

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

27 AUGUST 2019

**PAUL BENNETT
GENERAL MANAGER**

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Council

Meeting Date: 2nd and 4th Tuesday of the month commencing at 6.30 p.m.

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, 13 August 2019, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

- 7.1 DEVELOPMENT APPLICATION NO. DA2019-0298 FOR A CHANGE OF USE TO LOG PROCESSING FACILITY (RETROSPECTIVE) AT "CLAPHAM FARM" 462 CAREYS LANE, WINTON – FILE NO SF5761**

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Dan Whale, Development Assessment Planner

4 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

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RECOMMENDATION

That in relation to Development Application No. DA2019-0298 for a Change of Use to Log Processing Facility (Retrospective) at “Clapham Farm” 462 Careys Lane, Winton be granted approval subject to the following conditions:

General

General

- 1) *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.*
- 2) *The development shall be sited and constructed in accordance with the approved site plan. No portion of any proposed structures including any fences or gates shall encroach upon an adjoining property or the road reserve area.*
- 3) *It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.*
- 4) a) *In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 Development Contributions Plan 2013, \$600.00 shall*

be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

- b) *If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:*

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

$\$C_{PY}$ *Is the amount of the contribution at the date of Payment*

$\$C_{DC}$ *Is the amount of the contribution as set out in this development consent*

CPI_{PY} *Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS*

CPI_{DC} *Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent*

The Tamworth Regional Council Section 7.12 Development Contributions Plan may be viewed at: www.tamworth.nsw.gov.au <<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

- 5) *All loads of wood, wood chips and sawdust being removed from the premises must be effectively covered to control spillage.*
- 6) *Except with the permission of the consent authority, sawdust or sawmill waste is not to be deposited on any land, whether by way of filling or otherwise, or burnt - except in fuel burning equipment of a type approved by the consent authority. This does not include sawdust being used to supplement stock feed, or sawdust being used to construct and maintain vegetative screening/landscaping.*
- 7) *The facility must be operated and maintained in a proper and efficient manner which does not cause air pollution, in accordance with Sections 124 – 126 of the Protection of the Environment Operations (POEO) Act 1997.*
- 8) *The premises must be maintained in a condition which minimises or prevents the emission of dust. The trafficable areas must be maintained to allow transportation of heavy vehicles without causing dust emissions that can be determined by the consent authority as causing nuisance.*
- 9) *Vegetative screening must be planted along the boundary of the paddock in which the log processing is conducted and be maintained for the life of the approved activity. Planting shall be a combination of drought hardy understory and canopy native plant species.*
- 10) *In lieu of completing the landscaping as required by condition 10 of this consent, a cash bond or bank guarantee to the value of the landscaping works must be paid to Tamworth Regional Council within 6 months of the date of this consent. The cash bond or bank guarantee will be returned when the landscaping is*

planted.

NB: Tamworth Regional Council may be under water conservation measures which could restrict the ability for landscaping to be planted upon issue of this consent.

Traffic

- 11) ***Heavy vehicle movements associated with the subject development are to occur in strict accordance with Class 2 Heavy Vehicle Authorisation Permit No. 218380 (or relevant permit) issued by National Heavy Vehicle Regulator.***

Note: A valid Heavy Vehicle Authorisation Permit is to be maintained over the life of the development or until such time as the B-double route is formally gazetted for Old Winton Road and Careys Lane.

- 12) ***All heavy vehicle movements associated with the subject development must be recorded and logged and those records available to the consent authority on request. Drivers of vehicles entering and exiting the property must be directed to drive to the condition of the roads, so as to minimise dust by reducing speed in dusty conditions and slowing down for approaching vehicles to minimise potential hazards from gravel being projected from truck tyres.***

Contamination

- 13) ***In the event that any contamination (or potential contamination) is discovered during ongoing operation of the subject development, Council's Regulatory Services staff must be contacted immediately to arrange an inspection.***

