

# 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

**26 MAY 2020**

**PAUL BENNETT  
GENERAL MANAGER**

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## Council

Meeting Date: 2<sup>nd</sup> and 4<sup>th</sup> 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, 28 April 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.*

### **4 DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

### **5 MAYORAL MINUTE**

Nil

### **6 NOTICE OF MOTION**

Nil

### **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

- 7.1 MODIFICATION (MOD2018-0126) TO DEVELOPMENT APPLICATION NO 2016/0333 FOR NSW RURAL FIRE SERVICE FIRE CONTROL CENTRE AND HELIPAD ON LOT 211 DP 1069964, COUNTRY ROAD, WESTDALE – FILE NO LF4325**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Mitchell Gillogly, Development Assessment Planner**

**Reference: Item 7.2 to Ordinary Council 12 April 2016 - Minute No 80/16**

**2 ANNEXURES ATTACHED**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **GENERAL MANAGER'S ADVISORY NOTE TO:**

**Councillors**

**Applicants**

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

### **Record (Division) of Voting**

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

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

### **Relevant Planning Application**

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

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

### **Relevant Public Submission**

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

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

### **Disclosure of Reportable Political Donations and Gifts**

#### **Planning Applications**

Nil

#### **Public Submissions**

Three

## **RECOMMENDATION**

*That in relation to the “Modification (MOD2018-0126) to Development Application No 2016/0333 for NSW Rural Fire Service Fire Control Centre and Helipad on Lot 211 DP 1069964, Country Road, Westdale”, the application be determined by granting consent with a modification to the conditions as follows:*

- *delete Condition 1 in consideration of a Construction Certificate not being required for Crown Development;*
- *delete Condition 9 requiring consultation shall be undertaken with the Civil Aviation Safety Authority (CASA) and Airservices Australia;*
- *amend the wording of Condition 11 in consideration of the proposal being a Crown Development;*
- *add an advisory note to Condition 12 to clarify specific requirements to be addressed as part of stormwater strategy;*
- *amend the wording of Condition 12 in consideration of the proposal being a Crown Development;*
- *add Condition 12a to nominate approved plan set;*
- *amend the wording of Condition 15 to clarify the notification of events to adjoining landholders;*
- *amend to the wording of Condition 26 to nominate the preferred location for*

*discharge is at the northern end of the site in the table drain located in Country Road;*

- *amend the wording of Condition 28 in consideration of a construction certificate not being required for Crown Development;*
- *add an advisory note to Condition 35 to allow flexibility with pavement design for internal roads;*
- *add an advisory note to Condition 36 to allow flexibility with pavement design for internal roads;*
- *amend the wording of Condition 39 regarding the design vehicles for vehicle turning movements;*
- *amend the wording of Condition 42 to nominate the provision of 46 onsite parking spaces;*
- *amend the wording of Condition 46 in consideration of the proposal being a Crown Development;*
- *amend the wording of Condition 48 in consideration of the proposal being a Crown Development;*
- *delete Condition 49 requiring gazettal of Country Road as a B-double route;*
- *amend the wording of Condition 50 in consideration of the proposal being a Crown Development;*
- *amend the wording of Condition 56 to require training vehicles to be removed 72 hours following completion of training events;*
- *add Condition 56a consultation shall be undertaken with the Civil Aviation Safety Authority (CASA), Airservices Australia and Tamworth Regional Airport; and*
- *amend the wording of Conditions 7, 28, 30, 32, 35, 36, 40, 50 and 51 to reference the current wording for Council's Engineering Design Minimum Standards for Subdivisions and Developments.*

*In this regard, Conditions of the development consent now comprise:*

#### *Prior to Work Commencing*

- 1) *Deleted (MOD2018-0126)*
- 2) *Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:*
  - a) *must be a standard flushing toilet; and*
  - b) *must be connected to a public sewer; or*
  - c) *if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council.*

*The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.*
- 3) *The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:*
  - a) *the name, address and telephone number of the developer for the work; and*
  - b) *the name of the principal contractor (if any) for any building work and a*



*telephone number on which that person may be contacted outside working hours; and*

- c) a statement that unauthorised entry to the work site is prohibited.*

*The sign is to be removed when the work has been completed.*

- 4) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").*
- 5) The contractors engaged in work on Council assets must provide proof of Public Liability Insurance to the value of \$20 million to ensure sufficient insurance cover to indemnify Council from liability. The policy should specifically indemnify Council from all claims arising from the execution of the works.*
- 6) Traffic Control Plans (TCP) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-1996 and the RMS current version of the "Traffic Control at Worksites" manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve.*
- 7) A pavement design report that complies with the requirements of Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments shall be submitted to Council's Transport and Assets Division for approval.*
- 8) An approval must be obtained from Council pursuant to Section 138 of the Roads Act 1993 to undertake works in the Country Road road reserve prior to works commencing.*

#### *Prior to Commencement of Works*

- 9) Deleted (MOD2018-0126)*
- 10) To enable the adequacy of the proposed landscaping to be assessed prior to site development works commencing, a landscape design plan shall be prepared and submitted to Council for approval with respect to the landscaped buffer. The plan shall include botanical names, quantities and state of maturity of all trees, shrubs and ground covers.*
- 11) A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from Council (as the Local Water Supply Authority) prior to the occupation of the building. Payments shall be made and information submitted for approval prior to issue of a commencement of construction:
  - a) Deleted (MOD2018-0126); and*
  - b) Detailed engineering drawings for the extension of water supply required by Condition 50 of this consent.**
- 12) All water, sewer and stormwater works, including the operation of a system of sewage management (OSSM) shall be carried out in accordance with the Plumbing & Drainage Act 2011 and Plumbing & Drainage Regulation 2017 and the relevant Australian Standard.*

*The following reports shall be prepared by a suitably qualified person for stormwater works and operation of a system of sewerage management:*

- a) *A stormwater servicing strategy in accordance Condition 28 of this consent; and*
- b) *An effluent management report with plans outlining the design for the system. The report is to include maximum loading rates for the buildings utilising the system and demonstrate that the on-site effluent management system will be capable of managing the effluent load, with no adverse environmental impact or health risks.*

*Advisory Note: The stormwater management strategy should be cognisant of the need to minimise crossings over the existing 375mm diameter water mains. It is suggested that a single crossing point at the north western corner of the site should be the focus of the strategy. It is further noted that there is an obligation to maintain environmental flows into the existing dam on the south western corner of Lot 3 to the immediate north of the subject site. There is an opportunity to achieve this via a low-flow bypass at the outlet of the proposed on-site detention basin.*

#### **General**

- 12a) *Development shall take place in accordance with the attached endorsed plans:*
  - a) *Architectural Plans prepared by Hill Lockart Architects, Plan RM No. T2715, Sheet No. WD102 & 103, Revision I, dated 29 April 2020; and*
  - b) *Architectural Plans prepared by Hill Lockart Architects, Plan RM No. T2715, Sheet No. WD200, 203, 204, 301, 302, 303, 401, 402 & 403, Revision G, dated 24 September 2019; and*
  - c) *Architectural Plans prepared by Hill Lockart Architects, Plan RM No. T2715, Sheet No. WD105, Revision C, dated 3 August 2018.*
- 13) *The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of Council.*
- 14) *All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.*

*All building work must be carried out in accordance with the provisions of the National Construction Code.*
- 15) *The NSW Rural Fire Service shall provide written notice to adjoining landowners or residents of scheduled training days which include the use of the training zone and/or the fire pit a minimum of 7 days prior to the event.*

*Advisory Note: Written notice to adjoining landholders or resident can either be via a letterbox drop or electronic methods, however if electronic notification is the delivery method agreement from the landholder is required and a copy must be kept by the operator of the facility.*
- 16) *All building work must be carried out in accordance with the provisions of the National Construction Code and Access to Premises - Buildings Standards 2010.*
- 17) *Vehicle access to the chicken hatchery and all other properties on Country Road*

*shall be maintained during the construction phase of the development and Country Road. Access shall also be maintained to critical infrastructure including clean potable water (at current flow rates and pressure), electricity and sewer reticulation.*

- 18) *It is the responsibility of the developer to meet all the expenses incurred in undertaking the development, including expense incurred complying with conditions imposed under this approval.*

#### ***During Construction or Works***

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##### ***General***

- 19) *All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code.*
- 20) *Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:*  
*Monday to Friday – 7:00am to 5:00pm;*  
*Saturday – 8:00am to 1:00pm if audible on other residential premises, otherwise 7:00am to 5:00pm;*  
*No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.*  
*The Developer shall be responsible to instruct and control their contractors regarding the hours of work.*
- 21) *The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe an unobstructed access for pedestrians. Where necessary, application may be made by contacting Council.*
- 22) *If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Transport and Assets Division is required.*
- 23) *Any damage caused to Council infrastructure, as a result of works undertaken for the development site, shall be rectified by the Developer to the satisfaction of Council so as to ensure the integrity of Council's infrastructure.*
- 24) *Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.*
- 25) *The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated the development. This can be in the form of water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.*

##### ***Stormwater***

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- 26) *All roof water and concentrated surface stormwater discharging from the development site, buildings and works must be conveyed to the approved point of discharge by underground pipe drains complying with AS3500.3 (as amended) to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter Council's stormwater drainage system.*
- The approved point of discharge is the table drain fronting the development site on Country Road. The preferred location for discharges is at the northern end of the site.*
- 27) *All new roads/driveway accesses created as part of this development shall have a pipe culvert installed over the existing table drain on Country Road. The pipe culvert shall be sized to cater for a 1:20 ARI.*
- 28) *Detention of stormwater flows to pre-developed rates is required for this development. In this regard a stormwater servicing strategy shall be prepared in accordance with the requirements of Part 3 of the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments and submitted to Council for approval. The stormwater strategy shall address the stormwater drainage design for the development site. This shall be undertaken prior to the commencement of construction for any stage.*
- 29) *The stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:*
- a) *all plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;*
  - b) *temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;*
  - c) *all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented;*
  - d) *any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted; and*
  - e) *all overflow from rainwater tanks shall be collected and piped to the approved point of discharge.*

**External Roads (Country Road and Quarry Access)**

- 30) *Country Road shall be extended in accordance with the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments starting from the entry of the Baiada poultry hatchery and terminating at the new access to Sutton's Quarry.*
- 31) *Country Road shall be sealed for its full width starting from the end of the existing seal on Country Road and terminating at the new access to Sutton's Quarry. Additionally, where widening has been undertaken on Country Road the portion of road widened shall be sealed to full width.*
- 32) *Full width road construction that satisfies Road Design Standard Four (RDS4) of the current version of Council's Engineering Design Minimum Standards for*
-

*Subdivisions and Developments is required for any widening of Country Road to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development.*

- 33) *For all roads and pavements associated with the development, a pavement design report that complies with the requirements of the current version of Council's Engineering Design Guidelines for Subdivisions and Developments shall be submitted to Council for approval.*
- 34) *A new unsealed all weather access inclusive of stormwater management devices shall be provided to Sutton's Quarry as detailed on the approved plans.*
- The nominated pavement thickness and pavement material of this access shall be approved by Council's Transport and Assets Division prior to works commencing on this component of the development.*

#### **Internal Roads and Access**

- 35) *The internal private road and any proposed helipad access shall be designed in accordance with Road Design Standard Four (RDS4) of the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments with exception to the wearing surface design element which shall be either asphalt or a two coat bitumen seal.*

*Advisory Note: Council will consider the use of a structural concrete element in lieu of a composite type road pavement and seal. The performance and loading parameters for the concrete element shall be the same as for the composite pavement, and shall be designed and certified by a suitably qualified and experienced practitioner*

- 36) *All internal driveways, parking areas, loading bays and vehicular turning areas being constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.*

*In this regard and in conjunction with Condition 7 a pavement design report that complies with the requirements of Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments shall be submitted to Council's Transport and Assets Division for approval.*

*Advisory Note: Council will consider the use of a structural concrete element in lieu of a composite type road pavement and seal. The performance and loading parameters for the concrete element shall be the same as for the composite pavement, and shall be designed and certified by a suitably qualified and experienced practitioner*

- 37) *All internal driveways, parking areas and vehicle turning areas are to be designed in accordance with the requirements of AS452890.1-2004 "Parking Facilities – Off Street Parking".*
- 38) *The direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and driveway access*
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*and in the interest of traffic safety and convenience.*

- 39) *The Design Vehicle for Vehicle Turning Movements for all accesses associated with this development shall be the largest vehicle required to access the site for RFS operations but at minimum a prime mover and semi trailer (19m).*

#### **Parking**

- 40) *The new driveways accessing Country Road shall be constructed in accordance with Council's Engineering Minimum Standards for Subdivisions and Developments, and shall comply with the following:*
- a) *the alignment of the driveways across the verge shall be at right angles to Country Road;*
  - b) *the vehicle crossover shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense; and*
  - c) *the verge adjacent to either side of the driveway shall be established with turf and finished flush with the new driveway.*

*Note: The installation of the vehicle crossings is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance, and/or repair of the vehicle crossing, is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.*

- 41) *All parking and loading bays shall be permanently marked out on the pavement surface with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of on-site parking and loading/unloading facilities in accordance with Australian Standard 2890.*
- 42) *On-site parking accommodation shall be provided for a minimum of 46 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise by the conditions of this consent.*
- 43) *The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and driveway access and in the interest of traffic safety and convenience in accordance with Australian Standard 2890.*

#### **Lighting**

- 44) *To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.*

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### **Allotment Filling**

- 45) **Any allotment filling that may be required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.**

**Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as “controlled fill”.**

### **Inspections**

- 46) **It is required that an appropriately qualified person undertake all critical stage inspections that are applicable to Crown Development as prescribed under the Environmental Planning & Assessment Regulations 2000. For the purposes of this requirement an appropriately qualified person may be Council or an accredited certifier.**
- 47) **Notwithstanding hold points identified within the approved ITP, Inspections are required to be carried out by Council for works as specified below:**
- a) **where applicable placement of formwork and reinforcement at the interface between the road and driveway(s) on Country Road;**
  - b) **pavement tests on Country Road, the common private road and helipad access;**
  - c) **inspection of the preparation of Country Road prior to applying a wearing surface; and**
  - d) **inspection of the detention basin and associated stormwater infrastructure including stormwater pipes prior to backfill.**

**Please note that Council requires a minimum of 48 hours notice for inspections.**

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### **Prior to Occupation**

- 48) **The occupation or use of the whole or any part of a new building must not commence unless the building has been certified as fit for occupation in relation to the building or part.**
- 49) **Deleted (MOD2018-0126)**
- 50) **A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from Council (as the Local Water Supply Authority) prior to occupation of building. Council requires the following to be undertaken prior to the issue of a Compliance Certificate.**

### **Water**

- a) **Council’s water reticulation system shall be extended to provide adequate service to the development;**
- b) **The water reticulation extension shall include:**
  - i) **construction of a connection to the 375mm trunk distribution main in Country Road at a point north of the proposed site boundary; and**
  - ii) **construction of a reticulation main of minimum 150mm diameter**

*along Country Road to the proposed 'Common Private Road' and along the 'Common Private Road' to the agreed point of connection to the site;*

- c) A single water service with appropriate backflow prevention is to be provided;*
  - d) Work shall be undertaken in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments; and*
  - e) Work on live water mains shall be undertaken by Council at full cost to the developer.*
- 51) A Maintenance Bond in accordance with Section 1.5.3 of the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments shall be paid to Council for all external works including the quarry access.*
- 52) One set of approved construction drawings shall be amended to show the "Work-as-Executed" and be certified by a Registered Surveyor or a Chartered Professional Civil Engineer.*
- One A1 hard copy, a scanned electronic 'PDF version and an AutoCad 'dwg' version of the signed "Work-as-Executed" plans shall be submitted to Council to ensure that adequate records are maintained of community infrastructure.*
- 53) For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council.*

#### **Ongoing Requirements**

- 54) The sealing of the internal parking areas and vehicle crossover are to be maintained at all times.*
- 55) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.*
- 56) Fire simulation vehicles utilised for training purposes shall be removed and stowed away from the training area no later than 72 hours after the conclusion of training events.*
- 56a) The operation of the facility and helipad shall be undertaken in consultation with the Civil Aviation Safety Authority (CASA), Airservices Australia and Tamworth Regional Airport.*

#### **APPLICATION DETAILS:**

Application No.	MOD2018-0126
Application For:	NSW Rural Fire Service Fire Control Centre and Helipad
Date Received:	23 May 2018
Applicant:	NSW Rural Fire Service



Owner:	Tamworth Regional Council
Land/Address:	Lot 211 DP 1069964, Country Road WESTDALE
Zoning:	RU4 – Primary Production Small Lots - <i>Tamworth Regional Local Environmental Plan 2010</i>

### **DEVELOPMENT ASSESSMENT SUMMARY**

The key issues for this application are the impacts on surrounding neighbours and on the operation of the Tamworth Airport. The application also proposes to be amended to be undertaken as Crown Development on behalf of the NSW Rural Fire Service (RFS) being a public authority, and therefore results in a number of conditions requiring amendment.

### **DESCRIPTION OF PROPOSAL:**

Development Application (DA2016/0333) for NSW Rural Fire Service Fire Control Centre and Helipad on the subject land was granted conditional development consent, subject to conditions at an Ordinary Council Meeting on 12 April 2016.

A modification to the Development Application was lodged on 23 May 2018 pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, to modify the development in the following manner:

- undertake the proposal as Crown Development on behalf of the NSW Rural Fire Service (RFS) which is a public authority and falls within the definition of the Crown in NSW;
- modify the conditions of consent to reflect those statutory provisions which are not relevant to Crown Development;
- remove one Heli-pad and relocate remaining Heli-pad to within training zone located directly north-east of the Fire Control Centre;
- increase the floor area and reconfigure the internal layout of the Fire Control Centre;
- reduce the size of the store shed;
- install a 20m telecommunications tower (rather than 12m);
- addition of a detached amenities block;
- reconfigure the internal layout of the Area Commander + Operational Support Building;
- reduce the length of the common private road to the limit of traffic use for the RFS development;
- relocate the new access to Suttons Quarry;
- reduce the length of Country Road construction in line with the relocated new quarry entrance; and
- relocation of earth mound wall.

A detailed assessment of the proposed modifications and likely impacts is provided below:

*Crown Development*

The proposed modification is for the development to be undertaken as a Crown Development pursuant to Clause 4.32 of *Environmental Planning & Assessment Act 1979 (EP&A Act)*. Crown Development may be undertaken by a ‘public authority’ as prescribed by the Environmental Planning & Assessment Regulation 2000 (The Regs). A ‘Public Authority’ is defined as:

**public authority means—**

- a) a public or local authority constituted by or under an Act, or
- b) a Public Service agency, or
- c) a statutory body representing the Crown, or
- d) a Public Service senior executive within the meaning of the Government Sector Employment Act 2013, or
- e) a statutory State owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989, or
- f) a chief executive officer of a corporation or subsidiary referred to in paragraph (e), or
- g) a person prescribed by the regulations for the purposes of this definition.

The NSW Rural Fire Service (NSW RFS) is considered a ‘public authority’ based on the service being constituted under the *Rural Fires Act 1997*. Therefore, the proposal may be undertaken as Crown Development. It is noted that the original development application could have been undertaken as Crown Development, however the Applicant did not apply for it as such and Council can only consider a proposal as Crown Development if it is requested by the Applicant.

As a result of this modification application requesting the development to be undertaken on behalf of the Crown several conditions of consent are required to be modified to reflect the statutory provisions relevant to Crown Development. This is discussed further in the report.

Pursuant to Section 4.33(1)(b) of the *EP&A Act*, a consent authority must not impose a condition on its consent to a Crown development application except with the approval of the applicant or the Minister. The modified conditions of consent were forwarded to the NSW RFS for approval and were agreed to.

#### *Alterations & Additions to Fire Control Centre*

The proposal includes an enlargement of the Fire Control Centre in the north-east corner to cater for a regional office, manager office, quiet room, utility room and store room. The remainder of the building will remain unchanged with the exception of the amenities facility which will now include separate changes rooms and additional toilet facilities.

#### *Alterations & Additions to Area Commander + Operational Support Building*

The modifications include internal and external alterations to the Area Commander + Operational Support Building in order to suit the proposed use of the building. The size of the floor area will reduce from 572m<sup>2</sup> to 480m<sup>2</sup> with the internal layout amended to remove the internal training area and include an office and multi function area with kitchenette. The remainder of the building will remain generally unchanged. The building has also been relocated further east in order to better suit the daily operations of the facility.

#### *Alterations & Additions to Storage Shed*

The storage shed has been reduced in size from 864m<sup>2</sup> to 576m<sup>2</sup> and includes an internal change room and storage area.

