes to the community.

Tamworth Regional Council (TRC) waived the fees associated with the program to operate until 30 June 2019.

Acknowledging the high participation numbers in the program to date, recognising the health benefits to the community and in light of the program being free for participants LLGA requests Council support the program through a full fee waiver for the remainder of the 2019 calendar year.

COMMENTARY

LLGA is a not for profit social initiative which seeks to build a fitter, healthier and happier Australia, and emphasises the importance of fun and socialising. LLGA services are offered free of charge to the public and include health, fitness and nutritional education in a local outdoor setting and online. Providing these services free of charge is designed to remove financial barriers to leading a healthier lifestyle. LLGA credit the ability to provide these opportunities without fee to the public to the cooperation and support it has received from local councils and sponsorship from the private sector.

LLGA delivers 200 group physical activity sessions at more than 160 sites per year. These sessions have been designed to be relevant to everyone, regardless of motivation, age or fitness level.

At its Meeting of 26 February 2019, Council supported a request for fee waiver from Live Life Get Active, subject to further review once the program was established.

Program to date

LLGA commenced its program in Tamworth on 23 May 2019. The program has 64 members with an average of eight participants partaking in the program each day. The program runs a 45 minute class Monday to Friday during school terms. To date the classes offered have included cross training and boxing. A local trainer has been engaged to provide the training on a contract.

Impact on local providers

Prior to the program commencing, Council staff discussed with LLGA the potential impacts on any existing personal training businesses operating in Tamworth. LLGA have advised that they would engage local instructors to undertake their program, of which they have. The amount of work available through their program does not warrant staff leaving their existing employment, rather it supplements it.

Original Request

LLGA requested a full fee waiver for the program to run for the 2019 calendar year. At the time of Council approval on 26 February 2019, the 2019-2020 Fees and Charges were unknown, therefore the fees associated with the program could only be calculated for the 2018-2019 financial year. In line with Council's Outdoor Fitness Trainers Policy and 2018-2019 Fees and Charges, the estimated costs for the conduct of this activity between March 2019 (original proposed start date) and the end of the 2018-2019 financial year was \$682.50.

Program Review

Council recommended TRC technical staff review the program at the end of the 2018-2019 financial year, and make a recommendation on supporting the program for the remainder of the 2019 calendar year.

Review of the program to date has identified steady participation numbers and no impact on local providers. In an effort to allow LLGA provide this well received service free of charge, it is recommended Council waive the fees associated with the program.

It is worth noting, as part of the review that the LLGA program did not actually commence until 23 May 2019. This resulted in value of the approved fee waiver (from the February 2019 resolution) being reduced significantly to \$155.00.

Estimated Fee Waiver

Following the successful implementation of the LLGA program, and the benefits of being able to offer the community a free health and fitness program, it is recommended that Council continue to support this program through to the end of the 2019 calendar year. In line with Council's Outdoor Fitness Trainers Policy and the 2019-2020 Fees and Charges, the estimated value of fees to run the program until the end of the 2019 calendar year is \$865.00.

(a) Policy Implications

Nil

(b) Financial Implications

The recommended fee waiver is estimated at \$865.00 and is proposed to be absorbed into the Sports and Recreation division's operational budget.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Spirit of Community - C11 Provide public space that satisfies the communities needs.

8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 4 SEPTEMBER 2019 – FILE NO SF1387

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works

Reference: **Item 8.5 to Ordinary Council 27 August 2019 - Minute No 278/19**

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting – General – 4 September 2019”, Council:

- (i) approve the installation of no stopping signage and yellow linemarking on Ebsworth Street, from the Gipps Street corner to the southern side of the pedestrian ramps on both sides of Ebsworth Street;*
- (ii) approve removing the existing bus zone near the corner in front of 29 Dean Street, and relocating the bus stop in front of 27 Dean Street;*
- (iii) approve the installation of a 15 metre bus zone on Johnston Street from the corner of Barton Lane, and the relocation of the no parking zone and disability parking zone;*
- (iv) approve the Nundle Road/Premier Street general intersection arrangement, and refer matters relating to the school zone to Roads and Maritime Services for review;*
- (v) approve the construction of the Stewart Avenue cycleway, including approximately 320 metres of mixed traffic zone, and the reduction of service road width adjacent to the Dampier Street/Gunnedah Road roundabout, with the installation of blisters, line marking, and regulatory signage as depicted in the attached drawings;*
- (vi) approve Tamworth Triathlon Club’s summer triathlon series in Kootingal, to be held between 12 October 2019 and 28 March 2020, with the bike leg on-road as per the attached plan, with marshals and signs along the route; and*
- (vii) approve the installation of a disability parking zone in front of 21 Dowe Street, utilising the existing layback for access to the footpath.*

SUMMARY

The purpose of this report is to advise Council of six recommendations made by the Tamworth Regional Local Traffic Committee at the meeting held 4 September 2019, and one item from the 27 August 2019 Council Meeting held over for further checks.

COMMENTARY

Six formal items reached consensus at the meeting held 4 September 2019. The Minutes are **ATTACHED**, refer **ANNEXURE 1**. A seventh item, recommending the installation of disabled parking in Dowe Street is also included held over from the 27 August Council Meeting for further technical assessment before being formally considered by Council.

88/2019 – No stopping zone on Ebsworth Street in front of ramps south of Gipps Street

A request for no stopping has come in for pedestrian ramps on Ebsworth Street, that allow for an unimpeded area for pedestrians to cross the road.

Vehicles are parking across the existing ramps, inhibiting access for people wanting to use them to cross the road. The person who submitted the request is elderly, and cannot use steps or walk over the kerb, so uses this access point to cross the road and continue up Gipps Street.



Image 1: Proposed no stopping zone, Ebsworth Street South of Gipps Street.

COMMITTEE RECOMMENDATION: the Committee support the installation of no stopping signage and yellow linemarking on Ebsworth Street, from the Gipps Street corner to the southern side of the pedestrian ramps on both sides of Ebsworth Street.

95/2019 - Bus zone at the corner of Dean and Johnston Streets in Dean Street

The bus zone is too close to the corner of Dean Street, and buses are not able to turn the corner into Dean Street, stay in the bus zone, and get out of the traffic lane.

Ideally the bus zone needs to be extended down Dean Street, to allow for a bus to turn the corner, and pull into the gutter.



Image 2: Street view of existing bus zone on corner of Dean Street.



Image 3: Existing bus zone red, proposed 15 metre bus zone green

COMMITTEE RECOMMENDATION: the Committee support removing the existing bus zone near the corner in front of 29 Dean Street, and relocating the bus stop in front of 27 Dean Street, to allow a bus to turn the corner and pull out of the travel lane into a bus zone safely.

96/2019 – Johnston Street/Barton Lane – No Parking at bus shelter – request change back to bus zone

The bus shelter on Johnston Street, corner of Barton Lane, has a bus shelter at a no parking zone. This was previously a bus zone however was changed to no parking and disability parking in February 2011.

Issues at the site are as follows:

- in theory buses can pull into the no parking zone, however in practice it is not accessible because of vehicles being there;
- buses double park, and passengers have to walk out onto the road to get on the bus; and
- there is a disability parking zone adjacent that has no ramp accesses.

Tamworth Buslines request that this be changed back to a bus zone for improved service and passenger accessibility. There is also a redundant layback within the current no parking zone that could be better utilised by relocating the disability parking zone.

Council have consulted with the Barton Lane medical practice and the denture clinic, who have the largest customer use of the area. They have no objections to the changes. There is adequate access and parking for their customers at the building, including disability carparks.



Image 4: Proposed bus zone



Image 5: Proposed lay out of bus zone, disabled parking and no parking on Johnston Street



Image 6: Proposed disused layback for disabled access to parking

COMMITTEE RECOMMENDATION: the Committee support the installation of a 15 metre bus zone on Johnston Street from the corner of Barton Lane, and relocation of the no parking zone and disability parking zone.