Noise

- 14) ***Noise generated from the activities associated with the timber processing on site, including but not limited to cutting timber, loading and unloading timber, and manoeuvring timber must at all times comply with a maximum noise level of 50dBA when measured at the closest residential receiver (as a LAeq measured for a 15 minute period within 30 metres of a permissible and occupied dwelling).***
- 15) ***Timber handling processes must at all times be managed to minimise intrusive noise. Split timber should be loaded into trucks from a low conveyor belt height to decrease drop height and noise being generated. Chain sawing must be considerate of the duration of use, and the frequency of use to prevent nuisance noise.***

Bushfire Control

- 16) ***The area around the log processing facility (including timber stockpiles) for a distance of 50 metres shall be managed as an Asset Protection Zone and maintained as an Inner Protection Area, as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006'. There is to be no brush or shrubbery located within the designated 50 metre Inner Protection Area around the facility.***

Ongoing Requirements

- 17) ***The hours of operation are restricted to between 7:00am and 4:00pm, Monday to Sunday.***
- 18) ***The use shall be contained wholly within the premises, specifically the area***
-

outlined in orange on the approved site plan.

- 19) *On-site timber processing is not permitted to exceed 3,500 tonnes per annum unless further consent is obtained from Council.*
- 20) *Vehicles shall be loaded or unloaded standing wholly within the premises, or as otherwise provided in accordance with the conditions of this consent, to ensure that the proposed development does not give rise to street loading or unloading operations with consequent accident potential and reduction in road efficiency.*
- 21) *All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.*
- 22) *All oils, fuels, solvents and fluids used on this premises are to be stored in a bunded area that is designed to hold 110% of the total volume of the largest container stored within the bund or 35% of the total volume of all containers stored within the bund. The bunded area is to be covered with a suitable roof to prevent the collection of rainwater within the bunded area.*

The construction of the bund is to comply with AS1940 – Storage and Handling of Flammable and Combustible Liquids.

A spill kit designed to handle all types of liquids used on the site must be stored adjacent to where the liquids are being used and/or stored.

APPLICATION DETAILS:

Application No.	DA2019-0298
Application For:	Change of Use to a Log Processing Facility (Retrospective)
Date Received:	21/12/2018
Applicant:	Ironhorse Investments Pty Limited
Owner:	Ironhorse Investments Pty Limited
Land/Address:	Lot 12 DP 723489, Lot 90 DP 755319 and Lot 8 DP 755348, "Clapham Farm" 462 Careys Lane, Winton
Zoning:	RU1 Primary Production - <i>Tamworth Regional Local Environmental Plan 2010</i>

DESCRIPTION OF PROPOSAL:

The Applicant is seeking retrospective development approval for an existing log processing facility on the subject property known as 462 Careys Lane, Winton "Clapham Farm" (Lot 90 DP 755319, Lot 8 DP 755348 & Lot 12 DP 723489).

The Locality Plans are **ATTACHED**, refer **ANNEXURE 1**.

Site Plans and photos are **ATTACHED**, refer **ANNEXURE 2**.

The existing log processing facility sources timber from surrounding state forests (primarily from the Pilliga region) and is transported to the subject land by a transport contractor. The total annual vehicle movements proposed for the activity is provided in the table below:

Transfer of timber to site – vehicle movements per annum	
Single Heavy Vehicles	110
B-Doubles	80
<i>TOTAL</i>	190
Transfer of timber from site – vehicle movements per annum	
Single Heavy Vehicles	60
B-Doubles	88
<i>TOTAL</i>	148
Total Annual Vehicle Movements	338

The main transportation route for single heavy vehicles (semi-trailer and light rigid) is via Oxley Highway, Old Winton Road and Careys Lane. B-Double vehicle access to the subject property is restricted via a heavy vehicle access permit only via Oxley Highway, Bective Lane, Old Winton Road and finally onto Careys Lane. Bective Lane is a gazetted B-Double route but is only permitted to be used for that purpose during daylight hours.