### *Relocation of Helipad*

The modification involves the removal of one helipad and relocation of the remaining helipad to north-east of the Fire Control Centre building. The helipad will be used for fire mapping intelligence missions during emergency bushfire events which the RFS has advised is generally four days per year with an average of four movements per day. However, this is wholly dependant on the severity of emergency bushfire events. The NSW RFS have advised that the helipad is required to be in close proximity to the fire control building in order to provide mapping data quickly to the control building during emergency events. All other RFS air vehicle movements will remain at the RFS existing facilities located at the Tamworth Airport

The primary issue relating to the relocation of the helipad is the potential impact on the operation of the Tamworth Airport and on adjoining landholders.

Air Services Australia undertook a Safety Case and Reporting Determination (SCARD) in consultation with Civil Aviation Safety Authority (CASA), Tamworth Airport Manager and the RFS, in order to identify any operational issues that may affect safety of flight and air traffic management. The SCARD concluded the use of the helipad will have a minimal impact on the operation of the airport. It is noted, the current RFS operations and facilities located at the airport will remain unchanged. This is discussed in greater detail within the body of this report.

### *Communications Tower*

The modification involves an increase to the height of the telecommunications tower from 12m to 20m. The communication tower is located approximately 4m below the nominated Obstacle Limitation Surface (OLS) and is a similar height as the existing water reservoir located to the south of the development at a higher elevation. Extensive consultation occurred between Council, Tamworth Airport Manager, Civil Aviation Safety Authority (CASA), Air Services Australia (AA) and the NSW Rural Fire Service in relation to potential impacts on the operation of the Tamworth airport and safety of its users. The completed SCARD report raised no objections to the proposed communications tower. This is discussed in greater detail within the body this report.

### *Construction of a detached Amenities Building*

The proposal includes construction of a 117.9m<sup>2</sup> amenities building located in between the storage shed and Area Commander + Operational Support Building. The amenities' building includes several toilets, showers and an accessible toilet and will service the facility on training days and during day to day operations. Whilst it is acknowledged the amenities building did not form part of the original approval, the addition of amenities to service the facility is considered minor with the approval substantially the same for which consent was granted.

### *Relocation of Screened Storage Area*

The screened storage area has been relocated from the north-east to the south-east corner of the training zone. The new location is located further from adjoining landholders and is considered a suitable location.

### *Internal & External Access*

The internal access road has been reduced to only cater for the Rural Fire Service. The access to Suttons Quarry has been relocated further north to reduce the length of upgrading works for Country Road. All works shall be in accordance with Council's Engineering Design Minimum Standards for Subdivision & Developments.

*Relocation of Earthen Mound Wall*

The earth mound wall located parallel to Country Road has been relocated to the east in order for the entire structure to be located outside of an easement.

*Modification to Conditions of Consent*

Condition No.	Approved Condition via DA2016/0333	Requested Modification to Condition via MOD2018-0126	Council's Response
1	Requirement for a Construction Certificate and nomination of a Principle Certifying Authority (PCA)	Delete in consideration of the proposal now being undertaken as Crown Development	Pursuant to Section 6.28 of <i>Environmental Planning &amp; Assessment Act 1979</i> , the Crown is self-certifying. Crown building work must be certified by or on behalf of the Crown to comply with technical provisions of State's building laws.
3	Requirement for signage to be erected onsite that contains details of development, builder and PCA.	Removal of reference to a PCA in consideration of the proposal now being undertaken as Crown Development	Reference to a PCA removed.
7	Submission of a pavement design report to Council.	It is requested that this condition be amended to require that compliance be certified by an accredited certifier, rather than submission to Council for approval.	Condition modified to reflect Crown development.
11	Payment of water headworks and requirement of detailed engineering drawings for the extension of the water main.	It is requested that Condition 11 be amended so that RFS is only responsible for the cost of direct connection for this development, rather than water head works charges	Council raises no objection. The '2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater' (The Guidelines) prepared by the former Department of Primary Industries – Water, specify exemptions for Crown development. This is discussed in detail within Section S4.15 (1)(a)(i) of this report.

12	Requirement for the applicant to obtain a Section 68 pursuant to the <i>Local Government Act</i> for water supply work, stormwater work and to operate an Onsite Sewerage Management (OSSM).	Section 69 of the <i>Local Government Act 1993 (LG Act)</i> states that Section 68 of <i>LG Act</i> does not require the Crown to obtain the approval of a council to do anything that is incidental to the erection or demolition of a building	Condition amended to require all water, sewer and stormwater works, including the operation of a system of sewage management (OSSM) to be carried out in accordance with the <i>Plumbing &amp; Drainage Act 2011</i> & <i>Plumbing &amp; Drainage Regulation 2017</i> and the relevant Australian Standard. Furthermore, a stormwater serving strategy must be submitted to Council for approval and an effluent management report prepared for the OSSM.
15	The NSW Rural Fire Service shall provide written notice to adjoining landowners of scheduled training days which include the use of the training zone and/or the fire pit a minimum of 14 days prior to the event.	<p>In respect to the 14 days notification to training events, this is not overly practical in that training dates are known well in advance and neighbours will be advised well in advance, however on some occasions training may need to be rescheduled at short notice and 14 days would limit this capability.</p> <p>It is also identified that small rural brigades may wish to use the training facility at late notice and 14 days would impact their ability to undertake said training and improve their service provision to the community.</p> <p>RFS is proposing 7 days be a more practical notification period.</p> <p>It is also requested that alternate and more efficient notification</p>	<p>Council consider a 7 day notification period to be satisfactory. The RFS advised that it is likely all known training events will be notified in a single letter, with the 7 day notification more practicable if small rural brigades may wish to use the training facility at late notice.</p> <p>The condition has also been modified to permit electronic notification if agreed between the RFS and adjoining landholder.</p>

		methods such as email or text message be allowed as agreed with the respective adjoining land holder	
28	Stormwater servicing strategy to be undertaken prior to the issue of a construction certificate.	It is requested that the words "prior to issue of any Construction Certificate" be replaced with "prior to commencement of construction".	Condition modified to reflect Crown development.
35	The internal private road and any proposed helipad access shall be designed in accordance with Road Design Standard Four (RDS4) of the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments with exception to the wearing surface design element which shall be either asphalt or a two coat bitumen seal.	It is requested that Condition 35 be amended to permit other types of pavements for the internal road and helipad access.	Condition has been modified to permit other types of pavement to be used for internal access.
36	Submission of a pavement design report to Council.	It is requested that this condition is amended to require that compliance be certified by an accredited certifier, rather than submission to Council for approval.	Condition modified to reflect Crown development.
39	The design vehicle for vehicle turning movements for all accesses associated with this development shall be a B-Double (26m)	The largest estimated to be a 42-tonne prime-mover (15m long). Based on this, it is requested that this condition be amended to replace the words "B-double (26m)" with the words "the largest vehicle	Condition modified to require the design vehicle for access shall be the largest vehicle required to access the site for RFS operations but at minimum a prime mover and semi trailer (19m).

		required to access the site for RFS operations".	
46	A Principle Certifying Authority (PCA) must be appointed to undertake critical stage inspections.	Amend in consideration of the proposal now being undertaken as Crown Development	Condition modified to require an appropriately qualified person undertake all critical stage inspections that are applicable to Crown Development as prescribed under the <i>Environmental Planning &amp; Assessment Regulations 2000</i>
48	The operation or use of building must not commence unless an occupation certificate has been issued.	Amend in consideration of an Occupation Certificate not required to be obtained for Crown development.	Condition modified clarifying an occupation or use of the whole or any part of a new building must not commence unless the building has been certified as fit for occupation in relation to the building or part.
49	Country Road must be gazetted as a B-Double route to the new entrance to Suttons Quarry prior to the issue of any occupation certificate.	The RFS operations at the site would not require the use of B-doubles. Furthermore, Country Road is not currently a gazetted B-Double route.	The condition has been deleted based on clarification from the RFS that B-Doubles will not access the site and Country Road is not currently a gazetted B-Double route.
50	A Compliance Certificate must be obtained from Council in relation to water servicing works.	It is requested that the words "prior to issue of a Construction Certificate" be replaced with "prior to commencement of construction".  It is requested that the words "prior to issue of an Occupation Certificate" be replaced with "prior to occupation of the building".	Condition modified to reflect Crown development.
51	A maintenance bond must be paid to Council for all external works	It is requested that the requirement for RFS to pay a maintenance bond for the external works on	No change. Council still require payment of a maintenance bond the same for any other type

	including the quarry access	Council assets be removed, noting that the entire development proposal will become a Council asset on completion.	of development of this nature.
56	Fire simulation vehicles utilised for training purposes shall be removed and stowed away from the training area following the conclusion of training events.	it is requested the wording be amended to allow removal of vehicles within a suitable timeframe following the conclusion of the training event. e.g training may be over two separate weekends and it would be beneficial to allow items to remain for the week in between and be removed at the conclusion of the last weekend of training.	Council agree that this is reasonable and that a suitable timeframe for removal would be a maximum of 72 hours after the event. The condition has been modified to reflect the above.

All relevant matters under Section 4.55 and 4.15 of the *EPA & Act* have been considered in the assessment of this modification application. The development, to which the consent as modified relates, is considered to remain substantially the same as the development for which consent was originally granted via DA2016/0333.

The submitted modified plan set and the originally approved plan set are **ATTACHED**, refer **ANNEXURE 1**.

#### BACKGROUND/TIMELINE

	Date
MOD2018-0126 accepted by Council	25 May 2018
Notification to adjoining landholders	12 June 2018 to 26 June 2018
Additional information requested and responses provided by Applicant	June 2018 - August 2018
Safety Case & Reporting Determination (SCARD) – Final	4 September 2018
Draft Conditions of Consent emailed to Applicant for approval	8 October 2018
Several emails seeking update and acceptance by Applicant of Draft Conditions	November 2018 – August 2019
Applicant advises Council amended plans to be submitted	27 September 2019



Amended plans received by Council	16 October 2019
Additional information requested and responses provided by Applicant	November 2019 to March 2020
Draft Conditions of Consent emailed to Applicant for approval	2 April 2020
Emails and discussions between Council and Applicant	April-May 2020
Final Draft Conditions of Consent emailed to Applicant for approval	14 May 2020
Email from Applicant regarding acceptance of Draft Conditions of Consent	18 May 2020

**SUBJECT SITE AND LOCALITY MAP:**

The subject site is located on Country Road approximately 1.63 kilometres from the intersection of the Oxley Highway. The land is 58.5 hectares in area and contains an operational Council quarry known as Sutton’s Quarry, together with two large dams.

The immediate area surrounding the property comprises rural residential allotments, and the wider area contains Baiada’s chicken hatchery, the Tamworth airport and the approved (but not yet constructed) subdivision development known as the Tamworth Business Park.

A Development Application (DA2020-0419) has recently been lodged for construction and use of a 5MW Solar PV Electricity Generation Plant with associated infrastructure located in the north-east corner of the subject site. The development is Regionally Significant and will be determined by the Northern Regional Planning Panel.

Maps illustrating the location of the land and its surrounds 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**

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

Pursuant to Clause 7 of the *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), Council must consider the potential for site contamination and determine whether the site is suitable for the intended use.

The modification does not involve a change in the land use from the original approval. The site has historically been used as a quarry and prior to Council’s acquisition, extensive agriculture. Having regard to the proposed use of the land, no further consideration is required under SEPP 55 as part of this modification.

*Biodiversity Conservation Act 2016 (BC Act)*

The purpose of the *Biodiversity Conservation Act 2016 (BC Act)* is to maintain a healthy, productive and resilient environment, consistent with the principles of ecologically sustainable development. The original development was approved prior to the adoption of the *BC Act*, with the Biodiversity Conservation (Savings and Transitional) Regulation 2017 applying to the modification. In this regard, a biodiversity assessment is not required if the consent authority is satisfied that the modification will not increase the impact on biodiversity value. The modified development results in a reduction in the development footprint and is consistent with the original development approval; therefore the modified development does not result in an increase impact on biodiversity.

*State Environmental Planning Policy (Koala Habitat Protection) 2019*

State Environmental Planning Policy (Koala Habitat Protection) 2019 (the SEPP) encourages the conservation and management of koala habitat to ensure populations remain in their present range and the trend of population decline is reversed. Council does not currently have a Koala Plan of Management, therefore the SEPP applies.

In accordance with the SEPP, all the identified potential koala habitat areas are outside of the development footprint for the proposal. The original development approval requires the removal of one isolated tree and this does not change under this modification. It is considered the proposal will have low or no direct impact on koalas or koala habitats and no further investigation is required.

*State Environmental Planning Policy (Infrastructure) 2007*

The modification was referred to Essential Energy pursuant to Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)* to determine whether there were any potential safety risks of the works within proximity to the overhead powerlines on the northern boundary of the site.

Essential Energy raised no additional issues based on the modification with no change to the current conditions of consent.

***Local Environmental Plan***

*Tamworth Regional Local Environmental Plan 2010:*

Pursuant to the *Tamworth Regional Local Environmental Plan 2010*, the land is zoned RU4 Primary Production Small Lots. The proposed development is defined as an “emergency services facility” which is permissible with consent in zone RU4. The development as modified is substantially the same for which consent was granted and therefore is still considered compatible with the zone objectives.

*Clause 7.6 – Development in Flight Path*

Clause 7.6 of the *Tamworth Regional Local Environmental Plan 2010* requires that Council consider whether the proposed development will adversely affect the operation of the Tamworth airport or penetrate the Obstacle Height Limitation.

The modification involves an increase to the height of the telecommunications tower from 12m to 20m and the relocation of the helipad.

The proposed development was referred to the Civil Aviation Safety Authority (CASA), Air Services Australia (ASA) and the Manager of Tamworth Airport in consideration of the developments proximity to the Tamworth Airport and increase in height of the telecommunications tower. Extensive consultation occurred between Council, CASA, ASA,

Tamworth Airport, RFS and consultants in relation to potential impacts on the operation of the Tamworth Airport and safety of its users.

Air Services Australia undertook a Safety Case and Reporting Determination (SCARD) in consultation with CASA, Tamworth Airport Manager and the RFS, in order to identify any operational issues that may affect safety of flight and air traffic management. The SCARD process concluded that the proposed development will have a minimal impact on the operation of the Airport with a summary of the findings and additional correspondence provide below;

- Assessment by Airservices Airport Developments Team identified nil issues for current procedures associated with the Airport;
- The proposed communication tower is located approximately 4m below the nominated Obstacle Limitation Surface (OLS), therefore does not penetrate the OLS for the Airport and is unlikely restrict the future development of the Airport. Any future change to the height would require an assessment by the Airport;
- The current planned tower height is below surrounding objects' heights which currently dictate the take-off climb gradients for the southern runway. Unless there are changes to the tower height the take-off gradient will be unaffected.
- The use of cold smoke which dissipate low level and does not billow and gas fuelled burners which can be turned "on" and "off" immediately for fire fighting training purposes will have minimal impact on the operations of the Airport. The RFS advise that the use of smoke will occur approximately 3 days per year.
- The use of cold smoke, clean burn gas fires, minimal heat plume will not increase the risk of bird strikes. This is used at other training facilities with no reported instances of attracting birds. The RFS advise that the use of smoke will occur approximately 3 days per year.
- The development is located within two airspaces which are both managed by Tamworth Regional Airport. This allows the airspace to be controlled in relation to the use of the helipad in emergency events;
- The helipad will only be used during emergency bushfire events which is generally 4 days per year with an average of 4 movements per day. The helipad is visible from the control tower. The limited usage will have minimal impact on the operation of the Airport.

Extensive investigations have been undertaken to ensure the current and future operation of the Airport will not be compromised by the modified development. Based on the outcomes of the investigations the development as modified will not compromise the current or future operations of the Airport. An additional condition of consent is recommended which requires the ongoing operation of the facility and helipad shall be undertaken in consultation with CASA, ASA and Tamworth Regional Airport. This condition is an outcome of the SCARD process and provides added protection for the operation of the Airport.

*Clause 7.7 – Development in areas subject to aircraft noise*

Clause 7.7 of the *Tamworth Regional Local Environmental Plan 2010* specifies Council must consider the location of development and people affected by aircraft noise for any development located within the Australian Noise Exposure Forecast (ANEF) contour or flight training path. The land is located outside the ANEF contour, but is located within the flight

training path. In this instance, measures to insulate the buildings from aircraft noise are not considered necessary.

**Other Legislation**

Tamworth Regional Section 7.12 (formerly S94A) Development Contributions Plan 2013

In this instance, a Section 7.12 (formerly S94A) contribution will not be levied because RFS is a public authority and the facility is not for profit.

Water Management Act 2000

Council may levy headworks charges under the *Water Management Act 2000 (WMA)* as the Local Water Supply Authority. However, the ‘2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater’ (The Guidelines), prepared by the former Department of Primary Industries – Water, pursuant to Section 306(3) of the *WMA* specify exemptions for Crown development.

The guidelines clarify that Crown developments for essential services are generally exempt from general developer charges and Local Water Utilities (LWU) may only charge a Crown development for the portion of the direct connection cost (e.g lead in main) relating to the Crown development. Based on the above, the conditions of consent requiring payment of water and sewer headworks have been removed from the development consent.

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

There are no draft environmental planning instruments applicable to the proposal.

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

Tamworth Regional Development Control Plan 2010:

*The Tamworth Regional Development Control Plan 2010 – General Development Specification for Other Types of Development Controls* apply to the development.

Development Control	Assessment of Modified Development
Outdoor Lighting	The proposal remains consistent with the original development in this regard.
Signage	The proposal remains consistent with the original development in this regard.
Parking	<p>The Tamworth Regional Development Control Plan 2010 (TRDCP 2010) does not include a specific parking rate for emergency service facilities.</p> <p>The original approval provided 29 onsite parking spaces.</p> <p>The development as modified provides an additional 17 onsite parking spaces resulting in a total of 46 onsite parking spaces.</p>
Landscaping	The proposal remains consistent with the original development in this regard.

Farm Stay	Not applicable.
Bushfire Prone Land	The subject site is not identified as bushfire prone land

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

There are no Planning Agreements applicable to the proposal.

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

There are no matters prescribed by the Regulations applicable to the proposal.

**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**

The likely impacts on the surrounding natural and built environment and the social and environments impacts were considered as part of the assessment of DA2016/0333. Therefore, the following assessment only addresses the likely impacts which relate directly to the amendments proposed as part of this modification.

	Comment
Site Design & Internal Design	The site design and internal design remain largely unchanged. The control centre, store shed and area commander building have all be modified in size in order to suit the day to day operational needs of the facility. Additional parking has been provided onsite whilst the internal roads have been realigned based on the site redesign. One helipad will be removed, whilst the other helipad will be relocated to north-east of the control centre. The modification includes an amenities building which will service the site.
Access, Transport & Traffic	<p>The proposed modification will not result in an increase to traffic generation, as was previously considered in the original development assessment.</p> <p>The RFS have further analysed the types of vehicles that will be using the site and include the regular use of 22.5 tonne trucks (12.5m) which may access the site multiple times a day, and the irregular use of a 42 tonnes prime mover (19m) for delivery/pick up to 6-12 times per year. The largest vehicle in the fire fighting fleet is 8.5m long, with longest in the non-fire fighting fleet being 15m long. The majority of the vehicles accessing the site would be private vehicles. It is expected 30 vehicles would access the site per day for the operation of the fire control centre.</p> <p>Based on the above, the design vehicle for turning movements shall be the largest vehicle required to access by the RFS operations, however the Design Vehicle for Vehicle Turning Movements for all accesses associated with this development shall be at minimum a prime mover and semi trailer (19m).</p> <p>Whilst the approved development included conditions requiring access to be designed for a B-Double, the RFS have confirmed</p>

	<p>that B-Doubles will not be utilised. It is noted, Country Road is not a gazetted B-Double route.</p> <p>The internal roads have been realigned based on the site redesign. The new access to Suttons Quarry via Country Road has been relocated approximately 150m north in order to reduce the length of the required Country Road upgrades.</p>
Noise	<p>The daily and bushfire emergency operations of centre will not change as a result on the modification. No changes are proposed to the fire training days as part of this modification.</p> <p>The proposal will remove one helipad and relocate the other helipad north-east of the fire control centre. The helipad is required to be in close proximity to the control centre in order to provide mapping data quickly to the control building during emergency events. The helipad will only be used for fire mapping intelligence missions during emergency bushfire events which is generally four days per year with an average of four movements per day.</p> <p>The proposed location of the helipad is closer to the adjoining residential property to the north, however it is not considered to significantly increase the noise emission on the property, on top of what would be experienced in the previously approved location. The limited use of the helipad coupled with the 1800mm high earth mound will assist in noise attenuation with the proposed landscaping providing a visual screen from the adjoining property to the north.</p> <p>The RFS have advised that they will manage their operations (training days, helipad, daily operations) to ensure that there are no unnecessary activities conducted from the land to minimise disruption to the surrounding residents.</p> <p>The RFS are required to notify adjoining landholders 7 days prior to any training event or use of the fire pit. Event dates are known in advance, with the RFS advising all known training events will likely be provided to adjoining landholders in a single document. The reduction from a 14 day to a 7 day notification is to provide flexibility if event is delayed due to weather or if small rural brigades wish to use the training facility at late notice.</p>
Utilities	<p>The modification does not result in any additional requirements in relation to the provision of water and sewer. The water main located in Country Road will need to be extended to service the development. The site is not serviced via sewer infrastructure with an Onsite Sewerage Management (OSSM) to service the entire development. An effluent management report must be prepared for the OSSM.</p> <p>The management of stormwater onsite has been modified based on the amount of infrastructure located in the Country road reserve (three water mains and optic fibre cables). In this regard, an open</p>

	<p>swale drain will be located onsite and run parallel to Country Road and discharge upstream flows into the drainage infrastructure in the road reserve at the north-west corner of the site. No changes are proposed to the detention basin. A detailed stormwater servicing plan must still be submitted to Council for approval</p> <p>An advisory note has been included as part of this modification requiring the detention basin to ensure that environmental flows are still allowed to flow into the adjoining dam located on Lot 3 DP 18973.</p>
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**S4.15 (1)(c) The Suitability of Site for the Development**

The development as amended remains substantially the same as the approved development and therefore remains suitable for the subject site. Additional consultation with Tamworth Airport Manager, CASA and ASA during this modification assessment has provided further assurances that the current and future operation of the Airport will not be compromised by the development.