97/2019 – Proposed intersection for subdivision and request for speed zone changes Nundle Road, Nemingha

A developer is currently proposing a 56 lot subdivision, in the area between Adolphus Drive and Nundle Road, Nemingha. This subdivision will have an access off Adolphus Drive, along with a proposed intersection with a basic right turn (Premiers Street in blue) for west bound traffic for access to Nundle Road, north of Nemingha Public School.



Image 7: Location of new access off Nundle road and subdivision



Image 8: Proposed Intersection layout

The developer is proposing to relocate the eastern end of the current Nemingha Public School school zone approximately 35 metres to the east, to include the intersection within the school zone.

Council staff would propose moving this an additional 20 metres (55 metres total), so it is outside the widening for the basic right at the intersection.

Council would also suggest that an extension of the school zone on the new street, in the area which passes the school, may be warranted.

The plan also shows relocation of the 60/100 speed signs, and pavement markings east of the intersection, however looks to be five metres to the east, which would cause no significant changes.

COMMITTEE RECOMMENDATION: the Committee support a) the Nundle Road intersection arrangement, b) refer the relocation of the eastern end of the school zone to Roads and Maritime Services, c) along with the addition of a school zone on the new Premier Street, for review as part of the intersection upgrade.

98/2019 – shared path and cycleway on Stewart Avenue and Warral Road, West Tamworth

The Stewart Avenue and Warral Road cycleway is proposed to create safer access for cyclists, between Duri Road and Peel High School.



Image 9: Overview of proposed cycleway

Approximately 715 metres of cycleway/shared path must be constructed in order to achieve this link, of which approximately 320 metres is an on-road mixed traffic zone. The mixed traffic zone is proposed to have BB line along the centre of the road, and PS-2 bicycle road markings.

The remaining 415 metres will be a concrete 2.5 metre wide shared path along the median between Stewart Avenue/Gunnedah Road and the service road to the south.

There is limited space at the Dampier Street/Gunnedah Road intersection. It is proposed the cycleway will reduce from 2.5 metres to the Austroad guidelines minimum of two metres, and that the current service road be reduced in width to two 3.5 metre wide lanes separated by BB line (see attachments). Blisters are to be installed with barrier kerb to protect cyclists and pedestrians, the blisters are to be painted and include a chevron sign to indicate the change in width to traffic.

This arrangement on the service road would not allow for parallel parking, and a no stopping zone would be required to regulate between the two driveways west of Aberdeen Street, to Aberdeen Street.



Image 10



Image 11



Image 14: Proposed delineation behind roundabout around new cycleway

COMMITTEE RECOMMENDATION: the Committee support the construction of the Stewart Avenue Cycleway, including approximately 320 metres of mixed traffic zone, and the reduction of road width at the Dampier Street/Gunnedah Road intersection, with the installation of blisters, line marking, and regulatory signage as depicted in the attached drawings.

99/2019 – Tamworth Triathlon Club – 2019/2020 summer race series

The Tamworth Triathlon Club will again hold their summer triathlon series in Kootingal, with the swim and run legs held off-road, and the bike leg held on-road from Kootingal Swimming Pool along Denman Avenue, Irvine Street, Station Street and Limbri Road, in a loop back to the starting location along the same route (map over page).

Marshals and signage will be used along the route for each event.

The events will be held on the following days between 4:30-7:00pm:

Saturdays:

- 12 and 26 October 2019;
- 9 and 23 November 2019;
- 7 December 2019;
- 11 January 2020;
- 29 February 2020; and
- 28 March 2020.

Sundays :

- 1 December 2019; and
- 16 February 2020.



Image 15: Tamworth Triathlon Club's Kootingal Triathlon Summer Series 2019/2020 bike route along Denman Avenue, Irvine Street, Station Street and Limbri Road

COMMITTEE RECOMMENDATION: the Committee support Tamworth Triathlon Club's summer triathlon series in Kootingal, to be held between 12 October 2019 and 28 March 2020, with the bike leg on-road as per the attached plan, with marshals and signs along the route.

77/2019 – Request for disability parking spaces at 21 Dowe Street Tamworth

This item was withheld for further checks from the 27 August 2019 Council Meeting. The business owner at 21 Dowe Street, has requested a disability parking bay/s be installed adjacent to the property, to provide closer access to the footpath and the business within the building, for customers with disabilities.

There is an existing layback at the location that could be used to comply with the access requirements for the disability parking bay.



Image 16: Proposed location near 21 Dowe Street

Further checks on park dimensions with the median around this location showed that a 3.2 metre wide, 6.7 metre long park can be installed while maintaining a three metre travel lane past the park. Existing no parking remains past the median.

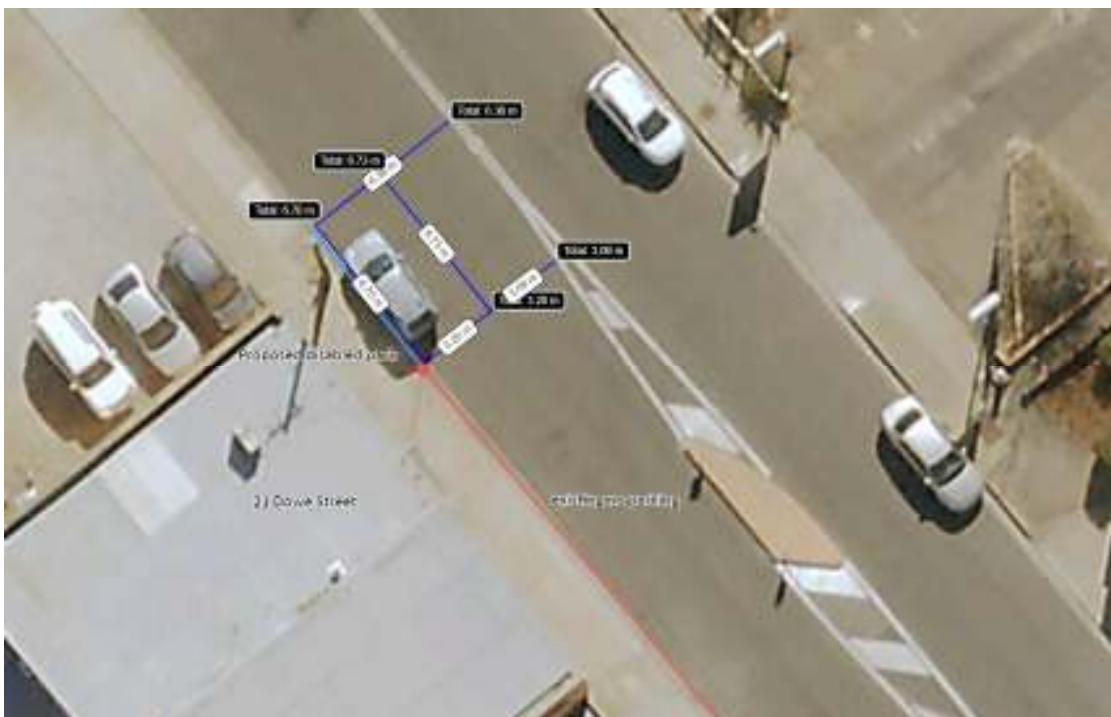


Image 17: Dimension of park to the central median on Dowe Street

COMMITTEE RECOMMENDATION: the Committee support the installation of a disability parking zone in front of 21 Dowe Street, utilising the existing layback for access to the footpath.

(a) Policy Implications

Nil

(b) Financial Implications

88/2019 - Funded by Infrastructure and Works signs and linemarking budget;

95/2019 - Funded by Infrastructure and Works signs and linemarking budget;

96/2019 - Funded by Infrastructure and Works signs and linemarking budget;

97/2019 - Funded by developer;

98/2019 - Funded by project budget;

99/2019 - Funded by event organisers; and

77/2019 - Funded by Infrastructure and Works signs and linemarking budget.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

An Accessible Region – A23 Traffic management and traffic safety planning.