Each vehicle movement identified above constitutes a movement either to or from the site by each vehicle. The total annual traffic movements identified above in association with timber deliveries from the site (148) are less than those associated with timber deliveries to the site (190). This is due to reduced outgoing timber quantities associated with loss of both moisture and by-products (e.g. sawdust) during processing activities.

It was initially identified that the subject land/business owner did not hold a heavy vehicle permit with the National Heavy Vehicle Regulator (NHVR) for the sections of Old Winton Road and Careys Lane that were being used by B-Double vehicles associated with the operations. The required permit has since been obtained (Permit No. 218380) from the NHVR. A condition is proposed requiring that a valid permit is maintained over the life of the subject operations or until such time as the entire transport route to/from the property is gazetted as a B-Double route.

The designated vehicle routes are shown on the **ATTACHED** map, refer **ANNEXURE 3**.

Timber is delivered to the site, stored and dried in the open air, removing the need for fumigation of the product. The timber is then processed onsite into fence posts, sawn logs or firewood. By-products of milling processes, such as sawdust and shavings, are reused on-site for site management/landscaping purposes and soil improvement on crop production areas of the property.

The activity operates three days per week on average, between the hours of 7:00am and 4:00pm. However, it is acknowledged that processing at the facility is intermittent in nature and largely determined by market demands (e.g. demand for firewood increases over cooler months), and the facility may operate seven days per week during high demand periods. It is proposed to include a condition of consent permitted the hours of operation for the facility to be between 7:00am and 4:00pm, Monday to Sunday.

The operation employs two full-time employees and processes up to approximately 3,500 tonnes (10,000 cubic metres) of timber annually. The following table provides a breakdown and approximate amount of the products being processed:

Product	Amount (Tonnes)*
Sawn logs:	150
Fence posts	600
Firewood:	1,780

*approximate per annum

Approximately 400 tonnes of timber is lost to evaporation during the drying process and 74 tonnes constituting by-products of processing activities (sawdust/shavings).

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. 44 – Koala Habitat Protection:

The development site is clear of all vegetation and is located within a paddock that was previously utilised for agricultural purposes (copping and grazing) over a significant period. Given that no vegetation will be cleared to facilitate the ongoing operation of the subject facility, the development is not deemed to have any impacts upon Koala habitat.

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

Pursuant to SEPP 55, Council is required to consider the potential for land contamination upon the site and therefore whether or not the site is suitable for the subject land use. A search of Council records has not revealed any evidence of contamination occurring upon the site. A site inspection carried out by Council's Regulatory Services staff raised no immediate concerns with regard to on-site contamination. Given the subject operations have occurred upon the site for some time and upon observation of activities associated with operation of the facility during site visits, it is not considered that the subject activity is likely to result in contamination of the site. Conditions are proposed within the consent regarding future discovery of contamination on site and the appropriate storage of oils, fuels and the like associated with the subject operations.

Local Environmental Plan

Tamworth Regional Local Environmental Plan 2010:

The subject property is zoned RU1 Primary Production pursuant to the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*. The subject development is defined under TRLEP 2010 as "Sawmill or Log Processing Works", being a type of "Rural Industry" and permissible (with consent) in the RU1 land zone. *Sawmill or Log Processing Works are defined as:*

"a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood".

The zoning map is **ATTACHED**, refer **ANNEXURE 4**.

The development is considered to meet the objectives of the RU1 land zone as it will add to the diversity of land uses within the subject rural setting and, with ongoing compliance with conditions of consent, will result in negligible land use conflict/impacts (dust, noise, vehicle movements). Conditions of consent have been imposed to assist in ensuring that compliance with zone objectives is maintained over the lifespan of the subject operations.

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

There are no draft environmental planning instruments which apply to the development proposal.

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

Tamworth Regional Development Control Plan 2010:

The subject development has been assessed against the *Other Types of Development Controls* section of TRDCP 2010 as follows:

Parking:

The subject site provides for adequate on-site parking and manoeuvring of vehicles (both heavy and light vehicles) associated with the day to day operations of the subject facility.