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

The application was advertised and notified to adjoining owners pursuant to the TRDCP 2010 and three submissions were received (two submissions were from and on behalf of one objector). Council received a letter from Hon Barnaby Joyce MP and Hon Kevin Anderson MP on behalf of an objector. Copies of the submissions and letters from the Ministers are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. A summary of the issues raised in the submissions is provided below.

Submission	Comment
<p>The earth bank should have:</p> <ul style="list-style-type: none"> <li>• a better slope of 1:4 to allow easy maintenance;</li> <li>• be 2.5m high and include a mixture of fast growing shrubs and mature trees;</li> <li>• completed as part of stage 1.</li> </ul>	<p>The earth bank will be a minimum 1.8m high and include a mixture of screening vegetation and larger trees. It is considered the earth bank will provide sufficient visual screening to the adjoining properties, in particular to the north, based on the height, vegetation screening and natural topography. A recommended condition of consent requires lodgement of a landscape design plan, to Council, prior to commencement of works. The development is proposed to be undertaken as one stage.</p>
<p>The proposed development will deny access to natural stormwater to fill the dam on the adjoining property</p>	<p>A recommended condition of consent includes an advisory note which clarifies the obligation of the development to maintain environmental flows into the existing dam on the adjoining property to the north (Lot 3 DP 1036984).</p>

<p>Documents relating to the original proposal are not located on Tamworth Regional Council's Development Portal.</p>	<p>Councils are only legislated to ensure the development consent is publicly available online. All plans and supporting documents are removed from the online portal once approved. This primarily revolves around copyright issues. Access to documents may be obtained by completing a Request for Access via <i>Government Information (Public Access) Act 2009</i></p>
<p>It is unclear if the landowner (Council) has provided consent to the modification given the application form has been redacted.</p>	<p>Landowners consent has been provided by the General Manager of Tamworth Regional Council.</p>
<p>The proposal cannot be undertaken as Crown Development given Council own the land and the NSW RFS will only occupy the land as a tenant.</p>	<p>The NSW Rural Fire Service (NSW RFS) is considered a 'public authority' based on the service being constituted under the <i>Rural Fires Act 1997</i>. Therefore, the proposal may be undertaken as Crown Development.</p>
<p>A condition should be included in the modification for a deferred commencement in relation to the potential impact of the telecommunication tower on the operation of the Airport.</p>	<p>As detailed under Clause 7.6 of this report, the SCARD process concluded the proposed development will have minimal impact on the operation of the Airport</p>
<p>Written advice from CASA, ASA and Tamworth Airport should be obtained in relation to the telecommunications tower and the operation of the airport.</p>	<p>As detailed under Clause 7.6 of this report, the SCARD process was undertaken by ASA in consultation with CASA and the Tamworth Airport Manager, and concluded the proposed development will have minimal impact on the operation of the Airport</p>
<p>The modification cannot include the new support brigade building as part of this modification as it did not form part of the original consent.</p>	<p>The support brigade building has been removed from the modification.</p>
<p>Analysis of the proposed amendments to the conditions of consent.</p>	<p>A detailed response to each amended condition of consent has been provided within this report.</p>
<p>The submitted development plans are not true in all materially particular and by their presentation and omission materially mislead based on the</p>	<p>In consideration of the issues raised, the following commentary is provided: a) the amended plans show all easements which burden the subject site;</p>



<p>following:</p> <ul style="list-style-type: none"> <li>a) do not show all easements which burden the subject;</li> <li>b) have not located the existing 11kv power with any degree of accuracy;</li> <li>c) have not made allowance for an easement over the 11kv powerlines;</li> <li>d) have not provided a design/analysis for stormwater control;</li> <li>e) have not define any meaningful manner the earth wall; and</li> <li>f) have no sections through the site.</li> </ul>	<ul style="list-style-type: none"> <li>b) the existing 11kv powerlines are shown in the correct location with no issues raised by Essential Energy;</li> <li>c) Essential Energy does not require an easement over the existing 11kv powerlines;</li> <li>d) detailed stormwater servicing strategy is required to be submitted to Council for approval prior to works commencing;</li> <li>e) detailed design of the earth mound will occur prior to works commencing; and</li> <li>f) based on the information contained on the plans (finished floor levels) and contours, sections through the site are not considered necessary in this instance.</li> </ul>
<p>The following concerns are held for the operation of the Airport (circuit training) based on the development:</p> <ul style="list-style-type: none"> <li>a) smoke which would in turn brings increased bird activity on final approach and departures;</li> <li>b) difficulty with clearances until the choppers are sighted once airborne resulting in further delays with circuit operations;</li> <li>c) difficulty for the tower co-ordinating the northern/southern airspaces;</li> <li>d) if the NSW Rural Fire Service call “priority” (for fire support/bombing) it would mean delays with circuit training; and</li> <li>e) our recommendation is for the facilities to be built on the Airport, closer towards the control tower</li> </ul>	<p>In relation to issues a), b) and c) these have been assessed and considered as part of the SCARD process and in Section 4.15(1)(a)(i) of this report.</p> <p>The proposal will not cater for fire bombing or fire support at the development site. All fire support and bombing will continue to be operated from the Tamworth Airport.</p> <p>As discussed previously the helipad will only be used for fire mapping intelligence missions during emergency bushfire events which is generally 4 days per year with an average of 4 movements per day. The NSW RFS have advised that the helipad is required to be in close proximity to the fire control building in order to provide mapping data quickly to the control building during emergency events. All fire control centre centres have a helipad based on the importance of analysing data quickly and accurately during emergency events.</p>

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

An upgrade to the RFS facilities in Tamworth will benefit the region by providing a modern facility accommodating training, specialist operators, equipment and volunteers.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The modification was notified to adjoining landholders from 12 June 2018 to 26 June 2018. Three (3) submissions were received during the notification period.

**(e) Reason for Consideration by Council**

Development Application No 2016/0333 was determined by Council at an Ordinary Council meeting held on 12 April 2016.

**(f) Delivery Program Objective/Strategy**

A Prosperous Region – P11 Support and facilitate economic development and employment.

**CONCLUSION:**

This report provides an assessment of the development with regard to all relevant matters for consideration prescribed by Section 4.55 and 4.15 (1) of the *Environmental Planning and Assessment Act 1979* and issues raised in the public submissions.

The development, to which the consent as modified relates, is considered to remain substantially the same as the development for which consent was originally granted via DA2016/0333. Council recommends that the proposed modification application be approved, subject to the amended conditions of consent.

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**7.2 TAMWORTH REGIONAL BLUEPRINT 100 - PUBLIC EXHIBITION OUTCOMES – FILE NO SF10163**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Andrew Spicer, Senior Integrated Planner**

**Reference: Item 7.1 to Ordinary Council 17 December 2019 - Min No 450/19**

**Item 11.1 to Ordinary Council 13 November 2018 - Min No 289/18**

**3 ANNEXURES ATTACHED**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**RECOMMENDATION**

***That in relation to the report “Tamworth Regional Blueprint 100 – Public Exhibition Outcomes”, Council:***

- (i) amend the exhibited draft Blueprint documents in accordance with the recommendations outlined in this report;***
  - (ii) adopt the Tamworth Regional Blueprint Part 1 as a policy of Council;***
  - (iii) adopt Tamworth Regional Blueprint Part 2 as the Tamworth Regional Council***
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***Local Strategic Planning Statement 2020; and***

- (iv) provide the adopted Tamworth Regional Council Local Strategic Planning Statement 2020 to the NSW Department of Planning, Industry and Environment for publication on the NSW Planning Portal in accordance with Section 3.9(5) of the Environmental Planning and Assessment Act 1979.***

**SUMMARY**

Tamworth Regional Council has undertaken a significant strategic planning exercise in 2019 to formulate an overarching policy document referred to as *Tamworth Regional Blueprint 100 Part 1* which ties together the range of current and future strategic planning policies of Council. Council has used this process to develop the draft *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* (LSPS) which is a requirement of the NSW Government under Section 3.9 of the *Environment Planning and Assessment Act 1979* (EP&A Act 1979).

The draft documents were reported to the Ordinary Meeting of Council on 17 December 2019, where it was resolved to proceed to public exhibition of the draft Tamworth Regional Blueprint documents early in 2020. The purpose of this report is to advise of the outcomes of the public exhibition which was undertaken from 2 March 2020 to 9 April 2020 and recommend the adoption of *Tamworth Regional Blueprint 100 Parts 1 and 2* (LSPS).

Council has a statutory obligation pursuant to Section 3.9 of the *EP&A Act 1979* and Clause 11A of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, to have finalised and submitted the Local Strategic Planning Statement to the NSW Department of Planning, Industry and Environment for publication on the NSW Planning Portal by 1 July 2020.

**COMMENTARY**

The Blueprint 100 process was inspired in March 2018, when the Deputy Premier and the Chief Planner for New South Wales encouraged both Tamworth and Wagga Wagga to aim to be regional cities with a population of 100,000 people. This reflects the NSW Government recognition of the status of both cities as the northern and southern key NSW inland cities. This was picked up with a Motion by Councillor Inglis and resolved by Council from a Delegates Report at the Council Meeting held 13 November 2018 (Min No 289/18).

Consequently, Tamworth Regional Council has undertaken significant strategic planning in 2019, to formulate an overarching policy document referred to as the draft *Tamworth Regional Blueprint 100 Part 1* which ties together the range of strategic planning policies Council has in place and those that will be developed in future.

Council has used this process to develop the *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* which is a requirement of the NSW Government under Section 3.9 of the *EP&A Act 1979*. The draft *Tamworth Regional Blueprint 100 Part 1* as exhibited is **ATTACHED**, refer **ANNEXURE 1**. The *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* as exhibited is **ATTACHED**, refer **ANNEXURE 2**.

**Tamworth Regional Blueprint 100 Part 1**

In 2019, Tamworth Regional Council embarked on a process to take a coordinated approach for future planning, which was termed Blueprint 100. The Blueprint 100 document would partner with Council's Local Strategic Planning Statement and thereby establish the basis for a future Growth Management Strategy and future Local Environmental Plan amendments.

The resulting draft *Tamworth Regional Blueprint 100 Part 1* is an overarching strategy that provides a roadmap to take the Tamworth Region towards its vision of a prosperous economy and high living standards with a population of 100,000 people at some future time.

With the Region's projected future growth a number of fundamental land use plans and strategies are out of date and require comprehensive reviews including the *Tamworth Regional Development Strategy 2008* and *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*. Coinciding with this, there is a need to develop a new high level 'front end' statutory Local Strategic Planning Statement. Apart from the strategic land use imperative, Council has a need to connect and integrate its various existing precinct plans, masterplans, infrastructure plans and strategies.

With significant NSW State and Federal funding available, Council needs a single document that provides an overarching strategy with a robust basis and in the absence of this, Tamworth may fail to benefit from its share of funding and not fulfil the NSW Government's expectations.

The development of Blueprint 100 commenced in March 2019. It has involved Council workshops with technical input from relevant Divisions of Council. Senior staff and Councillors were kept informed during the process and also provided feedback.

Stakeholder meetings were carried out in the form of focus groups which brought together interested parties with specialist knowledge of key sectors. This included representatives of:

- community groups;
- environmental, sports and recreation groups;
- business and commercial sector, retailers, large landowners, developers and large institutions; and
- NSW Government Agencies, adjoining Local Government Areas, and the Namoi Unlimited (Joint Organisation of Councils).

Views and ideas on issues, opportunities and priorities derived from the stakeholder groups were then fed into the technical charrette (workshop) process which was conducted over several days. These were undertaken from 22 to 24 May 2019 and a second follow-up charrette was undertaken on 15 and 16 August 2019. They were attended by Councillors, Council staff, NSW Government Agencies and stakeholders from community and cultural groups, developers and a wide range of businesses.

The charrettes undertaken in May and August 2019 both included breakfast presentations. These morning presentations were attended by approximately 30 people in May and 70 people in August.

The draft *Tamworth Regional Blueprint 100 Part 1* emphasises the regional influence and positive impacts of Tamworth on surrounding Local Government Areas and the overall New England North West of NSW.

The document outlines four core strategies for achieving this vision focussing on jobs, skills, affordability and liveability. Based on these core strategies eight priority themes are developed in the document broadly relating to; infrastructure, residential and economic growth, transport, community, environment, culture and identity.

### **Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020**

The Local Strategic Planning Statement is a new statutory plan introduced by the NSW Government. Unlike Part 1 it has a narrower focus on land use planning and includes a land

use vision, priorities, actions, implementation and monitoring in accordance with the relevant legislation and guidelines. It takes its direction from Part 1 and uses the findings and outcomes relating to land use issues as a basis.

Being based on the draft *Tamworth Regional Blueprint 100 Part 1*, the draft *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* shows notable similarities, most clearly indicated by similar headings for sections of the document and the use of the same diagrams and mapping in several parts. The Local Strategic Planning Statement, however, does not explore the wider community and social planning addressed in Part 1 and instead expands substantially on the land use planning aspects.

The Local Strategic Planning Statement is prepared in accordance with Section 3.9 of the *EP&A Act 1979*, and the Department of Planning, Industry and Environment guidelines. The Statement will underpin future land use planning relating to master planning, development controls, and Local Environmental Plan amendments including the potential comprehensive review of the *Tamworth Regional Local Environmental Plan 2010*. The seven sections of Part 2 are outlined briefly below.

As the Local Strategic Planning Statement focusses principally on land use planning, it goes to some length on where future residential development could occur in terms of new 'greenfield areas' and exploring the opportunities for existing areas including the Tamworth CBD and Bridge Street precincts. The discussion on residential development addresses the importance of housing choice, potential for medium density and the challenges and opportunities relating to large lot and rural residential development.

The section on economic prosperity provides an overview of key sectors in the region including; health and social services, food production (including meat processing), tourism, logistics, aviation, agricultural research and professional services. It is the role of the Local Strategic Planning Statement to outline potential land use planning measures to promote development.

Particular opportunities are identified relating to the potential establishment of innovation and technology precincts. There is a recognised university presence in Tamworth with the University of Newcastle – Department of Rural Health and University of New England Access Centre. An opportunity is identified to further develop this presence with the establishment of a university campus potentially in the CBD.

Community resilience is the ability to strengthen systems and improve the community's capacity to withstand, adapt and recover from adversity. A section of the Local Strategic Planning Statement addresses this issue examining the connections between the city, towns, rural centres and rural lands. From a land use perspective the potential to amend future Zone and particularly Lot Size provisions across the Local Government Area to promote community resilience is examined.

Transport planning connecting the Region's citizens emphasises the importance of supporting NSW Government regional transport and road network strategies. Particular opportunities for the Tamworth Region relate to strategies for public transport and active transport (cycling and walking).

The Local Strategic Planning Statement addresses environmental planning and highlights the need to study and better manage biodiversity values for the protection of the environment and the facilitation of development of the right type in the correct locations. Upgrades to mapping of biodiversity, vegetation and natural hazards will support land use planning. Genuine dual use corridors incorporating open space and drainage functions are important

and both commercial and community renewable energy initiatives are continuing to grow and Council planning can support these appropriately.

Heritage and cultural planning has significant land use implications around potential mapping of ‘character precincts’ in Tamworth that may be translated into planning controls to promote the heritage values. The identification of Aboriginal cultural heritage, as appropriate, for potential inclusion in planning controls is an important consideration in the Local Strategic Planning Statement.

Land use planning for major future infrastructure focusses on identification of strategic land and potential application of controls over such land that is essential for future major infrastructure projects. The aim of these planning controls is to preserve strategic lands to ensure the viability of future infrastructure that will support the Region.

Each section of Part 2 includes a table of potential actions and identifies how the actions relate to the Council’s Community Strategic Plan and the Department of Planning, Industry and Environment’s *New England North West Regional Plan 2036*.

The final section of the Local Strategic Planning Statement collates these actions in a table nominating the relevant Council and NSW Government Plans and Key Performance Indicators. The actions are assigned a rank of short, medium or long term.

The long term planning of the Tamworth Region provides the basis for sustainable prosperity flow on effects for the wider New England North West of NSW. The draft *Tamworth Regional Blueprint 100 Part 1* and draft *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020*, provide the overarching strategy to connect Council’s range of existing and future policies and meet the statutory requirements of Council prescribed by the NSW legislation.

### **Community Consultation**

The development of the Blueprint strategies commenced in April 2019, and involved a raft of consultation with stakeholders throughout 2019, leading up to a resolution of Council on 17 December 2019, to exhibit the documents in early 2020 following the Tamworth Country Music Festival 2020. The exhibition period was set for six weeks rather than the required 28 days for Local Strategic Planning Statements specified under *Schedule 1* of the *EP&A Act 1979*.

In accordance with the resolution of Council the *Tamworth Regional Blueprint 100 Part 1 and 2 LSPS* were publicly exhibited from 2 March 2020 to 9 April 2020. A comprehensive exhibition process followed which included advertising for six consecutive weeks in local newspapers, media releases and social media presence. The exhibition materials were displayed in Council offices, libraries and on Council’s website including an interactive map and submission facility.

In addition, community consultation sessions were held in Fitzroy Street in Tamworth and the main streets of Manilla, Barraba and Nundle and at the Kootingal Library where project managers discussed the project details and a range of executive staff (Directors/General Manager) and Councillors including the Deputy Mayor and Mayor were available at the various sessions.

### **Outcomes of the Public Exhibition**

In all, 42 comments were submitted in the process of the Public Exhibition. The full set of comments is **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 1**.

14 of the comments were from Government Agencies and other organisations and the remaining 28 were provided by individuals. Of the individual comments; one was an enquiry, one was informal (“not my real name or address”) and one was received too late to be processed however, was provided to Councillors for their information.

The submissions were summarised and a staff response formulated. This summary was considered at a Councillor Workshop on 13 May 2020, and is **ATTACHED**, refer **ANNEXURE 3**.

More than half of the submissions received and processed fully or largely supported the initiatives outlined in the Blueprint documents. Some of the remainder were basically negative while others took issue with some of Blueprint 100 while including some positive points. Additionally, there were several very ‘issue specific’ comments and rezoning expressions of interest.

The positive comments appreciated the overall initiative of Council and supported the following aspects in particular.

Housing choice and density approaches were supported by individual submissions and also organisations including Shelter NSW who are the peak body for housing advocacy in NSW. In particular, there were positive comments on support for the Tamworth CBD and precinct planning in other areas with mention of considering the application of the R3 – Medium Density Residential zone.

Positive comments were received on Aboriginal heritage and other related initiatives. The references to European heritage and also ‘character precincts’ were also supported.

A number of transport initiatives were encouraged including public transport, cycling and walking and the southern bypass of Tamworth City. It was noted that a heavy vehicle bypass was supported even in some submissions that disagreed with the overall Blueprint process.

The business friendly approaches outlined in Blueprint Part 1 were well received by a number of submissions including the waiving of S.7.11 contributions to encourage affordable housing provision

There was significant emphasis on ‘gateway upgrades’ to Tamworth City and the Region’s towns. Submissions on this matter identified substantial shortcomings and while Blueprint 100 addresses the issue, (e.g. the Tamworth Airport to CBD corridor), it was considered more needed to be done to enhance the attractiveness of the Tamworth City and towns.