8.4 PROPOSED FEES FOR TAMWORTH ATHLETIC CENTRE AND TAMWORTH CYCLING CENTRE – FILE NO SF8134

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

RECOMMENDATION

That in relation to the report “Proposed Fees for Tamworth Athletic Centre and Tamworth Cycling Centre”, Council:

- (i) approve in principle the proposed fee structure for the athletics and cycling centres at the Northern Inland Centre of Sporting Excellence;*
- (ii) approve for the fees to be placed on public exhibition for 28 days; and*
- (iii) request a future report outlining any submissions made during this period.*

SUMMARY

The new athletic and cycling centres which have been constructed during Stage 1 of the Northern Inland Centre of Sporting Excellence will be officially opened on 12 October 2019. Both these facilities will be subject to hire fees to provide for ongoing facility maintenance and whole of life asset management.

This report presents proposed fees for each facility and seeks Council approval to place the proposed fees on public exhibition in accordance with the Local Government Act 1993.

COMMENTARY

Stage 1 construction of the Northern Inland Centre of Sporting Excellence is almost complete and will be officially opened to the community on 12 October 2019. As part of these construction works, athletics and cycling facilities have been built to the south of the Sports Dome. New homes will be provided for the Tamworth Little Athletics Club at the athletics centre, and the Tamworth Cycle Club at the cycling centre.

Over recent months Council staff have researched and developed an affordable and contemporary fee-for-use structure that is proposed for each of the facilities. These fees are designed to maximise community use of new facilities, encourage growth within the

respective sports as well as achieve revenue to offset the ongoing maintenance and renewal of these assets.

In establishing the proposed fees, a community service obligation component is necessary, as full cost recovery to address asset renewal across the lifecycle of these facilities is not feasible for high-end assets of this type and its expected initial usage levels. Anticipated growth of each sport through the provision of these facilities and attraction of major events will increase the revenue opportunities over time.

Tamworth Athletics Centre

The Tamworth Athletics Centre is a fully enclosed gated facility with an IAAF (International Association of Athletics Federations) accredited synthetic track that will have restricted access for users. Such a facility will be unique to this region and comes with considerable maintenance and renewal costs.

Like other similar athletics facilities throughout NSW, the new Tamworth Athletics Centre will provide the community with access via a proposed combination of single entry or season ticket access. This will enable the effective self-use of the facility by regular users (season ticket holders) as well as catering for casual one off visits. Fees are therefore proposed on a per visit basis or through seasonal ticket purchases.

It is proposed that the facility be available for use at all times (through the abovementioned process) except when the whole facility is booked for exclusive use. In these situations the entire facility will be hired on a half day/full day basis.

Based on the above, Council staff have worked with Tamworth Little Athletics as well as undertaken research into other similar facilities to establish a list of proposed charges, refer table 1 below.

Fee Description	Pricing Category	CSO	GST	Total
Hourly Venue Hire (exclusive use of entire facility)	C	Y	Y	\$100.00
Full Day Venue Hire (exclusive use of entire facility)	C	Y	Y	\$700.00
Half Day Venue Hire (exclusive use of entire facility)	C	Y	Y	\$400.00
Individual Day Entry Pass	C	Y	Y	\$4.00
Annual Pass - Adult	C	Y	Y	\$110.00
Annual Pass - Child	C	Y	Y	\$75.00
Annual Pass - Family	C	Y	Y	\$250.00
6-month Pass - Adult	C	Y	Y	\$70.00
6-month Pass - Child	C	Y	Y	\$45.00
6-month Pass - Family	C	Y	Y	\$170.00
Coaching Pass (Annual)	C	Y	Y	\$110.00
Spectator			N	\$0.00

Table 1: Proposed charges for Tamworth Athletics Centre

It is believed this structure achieves a mix of realistic and affordable fees for the Tamworth Little Athletics Club, schools and casual users of this facility aimed at growing participation membership and utilisation, as well as achieving a level of revenue to contribute towards the ongoing maintenance and renewal costs of this new asset.

Annualised asset renewal and operational maintenance for the new Tamworth Athletics Centre is estimated at approximately \$198,000 per annum in today's dollars. If Council were to recover 25% of costs associated with this asset, like it does across other sporting infrastructure, it would equate to \$49,500 per annum. While there is a degree of uncertainty with the number of users who will take up six month or annual passes, an annual conservative income estimate for the Tamworth Athletics Centre, based on known utilisation of the existing grass athletic facility, is predicted to achieve approximately \$48,000.

Tamworth Cycling Centre

The Tamworth Cycling Centre incorporates two new facilities including a new 333 metre asphalt velodrome as well as an 880 metre asphalt criterium track that surrounds the new velodrome and athletics centres.

Unlike the Tamworth Athletics Centre, the new Tamworth Cycling Centre facilities will be open for free public use as highly maintained community recreational infrastructure. These facilities will only be closed to the public when an event is being held and the velodrome or criterium track are being exclusively used.

The proposed fee structure therefore only charges users when the facility is being exclusively used and not available to the public. Similar to the Tamworth Athletics Centre, fees have been calculated to achieve a balance between providing a high quality facility and not being cost prohibitive to user groups, while considering the ongoing facility maintenance and renewal costs along with Council's level of community service obligation.

As a result, Council staff are proposing a list of charges as detailed in table 2 below.

Fee Description	Pricing Category	CSO	GST	Total
Velodrome Track and Facilities - Hourly Venue Hire (exclusive use of Velodrome track and facilities)	E	Y	Y	\$60.00
Velodrome Track and Facilities - Full Day Venue Hire (exclusive use of Velodrome track and facilities)	E	Y	Y	\$600.00
Velodrome Track and Facilities - Half Day Venue Hire (exclusive use of Velodrome track and facilities)	E	Y	Y	\$350.00
Criterium Track - Full Day Venue Hire (Exclusive use of Criterium Track)	E	Y	Y	\$250.00
Criterium Track Half Day Venue Hire (Exclusive use of Criterium Track)	E	Y	Y	\$150.00

Table 2: Proposed charges for Tamworth Cycling Centre.

Council staff have been in discussion with the Tamworth Cycle Club regarding the above proposed fees, and has undertaken significant research into other similar facilities. However, it should be noted that there are no known other facilities around the State that are Council

operated and maintained, free to use for the general public for recreation, but have charges for exclusive hire. Most other facilities are closed tracks and/or managed by a local cycle club.

Annualised asset renewal and operational maintenance costs associated with the new Tamworth Cycling Centre are estimated to be approximately \$80,000 in today's dollars. If Council were to recover 25% of costs associated with this asset, like it does across other sporting infrastructure, this would equate to \$20,000 per annum.

Estimations of proposed income from exclusive hire of this facility is expected to realise approximately \$10,800 based on anticipated level of venue hire and event income. While this doesn't quite achieve the 25% target, it also needs to be considered that it will be open to the public as a free recreational venue most of the time and that any higher charges could become cost prohibitive to key user groups.

It is therefore recommended to commence with these proposed fees and review in the coming years as increased utilisation and growth in the sport/club is realised.

(a) Policy Implications

Council is required to place proposed new fees on public exhibition in accordance with the Local Government Act 1993, for a minimum of 28 days. Subject to future approval of the draft fees by Council, the 2019-2020 adopted Schedule of Fees and Charges will need to be amended to incorporate these fees.

(b) Financial Implications

Revenue will be generated from the new facility fees which will assist to offset routine maintenance costs of the facilities and to help fund future asset improvement and renewal works.

(c) Legal Implications

The Local Government Act 1993, requires that public notice of proposed fees must be given, with the draft fees placed on public exhibition for at least 28 days. Council would need to consider community submissions and adoption of those fees, as part of a further officer Report.

(d) Community Consultation

Consultation has occurred through direct meetings and correspondence with the Tamworth Little Athletics Association, Little Athletics NSW representative and with the Tamworth Cycle Club.