Landscaping:

A condition is proposed to require that vegetative screening be installed along the boundary of the paddock within which timber processing operations are conducted and be maintained for the life of the approved activity on site.

Outdoor Lighting:

Operations associated with the subject facility are not proposed to occur outside of daylight hours (7:00am – 4:00pm); therefore no outdoor lighting is required in relation to on-site operations.

Outdoor Advertising/Signage:

No outdoor advertising or signage is required for the subject operations.

Developer Contributions

In accordance with Section 4.17 of the *Environmental Planning & Assessment Act 1979*, and the Tamworth Regional Council Section 7.12 Development Contributions Plan 2013, a monetary contribution of \$600.00 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development.

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

The development is not subject to the provisions of any Planning Agreement.

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

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*, lists wood or timber milling or processing works as designated development if they:

- have an intended processing capacity of more than 6,000 cubic metres of timber per year; and:
 - are located within 500 metres of a dwelling not associated with the milling works; or
 - are located within 40 metres of a natural waterbody or wetland, or

- burn waste (other than as a source of fuel); or
- the facility has an intended processing capacity of more than 50,000 cubic metres of timber per year.

Whilst the intended processing capacity is greater than 6000 cubic metres (being approximately 10,000 cubic metres), the subject activity is not located within 500 metres of a dwelling not associated with the milling works; is not within 40 metres of a natural waterbody or wetland and does not propose to burn waste. The capacity of the operation is also not proposing to process more than 50,000 cubic metres of timber per year. The facility is therefore not deemed to constitute a designated development pursuant to the regulation. A condition of consent is proposed to limit the processing capacity per annum to a maximum of 3500 tonnes (approximately 10,000 cubic metres). Any proposed increase to this limit will require separate approval of Council.

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

Bushfire Prone Land:

According to the TRLEP 2010, the site is identified as being partially bushfire prone. Whilst the area of the site surrounding the facility is considered managed land with no significant vegetation, Planning for Bushfire Protection 2006 (PBP), requires the subject use to address the aims and objectives of the PBP as follows:

- the subject log processing activities are undertaken using transportable machinery, in the open air and in areas that are cleared of vegetation;
- on-site activities are conducted with suitable separation distances between the existing on-site dwelling and ancillary structures as well as on-site vegetation. The allotment upon which the subject activities occur is also appropriately managed (maintained as a clear paddock) to provide a defensible space;
- a condition of consent is proposed that an Asset Protection Zone of 50 metres be maintained around the Log Processing Facility (including timber stockpiles) over the life of the development;
- the facility provides for adequate and safe site access/egress in case of emergency;
- water tanks totalling approximately 40,000 litres are provided on-site, together with a quick fill unit for firefighting purposes; and
- the surrounding road network is considered to provide satisfactory access for fire fighting vehicles, as well as for the purposes of emergency evacuation.

Noise & Dust Nuisance:

Council officers conducted two site inspections, one of which was with staff from NSW Environmental Protection Authority (EPA). The processing operations were demonstrated to Council and EPA officers by the landowner. Upon observation of the demonstrated activities, it was acknowledged that the subject development will unavoidably result in some degree of noise and dust nuisance within the immediate area of facility on the subject property and that any such impacts on closest residential receptors was deemed negligible. With ongoing compliance with conditions of consent and industry best practice guidelines used to carry out the facility operations, it is considered that sufficient measures are in place to ensure impacts remain negligible for surrounding landowners over the life of the subject operations.

Dust impacts associated with intermittent heavy vehicle movements to and from the subject site via sections of unsealed roads (Carey's Lane, Old Winton Road and Bective Lane) are deemed to be unavoidable and in keeping with similar unrelated heavy vehicle movements, which occur along the subject route, or any other sections of Council's unsealed road network on a daily basis. It is important to note that a heavy vehicle access permit (issued by the National Heavy Vehicle Regulator – NHVR) is currently held by the business operator for the subject route utilised by trucks associated with the subject log processing operations.