Precinct planning for key areas of the Tamworth City was supported such as Health and Technology, Longyard and Bridge Street precincts. It was also considered that might be extended to towns to support affordable housing where services are already available.

The negative comments received tended to focus on infrastructure limitations to support a population of 100,000 persons and the impact of a larger population on the lifestyle of current and future residents.

In the context of prolonged severe drought it was reasonable to expect concerns being raised about water supply now and in future. These comments varied from statements that water supply is insufficient now and will be in future, the need to investigate other sources and water use initiatives such as mandated large tanks on new dwellings.

Road standard and maintenance across the Local Government Area was a concern and it was considered by some that TRC had a ‘city-centric’ focus on infrastructure provision and there should be more focus on maintenance rather than new projects.

Concerns were raised that a future larger population would impact the lifestyle and standard of living that current residents enjoy and that had attracted them to move to Tamworth. It was considered there would be a lack of jobs for the future population.

Several Agency comments considered that there should be more reference to Climate Change, natural hazards and adaption strategies. These also promoted closer alignment with NSW Government strategic plans such as the *New England North West Regional Plan 2036*, *Future Transport 2056* etc.

A number of comments focussed primarily on one specific issue. These included concerns about the proposed Hills of Gold Wind Farm, opportunities for the Barraba Hydrotherapy Pool, and ensuring that future Calala traffic access to CBD does not impact important heritage or natural trees.

Interest was expressed in planning amendments for lands at Taminda, Nemingha, Bridge Street and Kootingal. These will be considered in the formulation of the Growth Management Strategy and review of the Tamworth Regional LEP 2010.

A number of the Government Agencies or organisations submissions were long and sometimes included a significant number of suggested amendments. It was apparent that these bodies were issuing comments to large number of Councils who were attempting to meet the 1 July 2020 deadline for the finalisation of the Local Strategic Planning Statement.

Consequently, some agencies stated that no change was currently needed to Blueprint Parts 1 or 2 but expressed a desire to work collaboratively with Council in future. Several individual submissions raised matters that aligned with Agency suggestions for amendments.

### Recommended amendments

As a consequence of the submissions several amendments to the Blueprint documents are recommended and are outlined in the table below.

<b>Recommended Amendments to Draft Blueprint Part 1 and Part 2 - LSPS</b>				
<u>No.</u>	<u>Type of Amendment</u>	<u>Details / Wording</u>	<u>Document Affected</u>	<u>Page</u>
1.	Insert text and new action	Include a recommendation to investigate development controls to address large scale renewables.  New Action DN7	Part 2 - LSPS	22 29
2.	Insert text	Identify Ultra Violet radiation as a natural hazard in the Tamworth Regional Local Government Area	Part 2 - LSPS	22
3.	Insert text	Include the United Nations definition of public space: <i>places publicly owned or of public use, accessible and enjoyable by all for free and without profit motive.</i>	Part 2 - LSPS	22



4.	Corrections to references	Consequential amendments to correct references relating to Transport for NSW	Part 1 Part 2 - LSPS	Var.
5.	Insert Text and new action	New Action CRC6 – Work in partnership with Transport for NSW to develop the <i>Tamworth Future Transport Place Plan</i>	Part 2 - LSPS	19 21 29
6.	Insert text	Identify the NSW Aboriginal Land Council in the relevant section of Blueprint 100 documents	Part 1	43
			Part 2 - LSPS	23
7.	Amend action	Amend Action RC3 regarding consideration of listing Aboriginal sites in the <i>TRLEP 2010 - Schedule 5</i> , from a medium term to a short term action	Part 2 - LSPS	28
8.	Insert text and reference document	Include reference the <i>Western Enabling Regional Adaptation New England North West Region Report (2017)</i>	Part 2 - LSPS	22 31
9.	Amend actions and Reference List	Clarify that the reference to the Interim Settlement Planning Guidelines relates to the <i>New England North West Regional Plan 2036</i>  <i>Action 2.2.1 (Part 1)</i>  <i>Action SG5 (Part 2)</i>	Part 1	23
			Part 2 - LSPS	11
				26 31
10.	Replace text	Replace references to <i>Namoi Catchment Sustainability Plan</i> to <i>Namoi Unlimited Strategic Plan 2018-2021</i>	Part 1	40
			Part 2 - LSPS	22
11.	Amend text	Clarify that consultation with Government Agencies is a requirement for any amendments to planning provisions including rural lot size	Part 2 - LSPS	18
12.	Addition	Add to the consultation sections to include details of public exhibition in March/April 2020 in the terms described in this Council Report	Part 1	10
			Part 2 - LSPS	2

13.	Formatting	Minor corrections to spelling, numbering, format etc. of the Blueprint documents prior to publication.	Part 1 Part 2	Var.
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## Conclusion

*Tamworth Blueprint 100 Parts 1 and Part 2* will be 'definitive' for both the Council and the Region in years to come. *Blueprint 100* is a guide or roadmap for lifting the Region to an improved quality of life and prosperity. That's the real focus, not the attainment of a 100,000 population by a particular date.

If current trends continue the region will reach of 80,000 persons by 2041 at 1% growth in any event. A future population of 100,000 persons at some point will present challenges but also opportunities to make the Tamworth Region attractive for investment and enterprise with high liveability and standard of living for residents.

### (a) Policy Implications

*Tamworth Regional Blueprint 100 Parts 1 and 2 - Local Strategic Planning Statement 2020*, when adopted, represent two of the most significant Council policies for growth and development of the Tamworth Region in the next 20 years to 2041.

### (b) Financial Implications

The Tamworth Regional *Blueprint 100* documents provide a strong basis to underpin and support current and future Council budget process and grant funding opportunities.

### (c) Legal Implications

The draft *Tamworth Regional Blueprint 100 Part 2 – Local Strategic Planning Statement 2020* has a statutory basis pursuant to *Section 3.9* of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*. In accordance with *Section 3.33(2)* of the *EP&A Act 1979*, future amendments to the Council's Local Environmental Plan will need to justify how the proposed changes give effect to the Council's Local Strategic Planning Statement.

Council was advised by the Department of Planning, Industry and Environment by letter of 25 October 2019, that Council is required to make and have submitted its first Local Strategic Planning Statement by 1 July 2020, to be published on the NSW Planning Portal. The advice stated that failure to meet this statutory timeframe would be a breach of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Cl.11A)*.

### (d) Community Consultation

In accordance with the *EP&A Act 1979* and the resolution of Council the *Tamworth Regional Blueprint 100 Parts One and Two (Local Strategic Planning Statement)* were publicly exhibited from 2 March 2020 to 9 April 2020. A comprehensive exhibition process followed which included advertising on six consecutive weeks in local newspapers, media releases and social media presence. The exhibition materials were displayed in Council offices, libraries and on Council's website including an interactive map and online submission facility.

In addition, community consultation sessions were held in Fitzroy Street in Tamworth and the main streets of Manilla, Barraba and Nundle and at the Kootingal Library where project managers discussed the project details and a range of executive staff (Directors/General Manager) and Councillors including the Deputy Mayor and Mayor were available at the various sessions.

**(e) Delivery Program Objective/Strategy**

A Region for the Future - F11 Sound asset management planning.

A Region of Progressive Leadership - L22 To be a leader in best practice for local government.

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 DRAFT SPORT AND RECREATION STRATEGIC PLAN – FILE No PROJ2020-0014**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Paul Kelly, Manager Sports and Recreation**

**2 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Draft Sport and Recreation Strategic Plan”, Council:*

- (i) approve the draft Sport and Recreation Strategic Plan and associated companion summary to be placed on public exhibition for 28 days; and*
- (ii) request a further report to Council following the public exhibition period including a final Sport and Recreation Strategic Plan and Companion Summary that considers all public comment.*

#### **SUMMARY**

Tamworth Regional Council acknowledges the significant contribution that sport and recreation brings to the community. To ensure that we maximise its benefit for the community, Council has produced a draft Sport and Recreation Strategic Plan and associated companion summary that provides a road map for planning and developing sport and recreation facilities (structured and unstructured) across the Tamworth region over the coming ten plus years.

#### **COMMENTARY**

Council acknowledges the significant contribution that sport and recreation brings to the community. The planning and design of such facilities needs to be carefully considered to ensure that the needs of the community are addressed now and into the future. Council engaged a specialist open space and recreation management firm to assist in the preparation of the Tamworth Region Sport and Recreation Strategic Plan (The Plan) which is **ATTACHED**, refer **ANNEXURE 1**.

A Companion Summary of The Plan, designed as a high level summary of the detailed plan has also been developed, which is **ATTACHED**, refer **ANNEXURE 2**.

The Plan provides a road map for planning and developing sport and recreation facilities (structured and unstructured) across the Tamworth region to align with the planned growth identified in Tamworth's Blueprint 100 strategy.

The methodology used in preparation of The Plan includes the following seven key stages:

**Stage 1:** Background research and trend analysis.

The strategic direction for sport and recreation is influenced by a number of policies and plans as well as peak body strategic directions, at various levels, including international, federal, state, regional and local. The relevant information from each of the documents reviewed is detailed in The Plan. The Plan also identifies a range of trends that will influence sport and recreation in the coming years.

**Stage 2:** Facility audit.

The Plan includes a facility inventory of the recreation facilities across the Tamworth region. While The Plan focuses on Council's role in the provision of sport and recreation facilities, the inventory also includes several facilities which are owned privately or by clubs to ensure that the full suite of opportunities across the region is considered.

**Stage 3:** Community consultation

Extensive community consultation has been undertaken to ensure the community and key stakeholders had the opportunity to contribute to the development of The Plan and to ensure the values and aspirations of the community and stakeholders is reflected in The Plan. The following mechanisms were used to engage with the community and stakeholders:

- online club/user group survey (nine respondents);
- online community survey (164 respondents);
- community workshops (two in Tamworth, one in Nundle, one in Barraba, one in Kootingal, one in Manilla);
- stakeholder interviews; and
- site tours.

Opportunities for the community to engage in this project were advertised on Council's website, social media, media releases, radio advertisements, newspaper adverts, and distribution of a flyer to all contacts on Council's Community Directory.

**Stage 4:** Issues and opportunities identification

The Plan identifies all relevant issues, opportunities and gaps associated with the existing sport and recreation network uncovered through the relevant research and community consultation.

**Stage 5:** Draft Sport and Recreation Strategic Plan

**Stage 6:** Public exhibition of draft Sport and Recreation Strategic Plan

**Stage 7:** Final Sport and Recreation Strategic Plan.

Having now produced a draft Sport and Recreation Strategic Plan and associated companion summary, it is recommended that Council seek community feedback through a public exhibition period for a minimum of 28 days.

It is proposed that the community would be able to provide feedback through Council’s online “Have Your Say” portal. Opportunities will also be provided for the community, clubs and user groups to meet directly with the Project Manager to discuss the project.

Following this period a further report will be produced for Council detailing the feedback obtained, submissions received and a final Plan to be considered for adoption.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

All costs to date are within the approved budget for this project.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

It is recommended that the Draft Sport and Recreation Strategic Plan and associated Draft Companion Summary be placed on public exhibition for a minimum of 28 days to seek community feedback.

During this period of public exhibition, staff will engage directly with the community in a manner that is safe for both staff and the community in light of Covid-19 and government guidelines.

**(e) Delivery Program Objective/Strategy**

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

A Spirit of Community - C12 Provide high-quality sporting facilities to meet the diverse needs of the community.

A Spirit of Community - C13 Provide high-quality specialised sporting facilities to drive sporting excellence for the region and state.

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

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## **8.2 VIADUCT PARK MASTERPLAN – FILE No PROJ2019-0201**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Paul Kelly, Manager Sports and Recreation**

**2 ANNEXURES ATTACHED**

### **RECOMMENDATION**

***That in relation to the report “Viaduct Park Masterplan”, Council adopt the masterplan titled “Viaduct Park Tamworth Masterplan 12 May 2020”.***

### **SUMMARY**

As part of the future planning for the continued growth of the region, Tamworth Regional

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Council staff have developed a masterplan for Viaduct Park. Viaduct Park has recently been elevated to Regional Park status with the addition of the Tamworth Regional Skatepark and the Viaduct Park masterplan outlines a vision to embellish the Park inline with this status.

The draft masterplan was placed on Public Exhibition for 28 days between 19 March 2020 and 16 April 2020. A total of 15 respondents commented on the masterplan.

## COMMENTARY

Viaduct Park is located at the northern end of Peel Street, Tamworth. In May 2019, the Tamworth Regional Skatepark was opened in Viaduct Park. With the addition of this regionally significant piece of infrastructure Viaduct Park was elevated to regional park status. Along with the Tamworth Regional Playground, Viaduct Park now bookends Peel Street with regional parks.

A regional park attracts significant visitation, catering for the whole city, multiple towns and a broader regional population. They are embellished, maintained and serviced at levels befitting the high level of usage and visitation.

In February 2020, further development of Viaduct Park was announced with Council receiving funding from the State Government to build a youth training café within the park. With construction set to commence in late 2020, this café will be a training ground for the region's youth to gain skills for future employment.

With the Skatepark now well established and the funding for the café secured, Council staff have commenced further planning of this site with a masterplan being produced outlining future embellishment.

The Viaduct Park masterplan was developed in five key stages as follows:

- Stage 1: Council staff commenced the development of a masterplan for Viaduct Park by reviewing the community consultation data collected for the Stronger Country Communities Fund, round 1, for the Tamworth Regional Skatepark – located at Viaduct Park. This application included a community survey that identified the key elements the community would like to see Viaduct Park embellished with.
- Stage 2: A landscape architect consultant was engaged to develop a concept masterplan of the park. This draft was to incorporate the desired elements identified by the community in the survey undertaken for the Stronger Country Communities Fund, round 1 application, along with current and future trends and industry best practice.
- Stage 3: The draft masterplan was placed on public exhibition for a period of 28 days to seek community feedback. A total of 15 submissions were received and this feedback is collated and **ATTACHED**, refer **ANNEXURE 1**.
- Stage 4: The community feedback was collated and presented to the Councillors and EMT. Council's technical staff provided comments to the Councillors and EMT on each of the submissions received refer Table 1 below.

*Table 1. Summary of community feedback and Council staff comment*

No.	Submission summary	Council technical staff comment
1	More shade is required in the park. The addition of a road safety track and a splash pad would also be good for the community.	Masterplan includes these elements. Incorporate road safety elements in the path network.

2	The park should have a dedicated area for under ten year olds. The current skate elements should be restricted to the ages of ten and older.	Skating as a sport is not segregated by age. The expansion of the pump track will allow for users of different abilities to naturally engage in areas of the park suitable to their skill level.
3	The plan looks exciting. Maximise seating and shade wherever possible and do not forget to incorporate play elements for people with a disability and the site be wheelchair friendly.	Masterplan includes these elements.
4	I would love to see a coffee shop to enjoy a cuppa while my kids play in the park.	Masterplan includes this element and is currently funded.
5	A bike track to accommodate younger children (2 - 6 year olds) is required. The multi use basketball court is a great edition. The park is in need of additional shade and seating. A footpath around the entirety of Viaduct park would be great for the kids to ride around.	Masterplan includes these elements. The paths in the masterplan create linkages to all elements of the park as circuits rather than endpoints. All paths will be designed to accommodate all-access requirements.
6	A larger pump track with bigger jumps and a BMX track is required. I would like to be on the project working group when the project advances.	The approximate size of a BMX track is 1.3Ha and this is too large for Viaduct Park. Additionally, Sports and Recreation Technical Staff are currently in discussions with the Tamworth BMX Club on works regarding the existing BMX track.
7	The playground component of the park should be fenced.	Masterplan includes a proposed barrier (fence/garden) to segregate the Splash Pad and playground
8	A stage in this park would be another noise generator close to my home. This will impact my quality of life and I whole heartedly reject this element of the project.	Council will ensure all utilisation of this stage would fall within the respective Council policies and guidelines.

9	The new additions to the Viaduct look very impressive and I say when our grandchildren come to Tamworth to we will visit.	N/A
10	I am I local skateboarder here in Tamworth and myself along with others had quite a lot to do with the upgrade of the current Viaduct Park. With the skatepark in particular, there are certain aspects of it that don't allow for the proper progression in skateboarding/scootering etc. by that I mean the park is missing a few essential obstacles that are staples within the sport.	Users of the facility will be involved in a Project Working Group to oversee the addition of new skate elements.
11	A new pump track is not warranted. A smaller bowl would be preferred.	The popularity of the existing pump track does not support this comment.
12	My Grandson and I viewed and discussed the plan, we were both excited. He was particularly interested in the new pump track and the climbing wall. I like the whole plan, good shade for grandparents to sit under and it will be good to have a cafe. In general a good plan.	Shade and seating included in the Masterplan.
13	The skate bowl is for advanced riders and the pump track and street section is for beginners. More elements are required for middle level riders. A large flat, open skate surface is required. This is particularly warranted during busy periods when schools attend the park.	The basketball court will additionally act as a large open free skate section when required.



14	These ideas will bring their own respective uniqueness not available at other parks. The place-based concepts for public gatherings I hope will have a nice resurgence and this will bring amenities closer to North Tamworth and Oxley Vale with open monitoring against anti-social behaviour.	N/A
15	It is essential for the sport of climbing that the proposed climbing wall be constructed properly and meet all standard requirements. This will ensure the safety of users and the continued growth of the sport. I would like to be on the project working group when the project advances.	Members of the community will be offered the opportunity to be on the Project Working Group of the Project to oversee the addition of new elements such as the climbing wall.

On review of the community feedback and the technical staff comment the Councillors and EMT recommended the masterplan of Viaduct Park be amended to include road safety elements (i.e. crossings and road signage) on the proposed path network throughout the park.

Stage 5: A final masterplan was developed by the consultant and is **ATTACHED**, refer **ANNEXURE 2** and is recommended for adoption.

The Viaduct Park Masterplan focuses on the southern side of the park. It should be noted, however, that none of these improvements are currently funded and will require funding consideration in future budgets and prioritisation for future grant funding applications.

Council recognises the northern side of the park is open space for sports field training. This area is equipped with sports field lighting to the appropriate training lux and booking data reflects high utilisation of this site.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

There are no costs associated with adopting the Masterplan. There are also no funds currently allocated to implement any components of this plan.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The draft Viaduct Park Masterplan was placed on public exhibition for a total of 28 days between 19 March 2020 and 16 April 2020. A total of 15 respondents commented on the masterplan.

In light of the Covid-19 pandemic the traditional method of engaging directly with the community on sight was not pursued for the safety of Council staff and the community. In an effort to ensure the community had the opportunity to engage directly with the Project Manager a live question and answer session was held on Facebook. This opportunity, held on 14 April 2020 between 7:00pm and 8:00pm, garnered interest from the community with several questions asked and answered with numerous other community members following the live discussion feed.

**(e) Delivery Program Objective/Strategy**

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

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**8.3 SPORT EVENT SUBSIDISATION POLICY – FILE NO SF8788**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Paul Kelly, Manager Sports and Recreation  
**Reference:** Item 8.2 to Ordinary Council 27 February 2018 - Minute No 56/18  
Item 8.3 to Ordinary Council 28 November 2017 Minute No 401/17  
Item 8.1 to Ordinary Council 25 February 2020 - Minute No 35/20

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Sport Event Subsidisation Policy”, Council:*

- (i) revoke the Significant Sport Event Fee Subsidisation Policy and remove from the General Policy Register;*
- (ii) adopt the Sport Event Subsidisation Policy and include it in the General Policy Register; and*
- (iii) maintain the allocation of \$40,000 toward the funding of this program annually from within existing budget allocations.*

**SUMMARY**

It is acknowledged that sport plays a significant role within the Tamworth Regional Council area. In an effort to recognise the contribution that sport makes to the Tamworth regional economy, the Sport Event Subsidisation Policy – a revision of the Significant Sport Event Subsidisation Policy – ensures a consistent and transparent framework for sporting organisations to apply for a Council fee subsidy when hosting major events in the region.

**COMMENTARY**

At the Ordinary Council Meeting of 25 February 2020, it was approved to place the Sport Event Subsidisation Policy on public exhibition for a period of 28 days. This was on exhibition between 6 March 2020 and 3 April 2020. The item received no public comment.

The proposed Sport Event Subsidisation Policy is **ATTACHED**, refer, **ANNEXURE 1**.

**(a) Policy Implications**

The Sport Event Subsidisation Policy will replace the Significant Sport Event Subsidisation Policy in the General Policy Register.