(e) Delivery Program Objective/Strategy

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

8.5 DIRECT POTABLE REUSE OF WESTDALE WASTEWATER TREATMENT PLANT EFFLUENT – FILE NO SF572

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste
Reference: Item 11.1 to Ordinary Council 25 June 2019

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Direct Potable Reuse of Westdale Wastewater Treatment Plant Effluent”, Council:

- (i) not pursue the option of Direct or Indirect Potable Reuse at this time, but continue to pursue the four preferred options identified previously as part of the 2015 – Tamworth Bulk Water Supply Long Term Augmentation Options Review 2015; and*
- (ii) consider Direct and Indirect Potable Reuse again if there is some technological or some other change that could reduce issues identified with these types of schemes.*

SUMMARY

The purpose of this report is to present Council a High Level Feasibility Study for the option of Direct Potable Reuse of Effluent in Tamworth.

COMMENTARY

At its Meeting of 25 June 2019, Council requested staff to further investigate the potential option of Direct Potable Reuse (DPR) of effluent within Tamworth. Following this request, Hunter H2O was engaged by Council to prepare a High Level Feasibility Study for DPR of effluent from Council’s Westdale Wastewater Treatment Plant (WWTP).

DPR is the direct blending of highly purified wastewater effluent to a drinking water treatment plant’s raw water supply for further treatment. This differs from indirect potable reuse (IDR) of effluent which discharges highly purified wastewater into an environmental buffer, such as a surface water storage or groundwater system. Raw water is then taken from this storage or groundwater source and treated further before being made available as drinking water.

There are very few examples of DPR in comparison with IDR schemes. The only worldwide examples of permanent DPR schemes are Windhoek in Namibia (since 1968), Beaufort West in South Africa (since 2011) and Big Spring in Texas, USA (since 2013).

As Council would be aware, in 2015 Council completed the *Tamworth Bulk Water Supply Long-Term Augmentation Options Review* that investigated over 20 options for increasing the potential raw water supply for Tamworth. As part of this study various options of utilising wastewater effluent to supplement Councils water supply were investigated. These options included:

- rural Substitution – use of effluent to substitute existing Peel River irrigation demands;
- non-Potable Substitution – use of treated effluent to supply existing open spaces and commercial / industrial users for non-potable use via a third pipe system;
- IDR – transferring treated effluent to back to Chaffey Dam;
- Managed Aquifer Recharge – injection of treated effluent into an aquifer for later reuse; and
- DPR – transferring treated effluent directly to Calala WTP for potable reuse.

Council endorsed the four most preferred options for increasing Tamworth’s long term bulk water supply as follows:

- transferring water from Keepit Dam via a 62km pipeline;

- upgrading Dungowan Dam from 6 Gigalitres to between 20-25 Gigalitres;
- a 10-15 Gigalitre off-river storage upstream of Tamworth; and
- accessing more ground (bore) water through further use of Peel River Drift Wells and an additional bore field to be developed 26km downstream of Tamworth.

The High Level Feasibility Study for DPR of effluent further develops the option of DPR considered as part of the 2015 report, considering current drought conditions and potential improvements in technology since 2015. The study was separated into the following two tasks:

Task 1: Available Recycled Water Volume and Potential Benefits

- update projected water demands and effluent volumes;
- compare volumes to average day demand, peak day demand and comment on the impact of the annual required yield; and
- discuss potential impacts on frequency of water restrictions and/or frequency of use of the recycled water.

Task 2: Technical, Financial and Social Feasibility

- technical feasibility;
- highlight of key technical details and any significant changes which may have occurred due to technical advances since the 2015 report;
- consideration of alternative technologies (e.g., ozone/biological activated carbon Filtration to reverse osmosis);
- discussion of the suitability of the water for human consumption;
- challenges (including brine disposal and residual salts, should reverse osmosis treatment be adopted);
- discussion of likely timeframes for design, approval, construction and commissioning of an advanced water treatment plant (AWTP) to produce purified water for direct potable purposes;
- financial feasibility;
- provide updated high-level capital and operational cost estimates and include a comparison of the cost compared to treating the existing raw water sources;
- social feasibility;
- current examples of similar operational schemes; and
- examples of community surveys and expectations regarding direct potable reuse.

Available Recycled Water Volume and Potential Benefits

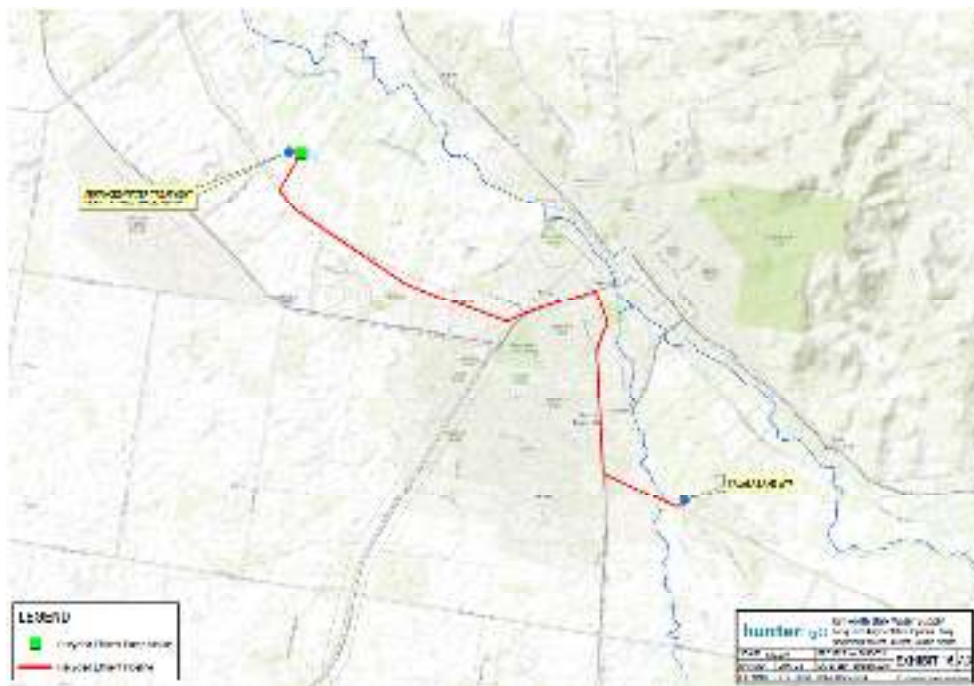
The concept utilised in the study allows for a 50:50 blending of treated effluent with the existing raw water supply to the Calala WTP. The concept is based on the current minimum water requirement given the current drought conditions i.e. what would be the minimum average daily water consumption that could supply the Tamworth, Kootingal and Moonbi water system. This is currently estimated to be in the order of 12 Megalitres (ML)/day. In addition the scheme must also consider the volume of effluent that is available for treatment. Currently an average of 10.5 ML/day of effluent is produced at the Westdale WWTP. As

water restrictions increase it is expected this effluent volume would reduce. On this basis, an AWPT with a capacity of producing 6ML/day was selected.

The proposed scheme would involve the following key infrastructure components:

- construction of an AWPT at the Westdale WWTP;
- construction of a pump station at the Westdale WWTP to pump water to the Calala WTP; and
- construction of a pipeline to transfer treated effluent between Westdale WWTP and the Calala WTP. It is intended that treated effluent would be introduced to the treatment process at the Calala WTP by discharging into the proposed 120ML storage to be constructed on site.

The indicative layout of the scheme is provided below.



Technical, Financial and Social Feasibility

Technology is not a limiting factor for the production of drinking water from wastewater. The most widely accepted treatment technology would include a reverse osmosis treatment component which is capable of removing all impurities from the wastewater. Whilst this treatment option is viable it comes with a number of disadvantages:

- reverse osmosis is only capable of producing an output water of 75-80% of the incoming feedwater. This is due to the creation of a reject water containing impurities that are removed following treatment. This leads to a significant issue associated with handling a reject wastewater stream that is high in salt and other impurities. In short, to produce 6ML/day of treated effluent, a feed water in to the system of 8ML/day would be required. This in turn would produce a reject (brine) wastewater stream of approximately 2ML/day that would need to be processed or disposed of. The most

cost effective option for inland centres (on the coast the brine is simply put back into the sea) would be disposal and evaporation in brine evaporation lagoons; and

- reverse osmosis is very expensive to operate due to the energy requirements of the treatment system. The system is required to operate at high pressure and hence has high associated electricity costs.