Social, Economic or Environment Impacts

There are no noted impacts of a social, economic or environmental nature that are anticipated to have a detrimental impact upon the subject locality. The operation of a log processing facility is deemed appropriate and in keeping with the rural nature of the surrounding locality. The activity utilises land that was previously cleared for agricultural purposes, and as such, is not expected to pose a significant risk to the natural environment. Furthermore, considering the low impact and transportable nature of machinery used on site, the intermittent nature of on-site processing activities and the substantial buffer distance from adjoining residential receptors, the development is not deemed have an unreasonable impact on the amenity of the surrounding neighbourhood.

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

There are no identified site constraints that would impact on the ongoing operations of the log processing facility.

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

The application was notified to adjoining owners pursuant to the *Tamworth Regional Development Control Plan 2010*, and 11 submissions from nine submitters were received. The concerns raised in the submissions are referred to below:

The submissions are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

Traffic and road impacts

Concern is raised in relation to the number of vehicle movements associated with the use and the impacts vehicles have on the existing road surfaces. It is considered that the number of heavy vehicle movements proposed is of a minor nature with approximately 338 heavy vehicle movements annually (equating to between six to seven individual movements per week on average). This is deemed to have a low impact on surrounding landowners and the local road network. A heavy vehicle access permit (issued by the National Heavy Vehicle Regulator – NHVR) is currently held by the business operator for the subject route utilised by trucks associated with the subject business operations. A condition is proposed requiring that a valid permit is maintained over the life of the subject operations or until such time as the entire transport route to/from the property is gazetted as a B-Double route.

An additional condition of consent is proposed limiting the processing capacity of the log processing facility to 3,500 tonnes of timber per annum, which will in turn control heavy vehicle movements associated with the subject operations.

Noise impacts:

Concerns are raised in relation to the noise generated from the log processing activities. The main source of noise from the subject facility is from operation of chainsaws, circular log saws and the loading of trucks with timber products, all of which occur both intermittently on site and a significant distance from the nearest residential receptor/s. Operations associated with the subject facility also occur within daylight hours only. Noise impacts associated with

operation of the facility are deemed to be minimal and are subject to compliance with conditions of consent.

The development is prohibited within the RU1 Primary Production Zone and does not comply with the zone objectives:

As discussed previously in this report, the subject operations are defined as Sawmill or Log Processing Works pursuant to TRLEP 2010, which is a permissible land use (with consent) within the RU1 land zone.

The subject operations satisfy the objectives of the zone by providing for added diversity of rural land uses with the rural setting. Given the nature of the subject operations, it is considered that the use of the land for this purpose is appropriate and will also allow for minimisation of land use conflict/impacts (dust, noise, vehicle movements) due to the distance between it and the nearest residential receptor/s. Conditions of consent have also been imposed to assist in ensuring that compliance with zone objectives is maintained over the lifespan of the subject facility.

Road Safety Concerns:

As previously discussed, Bective Road is already a gazetted B-Double route and a heavy vehicle access permit (issued by the National Heavy Vehicle Regulator – NHVR) is currently held by the business operator for the sections of Old Winton Road, and Careys Lane, allowing B-Doubles to travel to and from the facility. Old Winton Road is deemed suitable for single heavy vehicles. The granting of a permit by the NHVR is subject to an assessment process undertaken in consultation with Council's traffic engineering staff. This assessment process considers potential safety issues along all relevant routes and determines whether or not a route is suitable for heavy vehicles. As a NHVR permit has been issued, it is considered that the road network is adequate to support vehicles movements for the proposed facility.

Dust Impacts:

Dust impacts of on-site operations are deemed to be of minimal impact to surrounding landowners given the distances between the log processing facility and neighbouring properties. To mitigate dust nuisance from heavy vehicle movements to and from the site along the unsealed rural road network, conditions of consent are imposed on the facility to manage vehicle movements, dust suppression and driver behaviour beyond the gates of the subject property. Drivers of vehicles entering and exiting the property will be directed to drive to the condition of the unsealed road, so as to minimise dust by reducing speed in dusty conditions and slowing down for approaching vehicles to minimise potential hazards from gravel being projected from truck tyres.