**(b) Financial Implications**

The \$40,000 allocated for this budget will remain unchanged. This total will be funded from within existing budget allocations, being \$25,000 from Sports and Recreation and \$15,000 from Business and Community.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The Sport Event Subsidisation Policy was on public exhibition for 28 days between 6 March 2020 and 3 April 2020. This item received no public comment.

All known local sport organisations/representatives were notified via email the policy was on exhibition on 9 March 2020.

Sport organisations/representatives meet monthly with TRC in sport operational meetings. These meetings act as another channel in which sport executives and administrators can meet regularly with TRC to discuss operational matters that affect the day to day operation of their respective sports. Within these meetings, sport user groups have applauded the implementation of the Significant Sport Event Subsidisation Policy and acknowledged the assistance it has provided. User groups have requested the policy be revised to ensure it continues to align with current industry standards.

**(e) Delivery Program Objective/Strategy**

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

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**8.4 FEE WAIVER OF PRE-SEASON SPORTING FEES DUE TO COVID-19 PANDEMIC – FILE No SF8773**

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

**RECOMMENDATION**

*That in relation to the report “Fee waiver of Pre-season Sporting Fees Due to COVID-19 Pandemic”, Council agrees to waive the field hire fees from 1 January 2020 until 31 March 2020 for all community sporting groups for their pre-season training prior to COVID-19 restrictions.*

**SUMMARY**

A number of sports commenced pre-season training in early 2020, in the expectation of a winter competition occurring. This training commenced in January and continued through until March 2020, when the COVID-19 restrictions required the cessation of all sports and training. In total \$2,281.29 including GST in field hire invoices are ready to be issued to community sporting groups for this pre-season training.

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In light of the impact COVID-19 has had on community sporting groups, it is recommended that Council consider waiving the listed pre-season training fees from January to March 2020, to help alleviate the current financial impact to these local sporting clubs.

## COMMENTARY

A number of sporting clubs commenced training in January 2020, based on the assumption that a winter competition would follow and that they would receive player registration fees in due course. With competitions now delayed, possibly even cancelled entirely, many clubs have not secured player registration fees to cover the costs of field hire for pre-season training.

Council staff have calculated the value of field hire fees associated with the pre-season training from 1 January 2020 until 31 March 2020 as \$2,281.29. Table 1 below shows the community sporting clubs impacted and their monthly invoice amounts.

*Table 1 – Community sporting groups and their pre-season training fees*

	<b>January</b>	<b>February</b>	<b>March</b>	<b>Total</b>
Kootingal Moonbi Rugby League	\$20.16	\$52.08	\$60.48	\$132.72
Northern Inland Football	\$78.75	\$712.57	\$680.21	\$1,471.53
Tamworth Swans AFL	\$39.20	\$106.40	\$84.00	\$229.60
Tamworth Kangaroos AFL		\$100.80	\$84.00	\$184.80
Tamworth Magpies Rugby Union		\$11.20	\$47.60	\$58.80
Tamworth Pirates Rugby Union		\$109.76	\$94.08	\$203.84
				<b>\$2,281.29</b>

In recognition of the fact that these sports would be experiencing some degree of financial hardship, it is recommended that Council support these sporting clubs by waiving the field hire fees for pre-season training up to when COVID-19 restrictions resulted in the ceasing of all sports.

While this loss of revenue does impact Council's operational budget, there has also been considerable saving in the Significant Sport Event Fee Subsidisation funds due to the cancellation of multiple significant sporting events no longer requiring this subsidy. It is therefore proposed to cover the cost of this loss of field hire revenue through the savings in the Significant Sports Event Fee Subsidisation fund.

### (a) Policy Implications

Nil

### (b) Financial Implications

The recommended fee waiver valued at \$2,281.29 is proposed to be absorbed into the Sports and Recreation division's operational budget and offset by savings in the Significant Sports Event Fee Subsidisation fund. Therefore, overall this will have no negative impact on the General Fund's unrestricted cash.

### (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.

**8.5 ATTUNGA WATER SUPPLY HARDNESS – FILE NO SF2903**

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

**Reference:** Item 8.2 to Ordinary Council 14 May 2019 - Minute No 151/19

**RECOMMENDATION**

*That in relation to the report “Attunga Water Supply Hardness”, Council receive and note the report.*

**SUMMARY**

In May 2019, Council considered a report in relation to the water hardness of the Attunga water supply and potential improvement options. Council subsequently resolved to install Magnetic, Energised and Activated (MEA) devices to determine if the devices are able to provide softer water within the Attunga reticulation system.

The purpose of this report is to provide Council with the outcomes of the installation works along with the completed community survey.

**COMMENTARY**

The Attunga water supply system provides water to 155 connections, with an average consumption of 49.4 Megalitres per year. Water supplied to Attunga is currently sourced from two groundwater bores. The design capacity of the bores and the existing chlorination system is 0.6 ML/d.

The two bores supply a reservoir of 0.775 ML capacity.

A chlorination system which chlorinates water for disinfection is located on the intake side of the reservoir. A diagram of the water supply system is shown below.



Water hardness is an aesthetic water quality issue. High water hardness causes scale formation in pipes and heating elements (particularly hot water system and kettles - and affects soap lathering.

Hardness reacts with soaps to form soap scum rings visible on bath tubs in areas with high water hardness. High hardness can also have a negative impact on washing machine and dishwasher performance and very hard water can have a dirty feel to it when used for bathing. If allowed to dry on a surface hard water will leave spotty marks, particularly on glass.

Water hardness is caused by high concentrations of calcium and/or magnesium ions in the water. The hardness concentration in the bore water at Attunga is around 300 mg/L as CaCO<sub>3</sub>. The Australian Drinking Water Guidelines (ADWG) aesthetic limit for hardness is 200 mg/L. The Guidelines set health and aesthetic limits for certain parameters. A health limit is one where exceedance may cause health issues for a consumer, whilst an aesthetic limit is one where the health of the consumer will not be affected by exceeding the limit, but other qualities, not health related, will be adversely affected. The following table provides details of the average hardness of raw water used to supply drinking water across the Council area.

Location	Raw Water Source	Total Hardness Levels (mg/L as CaCO <sub>3</sub> ) For the period Jan 2017 - Current		
		Min	Max	Average
Tamworth (inc. Kootingal/Moonbi)	Peel Intake Raw	89	198	<b>151</b>
	Dungowan Raw	27	59	<b>38</b>
	Paradise Wells (no current results available)	N/A	N/A	N/A
Manilla	Namoi River	60	387	<b>211</b>
	Manilla River	212	320	<b>260</b>
Barraba	Split Rock Dam	136	192	<b>159</b>
	James Street Bores (no current results available)	N/A	N/A	N/A
Bendemeer	MacDonald River	50	68	<b>59</b>
	Airlie Road Bore	142	144	<b>143</b>
Nundle	Crawney Road Bore	328	379	<b>361</b>
	Peel River	270	375	<b>309</b>
Attunga	Raw Water Bore 1	212	296	<b>257</b>
	Raw Water Bore 2	328	343	<b>336</b>

Treatment for reducing water hardness is called water softening, which can be achieved through a number of processes. In May 2019, Council was presented with a consultancy report in relation to the available options for reducing water hardness in Attunga. The investigation undertaken by Hunter H2O found the lowest cost option to be water conditioning. The advantages of this type of treatment are:

- low cost;
- no chemicals;
- low power consumption; and
- widely available.

The disadvantages are:

- scientifically unproven treatment;
- may not work or have an appreciable impact on treated water or scaling;
- no control over treatment performance; and
- anti-scaling effects (if any) may not be long lasting; and likely would have no impact on detergent use.

The largest issue with using water conditioners is whether the system actually reduces the hardness of water cannot be directly and repeatedly tested. That is, all currently available tests used for measuring the hardness of water will return the same results before and after the conditioner. As a result, whether or not, the conditioner works is subjective in nature and means that Council cannot demonstrate the conditioner is reducing water hardness.

Council may recall a water conditioner was trialled in Barraba several years ago, however the results of the trial were inconclusive and the permanent installation of a water conditioner did not proceed.

In around March 2018, a local company, acting as an agent for the manufacturer of a water conditioner, approached Council staff in relation to a water conditioner, not the same type or brand as that used in the trial at Barraba, and suggesting Council may like to trial the unit at Attunga.

Following consideration it was decided to undertake a trial of the unit by installing one unit on one private residence in Attunga. The residents would be asked to fill out a questionnaire in relation to water quality, in particular hardness, before the unit was installed and then complete the same questionnaire after the unit had been installed for six months.

Some key responses from the residents in relation to the water quality before the trial are presented below:

- very hard, don't drink it;
- leaves skin feeling itchy and dry;
- large build up of calcium on all appliances, shower screens and walls;
- shower rose requires soaking in CLR every one to two months; and
- numerous metal sprinklers seized after about two months – require soaking in CLR.

Responses after the trial include the following:

- shower head has not clogged;
- has not had to replace sprinkler heads;
- no scums marks in shower;
- noticed there is no calcium build up; and
- water smells better.

Given the positive response from the above trial, at its Meeting of 14 May 2019, Council was provided the following three options in relation to the MEA devices:

1. Do Nothing

Whilst the water at Attunga can be considered quite hard, the water still meets the Australian Drinking Water Guidelines and, as a result, there is no mandatory requirement for Council to take any action to reduce hardness of the water at Attunga.

2. Conduct a further larger trial

Given there is no testing that can demonstrate hardness in the water has been reduced as a result of the installation of the MEA device and therefore it would be difficult for Council to refute claims in the future that the system does not work and Council has wasted public money, a further, wider trial may be appropriate.

Council could purchase more of the devices, for instance up to 12 more of the devices, and install them on property within Attunga. Residents/property owners would again be asked to complete a questionnaire before and after the trial and the results would further inform Council's deliberations on this matter.

Alternatively, Council could purchase more devices, install them all on properties in Attunga, but turn off half of the devices. Residents would not be told whether their device was working or not, would fill out the questionnaire and once the results were received the results would be considered in conjunction with whether or not the device installed on a particular property was actually working. Again the results would further inform Council's deliberation on this matter.

The estimated cost of this option is \$21,000 for 12 units.

3. Install devices on the main supply from the bores to the reservoir

The MEA devices are manufactured in two sizes – a 20 mm and a 50 mm diameter device. Given Attunga is a relatively small system it is possible to install a number of the larger 50 mm diameter devices in parallel and treat all the water pumped from the bores to the main reservoir. In this way all residents and business in Attunga would receive water "treated" by a device.

All property/owners, residents, and business owners in Attunga could then be considered as part of a wider trial and be requested to complete a survey/questionnaire about the water quality before and after the new devices were installed.

The estimated cost of this option, including purchase and installation of five of the 50mm devices is \$32,000.

Council subsequently resolved the following:

*That in relation to the report "Attunga Water Supply Hardness", Council:*

- (i) agree to undertake a full scale trial (Option Three) of the MEA devices at Attunga;*
- (ii) provide funding for the trial from the Water Reserve; and*
- (iii) request the Director Water and Waste provide updates to Council as the trial progresses*

Following the above resolution, the MEA devices were installed on the water main supply from the bores to the water supply reservoir. To determine the effectiveness of the project, a community survey was undertaken with Attunga residents to try and determine the effectiveness of the MEA devices installed.

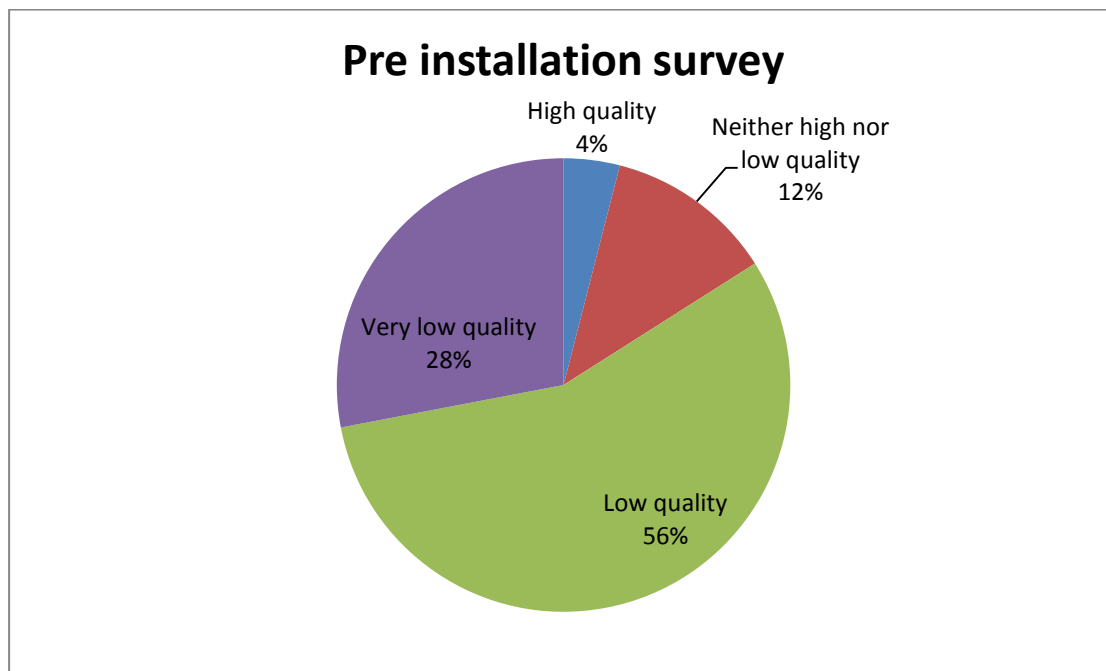
The community survey involved the following stages:

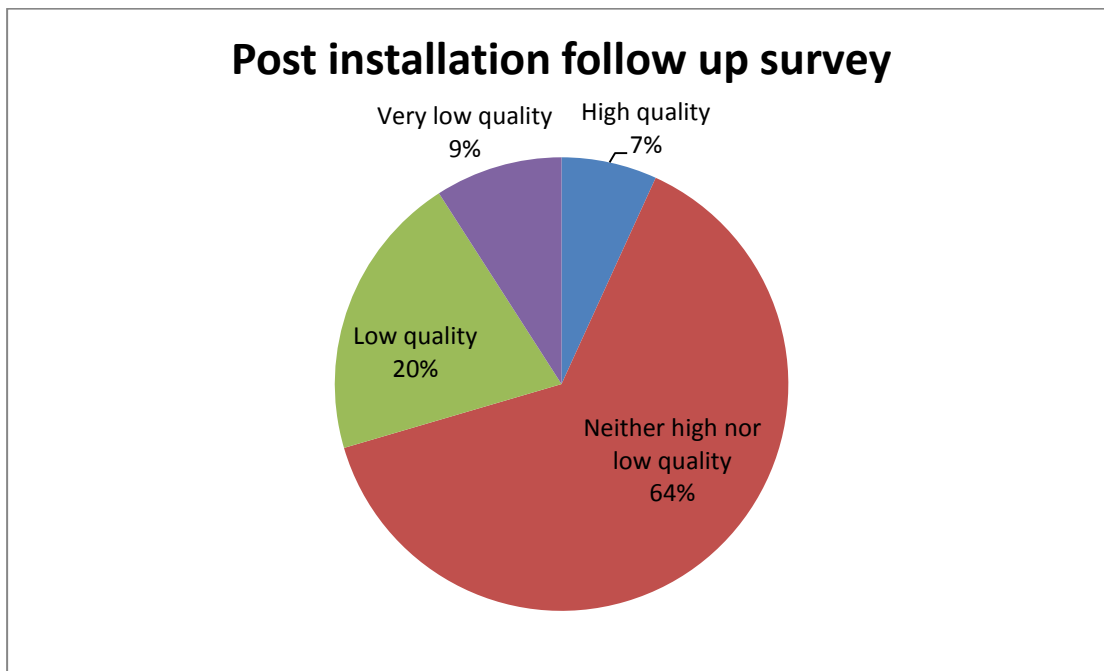


Stage 1 - A pre-survey letter was sent out to all properties with a water supply connection to obtain a baseline of public perception of the bore water supply in Attunga. Only 16% of surveys were returned which made it difficult to make a valid decision on the water quality as perceived by the residents.

Stage 2 - After six months of the MEA devices being installed, a phone survey was undertaken. The survey again aimed to contact all properties with a water supply connection in Attunga. Approximately 90 properties were successfully contacted with 44 properties undertaking the survey.

Results of the pre and post surveys are provided below:





Based on the survey results received, and particularly because of the small sample size in the initial survey, there is no clear evidence that the installation of the MEA devices has been perceived by residents as improving water hardness in Attunga.

The installed MEA devices at Attunga do not require any power to operate, and there is no maintenance. There is a cost in removing the devices and as a result the devices will be left installed.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The project was completed within the budget allocated by Council.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

A community survey was completed with residents of Attunga which found the majority of residents had not noticed any change in water hardness following the MEA device install.

**(e) Delivery Program Objective/Strategy**

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

## 8.6 REGULAR UPDATE ON DROUGHT AND WATER SUSTAINABILITY – FILE NO SF9442

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Tracey Carr, Sustainability Coordinator

**Reference:** Item 8.9 to Ordinary Council 28 April 2020 - Minute No 105/20  
Item 8.5 to Ordinary Council 11 June 2019 - Minute No 188/19

### RECOMMENDATION

*That in relation to the report “Regular Update on Drought and Water Sustainability”, Council receive and note the report.*

### SUMMARY

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

### COMMENTARY

#### Current regional water supply situation

The latest update as of 19 May 2020 is provided below:

Area	Restrictions	Water Supply	Situation
Barraba	Permanent Water Conservation Measures (PWCM)	Split Rock Dam	Split Rock Dam level is currently sitting at 4.6%.  Restrictions on releases from Split Rock Dam were lifted on 26 March 2020 which was the trigger for Council to return to reviewing Barraba and Manilla independently as per the Drought Management Plan
Bendemeer	Permanent Water Conservation Measures (PWCM)	MacDonald River	Due to sustained flows in the MacDonald River, Bendemeer was moved to Permanent Water Conservation Measures from Monday 2 March 2020.
Nundle	Moved to Permanent Water Conservation Measures on Monday 18 May 2020	Peel River/Nundle Bore/Crawney Road Bore	The Peel River at Nundle has been flowing consistently since February, with slight increases in flow rates inline with ongoing rain events.  Sustained flows in the Peel at Nundle met the requirements to relax restrictions to PWCM.
Manilla	Permanent Water Conservation Measures	Namoi River/Manilla River	The Namoi River is flowing well due to recent rain and has sustained flows above the requirement to return to

			<p>Permanent Water Conservation Measures.</p> <p>Restrictions on releases from Split Rock Dam were lifted on 26 March 2020 which was the trigger for Council to return to reviewing Barraba and Manilla independently as per the Drought Management Plan</p>
Attunga	Level 2	Attunga Bores	<p>Bore levels are stable. The return of flow in the rivers and recent rain has provided more certainty around the ability of the Attunga bores and the levels are being monitored to determine if changes will be made into the future.</p>
Tamworth/ Moonbi- Kootingal	Level 5	Chaffey Dam/Dungowan Dam – Moonbi-Kootingal via Nemingha Pipeline	<p>Rain events into Autumn have kept the Chaffey Dam level relatively stable. The dam is currently sitting at 13.9%. On January 23 2020, Chaffey Dam reached its lowest point to date of 12.8% so it is encouraging to see the stability.</p> <p>Storage level at 10% is the next trigger point under the Drought Marketing and Communications Plan to increase and update communications with business and residential users as well as introduce the 100 Litres per person per day residential target.</p> <p>Dungowan Dam is 56%, a slight increase. An amendment to Council's Drought Management Plan at the Ordinary Meeting on April 28 allows water to be sourced from Dungowan Dam should the level get to 50% and above.</p>

### Water Restrictions Patrols

As residents came to grips with stringent COVID-19 social distancing restrictions, it became apparent Tamworth, Moonbi and Kootingal's water situation slipped off the radar for some. Despite Chaffey Dam sitting below 14% and Level 5 water restrictions in place, there was a slight increase in restriction breach reports. Residents were observed using town water supply to hose down concrete driveways and water plants and lawns. These breach reports were corroborated by Tamworth Regional Council rangers who advised they had spoken to a

number of residents they had witnessed misusing the town water supply during regular patrols.

In order to curb this behaviour, patrols were reinstated on 4 May 2020. The patrols will initially take place for a month and will then be reviewed to see if there is a need to extend them. The patrols take place for one shift during week days, and two shifts on Saturdays and Sundays and occur at random times and locations. These patrols are covered by a monthly budget of \$5000.00, approved at the Ordinary Council Meeting held 11 June 2019, which will carry through until June 30 2020. Come 1 July 2020, a review of budget requirements will be undertaken, should there be a need for patrols to continue.