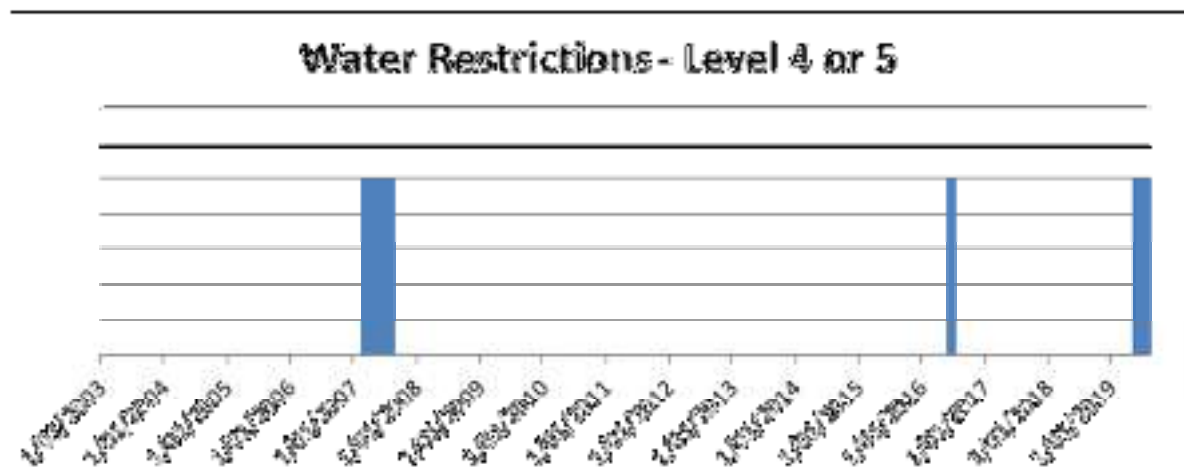
An alternative treatment technology that has advanced in recent years is a combination of ozonation and biologically activated carbon filtration. This system has the potential to avoid the use of reverse osmosis, however, very few, if any, treatment systems installed do not utilise reverse osmosis as a health barrier. In addition the use of ozonation and biologically activated carbon would be expected to cause Tamworth’s water supply to exceed Australian Drinking Water Guidelines for Total Dissolved Solids which would lead to potential taste and scaling issues.

Based on a reverse osmosis treatment component producing 6ML/day of treated effluent, the capital cost (CAPEX) of the required infrastructure for a DPR scheme in Tamworth is estimated to be in the order of \$71 million. In addition, operation and maintenance costs are estimated to be \$1.8 million per annum.

Council’s raw water charges and operation costs for sourcing high security water from Chaffey Dam are currently in the order of \$0.085/kL. Sourcing water from Dungowan Dam is approximately \$0.005/kL.

In terms of the impact to residential water bills, the average current annual bill for water usage is approximately \$470 per property. In the event the DPR scheme was constructed for the estimated cost and operated to produce 6ML/day it is expected that this bill would increase to \$710 per year for the same amount of water.

Given the above costs of operation, it would be expected that any DPR scheme would only be operated during times of extended drought i.e. when Level 4 or 5 water restrictions were in place. The following graph details periods of Level 4 or 5 restrictions within Tamworth since 2003.



Should any DPR scheme be operated on this basis, the long term cost benefit ratio of the scheme would be difficult to justify. In addition key treatment components may require replacement prior to recommissioning the treatment system in between periods of use, potentially increasing the long term operational costs.

Potential Construction Timeframes and Social Acceptance

Assuming that Council had all relevant approvals and funding sources in place construction of a DPR scheme could be completed in approximately 18 months. The following key points however need to be considered:

- as detailed above, there are currently no DPR schemes within Australia and only one known IDR scheme located in Perth. The implementation of a DPR scheme would require all normal planning approval processes to be followed along with approval from relevant NSW Government Agencies. Given that there is no precedent for a DPR scheme within Australia the approval process timeframe for a DPR scheme is unknown. The indirect scheme operated in Perth had an approval and construction period of approximately 10 years.
- The social and community acceptance of any DPR scheme would need to be considered and carefully managed. For example, Toowoomba City Council was planning to undertake a three-year community engagement program for its proposed IDR scheme. However, a referendum on the proposal took place on 29 July 2006 (12 months in to the project), which saw the proposal rejected by the residents.

The full High Level Feasibility Study for the option of DPR of Effluent in Tamworth is **ATTACHED**, refer **ANNEXURE 1**.

Based on the above, whilst a DPR scheme is technically feasible, the following factors potentially preclude its current construction:

- difficulties in disposal of reject or brine water created from the treatment process;
- high capital and ongoing operational costs and the impact of these costs on consumer charges i.e. water consumption charges;
- high cost relative to other options to further secure Tamworth's water supply;
- unknown approval process given the lack of schemes in current operation; and
- difficulty in obtaining community/social acceptance.

In addition, Council is currently committed to the following drought actions:

- construction of a temporary pump station at Dungowan to pump from the Peel River into the existing Dungowan Pipeline. This project is being managed by WaterNSW and aims to reduce water transmission losses associated with river discharge from Chaffey Dam. The project is scheduled for completion in November 2019;
- the construction of a 120ML off river storage at the Calala WTP to improve long term water harvesting efficiency from the Peel River and provide operational water storage in the event of any raw water supply interruptions. This project is being managed by Council and is planned for commissioning in December 2019;
- the construction of a pipeline from Chaffey Dam to the existing Dungowan Dam Pipeline at Dungowan. This project is being managed by WaterNSW and aims to reduce water transmission losses associated with river discharge from Chaffey Dam. The project is scheduled for completion in March 2020; and
- extensive community awareness campaign and water restriction enforcement as water restriction levels increase.

The construction of the Chaffey Dam to Dungowan Pipeline will increase the security of Tamworth's water supply long term and Council continues to work with both the NSW

Government and Federal Government regarding the construction of a larger Dungowan Dam to increase Council's long term water security.

Based on the further investigation completed, it is recommended Council not pursue the option of DPR or IDR at this time, but continue to pursue the four preferred options identified previously as part of the 2015 study. DPR or IDR options could again be considered if there was some technological or some other change that could reduce issues identified with these types of schemes.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 RETURNING OFFICER – FILE NO SF819

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

RECOMMENDATION

That the advice in relation to the role of the Returning Officer for any election required for the position of Mayor and Deputy Mayor be received and noted and the General Manager act as the Returning Officer for the election of the Deputy Mayor.

SUMMARY

The purpose of this report is to advise Council that the General Manager will be the Returning Officer for the election of the Deputy Mayor.

COMMENTARY

Schedule 7 of the Local Government (General) Regulation 2005 states that the General Manager (or a person appointed by the General Manager) will act as the Returning Officer for any election required to elect the Mayor and Deputy Mayor.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Schedule 7 of the Local Government (General) Regulation 2005 provides that the General Manager (or a person appointed by the General Manager) is the Returning Officer. Consequently, the General Manager will conduct any election required for the position of Mayor and Deputy Mayor.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.2 DETERMINATION OF METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR – FILE NO SF819

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

RECOMMENDATION

That Council elect the Deputy Mayor for the ensuing term by Ordinary Ballot.

SUMMARY

The purpose of this report is for Council to determine the voting method to be used in electing the Deputy Mayor for the ensuing term.

COMMENTARY

Schedule 7 of the Local Government (General) Regulation 2005 provides that if only one Councillor is nominated for the position of Deputy Mayor, that Councillor is elected.