Fire Safety:

It is considered that existing on-site fire fighting infrastructure (40,000 litre capacity tanks and a quick-fill firefighting unit) provides an acceptable level of fire protection to the subject facility. A condition of consent is proposed requiring that a cleared land buffer is maintained around the entire facility (including timber stockpiles) so as to provide additional protection against the spread of fire.

Sediment and Erosion Control:

Given the nature of the site (flat site and no hardstand areas) any sediment and erosion impacts from the operations are deemed to be of a minor nature and akin to those experienced upon surrounding agricultural lands. As such, no erosion or sediment impacts are anticipated for neighbouring land uses as a result of the development.

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

The public interest has been considered throughout the assessment of the application and the approval of the application will not be contrary to the public interest, subject to the implementation of the recommended conditions of consent.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The development was notified to landowners along the transport route/s associated with the development. The notification period commenced on 25 January 2019, and ended on 11 February 2019.

(e) Reason for Consideration by Council

Eleven public submissions were received by Council during the notification period identified above.

(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 listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and issues raised in the public submissions.

The proposed development is consistent with the relevant legislation and planning controls and it is considered that, subject to compliance with conditions of consent, the development will not have any detrimental impacts upon neighbouring properties or the wider locality. As a consequence, it is recommended that the application be determined by the granting of consent, subject to the recommended conditions.

8 INFRASTRUCTURE AND SERVICES

8.1 ENERGY SUSTAINABILITY SIX MONTHLY REPORT – FILE NO SF8151

DIRECTORATE: WATER AND WASTE

AUTHOR: Tim Hurcum, Sustainability Officer

Reference: Item 8.9 to Ordinary Council 14 February 2017 - Minute No 14/17
Item 8.4 to Ordinary Council 12 March 2019 - Minute No 62/19
Item 15.4 to Ordinary Council 25 June 2019 - Minute No 216/19
Item 5.1 to Extraordinary Council 20 June 2019 - Minute No 200/19

RECOMMENDATION

That in relation to the report “Energy Sustainability Six Monthly Report”, Council receive and note the report.

SUMMARY

The purpose of this report is to update Council on energy sustainability activities presently underway, as well as projects planning to be implemented over the next six months.

COMMENTARY

The main focus of energy sustainability is to reduce energy usage, energy costs and carbon emissions. A number of methods are used to achieve the energy sustainability goals, such as energy account management, energy reduction programs and solar PV installations.

Retail supply for electricity large sites

Council's retail supply of electricity agreement for large sites expired on 30 June 2019, the agreement had been in place for three years and was secured when energy prices were favourable. The energy procurement consultant, Sourced Energy, was engaged to assist Council in renewing the electricity agreement. After considering advice from Sourced Energy at the Extraordinary Council Meeting of 20 June 2019, Council accepted the offer from AGL Power to renew the retail electricity supply contact for six months to 31 December 2019. Options to renew the energy contract from 1 January 2019, and incorporate street lighting into one contract have been presented to Council for consideration in this Business paper.

Ray Walsh House lighting upgrade

At the Ordinary Council Meeting of 12 March 2019, Council resolved to upgrade the lights in Ray Walsh House to LED technology. Public submissions for the tender to upgrade the Ray Walsh House lights closed on 21 May 2019, and Taskwell Lighting has been engaged to complete the project. The upgrade is programmed to commence in September 2019, and be finalised in October 2019. Steps will be taken to minimise interruption to staff during the project and a fact sheet will be sent to Ray Walsh House staff prior to the start of the project. The Ray Walsh House LED upgrade is estimated to cost \$108,500 and is expected to save \$35,000 in energy and maintenance charges per annum.