### Communications Engagement Plan Level 5

Rain at the start of autumn has led to some stability in Chaffey Dam, with the level currently sitting at 13.9%. However, Tamworth, Moonbi and Kootingal remains on Level 5 water restrictions and Council staff continue to prepare for the potential to reach 10% capacity in the dam. Under the Drought Management Plan - Communication and Engagement Plan (CEP), 10% of Chaffey Dam is the next trigger point for further reduction in residential and business water use. Should the dam reach this trigger point the residential target will reduce from 150 Litres per person per day to 100 Litres per person per day.

In preparation for this eventuality, new scripts for television and radio advertising have been developed and production on these has finished. Television ads use existing footage filmed at the creation of the current ads to avoid unnecessary costs as well as allow for the ads to be created in isolation as per distancing requirements during the COVID-19 pandemic. The ads include updated scripts and messages and the colour palette identified in the CEP for Level 5 10% trigger, red in place of orange.

The 10% television and radio content include the new message of “at work, at home and at play” encouraging all residents to be aware of their water use in all of their day to day activities.





A combination of good weather and COVID-19 restrictions, saw nurseries and landscape suppliers experience a flourish of activity. It's great to hear local businesses thriving during these tough times and following communication they agreed to jump on board to help remind residents about what they can and can't do on Level 5 water restrictions. Corflute signage was delivered to six businesses, for them to display the message. Weekly radio segments have also been used as an opportunity to encourage other businesses to contact Council if they would like to display signage.

COVID-19 has limited Council's ability to engage with the community face-to-face, and led to some creativity. Convenience Advertising is booked in the public toilets in Northgate, Town Square and Shopping World shopping centres. This is a cost effective way for residents to see Council water messaging when their attention is focussed. These shopping centres were chosen as they each have a major supermarket in them and have had other essential services remain open during COVID-19.

### **Tamworth Business Seminars**

As part of the ongoing activities under the CEP, Council and the Tamworth Business Chamber have partnered to deliver a series of seminars for businesses to discuss the challenges and initiatives they have identified in relation to water conservation. With coronavirus restrictions, face-to-face seminars have been called off but there was support from the Chamber to initiate an online seminar.

The first online seminar was scheduled to take place on 18 May 2020. Unfortunately, not enough businesses registered their interest to attend, and the seminar was postponed. Council staff will endeavour to host another seminar at a future date.

An idea for ongoing meetings, will be to consider inviting guest speakers to these events to ensure ideas and information are new and of benefit to as many businesses as possible.

When restrictions on staff movements within the community ease Council will look to return to regular face-to-face business water seminars.

### Water saving rebates

On Wednesday 4 March 2020, the new online water rebates system went live on both Council's website and within the Request Management (RM) system, incorporating all of the new and existing rebates available to both businesses and residents.

Improvements have been made to how stand alone water tank rebates are processed. Following a workshop with Business Improvement, Water and Waste Business Support, Customer Service and Sustainability staff, a methodology was identified to enable a more streamlined process and less error when processing these rebates. This process was rolled out at the start of May and is proving a success.

Since the extended list of 29 water saving rebates was introduced in February 2020, 170 rebates have been approved for residential and commercial water users.

Rebate type	Approved
Ceiling fan	40
Dual Flush Toilet	29
Evaporative Air Conditioner Servicing and Maintenance	31
Swimming Pool Cover	16
Showerhead	10
Oxijet	1
Large Rainwater Tank	4
Medium Rainwater Tank	9
Small Rainwater Tank	3
Large Rainwater Tank (stand alone)	6
Medium Rainwater Tank (stand alone)	4
Small Rainwater Tank (stand alone)	0
Greywater Diversion System	2
Plumbers Audit	8
Waterblades	4
Shower Controller Device	3
<b>TOTAL</b>	<b>170</b>

### Emergency Water Supply Plan

Council staff and the consultant engaged to prepare the Emergency Water Supply Plan (EWSP) continues to work towards delivering the plan prior to Chaffey Dam reaching 10% of capacity.

The plan is progressing, and a draft will be ready for a Councillor Workshop mid June 2020, with the final draft ready for endorsement at the following Ordinary Council Meeting.

### **Update to the Water Education Portal**

Significant and permanent works have taken place to enhance Tamworth, Moonbi and Kootingal's water supply during current and future drought conditions.

As part of Council's commitment to water education, the Calala Water Treatment Plant Virtual Tour will be amended to include the new works, why they were constructed and how it extends the water supply. This audio visual aid will give a background into Dungowan Dam and the old pipeline, and explain the new Water NSW constructed Chaffey to Dungowan Pipeline, the Scott Road Drift Wells and the new Calala Bulk Water Storage Dam and how all infrastructure works together. The goal is to educate school children, and all residents, on how these projects not only save water but improve water security for Tamworth, Moonbi and Kootingal residents during drought and times of low supply.

In preparation for this, a draft script has been written and visual opportunities will be identified. Access to the sites will be necessary for the production crew to film footage for the new material.

The updated tour is scheduled to be finalised by 30 June 2020. The existing water education budget is sufficient to fund these changes.

### **CCTV at Bulk Water Refill Stations**

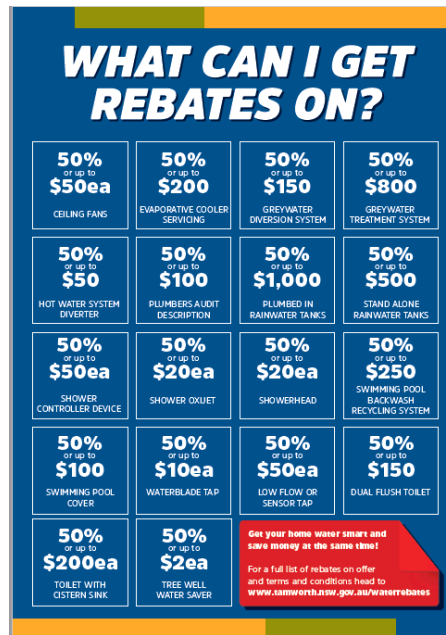
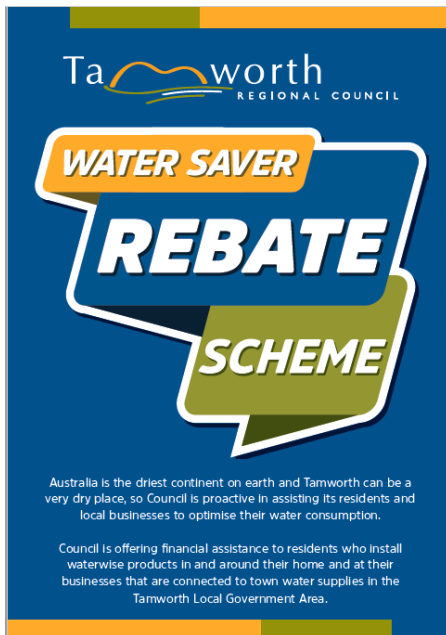
Following the installation of portable CCTV units at three bulk water refill stations and anti-tamper cages in September 2019, Council compliance staff noted an immediate reduction in issues at all refill stations. Once the bulk refill stations were moved from credit card payment to Council issued access cards in January 2020, no major compliance issues were noted at the sites.

Councillors agreed at the April 2020 Ordinary Council Meeting to change all bulk water refill stations back to credit card access when centres move to Level 2 water restrictions or lower. Given recent experience it is considered there is no need for a permanent CCTV network across the nine bulk water refill stations.

As of this Ordinary Council Meeting, no portable CCTV units remain in use. When restrictions on the Bulk Water Refill Stations are re-introduced at any of the centres, the need for CCTV will be reviewed. Portable CCTV is the preferred method going forward. A request for funding will be made if and when CCTV is required at the bulk water refill stations in the future.



**Rebates Promotion**



A number of businesses expressed interest in easily accessible information regarding residential and business water saving rebates. To assist with this, Council's Communications unit developed a suite of advertising (DL flyers, posters) to promote these through local businesses that carry out rebate eligible activities. These have been sent out electronically to more than 50 businesses. Council has also offered to deliver hard copies if that was preferred and a number of businesses have taken up this option.

A monthly feature on different water rebate items will also be promoted in a weekly water restrictions newspaper advertising space.

A social media marketing campaign was also launched. Each week on Council's Facebook page a different rebate will be promoted. This is to remind people to take up the rebates where applicable, especially with the increased number of home renovations happening during COVID-19. It is also a time to remind people to make water wise choices when selecting water using items for their households.

**(a) Policy Implications**

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

**(b) Financial Implications**

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.

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**8.7 TAMWORTH REGIONAL COUNCIL - REVISED DESCRIPTION FOR WASTE DISPOSAL – FILE NO SF7892**

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

**RECOMMENDATION**

*That in relation to the report “Tamworth Regional Council – Revised Description for Waste Disposal”, Council amend the wording associated with Free Rural Commercial Recycling disposal of comingled recyclable product to a maximum of one cubic meter volume, per day, per commercial client visit.*

**SUMMARY**

The purpose of this report is to request rewording of a product classification relating to the disposal of waste in order to eliminate ambiguity associated with interpreting these charges in an operational manner.

**COMMENTARY**

The following statement is included in current and proposed fees and charges in regards to commercial recycling disposal at rural facilities:

*Sorted and Clean Recycling in moderate quantities (paper/cardboard, food/drink containers, metal) – quantities considered by Council as excessive/burdensome may trigger a request by Council for the commercial entity to seek the alternative services of a commercial recycling contractor.*

Over the last few years staff have noticed an increase in the volume of recycling being delivered to Council’s rural facilities, free of charge, by commercial and business operators. At these facilities recycling is placed in a hook lift bin and when full, Council pays for the bin to be collected and delivered to Council’s Forest Road facility where the recycling is provided to Challenge.

The increase in delivery of volume of recycling from business and commercial entities has seen the Hooklift bins at rural facilities fill quickly which, in some cases, leaves no space for residents to dispose of their recycling. Further, often these loads arrive unannounced and without warning. The bins are serviced on a regular basis by Council’s Waste Collection contractor and there is the ability to seek more frequent servicing, but the contractor requires notice and this means the recycling bin may be full for a day or two before it can be replaced – leading to problems of waste being dumped outside the bins, or in the incorrect bin.

It is considered Council has the following options to address this issue:

**Option 1:**

Do nothing

**Option 2:**

Increase the scheduled servicing of the recycled bins. Whilst this will address the problem of bins being full, it may also mean that half full bins are replaced meaning Council will not get full value for the expense incurred.

**Option 3:**

Place a limit on the volume of recycling that can be delivered free of charge to the rural facilities per visit, by amending the wording associated with Free Rural Commercial Recycling disposal of co-mingled recyclable product to a maximum of one cubic meter volume, per day, per commercial client visit. This will give Council staff more time to gauge how quickly a bin is filling and arrange additional servicing as required.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Under the current Waste Collection contract it costs Council between \$242 and \$800 per scheduled collection of the hook lift bin depending on location. Services outside of the schedule are charged between \$484 and more than \$800, again, depending on location.

The reduction of commercially filled recycling skips at rural facilities will save costs, if outside of schedule pick ups can be minimised, and allow residents to have uninterrupted access to recycling options.

**(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.

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## **9 GOVERNANCE, STRATEGY AND FINANCE**

### **9.1 BOUNDARY ADJUSTMENT - GJ & KP GIBLETT – FILE NO LF7601**

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

#### **RECOMMENDATION**

*That in relation to the report “Boundary Adjustment – GJ & KP Giblett”, Council:*

- (i) note the report;*
  - (ii) agree to the transfer of approximately 119 hectares of land owned by GJ & KP*
-

- Giblett from Liverpool Plains Shire Council to Tamworth Regional Council; and***  
***(iii) write to the Minister of Local Government requesting the consideration of the boundary adjustment.***

## **SUMMARY**

The purpose of this report is to request a Boundary Adjustment involving Liverpool Plains Shire Council and Tamworth Regional Council.

## **COMMENTARY**

The proposed Local Government Area (LGA) boundary adjustment relates to the property known as “Lallybroch”, 11670 New England Highway, Wallabadah NSW 2343. The property is located approximately 12km to the north of Wallabadah, and contains allotments in both the Liverpool Plains Shire Council and Tamworth Regional Council LGAs. The property is currently owned by Mr GJ and Mrs KP Giblett (the landowners).

The landowners are seeking to pursue a LGA boundary adjustment under Section 218 of the Local Government Act 1993 (LG Act) so that they are only required to pay rates to the one Council and to enable their property to be subdivided at a later date. After investigating different options with each Council, the landowners have requested for their property to be wholly contained within the Tamworth Regional Council LGA. Monteath & Powys Pty Ltd have been engaged by the landowners to assist with their request.

The proposed LGA boundary adjustment, if granted, will involve the transfer of approximately 119 Hectares from the Liverpool Plains Shire Council LGA to the Tamworth Regional Council LGA. The proposal affects the following allotments:

- Part Lot 105 in DP 751014;
- Lots 96 & 97 in DP 751014 (note: it also appears that a Crown (paper) road adjoining Lot 96 will also need to be included);
- Part Lots 63 & 73 in DP 755341; and
- Part Lots 98 & 99 in DP 751014.

Liverpool Plains Shire Council advise that in principle they have no objections to the proposed boundary adjustment between the council areas as per Council resolution 2020/46 report file number G2020/0066 which was considered at the Council Meeting held on 25 March 2020.

In order for the Minister to either approve a request or to refer to the boundary Commission, Council needs to consider the following issues from Section 263 of the *Local Government Act 1993*.

- (a) The financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned:

Response: The current rates paid to Liverpool Plains Shire Council on this parcel of land is \$1,119.15. The rates that will be applied under Tamworth Regional Council will be \$865.87;

- (b) The community of interest and geographic cohesion in the existing areas and in any proposed new area:

Response: The boundary adjustment will have no effect on the communities in either Liverpool Plains Shire Council or Tamworth Regional Council;

- (c) The existing history and traditional values in the existing areas and the impact of change on them:

Response: There will be no change to the history or values of the existing areas;

- (d) The attitude of the residents and ratepayers of the areas concerned:

Response: The proposal has been requested by the property owner;

- (e) The requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for the area:

Response: This proposal will have no impact on the elected representation for residents and ratepayers of either Council.

- (e1) the impact of any relevant proposal on the ability of the Councils of the areas concerned to provide adequate, equitable and appropriate services and facilities:

Response: Tamworth Regional Council is already providing services to the area.

- (e2) the impact of any relevant proposal on the employment of the staff by the Councils of the areas concerned:

Response: No staff will be affected by this proposal; and

- (e3) the impact of any relevant proposal on rural communities in the areas concerned:

Response: There will be no impact on rural communities in the area as a result of this proposal.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

As listed in the report, the potential increase/decrease in rate income to either Council is very marginal for 2019/2020.

**(c) Legal Implications**

A request to the Minister for a Boundary Adjustment must comply with section 263 of the Local Government Act 1993.

**(d) Community Consultation**

The Boundary Adjustment has been requested by the property owner.

**(d) Delivery Program Objective/Strategy**

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

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**9.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE – FILE NO SF5614**

**DIRECTORATE:**

**CORPORATE AND GOVERNANCE**

**AUTHOR:**

**Karen Litchfield, Manager Governance**

**2 ENCLOSURES ENCLOSED**

## **RECOMMENDATION**

*That in relation to the report “Audit, Risk and Improvement Committee”, Council:*

- (i) receive and note the Minutes of the meeting held 21 April 2020; and*
- (ii) receive and note the Annual Report presented by the Audit, Risk and Improvement Committee.*

## **SUMMARY**

The purpose of this report is to present to Council the Minutes of the Audit, Risk and Improvement Committee meeting held Tuesday 21 April 2020, including the Annual Report from the Audit, Risk and Improvement Committee.

## **COMMENTARY**

The quarterly meeting of the Audit, Risk and Improvement Committee was held on Tuesday 21 April 2020. The Minutes of the meeting are **ENCLOSED**, refer **ENCLOSURE 1**.

As part of the Audit, Risk and Improvement Committee Charter, the Committee must report annually to Council detailing the Committee’s composition, responsibilities and how they were discharged, and any other information required by law, including non-audit services. The Annual Report is **ENCLOSED**, refer **ENCLOSURE 2**.

### **(a) Policy Implications**

Nil

### **(b) Financial Implications**

Costs associated with the Internal Audit function are budgeted in the 2019/2020 Annual Operational Plan.

### **(c) Legal Implications**

Nil

### **(d) Community Consultation**

Nil

### **(e) Delivery Program Objective/Strategy**

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

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## **9.3 SECTION 355 COMMITTEE MINUTES AND PLACE MANAGEMENT ACTIVITIES – FILE No SF2256**

**DIRECTORATE: PLANNING AND COMPLIANCE**  
**AUTHOR: Kay Burnes, Senior Place Manager**

**1 ANNEXURES ATTACHED**

## **RECOMMENDATION**

- (i) That in relation to the report “Section 355 Committee Minutes and Place Management Activities”, Council receive and note the Minutes of the following*
-

**Committees:**

<i>Grey Fergie Tractor Muster Committee</i>	<i>6 January 2020</i>
<i>Nundle Go For Gold Festival Committee</i>	<i>16 January 2020</i>
<i>Hanging Rock Committee</i>	<i>18 January 2020</i>
<i>Friends of Marsupial Park</i>	<i>5 February 2020</i>
<i>Loomberah Hall Committee</i>	<i>20 February 2020</i>
<i>Attunga Recreation Ground Committee</i>	<i>26 February 2020</i>
<i>Bendemeer Town Hall Committee</i>	<i>26 February 2020</i>
<i>Somerton War Memorial and Recreation Grounds Committee</i>	<i>4 March 2020</i>
<i>Nundle Go For Gold Committee</i>	<i>5 March 2020</i>
<i>Hanging Rock Community Hall Committee</i>	<i>14 March 2020</i>
<i>Duri Progress Association</i>	<i>17 March 2020; and</i>

- (ii) *receive and note the key outcomes and achievements from the Minutes received and notable outcomes of Place Management activities.*

**SUMMARY**

The purpose of this report is to:

- present the Minutes of the Section 355 Committee meetings and consider the items for adoption, as recommended by the Committees;
- note the key outcomes, achievements and requests from the Minutes received; and
- inform Council of the notable outcomes of Place Management activities in the community.

**COMMENTARY**

Tamworth Regional Council's Section 355 Committees each have delegated functions which may include the management of a facility, the coordination of an event or an advisory function to submit recommendations and advice to Council in regard to a specific community facility.

Council received eleven sets of Minutes requiring items for adoption from Section 355 Committees and the Minutes are **ATTACHED**, refer **ANNEXURE 1**, for Council's information.

Notable committee outcomes, achievements and items noted in the Minutes are:

- Duri Progress Association Minutes from 17 March 2020, mentioned one of the two flat seats on the swing set in a Duri park, adjacent to the Duri Hall being changed to a toddler seat. This was due to a formal request from a member of the community and following an inspection from staff and the consideration of being an inclusive community a toddler seat was installed.
- Hanging Rock Community Hall Committee Minutes 18 January 2020, the Committee has been reminded not to act outside of their delegated authority. No donations were made from the hall funds and Council staff are assisting with their enquiries around the level of bush fire services in the local area.
- Friends of Marsupial Park Minutes 5 February 2020, mentioned road resurfacing, a quote has been received for the resurfacing. No funds are presently available in the current budget. The project is being reviewed as a future project. The speed humps

have recently been installed. The tree assessments and required removals have been completed. The soft fall surface quality is being investigated.

- Loomberah Hall Committee Minutes 20 February 2020, the Committee are to advise further on the access ramp matter, the ramp was upgraded by Council in 2019, and meets current safety standards in its present state. The request for speed limit reduction near the Loomberah Hall is awaiting feedback from the Roads Maritime Services.