If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

Ballot has its normal meaning of secret ballot and **open voting** means voting by a show of hands or similar means.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Council's past practice has been to conduct the Election for the position of Deputy Mayor by ordinary ballot.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.3 NOMINATION FOR THE POSITION OF DEPUTY MAYOR – FILE NO SF819

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

RECOMMENDATION

That the Returning Officer calls for nominations for the position of Deputy Mayor for the ensuing term and if two or more nominations are received, an election be conducted.

SUMMARY

The purpose of this report is to call for and announce nominations received for the position of Deputy Mayor for the ensuing 12 month period.

COMMENTARY

Nomination Forms for the position of Deputy Mayor have been distributed and will also be available at the Ordinary Meeting.

The Returning Officer will call for final lodgement of nominations at the Meeting. After the final call for nominations, the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Section 290(b) of the Local Government Act requires Council to hold the election of the Mayor by the Councillors during the month of September, this will also apply for the Deputy Mayor. Section 231 of the Local Government Act in relation to the Deputy Mayor: (1) The councillors may elect a person from among their number to be the deputy mayor. (2) The person may be elected for the mayoral term or a shorter term. (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor. (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is

prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.4 COUNCIL INVESTMENTS AUGUST 2019 – FILE NO SF9655

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Seon Millstead, Revenue Accountant

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments August 2019”, Council receive and note the report.

SUMMARY

This report provides an overview of Council Investments for the month of August 2019.

COMMENTARY

In accordance with Section 212 of the Local Government (General) Regulation 2005, the details of all money Council has invested as at 31 August 2019, is **ATTACHED**, refer **ANNEXURE 1**.

The following table provides a summary of the types of investments held and the institution they are held with:

Institution	On Call	Term Deposit	Floating Rate	Total	% of Total
NAB	8,025,293	50,000,000	0	58,025,293	35.86%
ANZ	0	14,000,000	0	14,000,000	8.65%
BOQ	0	5,000,000	0	5,000,000	3.09%
CBA	0	12,000,000	3,000,000	15,000,000	9.27%
St George	0	26,000,000	0	26,000,000	16.07%
TCorp	14,803,058	0	0	14,803,058	9.15%
Westpac	0	17,000,000	12,000,000	29,000,000	17.92%
TOTAL	22,828,351	124,000,000	15,000,000	161,828,351	

The amount invested at 31 August 2019, has increased by \$13,090,523.23 since the previous month, with significant cash receipts due in the first rates and charges instalment.

Council's investments mainly include restricted funds received for specific purposes or held for future renewal works for each of the three main funds, as summarised in the following table:

Fund	Restriction	Amount	%
General	Unrestricted	6,099,681	3.77%
General	Internally Restricted	41,898,268	25.89%
General	Externally Restricted	8,679,908	5.36%
General Fund Total		56,677,857	35.02%
Water	Unrestricted	4,244,797	2.62%
Water	Internally Restricted	23,302,280	14.40%
Water	Externally Restricted	21,977,577	13.58%
Water Fund Total		49,524,654	30.60%
Sewer	Unrestricted	4,083,458	2.52%
Sewer	Internally Restricted	37,005,768	22.87%
Sewer	Externally Restricted	14,536,614	8.98%
Sewer Fund Total		55,625,840	34.37%
Total Investments		161,828,351	

Moneys received for each Fund can only be used within that Fund. An explanation for each category of restriction is described below.

Unrestricted:

These are funds required to meet short term cash flow requirements and contingencies to maintain solvency.

Internally Restricted:

Funds set aside for future commitments mostly relate to asset renewals, remediation works, or leave provisions. For General Fund, this includes self funding activities such as the Airport, Waste Management and Fleet operations.

Externally Restricted:

Funds provided for specific purposes such as developer contributions, grants and loans.

The use of restricted funds is largely controlled by 10 – 20 year asset management plans which are included in the resourcing strategy of Council's Community Strategic Plan.

(a) Policy Implications

All of Council's investments are held in accordance with the 'Tamworth Regional Council Investment Policy' except for the one term deposit that is now below the minimum rating level due to a recent down grade.

(b) Financial Implications

Investment levels and interest rates are currently on par with the revised estimate calculations.

(c) Legal Implications

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

- Local Government Act 1993 – Section 625;
- Local Government Act 1993 – Order (of Minister) dated 16 November 2000;
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) and 2;
- Local Government (General) Regulation 2005 – Clauses 212 and 215; and
- Local Government Code of Accounting Practice & Financial Reporting – Update No. 15 dated June 2007.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

**9.5 ANNUAL OPERATIONAL PLAN 2019/20 BUDGET VARIATION REPORT - AUGUST 2019
– FILE NO SF7920**

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Michael Gould, Acting Manager Financial Services

Reference: Item 9.1 to Ordinary Council 25 June 2019 - Minute No 204/19

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2019/20 Budget Variation Report – August 2019”, Council note and approve the variations to the existing budget included in the attached ANNEXURE.

SUMMARY

Council adopted the original budget included in the Annual Operational Plan for 2019/2020 at the Ordinary Council Meeting held 25 June 2019. Any changes to the budget must be approved by Council at a later Ordinary Meeting. This report seeks Council approval for any required budget variations identified during the month of August 2019, for which there has been no previous specific report or approval.

The Quarterly Budget Review Statements will provide Council with a full review of revised budget forecasts and actual year to date results following the completion of the September, December and March quarters.

COMMENTARY

The annual budget provides Council with the means to control resource allocation and revenues per objectives set in the Annual Operational Plan. It also forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and update of the budget is therefore important for sound financial management.

This monthly report provides a timely endorsement of any variations identified during the previous month and for the reporting of any material differences between budgets and actuals identified by the Responsible Accounting Officer.

A summary of general budget variations is provided below with detailed lists included the **ATTACHED**, refer **ANNEXURE 1**.

General variations identified during August

Division	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Plant, Fleet and Buildings	0	0	0	29,700
Sports and Recreation Services	0	0	(65,000)	65,000
Infrastructure and Projects/Design and Construction	0	0	(1,327,137)	1,327,137
Water and Wastewater	0	73,100	0	18,000
Grand Total	0	73,100	(1,392,137)	1,439,837

Material differences between budget and actual income or expenditure

Nil

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2019/2020:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	0	0	(1,392,137)	1,421,837
Water	0	73,100	0	18,000
Sewer	0	0	0	0

(c) Legal Implications

This report is in compliance with the following sections of the Local Government (General) Regulation 2005;

211 Authorisation of expenditure; and

202 Responsible Accounting Officer to maintain system for budgetary control.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.6 2018/2019 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS FOR AUDIT – FILE NO SF8837

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

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “2018/2019 General Purpose and Special Purpose Financial Reports for Audit” for the period ending 30 June 2019, 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 12 November 2019, in accordance with Section 419 (1) of the Local Government Act, 1993;*
- (ii) record as an opinion of the 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 2019:*
 - (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 the Council’s operating result and financial position for the year;*
 - (c) the General Purpose Financial Report accords with the 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 the 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 2019:*
 - (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”;*
 - the Local Government Code of Accounting Practice and Financial*

Reporting; and

- (b) the Special Purpose Financial Reports present fairly the operating result and financial position for each of the Council's declared Business Activities for the year;***
- (c) the Special Purpose Financial Reports accord with the 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 2019, for Tamworth Regional Council.

COMMENTARY

The General Purpose and Special Purpose Financial Reports for Tamworth Regional Council for the year ended 30 June 2019, have been prepared and are ready for Council to refer for audit.

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. Following this review, the financial statements will be put to Council on 22 October 2019, to approve for lodgement with the Office of Local Government by 31 October 2019 and for public exhibition.

The audited financial statements and independent auditors report will then be presented to Council and the public at the Council Meeting to be held 12 November 2019, 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, **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 Acting General Manager, Mr Chris Weber, 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 2019.

(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.