Solar PV

Contract documents were prepared and a public tender advertised for the installation of behind the meter solar systems at 11 Council owned facilities. At the Ordinary Council Meeting of 25 June 2019, Council resolved to engage Akcome Power to supply and install solar Photovoltaic (PV) systems on 11 Council owned facilities. Akcome Power has started the planning and design process for the systems and expect to start on site within the next few months with a six month program, subject to connection approvals from Essential Energy. The solar project is expected to save \$110,608 annually at cost of approximately \$600,000.

E21 upgrade

The Energy Sustainability Officer has been working with E21 Energy Plus to upgrade Council's energy and carbon management and reporting system. An Energy Management system is used to monitor and measure buildings electrical loads. The E21 Energy Plus system records the data from the electricity meters and compares the data and charges from retailers, to ensure there are no anomalies with energy charges. A recent upgrade has given Council the ability to include automated data imports, automated payment file exports,

carbon reporting and improved user engagement. Once the system is configured it will be able to send alerts to facility managers for payment approval and will then create a payment file to import directly in to Council's finance system. The upgrade of the system:

- improves the accuracy of the data;
- simplifies the payment process;
- significantly reduce time accounts payable spend processing data;
- increases facility manager engagement;
- provides carbon reporting; and
- reports energy and account anomalies.

Sites added/removed

There have been two new electrical sites set up for Council over the six month period. Temporary work sites, new buildings and major electrical upgrades are all treated as new sites. New sites applied for in the six month period include two new sites for sports field lighting. New sites involve liaisons with:

- internal site asset owners;
- accounts payable;
- electrical contactors;
- meter service provider;
- energy retailer (Origin Energy); and
- network provider (Essential Energy).

All of the parties involved in the new connection must also be notified of a disconnection. A number of sites including temporary work sites and sites no longer operated by Council have been transferred to other parties or disconnected.

Missed meter reads and meter upgrades

A majority of the electricity meters at Council owned sites are manually read with a meter reader visiting the site to record consumption data. From time to time meter readers are unable to access the sites. 22 Council owned sites had access issues that meant the meter reader was unable to access the sites during the last reading period. The Energy Sustainability Officer has worked with facility managers to ensure meters can be read at the next programmed read date. An ongoing site access issue at the Rural Fire Service tower near Bendemeer has resulted in a meter upgrade that has automated communication and will now not require site visits. All new sites now require a communication meter that sends the data to retailers meaning site visits are no longer required. A small fee to operate communication meters is applied to energy accounts, however, the cost to have the meter manually read is no longer applied. In this case the communication meter cost is less than the cost to manually read the accumulation meter.

Street light upgrade update

At the Ordinary Council Meeting of 14 February 2017, Council resolved to upgrade eligible minor road street lighting to LED technology as part of Essential Energy's bulk lamp replacement. A number of delays from Essential Energy's systems suppliers and installation

contractors meant that the project was not completed until August 2018. The actual cost of street lighting for the 2018-2019 financial year was \$721,293.

In 2015, Essential Energy made an application to the Australian Energy Regulator (AER) requesting a considerable increase to Public Lighting charges. The application included statements from Essential Energy indicating the cost of providing public lighting is greater than the charges it levies on Local Government organisations. At the time some Joint Organisation of Councils made a submission to the AER concerning this application. The final determination from AER was to allow an increase in public lighting charges of approximately 15% per year over a three year period commencing in the 2016-17 financial year. Verbal advice from Essential Energy is that public lighting charges may drop in the current financial year.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.2 DRAFT DROUGHT MANAGEMENT RESPONSE - WATER RESTRICTIONS COMMUNICATION AND ENGAGEMENT PLAN – FILE NO SF9442

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Draft Drought Management Response - Water Restrictions Communication and Engagement Plan”, Council adopt the Draft Drought Management Response – Water Restrictions Communication and Engagement Plan.

SUMMARY

As the drought continues and water restrictions levels become more severe, Council has identified the need for a guidance framework to ensure that communication and engagement with residents and businesses within the Tamworth Region enables everyone to be prepared and take action to extend their treated water supply for as long as possible.

To this end, the Drought Management Response - Water Restrictions Communications and Engagement Plan (CEP) has been developed. The final draft of the CEP has been

completed and is attached to this report for Council's review and possible adoption.