Notable Place Management activities within the community include:

- Council's representatives, attended the Hills of Gold Windfarm Community Consultative Committee workshop in February 2020, to discuss the development of a Community Enhancement Fund, and participated in the online Committee meeting 6 May 2020. All meeting Minutes are available on the website <https://www.hillsofgoldenergy.com/news-and-updates>. The Preliminary Visual Montages and the voluntary Neighbour Benefit Sharing Program for the Hills of Gold Wind Farm Project have been launched on the website. The next meeting is scheduled for August 2020.
- A submission was forwarded to Service NSW to include the Tamworth Regional Council LGA under the Small Business Bushfire Support Grant. Whilst it is acknowledged that both the Nundle and Hanging Rock communities were fortunate to not have suffered any loss of major infrastructure during the bush fire season the local economy has been significantly impacted by the decline in tourism visitation. The Nundle Visitor Information Outlet recorded a notable decline in visitation numbers during the bushfire period. In November 2019, a decline of 186 persons, December 2019 a decline of 186 persons, January 2020 a decline of 287 persons and February 2020 a decline of 37 persons. Local business houses recorded food, accommodation and tourism product trade dropped off significantly. General media coverage highlighted the threat to the communities of both Nundle and Hanging Rock. In February 2020, the Nundle Business Tourism and Marketing Group Incorporated meeting noted a significant impact on businesses during the bushfire period. Some business houses reported between 30-40% financial loss over the period. A request for inclusion under the eligible category of "significantly reduced customer numbers, such as through consumer perception of danger and smoke haze" has been lodged.
- Construction work has been completed on the Woolomin Playground Project, the S355 Committee will arrange an official opening as soon as permissible to be inclusive of the entire community to help them celebrate the major community achievement. New hand railing is being installed on the front verandah at the Nundle Visitor Information Outlet and the replacement of the roof of the Primitive Methodist Church (Old Church Boutique) Nundle is in progress.
- Council assisted with the following successful grant applications:
  - Barraba Pastoral Agricultural and Horticulture Association's Community Building Partnership Grant of \$30,000 for the installation of shade sails at the Barraba Show Ground; and
  - Manilla Show Society Incorporated's Regional Agricultural Show Development Grants Program for \$122,755 to replace the previously removed grandstands at Manilla Showground.



- A review of the S355 Operational Manual has been rolled out. The document is a “live” document on Council’s website. The roll out of individual committee templates has commenced. This will provide a uniform style for all S355 correspondence and templates.
- Five S355 Committees were successful in receiving funding for projects under the Stronger Country Communities Program:
  - Somerton War Memorial Hall and Recreation Grounds S355 Committee – \$34,160.00 plus a \$10,000 contribution from the Somerton Tennis Club towards the tennis courts upgrade;
  - Duri War Memorial Tennis Club Committee - \$23,733 towards an upgrade to the clubhouse facilities;
  - Piallamore Recreation Reserve Committee - \$77,400 towards an upgrade to the tennis courts surface;
  - Dungowan Recreation Reserve Committee - \$186,881 towards an upgrade to the field lights; and
  - Kootingal Recreation Reserve Committee - \$186,881 towards an upgrade to the field lights.

Project works will commence as soon as possible upon receipt and finalisation of the Funding Deed Agreements.

**(a) Policy Implications**

It is a policy decision of Council to maintain Section 355 Committees and practices having regard to Council’s community governance structure and Section 355 of the Local Government Act 1993.

**(b) Financial Implications**

Section 355 Committee and Place Management activities and budgets are maintained under the Planning and Compliance Directorate budget.

**(c) Legal Implications**

Section 355 of the Local Government Act 1993, enables the Council to appoint a Committee to exercise a function on its behalf by way of a Committee of Council. This is used in conjunction with Section 377 of the Local Government Act 1993, to formally delegate a function to the appointed Committee.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

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#### 9.4 INVESTMENT POLICY ADOPTION – FILE No SF9655

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

**Reference:** Item 9.5 to Ordinary Council 24 March 2020 - Minute No 78/20

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Investment Policy Adoption”, Council:*

- (i) adopt the updated Investment Policy as placed on public exhibition; and*
- (ii) update this policy at section 10.2 in Council’s General Policy Register.*

#### **SUMMARY**

The purpose of this report is to advise Council that no public submissions have been received following public notification advising that Council resolved to adopt the updated Investment Policy.

#### **COMMENTARY**

At its Meeting on 24 March 2020, Council resolved to:

- (i) endorse the draft Investment Policy and advertise the proposed policy for a period of 28 days for public comments prior to formal adoption by Council; and
- (ii) request a further report to Council following the review period to consider any public comments on the Investment Policy.

The Investment Policy was placed on public display for the period 1 April to 28 April 2020. No public comments were received during this period.

The amendments to the policy tabled in this report and that was presented to Council on 24 March 2020 are:

- the addition of a section referring specifically to fiduciary responsibility under the *Risk Management Guidelines* heading; and
- under the heading *Reporting and Reviewing of Investments*, the addition of the final paragraph requiring monthly certification that Council’s investments comply with the relevant Acts, Regulations and Council’s Investment Policy.

#### **(a) Policy Implications**

This policy is in the General Policy Register and will be adopted pending the Council Resolution.

#### **(b) Financial Implications**

Nil – preservation of cash remains the priority of the policy.

#### **(c) Legal Implications**

All proposed changes to Council’s Investment Policy accord 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**

Was undertaken for the period 1/4/2020 to 28/4/2020, no public comments were received.

**(e) Delivery Program Objective/Strategy**

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

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**9.5 LOAN APPROVAL MANILLA WATER TREATMENT PLANT – FILE NO SF9652**

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

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Loan Approval Manilla Water Treatment Plant”, Council authorise the affixing of the Seal of Council to the loan documents and any other documents required for the completion of the loan transaction.*

**SUMMARY**

The purpose of this report is to authorise the application of the Common Seal of Council to loan documents raised to undertake works at the Manilla Water Treatment Plant. These works were authorised by Council as part of the adoption of the 2019/2020 Annual Operational Plan.

**COMMENTARY**

Tamworth Regional Council has had its loan application approved by the NSW Treasury Corporation (TCorp) and prior to execution of the loan approval is required to affix the Common Seal to the relevant loan documents.

**(a) Policy Implications**

Complies with Council’s Loan Borrowing Policy.

**(b) Financial Implications**

The estimated loan repayment schedule is **ATTACHED**, refer **ANNEXURE 1**.

Council’s Long Term Financial Plan for the years ending 30/6/2029 incorporate this loan. All ten years of the loan indicate that the debt service cover ratio will remain above three. The industry benchmark is for this ratio to be greater than two.

**(c) Legal Implications**

The loan contract and associated documents require the Seal of Council to be affixed.

The Local Government (General) Regulation 2005 Clause 400(4) requires that the Seal of Council must not be affixed to a document unless the document relates to the business of Council and the Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

**9.6 COUNCIL INVESTMENTS APRIL 2020 – FILE NO SF9655**

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

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Council Investments April 2020”, Council receive and note the report.*

**SUMMARY**

This report provides an overview of Council Investments for the month of April 2020.

**COMMENTARY**

In accordance with Section 212 of the Local Government (General) Regulation 2005, the details of all money Council has invested as at 30 April 2020, is **ATTACHED**, refer **ANNEXURE 1**.

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

<b>Institution</b>	<b>Cash at bank</b>	<b>Financial Assets Amortised Cost</b>	<b>Financial Assets at Fair Value</b>	<b>Total</b>	<b>% of Total</b>
NAB	7,856,234	41,000,000	0	48,856,234	34.95%
ANZ	0	19,000,000	0	19,000,000	13.59%
BOQ	0	5,000,000	0	5,000,000	3.58%

CBA	0	3,000,000		3,000,000	2.15%
St George	0	28,500,000	0	28,500,000	20.39%
TCorp	0	0	1,344,082	1,344,082	0.96%
Westpac	0	34,084,852	0	34,084,852	24.38%
<b>TOTAL</b>	<b>7,856,234</b>	<b>130,584,852</b>	<b>1,344,082</b>	<b>139,785,168</b>	

The amount invested at 30 April 2020, has decreased by \$9,124,823.80 compared to funds held at 31 March 2020.

There has been a significant decrease in funds held in investments. This is due to the current closure of Council facilities resulting in a decrease in income and a decline in cash flows. Over the next few months there may be an increase in term deposits redeemed to ensure sufficient cash is available to meet Councils obligations.

Council's investments are mostly comprised of restricted funds that have been received for specific purposes or funds held for future renewal works. The following table provides a summary of investments held by each fund:

<b>Fund</b>	<b>Restriction</b>	<b>Amount</b>	<b>%</b>
General	Unrestricted	6,144,372	4.40%
General	Internally Restricted	14,057,251	10.06%
General	Externally Restricted	12,621,369	9.03%
<b>General Fund Total</b>		<b>32,822,992</b>	<b>23.49%</b>
Water	Unrestricted	2,040,303	1.46%
Water	Internally Restricted	26,783,993	19.16%
Water	Externally Restricted	20,944,902	14.98%
<b>Water Fund Total</b>		<b>49,769,198</b>	<b>35.60%</b>
Sewer	Unrestricted	2,081,979	1.49%
Sewer	Internally Restricted	40,305,944	28.83%
Sewer	Externally Restricted	14,805,055	10.59%
<b>Sewer Fund Total</b>		<b>57,192,978</b>	<b>40.91%</b>
<b>Total Investments</b>		<b>139,785,168</b>	

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 Councils 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 term deposit with the Bank of Queensland that is now below the minimum rating level due to a down grade.

**(b) Financial Implications**

The low rate of return on investments continues to thwart Council's interest earnings. The following table shows the anticipated impact for each fund for this financial year with regards to interest on investments.

<b>Fund</b>	<b>Original Budget</b>	<b>Current Budget</b>	<b>Variance</b>
General	(1,705,290)	(968,865)	(736,425) Unfavourable
Water	(1,444,000)	(1,054,770)	(389,230) Unfavourable
Sewer	(1,602,000)	(1,188,639)	(413,361) Unfavourable
<b>Total</b>	<b>(4,751,290)</b>	<b>(3,212,274)</b>	<b>(1,539,016) Unfavourable</b>

**(c) Legal Implications**

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

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

**9.7 ANNUAL OPERATIONAL PLAN 2019/2020 BUDGET VARIATION REPORT - APRIL 2020 – FILE No SF9146**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Sherrill Young, 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 2019/2020 Budget Variation Report – April 2020”, 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 April 2020, 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 quarterly budget reviews.

**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 report aims to provide a timely endorsement of any variations identified during April 2020, and for the reporting of any material differences between budgets and actuals identified by the Responsible Accounting Officer.

A summary of the budget variations is provided below with a detailed list included as **ATTACHED**, refer **ANNEXURE 1**.

**General variations identified during April 2020**

Division	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Cultural Services	13,099	31,358	(18,259)	0	0
Economic & Destination Development	0	(35,000)	35,000	0	0

Administration & Governance	(44,337)	50,550	(94,887)	0	0
Financial Services	(67,819)	8,000	(75,819)	0	0
Business Systems & Solutions	(28,408)	0	21,592	0	(50,000)
Compliance	(10,435)	21,264	(31,699)	0	0
Directorate Management - Planning & Compliance	23,767	0	23,767	0	0
Development	288,780	323,780	(35,000)	0	0
Integrated Planning	(4,117)	1,135	(5,252)	0	0
Plant, Fleet & Buildings	47,160	0	0	0	47,160
Sports & Recreation Services	3,700	0	3,700	0	0
Infrastructure & Projects	(467,572)	139,708	(103,914)	9,563	(512,929)
Waste Management	(271,621)	(127,306)	(9,848)	0	(134,467)
Water & Wastewater	(121,311)	(451,623)	(146,364)	0	476,676
W&W General Fund Activities	(108,202)	(102,956)	579	0	(5,825)
<b>Total</b>	<b>(747,316)</b>	<b>(141,090)</b>	<b>(436,404)</b>	<b>9,563</b>	<b>(179,385)</b>

### **Material differences between budget and actual income or expenditure**

Covid-19 unfortunately will cause Council to experience budget variations, some but not all of these differences will be material. Currently the most significant impacts are being experienced in those areas where Council services involve travel, entertainment and recreational activities.

Whilst in aggregate the budget variation for the divisions listed in the table below may not be significant and are technically saving Council \$326k in the short term, the \$2.6M income reduction is being partly offset by reduced operational expenditure of \$1M along with a delay in capital expenditure of \$1.9M. Council needs to note that in most instances this capital expenditure will need to be carried out at a future date. What is happening is that the savings from delaying these capital works is providing a temporary cash flow measure which is compensating for the drop in income due to Covid-19.

Division	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Airport & Aviation Development	(525,643)	1,674,562	(409,218)	0	(1,790,987)
Pilot Training Facility	340,193	340,193	0	0	0
Alec Precinct	(140,203)	638,218	(605,175)	0	(173,246)
<b>Total</b>	<b>(325,653)</b>	<b>2,652,973</b>	<b>(1,014,393)</b>	<b>0</b>	<b>(1,964,233)</b>

#### **(a) Policy Implications**

Nil

#### **(b) Financial Implications**

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



Fund	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	(951,658)	2,963,506	(1,304,433)	9,563	(2,620,294)
Water	417,298	(40,183)	(66,589)	0	524,070
Sewer	(538,609)	(411,440)	(79,775)	0	(47,394)
<b>Grant Total</b>	<b>(1,072,969)</b>	<b>2,511,883</b>	<b>(1,450,797)</b>	<b>9,563</b>	<b>(2,143,618)</b>

**(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.

**9.8 2019/2020 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 MARCH 2020 – FILE No SF9146**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Sherrill Young, Manager Financial Services  
**Reference:** SF9146

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “2019/2020 Quarterly Budget Review Statements to 31 March 2020”, Council receive and note the report and related statements.*

**SUMMARY**

The purpose of this report is to present to Council the Quarterly Budget Review Statements for Tamworth Regional Council for the period ended 31 March, 2020, in accordance with Clause 203 of the Local Government (General) Regulation 2005.

**COMMENTARY**

The Quarterly Budget Review Statements **ATTACHED**, refer **ANNEXURE 1**, provide a summary of budget movements since the adopted original budget, along with revised budget forecasts for the 2019-2020 financial year, and comparisons to actual transactions year to date. Each statement includes a review of the main budget variances for the quarter.

Budget variances that require Council approval have been submitted to Council either by a specific Council report or through the monthly Budget Variance.

The following tables provide a summary and commentary of the budget variations for the quarter and the projected year end results for the General, Water and Sewer funds.

Details of *operating expenses* and *income* are shown in the attached statements.

*Capital Income* includes grants and contributions received specifically for new capital works and are excluded from the operating results provided in the following tables.

*Cash Adjustments* include the reversal of non-cash accruals contained in operating expenses such as depreciation and leave entitlements and the addition of non-operating cash receipts and payments such as those associated with loans, deferred debtors and property sales.

*Capital Expenses* include the acquisition, upgrade or renewal of assets.

## **Covid-19**

### **Impact on Income**

The impact of Covid-19 will be twofold; firstly income will decline and secondly, although very difficult to estimate, Council's cash flow will be affected. By way of illustration this quarterly budget review shows that Council is predicting it will raise \$69M in income from rates and annual charges for this financial year. This income figure includes the fourth quarter instalment. Through no fault of the resident Covid-19 will make it difficult for many to be able to pay this rates instalment by the due date thus impacting negatively on Council's inward cash flow for the foreseeable future. This cash flow issue will be compounded the longer Covid-19 restricts an individual's movement.

### **Impact on Expenditure**

Wherever possible Council has cut back on expenditure to offset the impact of Covid-19; measures thus far include:

- Non essential recruitment of vacant positions has been stalled
- Focussing on projects where the cost is funded or able to be funded by external sources, that is externally restricted cash such as grant funds.
- Delaying expenditure on asset renewal where possible, without negatively impacting safety
- Redeployment of staff to assist in other areas
- Staff leave reduction
- Restricting overtime to essential works

The real cause for concern is that even though some of Council's operations have been temporarily mothballed, like so many other businesses Council has fixed costs to honour such as loan repayments, insurance, security and maintaining current staff levels for full and part-time employees. There is also the ongoing concern of deteriorating returns on investments, and once again there is talk of Australia entering into negative interest rate territory.

Council needs to be mindful when exercising judgement on requests to authorise new or variations to current budgeted expenditure that it doesn't look at the request in isolation but takes into account the financial impact on each individual fund as a whole.

## General Fund

Summary of budget variations year to date:

<b>Budget Results</b>	Original Budget	Previous Quarters	March Qtr. Review	Projected Result
Operating Expenses	96,190,209	7,336,172	(3,084,471)	100,441,910
Operating Income	(94,170,586)	(5,997,719)	3,931,251	(96,237,054)
<b>Operating Result</b>	<b>2,019,623</b>	<b>1,338,453</b>	<b>846,780</b>	<b>4,204,856</b>
Capital Income	(22,057,389)	(14,183,757)	(574,074)	(36,815,220)
Cash Adjustments	(19,960,630)	(13,249,127)	(537,792)	(33,747,549)
Capital Expenses	47,363,351	15,784,746	(4,021,604)	59,126,493
<b>Cash Results</b>	<b>7,364,955</b>	<b>(10,309,685)</b>	<b>(4,286,690)</b>	<b>(7,231,420)</b>
Unrestricted Cash	(152,180)	322,534	(158,844)	11,510
Reserves	8,015,546	(15,310,789)	(3,272,712)	(10,567,955)
Developer Cont.	(1,206,827)	691,755	157,115	(357,957)
Loans	0	513,619	0	513,619
Prior Year Grants	708,416	3,473,196	(1,012,249)	3,169,363
<b>Total Cash Funding</b>	<b>7,364,955</b>	<b>(10,309,685)</b>	<b>(4,286,690)</b>	<b>(7,231,420)</b>

The Operating Result for general fund has deteriorated due to significant income losses on Council's aviation, recreational and entertainment operations due to Covid-19. The losses have been partially offset by expenditure reductions in the affected areas and organisational wages savings due to vacant positions that have occurred throughout the financial year.

### Key Financial Results

<b>Unrestricted Cash</b>	Opening Balance	Projected Result	Projected Balance	Minimum Balance
<b>Unrestricted Cash</b>	<b>6,144,372</b>	<b>(11,510)</b>	<b>6,132,862</b>	<b>6,000,000</b>

Unrestricted cash is a measure of Council's solvency showing the level of funds available to meet any contingency.

Recurrent Result	Operating Cash Result (surplus)/deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
General Activities	(15,579,183)	18,577,320	2,998,137	3,212,663
Fleet Operations	(4,215,390)	2,734,849	(1,480,541)	0
Airport Operations	(565,262)	1,085,511	520,249	158,282
Waste Services	(1,646,201)	1,499,825	(146,376)	0
Pilot Training Facility	848,474	0	848,474	0

The Recurrent Result is a measure of Council's financial sustainability. It shows the capacity of recurrent operating revenues to meet commitments for recurrent operations, loan repayments and existing asset renewals (as measured by annual depreciation). A deficit represents the amount of essential asset renewal work that cannot be funded as a result of operating commitments exceeding revenue capacity. The table breaks the General Fund down into the main activities that are expected to be self-funding, providing a clear picture of the general activities that must be funded by general purpose revenues.

**Financial Services Manager's comment in relation to the financial position of the Council's General Fund:**

The projected unrestricted cash balance whilst above the minimum required is only at this level due to the delaying of Council's capital expenditure and transfer of the funding to Unrestricted Cash in response to the impact of Covid-19 on cash income generated from operations. Whilst this measure mitigates the reduced income, it is only a temporary measure.

Council needs to be mindful of this when authorising any unfunded discretionary expenditure or income reductions. It also should be noted that the Draft 20/21 budget is showing a small surplus of \$138k and does not take into account future impacts of Covid-19 or future financial assistance to the community.

The recurrent result for the General Activities of the General Fund operations (\$2.9M deficit) indicates the current commitment to operational services is in excess of available revenues. This implies an ongoing inability to fully fund existing asset renewals or commit to increasing operational services or new loan funded works. At the end of the second quarter the projected deficit for this financial year was \$1.7M so the impact of Covid-19 is considerable.

The recurrent results for fleet and waste are satisfactory with suitable levels of operating surplus. It is not surprising however that the results for Council's aviation operations have declined dramatically, the airport income was down \$1.7M and the pilot training facility struggles in the current environment.

## Water Fund

Summary of budget variations year to date:

<b>BUDGET RESULTS</b>	Original Budget	Previous Quarters	March Qtr. Review	Projected Result
Operating Expenses	19,394,263	1,219,798	186,180	20,800,241
Operating Income	(20,160,162)	22,102	1,564,322	(18,573,738)
<b>Operating Result</b>	<b>(765,899)</b>	<b>1,241,900</b>	<b>1,750,502</b>	<b>2,226,503</b>
Capital Income	(1,428,048)	(1,650,000)	0	(3,078,048)
Cash Adjustments	(14,799,177)	(234,360)	0	(15,033,537)
Capital Expenses	27,040,853	3,341,800	(3,015,792)	27,366,861
<b>Cash Results</b>	<b>10,047,729</b>	<b>2,699,340</b>	<b>(1,265,290)</b>	<b>11,481,779</b>
Unrestricted Cash	(291,623)	(43,928)	1,663,074	1,327,523
Reserves	4,713,745	6,571,496	(3,095,553)	8,189,688
Developer Cont.	5,133,482	(3,336,103)	(224,936)	1,572,443
Loans	492,125	(492,125)	392,125	392,125
Prior Year Grants	0	0	0	0
<b>Total Cash Funding</b>	<b>10,047,729</b>	<b>2,699,340</b>	<b>(1,265,290)</b>	<b>11,481,779</b>

The Operating Result for Water Fund has deteriorated by \$1.75M primarily due to a decrease in water consumption income, as a result of the drought induced water restrictions.