9.7 EXHIBITION OF THE TAMWORTH REGIONAL COUNCIL COMMUNITY PARTICIPATION PLAN – FILE NO SF9703

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Sonya Vickery, Integrated Planner - IP&R

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Exhibition of the Tamworth Regional Council Community Participation Plan”, Council:

- (i) place the subject plan on public exhibition for a period of 28 days;*
- (ii) amend the Tamworth Regional Council Development Control Plan 2010, as outlined in the report and that this change be put on public exhibition for 28 days; and*
- (iii) following public exhibition a report will be submitted to Council to consider any submissions received during the exhibition period.*

SUMMARY

Planning Authorities are required to prepare, exhibit and adopt a Community Participation Plan (CPP) by 1 December 2019, in accordance with Section 2.23(2) the *Environmental Planning and Assessment Act 1979*. The CPP outlines Council's approach to community engagement specifically in relation to our planning functions.

The purpose of this report is to obtain Council's approval to place the CPP on public exhibition for a period of 28 days.

COMMENTARY

The purpose of a CPP is to provide a single document that clearly states how the community can participate in planning matters. The document combines Council's existing community engagement approach and the minimum public exhibition timeframes of the legislation for planning functions.

The document also promotes transparency in decision making, rights of access to information, inclusivity and opportunities for community participation in planning matters.

A key legal function of the CPP is to inform the community of the different minimum public exhibition timeframes that Council sets for different types of strategic planning and development applications. Currently, the *Tamworth Regional Council Development Control Plan 2010* (TRDCP 2010) provides some information on exhibition periods along with advertising and notification guidelines in relation to development approvals.

In order to streamline processes in and around community participation in relation to planning matters, the NSW Department of Planning, Industry and Environment (DPIE) recommends the removal of community participation requirements from the TRDCP 2010, as a consequence of adopting the CPP. Accordingly, a copy of the relevant page (Page 8) to be deleted from the TRDCP 2010 (Amendment No. 13) is **ENCLOSED**, refer **ENCLOSURE 1**.

The proposed 'Tamworth Regional Council Community Participation Plan' (prepared under Section 2.23(2) of the *Environmental Planning and Assessment Act 1979*) contains all of the relevant information and necessary guidance to the regional community on minimum public exhibition timeframes and circumstances whereby advertising and/or notification may occur in relation to strategic planning matters and development applications. The draft CPP is **ENCLOSED**, refer **ENCLOSURE 2**.

(a) Policy Implications

The TRDCP 2010 will need to be amended, as a consequence of proposing the CPP to remove the Advertising and Notification section of the TRDCP 2010. **ENCLOSURE 1** shows the page in the TRDCP 2010 that would be deleted and replaced with the proposed CPP. This proposed deletion needs to also go on exhibition for 28 days at the same time as the draft CPP. Both matters will be reported back to Council for resolution once the exhibition period closes.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The CPP and the amended TRDCP 2010 are required to be publicly exhibited for a period of 28 days.

(e) Delivery Program Objective/Strategy

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

10 COMMUNITY SERVICES

10.1 CENTRAL NORTHERN REGIONAL LIBRARY - MEETING MINUTES 4 SEPTEMBER 2019 – FILE NO SF2712

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Kay Delahunt, Manager Cultural Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Central Northern Regional Library – Meeting Minutes 4 September 2019”, Council receive and note the Minutes.

SUMMARY

This report presents the Minutes from the Central Northern Regional Library (CNRL) Ordinary Meeting held on 4 September 2019.

COMMENTARY

The CNRL Committee met on Wednesday 4 September 2019. Minutes of this meeting are **ATTACHED**, refer **ANNEXURE 1**.

- the June 2019 CNRL Quarterly Report was presented;
- a new CNRL funding formula was approved by the Committee. The new formula is in response to changes in the State Funding Model announced in July 2019;
- information about overdue fees and loan limits was presented and discussed. The Committee approved the abolition of CNRL overdue fees. The loan limit per borrower was reduced from 50 items to 20 items. Loan periods remain the same with the exception of renewals. Items can be renewed for two weeks, and up to five times, if the item is not reserved;
- the CNRL Committee discussed a shortlist of four recently published Australian titles for consideration for the ‘2019 One Book One Region’. ‘Any Ordinary Day’ by Leigh Sales was selected. In addition the Committee requested that ‘Back on Track’ by Bernie Shakeshaft and James Knight be provided as a book group kit and be promoted across the region; and
- a demonstration of the new CNRL mobile App took place. The App can be downloaded from the Apple Store or Google Play by searching CNR Library.

(a) Policy Implications

Nil

(b) Financial Implications

- The abolition of overdue fees will reduce income by approximately \$2,813 per annum. (*\$2,813.40 is the amount Tamworth Regional Council collected in 2018-2019*)
- Under the new funding formula Tamworth Regional Council’s contribution to CNRL for 2019-2020 will be \$1,733 below the amount estimated in the current year budget.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Spirit of Community - C22 Provide accessible, functional, multi-purpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

10.2 THE VIEW FROM 1919 REGIONAL TOUR – FILE NO SF7208

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “The View from 1919 Regional Tour”, Council agrees to loan the identified artworks from the Gallery’s Permanent Collection to tour other regional galleries.

SUMMARY

The regional exhibition tour of *The View from 1919* assists to promote Tamworth Regional Gallery to wider gallery peers and provide access to the arts in other regional centres. Loan of artworks from the Gallery’s Permanent Collection requires the approval of Council. This tour is an important opportunity to continue to celebrate and acknowledge the 100 year anniversary of Tamworth Regional Gallery.

COMMENTARY

Tamworth Regional Gallery first opened on 1 June 1919, as the Tamworth Art Salon and Art Library. The gallery was established from a gift of 100 artworks and art acquisition books by artist and collector John Salvana to provide access to arts in regional New South Wales.

This important milestone was celebrated through the development of an exhibition, catalogue and the delivery of public programs through *The View from 1919: A century of Tamworth Regional Gallery’s collection* **ATTACHED**, refer **ANNEXURE 1**. The regional exhibition tour of *The View from 1919* assists to promote Tamworth Regional Gallery to wider gallery peers and provide access to arts in other regional centres

This exhibition explores the view at 1919 in the art world. It examines the different styles, themes, mediums and diversity of art making in this period. The exhibition looks at the context of this era placing the art making relative to world events and current attitudes.

The exhibition tour to other regional galleries includes a series of artwork loans from the Gallery’s Permanent Collection and is a smaller scale than the exhibition held in Tamworth. The attached document identifies the selected artworks for loan. *The View from 1919* will tour to Bank Art Museum Moree (BAMM) from 1 October 2019 to 3 December 2019, and New England Regional Art Museum (NERAM) from 7 February 2020 to 3 May 2020 in Armidale. Other tour venues may request the exhibition in 2020 that are yet to be confirmed, the exhibition loan fee will apply.

(a) Policy Implications

In accordance with Council’s policy in relating to the loan of artworks from the Permanent Collection, a Council resolution is required for such a loan to take place. Tamworth Regional Gallery will loan a selection of artworks that were exhibited as part of *The View from 1919* exhibition.

(b) Financial Implications

The Tamworth Regional Gallery is charging a venue tour fee of \$2,500 for the loan of these artworks to cover transport and exhibition installation costs.

(c) Legal Implications

There are no additional legal implications relating to these artwork loans. Insurance for the artwork during freight to and from Tamworth Regional Gallery is covered by Council and on exhibition is covered by the tour venue.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Spirit of Community – C22 provide accessible, functional, multi-purpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

10.3 UPGRADES TO CROWN LANDS BUILDING TO SUIT COMMUNITY MEETING REQUIREMENTS – FILE NO E036/2020

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Kate Baker, Co-Ordinator Economic and Destination Development

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Upgrades to Crown Lands Building to Suit Community Meeting Requirements”, Council allocate \$20,000 from the General Fund to cover the costs associated with purchasing furniture, installing WiFi, installing internal and directional room signage and upgrading internal door hardware and locks to the building.

SUMMARY

The purpose of this report is to request a financial allocation from Council to purchase 15 portable folding trestle tables plus 40 matching chairs, install WiFi, install internal directional signage and upgrade all the internal door hardware and locks, in the former Crown Lands Building at 25 Fitzroy Street, Tamworth. The upgrades will meet the requirements outlined by the community groups who submitted an Expression of Interest to utilise the building. The proposed usage is predominantly for meeting purposes.

COMMENTARY

For 118 years, the iconic Lands Office building has been a feature of Fitzroy Street. In late 2018 the property was sold to Tamworth Regional Council for community use.

As part of the agreement with the NSW Government, the acquisition by Tamworth Regional Council was conditional on ensuring the building was to be made available for community use. In order to ensure a fair and equitable process for a diverse range of groups to access the building, Council conducted an Expression of Interest process. During this process community groups were advised there would be no permanent tenancies offered as the offices and meeting rooms are to be flexible meeting and gathering spaces. This was agreed to ensure the building is accessible and has the highest and best utilisation for the community.

There were 11 Expressions of Interest received and several enquires since the EOI closed. **ATTACHED**, refer **ANNEXURE 1**. The most common requirements were for flexible meeting

spaces, access to kitchen and WiFi access. Many of these groups meet out of hours, so security implications will come into play. It is recommended that any security call out costs be passed on to the user groups.

Upgrades to door hardware and internal locks are required to allow sections of the building to be locked when groups access the building outside of normal business hours. Internal directional signage and room signage will ensure visitors access the correct rooms, especially necessary if there are several groups at once meeting in the building.

An outlook calendar system will be implemented to manage the booking system. Entertainment Venues will be installing modern audio visual equipment in the two larger meetings spaces at a cost of around \$10,000.

Staff at the lands building will ensure the rooms are set to meet the community needs.

The smaller offices will be set up to suit hot desk operations and small meeting spaces. Surplus furniture is being utilised in these spaces, there will be no additional cost to Council at this time.

Each of the eight 'community' rooms are accessible from one internal corridor via the front entrance and, therefore, can all be accessed individually and potentially by eight different parties at any one time.

(a) Policy Implications

Nil

(b) Financial Implications

If approved by Council, an allocation of funds would be sourced from the General Fund.

(c) Legal Implications

Nil

(d) Community Consultation

Community Consultation was conducted through a direct email to the community directory and media promotion.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C22 Provide accessible, functional, multi-purpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

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 SUPPLY AND DELIVERY OF TWO MOTOR GRADERS – FILE NO T123/2019

DIRECTORATE: REGIONAL SERVICES

AUTHOR: George Shearman, Manager Plant, Fleet and Building Services

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

This tender is for the replacement of two existing motor graders. These replacements are scheduled in accordance with Council's Plant and Fleet Asset Management Plan. The new motor graders will primarily be utilised for grading Council's extensive network of unsealed roads, and on occasions, may be utilised for specific civil construction projects.

11.2 PROPOSED SURRENDER AND NEW LEASE OF TELECOMMUNICATION FACILITY - PART LOT 6 SECTION 4 IN DP 758951 – FILE NO SF636

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel

Reference: Item 15.4 to Ordinary Council 28 May 2019 - Minute No 180/19

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

SUMMARY

The purpose of this report is to advise Council of an approach by Optus to surrender the current lease of part of the roof space at 437 Peel Street Tamworth, and enter into a new Lease on terms and conditions as outlined in the body of this report.

11.3 PROPOSAL TO RENEW LEASE, PART 7-11 ANNE STREET, SOUTH TAMWORTH – FILE No LF226

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

This report seeks Council's authorisation for the renewal of the Lease for part of 7-11 Anne Street, South Tamworth for the existing tenant of the premises.

11.4 PROPOSAL TO LEASE SPACE IN COUNCIL BUILDING – FILE NO LF5037

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel

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

SUMMARY

The purpose of this report is to advise Council of an offer received to lease part of Council's available space at 24 Fitzroy Street Tamworth being part of Level 1, Peel House.

11.5 TENDER T149/2019 AUSTRALIAN EQUINE AND LIVESTOCK EVENTS CENTRE (AELEC) STABLE BEDDING SUPPLY AND ORGANIC WASTE COLLECTION – FILE NO T149/2019

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Mike Rowland, Precinct Manager – Sports Venues Precinct

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

SUMMARY

The purpose of this report is to consider accepting a tender for the supply of animal bedding material and the collection of organic waste material at AELEC.

11.6 WESTDALE WASTEWATER TREATMENT PLANT – SLUDGE LAGOON MAINTENANCE – FILE NO SF572

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to request Council consideration for funding biosolids removal from one of the sludge lagoons at Council's Westdale Wastewater Treatment Plant.

11.7 PROPOSED SURRENDER AND GRANT OF NEW LEASE OF TELECOMMUNICATION FACILITY - PART LOT 1 IN DP 414587 – FILE NO LF5907

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Acting General Counsel

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to advise Council of an approach by Vodafone to surrender the balance of their leases of part of the reservoir at One Tree Hill, Hillvue and a request to enter into a new Lease on the terms and conditions as outlined in the body of this report.

11.8 WEST TAMWORTH TENNIS CLUB LICENCE AGREEMENT – FILE NO SF3297

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

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

This report seeks Tamworth Regional Council's authorisation for the execution of a Licence Agreement between Council and West Tamworth Tennis Club Incorporated (WTTCl) for part of Lot 32 in Deposited Plan 975957, for the purpose of a carpark extension.

11.9 CAFÉ SUB-LEASE AT THE TAMWORTH VISITOR INFORMATION CENTRE – FILE NO SF5847

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: Kate Baker, Co-Ordinator Economic and Destination Development

Reference: Item 14.5 to Ordinary Council 30 April 2019 - Minute No 137/19

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 seek Council's approval to enter into a sub-lease with Pavilion Australia Pty Ltd, for the operation of a modern café at the Tamworth Visitor Information Centre (VIC). In addition the report seeks approval to fund the upgrades required with the investment being recouped through rental payments across the term of the lease.

11.10 POSSIBLE ACQUISITION OF A PORTION OF PROPERTY FOR DRAINAGE - BYLONG ROAD – FILE NO SF9783

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18
Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council direction in relation to the purchase of a portion of a parcel of land in Bylong Road to allow for future drainage associated with the development of the adjacent Arcadia area and Warwick Road area.

11.11 PROPOSED ACQUISITION OF LAND – FILE NO SF9866

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel
Reference: Item 14.3 to Ordinary Council 27 September 2016 - Minute No 293/16
Item 14.5 to Ordinary Council dated 12 June 2018 - Minute No 202/18

3 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

A property previously considered for acquisition by Council due to flood risk has been placed on the market. The purpose of this report is to seek direction from Council on the possible purchase.

11.12 TENDER NO T014/2020 – TAMWORTH REGIONAL AIRPORT – FLYING COLLEGE OPERATIONS – SUPPLY OF CATERING, HOSPITALITY, CLEANING AND MAINTENANCE SERVICES – FILE NO T014/2020

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: John Sommerlad, Director Business and Community

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

SUMMARY

The purpose of this report is to recommend to Council that it declines to accept any of the tenders which were submitted and to enter into direct negotiations with the preferred tenderer.

11.13 POSSIBLE ACQUISITION OF A PORTION OF PROPERTY FOR DRAINAGE – BYLONG ROAD – FILE NO LF983

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18
Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council direction in relation to the purchase of a portion of a parcel of land in Bylong Road to allow for future drainage associated with the development of the adjacent Arcadia area and Warwick Road area.

11.14 TENDER T032/2020 – CALALA 120ML WATER STORAGE DAM – FLOATING COVER – FILE NO T032/2020

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste
Reference: Item 12.7 to Ordinary Council 13 August 2019 – Minute No 268/19
Item 11.5 to Ordinary Council 10 September 2019 – Minute No 306/19

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

SUMMARY

The purpose of this report is to inform Council of some recent water quality issues/challenges that have occurred as a result of the extended drought conditions and request approval to install a floating cover on the 120 Megalitre (ML) water storage to the risk of further water quality deterioration in the 120 ML storage.

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.