### Key Financial Results

	Opening balance	Projected result	Projected balance	Minimum balance
Unrestricted Cash	2,040,303	(1,327,523)	712,780	2,000,000

Unrestricted cash is a measure of Council's solvency showing the level of funds available to meet any contingency. The optimum balance is based on estimated cash flow requirements for operating and capital works.

	Operating cash result (surplus)/deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
Recurrent Result	(4,031,269)	5,250,721	1,219,452	807,184

The Recurrent Result is a measure of Council's financial sustainability. It shows the capacity of recurrent operating revenues to meet commitments for recurrent operations, loan repayments and existing asset renewals. It relies on depreciation being a reasonable measure of asset renewal requirements. A deficit represents the amount of essential asset renewal work that cannot be funded as a result of operating commitments exceeding revenue capacity.

**Financial Services Manager's comment in relation to the financial position of the Council's Water Fund:**

Council's Unrestricted Cash balance has significantly reduced primarily due to decreased water consumption as a result of drought induced water restrictions. In the June Quarter, Council will need to consider reducing the Asset Renewal Reserve Balance in order to restore Unrestricted Cash to the acceptable minimum balance of \$2M. The Water Fund has a sufficient level of reserves to accommodate this action.

Whilst the recurrent result is less than principal loan repayments, the water fund is well placed to meet its future obligations and ensures sufficient reserves to accommodate short-term fluctuations in income from water sales.

**Sewer Fund**

Summary of budget variations year to date:

<b>BUDGET RESULTS</b>	Original Budget	Previous Quarters	December Qtr. Review	Projected Result
Operating Expenses	17,138,172	264,637	(79,775)	17,323,034
Operating Income	(23,282,231)	(583,509)	(776,421)	(24,642,161)
<b>Operating Result</b>	<b>(6,144,059)</b>	<b>(318,872)</b>	<b>(856,196)</b>	<b>(7,319,127)</b>
Capital Income	(613,001)	(80,439)	0	(693,440)
Cash Adjustments	(3,187,665)	(158,192)	0	(3,345,857)
Capital Expenses	6,372,908	4,269,098	(1,818,926)	8,823,080
<b>Cash Results</b>	<b>(3,571,817)</b>	<b>3,711,595</b>	<b>(2,675,122)</b>	<b>(2,535,344)</b>
Unrestricted Cash	(234,724)	(474,678)	(882,894)	(1,592,296)
Reserves	(4,107,092)	4,068,698	(657,948)	(696,342)
Developer Cont.	769,999	117,575	(1,134,280)	(246,706)

Loans	0	0	0	0
Prior Year Grants	0	0	0	0
<b>Total Cash Funding</b>	<b>(3,571,817)</b>	<b>3,711,595</b>	<b>(2,675,122)</b>	<b>(2,535,344)</b>

The operating surplus increased by \$856k for the March quarter due to increased income from non-residential wastewater and trade waste user charges offset by a decrease in interest on investments.

### Key Financial Results

	Opening Balance	Projected Result	Projected Balance	Minimum Balance
Unrestricted Cash	2,081,979	1,592,296	3,674,275	2,000,000

Unrestricted cash is a measure of Council's solvency showing the level of funds available to meet any contingency. The optimum balance is based on estimated cash flow requirements for operating and capital works.

	Operating Cash Result (Surplus)/Deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
Recurrent Result	(13,162,860)	5,930,439	(7,232,421)	2,584,582

The Recurrent Result is a measure of Council's financial sustainability. It shows the capacity of recurrent operating revenues to meet commitments for recurrent operations, loan repayments and existing asset renewals. It relies on depreciation being a reasonable measure of asset renewal requirements. A deficit represents the amount of essential asset renewal work that cannot be funded as a result of operating commitments exceeding revenue capacity.

### Financial Services Manager's comment in relation to the financial position of the Council's Sewer Fund:

The projected unrestricted cash balance exceeds the estimated minimum balance indicating a capacity to transfer additional funds to reserves for future works in the June budget review.

The recurrent result (\$7.2M surplus) indicates an ongoing capacity to meet existing operational and asset renewal needs, as well as future capital upgrades.

#### (a) Policy Implications

Nil

#### (b) Financial Implications

The body and **ATTACHED**, refer **ANNEXURE 1**, of this report provide details of the projected financial results for the 2019/2020 Budget. The variances recorded for the different funds will have implications for the Long Term Financial Plan, and this will be reviewed as part of the ongoing Integrated Planning and Reporting process.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

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**9.9 ANNUAL OPERATIONAL PLAN - UPDATE REGARDING EXTERNAL BORROWINGS ON INFORMATION ON PUBLIC EXHIBITION AND TAMWORTH GLOBAL GATEWAY PARK – FILE NO SF9146**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Chris Weber, Director Corporate and Governance**

**Reference: Item 12.4 to Ordinary Council 11 February 2020 - Minute No 25/20**

**Item 9.5 to Ordinary Council 28 April 2020 - Minute No 110/20**

**RECOMMENDATION**

*That in relation to the report “Annual Operational Plan - Update Regarding External Borrowings on Information on Public Exhibition and Tamworth Global Gateway Park”, Council:*

*(i) receive and note the report; and*

*(ii) acknowledge that any feedback received during the Annual Operational Plan public exhibition period regarding the Tamworth Global Gateway Park will be addressed in the final report to Council regarding adoption of the 2020/21 Annual Operational Plan.*

**SUMMARY**

A business case is currently being finalised regarding the Tamworth Global Gateway Park. As this business case was not complete when preparing the draft 2020/21 Annual Operational Plan (AOP), any works related to the Tamworth Global Gateway Park that are yet to be finalised have not been included in the draft AOP. There is, however, a reference to the Tamworth Global Gateway Park in the External borrowings section of the revenue policy.

The purpose of this report is to provide transparency regarding a potentially large estimated spend that may occur in the 2020/21 financial year that is not currently identified in the 2020/21 AOP. This spend is related to the Tamworth Global Gateway Park and is subject to the completion of detailed planning and the above mentioned business case.

**COMMENTARY**

In the closed section of the Ordinary Meeting on 11 February 2020 Council resolved:

*That in relation to the report “Tamworth Global Gateway Park – Status and Funding”, Council:*

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- (i) *approve the amount of \$462,000 from the Civil Construction Reserve to fund the design development for the Goddard Lane roadworks and the intermodal access works;*
- (ii) *approve the amount of \$954,300 from the Regional Development Fund to be Council's contribution to the Growing Local Economies funding of the Country Road roundabout;*
- (iii) *approve the amount of \$654,000 from the Civil Construction Reserve to be Council's contribution to the Growing Local Economies funding of the Minutes of Ordinary Council Meeting of Tamworth Regional Council – 11 February 2020 Page 19 of 21 Taminda ring road (Jewry Street) extension;*
- (iv) *approve the amount of \$1,144,800 from the Westdale Land Reserve to be Council's contribution to the Growing Local Economies funding of the Trunk Stormwater Drainage;*
- (v) *approve an amount of \$40,000 from the Westdale Land Reserve to be allocated this financial year for the demolition of the existing cottage on the Tamworth Global Gateway Park site;*
- (vi) *request the Director Regional Services to finalise designs and to prepare detailed cost estimates for the various stages of the Tamworth Global Gateway Park to inform the project business plan;*
- (vii) *request the Director Regional Services to prepare a marketing capacity and strategy report to inform the project business plan;*
- (viii) *request the Director Corporate and Governance to prepare a capital expenditure review that would inform the project business plan and establish a mechanism to pay out the existing internal loan, established previously to purchase the subject land;*
- (ix) *request the Director Regional Services to prepare the project business plan and report back to Council for approval and budget consideration prior to construction for the various work packages*

At the Ordinary Meeting on 28 April 2020 Council resolved:

*That in relation to the report "Integrated Planning and Reporting – Exhibition of Draft 2020/21 Delivery Program and Annual Operational Plan", Council:*

- (i) *place the proposed Draft 2020/21 Delivery Program and Annual Operational Plan, on public exhibition for a period of 28 days in accordance with section 402 (6), 404 (4) and 405 (3) of the Local Government Act 1993; and*
- (ii) *require a further report to be submitted at the completion of the formal exhibition period detailing any submissions received during exhibition for Council's consideration and final adoption; and*
- (iii) *Council in recognition of its disclosure and accountability obligations notes that due to the extreme economic volatility and ongoing fiscal uncertainty in the COVID-19 impacted environment Councils forecasted financial results are expected to be subject to material variances.*

In the external borrowings section on page 31 of the draft Revenue Policy, the policy states:

*"In addition to the loan program set out in the above table, Council has two projects being the Tamworth Global Gateway Park (TGGP) and the construction of an Organic Recycling*

Facility which are both still in the planning stage. If approved by Council these projects will require loan funding to proceed. The timing and amounts of these loans is at the time of preparing the Annual Operation Plan unknown. The Tamworth Global Gateway Park in accordance with a Council resolution on February 11, 2020 will be considered upon receipt of a business plan and capital expenditure review whilst the Organic Recycling Facility is still awaiting development consent approval which could impact on costing estimates”.

The land that encompasses the Tamworth Global Gateway Park has to this point had a primary focus related to the establishment of an Intermodal facility in the Tamworth Region. The project is identified in Council’s Delivery Program and Annual Operational Plan under Program P4101 – Intermodal Facility in Tamworth. The business case that is currently being developed increases the breadth of the project and expands beyond the establishment of the Intermodal to cover a larger area of the 246 hectares purchased by Council.

As a result, a new Action will be added to the AOP titled the Tamworth Global Gateway Park and will be placed under the Strategy P11 – Support and facilitate economic development and employment opportunities.

The 2020/21 Annual Operational Plan includes the following works that relate to the Tamworth Global Gateway Park precinct:

1. Oxley Highway/Country Road 5 leg Roundabout (AOP Code P4101.CW.001);
2. Trunk Stormwater Main (AOP Code P4101.CW.001); and
3. Taminda ring road (Jewry St) extension – expected to be constructed in 2021/22 (AOP Code P4101.CW.001)

The works not currently included in the 2020/21 AOP but that are expected to be required along with the initial estimates can be seen in the below table. These works are currently being assessed in line with the business case identified in the resolution from the Meeting on 11 February 2020. As firm values were not available at the time of preparation of the 2020/21 AOP, they have not been included in the initial set of draft documents.

These works would be subject to Council approval and greater detail and accuracy of information will be provided to Council in a separate report following the completion of the business case.

Proposed Stage of Development	Design Cost Estimate <sup>(3)</sup>	Construction Cost Estimate <sup>(4)</sup>	Current Status
<b>Goddard Lane Land Release</b>	\$222,000	\$5.9m	Design of the western side of Goddard Lane kerb and guttering, stormwater and servicing is complete. Construction is scheduled for early in the new financial year, pending Council approval and following adoption of the Business Plan.
<b>Intermodal Access</b>	\$240,000	\$4.4m <sup>(2)</sup>	<ul style="list-style-type: none"> <li>• The survey has been completed for the access road off Goddard Lane to the Intermodal and a Request for Quotation (RFQ) for the detailed design is underway. The pavement design for the access road is also underway.</li> <li>• Council has applied for 50% funding for the Intermodal Access Rd under the</li> </ul>

			Federal Government's stimulus package however we are not expecting to hear about that until later in 2020.
<b>Business Park Stage 1</b>	\$147,000 <sup>(1)</sup>	\$2.1m	Design of the Business Park access road (coming off the new Country Road roundabout) will commence early in the new financial year. Pending funding approval from Council (following adoption of the Business Plan) it is anticipated that this road will be constructed/operational when the roundabout is finished.
<b>Total</b>	<b>\$609,000</b>	<b>\$12.4m</b>	<b>Total of \$13m</b>

(1) Costs anticipated in 2020-2021 Financial Year

(2) Includes funding request to BBRF for \$2.2million

(3) Includes Contingency of 15%

(4) Includes Contingency of 30%

These are the works that are included in the works to be reviewed for external borrowings as mentioned on page 31 of the draft Revenue Policy and as mentioned are subject to the business case identified from the Meeting held on 11 February 2020.

Whilst a future report will be presented to Council with the full business case and funding options as related to the Tamworth Global Gateway Park, this purpose of this report is to recognise the material value of these works and to provide greater transparency and opportunity for comment during the 2020/21 AOP public exhibition period.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil at this time. Full financial implications will be identified in the business case and presented to Council in a future detailed report.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The Act requires Council, as a minimum, to place the Draft Delivery Program and Annual Operational Plan on public exhibition for a period of at least 28 days.

Copies of the draft documents are available for download from Council's website.

A future report will be presented to Council with the full business case as related to the Tamworth Global Gateway Park.

**(e) Delivery Program Objective/Strategy**

A Prosperous Region – P11 Support and facilitate economic development and employment opportunities.

**9.10 TAMWORTH REGIONAL COUNCIL 2019/2020 DELIVERY PROGRAM AND ANNUAL OPERATIONAL PLAN QUARTERLY PROGRESS REPORT 1 JANUARY 2020 TO 31 MARCH 2020 – FILE NO SF7920**

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

**Reference:** Item 9.1 to Ordinary Council 26 June 2019 - Minute No 217/18  
**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Tamworth Regional Council 2019/2020 Delivery Program and Annual Operational Plan Quarterly Progress Report 1 January 2020 to 31 March 2020”, Council receive and note the Quarterly Progress Report.*

**SUMMARY**

Council’s 2018-2022 Delivery Program was adopted at the Ordinary Meeting of Council held on 26 June 2018. The purpose of this report is to present the Quarterly Progress Report on the delivery of the program for the period 1 January 2020 to 31 March 2020.

**COMMENTARY**

Chapter 13, Part 2 of the *Local Government Act 1993*, sets out the Strategic Planning provisions for Councils, which incorporates the Integrated Planning and Reporting Guidelines.

In relation to progress reporting, Section 404 (5) of the *Local Government Act 1993*, requires that “the General Manager must ensure that regular progress reports are provided to the Council, reporting as to its progress with respect to the principal activities detailed in its delivery program”.

Council this financial year has continued its commitment to improving the information available to the Tamworth Regional community with quarterly reporting of our progress against the actions contained in the delivery program.

The Quarterly Progress Report 1 January 2020 to 31 March 2020, as **ATTACHED**, refer **ANNEXURE 1**, provides a progress summary of all actions included in Council’s current Annual Operational Plan, which supports Council’s delivery of the 2018-2022 Delivery Program.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Section 404 (5) of the *Local Government Act 1993*.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

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

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**10 COMMUNITY SERVICES**

Nil

**11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL**

**RECOMMENDATION**

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

**11.1 NEW WINTON ROAD, WESTDALE - LAND ACQUISITION FOR ROAD REALIGNMENT AND TRANSFER OF PROPOSED PART ROAD CLOSURE – FILE NO PROJ2019-0075**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Mark Gardiner, Senior Project Management Engineer**

**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**

This report seeks Council approval for the closure of a section of unnamed road reserve and the transfer of this land, following closure and the classification as operational land, to the adjacent land owner as part of a 'land swap' agreement. This land swap will include acquiring a portion of land from the adjacent land owner to enable the proposed extension of New Winton Road to intersect with the proposed roundabout to be constructed at the intersection of New Winton Road, the Oxley Highway and Country Road.

**11.2 RAY WALSH HOUSE CARRIAGE LIFT REFURBISHMENTS – FILE NO T099/2019**

**DIRECTORATE: REGIONAL SERVICES**

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

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

## **SUMMARY**

Council's Ray Walsh House building was opened by the Queen in 1977 and the two carriage lifts have been in service since that time. The lift controls are all mechanical contact type, which was the prevailing technology at the time of construction. The current controls and switch gear contain an enormous number of moving and wearing parts that are at the end of useful service life and not supported by the replacement parts industry. The two lifts have experienced frequent faults and stoppages over the last few years resulting in some workplace injuries, near misses and inconvenience to users.

This tender is to provide a completely new operating system to replace the current obsolete system and provide modern standards of lift performance and reliability into the future. The refurbishment will upgrade the lifts to the latest Australian Standards improving safety, efficiency and ease of use.

This tender also covers service contracts on Council's lift assets located in Ray Walsh House, Peel House, Library/Art Gallery and Parry House over the next three years.

### **11.3 DESIGN AND CONSTRUCTION OF THE MANILLA LOW LEVEL BRIDGE – FILE NO T028/2020**

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: Callum Fletcher, Construction Engineer**

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

## **SUMMARY**

The purpose of this report is to seek Council's acceptance of tender T028/2020 to award a lump sum contract for the design and construction of the Manilla Low Level Bridge.

### **11.4 PANEL TENDER T056/2020 - SUPPLY AND DELIVERY OF READY MIXED CONCRETE TO TAMWORTH REGIONAL COUNCIL FOR THE PERIOD INCLUSIVE 1 JULY 2020 TO 30 JUNE 2022 – FILE NO T056/2020**

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: George Shearman, Manager Plant, Fleet and Building Services**

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

## **SUMMARY**

Council invited panel tenders for the Supply and Delivery of Ready Mixed Concrete, for works within the Tamworth Regional Council Local Government area which will be carried out by Council's operational staff. The tendering period is for two years commencing 1 July 2020, with the option for an extension of up to 12 months.

### **11.5 TAMWORTH EFFLUENT REUSE FARM OPERATION UPDATE – FILE NO SF5510**

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

**Reference:** Item 16.5 to Ordinary Council 10 March 2020 - Minute No 66/20

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

#### **SUMMARY**

The purpose of this report is to update Council as to the current status of the Tamworth Effluent Reuse Farm (ERF) and request direction regarding application of biosolids, crop management and water reuse to ensure sustainable management and long term viability of the ERF and compliance with the associated Environmental Protection Licence.

### **11.6 FUNDING FOR COUNCIL CONTRIBUTION TOWARDS THE INVESTIGATION AND POSSIBLE REMEDIATION OF A FORMER GASWORKS SITE IN THE TAMWORTH CBD – FILE NO SF9732**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Ross Briggs, Manager Environment and Health  
**3 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 approval for the funding of Council's contribution towards an Environmental Trust grant from the Department of Planning, Industry and Environment to investigate and remediate contamination at a former gasworks site in the Tamworth CBD.

### **11.7 NEW DUNGOWAN PIPELINE - SELECTION OF PREFERRED ROUTE FROM THE JUNCTION WITH THE NEW CHAFFEY DAM PIPELINE TO CALALA WATER TREATMENT PLANT – FILE NO SF7045**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director Water and Waste  
**2 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**

Investigation underway by WaterNSW, the Project Managers for the new Dungowan Dam and Dungowan Pipeline, and consultants engaged by WaterNSW has reached a point where a preferred route for that section of the new Dungowan Pipeline between the point where the new Chaffey Dam pipeline connects to the existing Dungowan Pipeline and the Calala Water Treatment Plant has been selected.

Whilst parts of the preferred route may change in the future depending on a number of issues. WaterNSW is requesting Council comments, if any, on the preferred route.

#### **11.8 TENDER T093/2019 - TAMWORTH REGIONAL COUNCIL WASTE MANAGEMENT SERVICES – FILE No T093/2019**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager Water and Waste  
**Reference:** Item 15.2 to Ordinary Council 22 May 2018 - Minute No 181/18  
Item 15.2 to Ordinary Council 26 February 2019 - Minute No 37/19

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **SUMMARY**

The purpose of this report is to inform Council of the Tender outcomes for Request for Tender (RFT) T093/2019 – Tamworth Regional Council Waste Management Services and recommend a prefer tender/tenderers.

#### **11.9 T102/2020 - ARMIDALE TRUNK WATER MAIN REHABILITATION – FILE No T102/2020**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager Water and Waste  
**Reference:** Item 12.1 to Ordinary Council 8 October 2019 - Minute No 357/19

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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



## **SUMMARY**

The purpose of this report is to recommend Council accept a tender for the Armidale Road Trunk Water Main Rehabilitation Project.

### **11.10 SUPPLY AND INSTALLATION OF SECURITY SCREENING EQUIPMENT FOR THE PASSENGER TERMINAL BUILDING AT TAMWORTH REGIONAL AIRPORT - T086/2020 – FILE NO T086/2020**

**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 advise Council on the tenders requested for the supply and installation of new security screening equipment at Tamworth Regional Airport as required by the Department of Home Affairs to meet the requirement of the new legislation which will come into effect from the end of 2020.

## **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.