COMMENTARY

The Drought Management Plan 2015 (DMP), clearly identifies the triggers for changes to restrictions levels and consumption targets at each water supply across the region and recommends extensive community education and awareness campaigns to ensure consumption targets are met. However, the DMP does not provide detail of just what type of education and community engagement should be undertaken at each level of restrictions and how the various messages should be amplified as a drought continues and the need for water conservation becomes more pronounced. Further, once Level 5 restrictions are reached in any centre, the DMP provides no guidance about what to do in the event the drought continues and the available water supply in a particular centre continues to diminish. As a result it was considered necessary to prepare a CEP **ATTACHED**, refer **ANNEXURE 1**, that would complement the DMP triggers and targets, as well as provide additional guidance at Level 5 restrictions.

The CEP delivers a range of specific and achievable communication and engagement activities to guide Council through all levels of restrictions with the aim of creating a community, residents and business, which is aware and taking action to actively reduce consumption of treated water. The objectives identified in the CEP are:

- develop a framework to guide effective communication and engagement for all levels of water restrictions;
- create shared (and individual) responsibility for water conservation among water users;
- target communication and engagement at each trigger level;
- create community cohesion and resilience during this period of water shortage; and
- align the CEP activities with Council's DMP and community engagement charter.

The CEP includes a series of "plans on a page" that clearly set out the activities and outcomes to be undertaken at each trigger point. The plans on a page for Levels 1-3 are written so that they can be applied to any water supply throughout the Tamworth Region. They present the CEP in stages of planning and preparation, building momentum and relationships and implementation, identifying the key tasks and key achievements at each stage.

A specific colour palette has been developed for each trigger points, shown on page 23 of **ANNEXURE 1**, which will be used in communications materials developed at each trigger point.

For Levels 4-5, the plans are more specific to Tamworth, Moonbi and Kootingal, being the water supply most at risk of reaching Level 5 restrictions in the short term and servicing the greatest population. Level 4 and 5 plans on a page for centres other than Tamworth and Moonbi Kootingal will be developed by Council staff and implemented as required. These plans will be appropriate to each centre. For example, if it became apparent that Nundle would likely move to Level 5, specific television advertising would not be a very cost effective way of communicating with the Nundle community so existing ads would be amended to include Nundle and other more appropriate methods of communication identified such as letterbox drops or community meetings.

For Level 5 at Tamworth, Moonbi and Kootingal specific triggers have been introduced at 20%, 15%, 10% and 5% water levels in Chaffey Dam. Each of these trigger points builds upon and adds to the activities undertaken at the previous trigger.

It was also identified that Council needs to plan for a “worst case scenario” and potential crisis management in the event that the drought continued to a point that treated water could no longer be supplied from Chaffey Dam.

The CEP identifies 5% remaining in Chaffey Dam where the water supply situation for Tamworth, Moonbi and Kootingal would reach crisis point and the Local Emergency Management Committee (LEMC) would potentially take carriage of the further delivery of treated water to these centres. Planning for emergency management of a crisis will commence before this point and require close and ongoing liaison and collaboration with the LEMC.

The plans on a page can be amended at any time. The Tamworth Regional Water Supply Taskforce has been given the opportunity to review the plans on a page and offer input into refining the content through changes to timing, additional actions or removal of actions. The Taskforce has also been asked to consider whether 5% is appropriate as the crisis point. Feedback from the Taskforce or the community will be accepted and considered at any stage throughout the implementation of the plans.

Whilst not officially adopted at this stage, as indicated at previous Councillor Workshops to discuss the draft CEP; staff have commenced implementing the plan on a page for Level 4 water restrictions in Tamworth, Moonbi and Kootingal and are making good progress to date. Some of the items completed so far include:

- confirm consumption and reduction targets at Level 5 trigger points;
- large water using business audits;
- established the Tamworth Regional Water Supply Taskforce;
- conducted background research;
- media kit created;
- brief Council staff;
- develop FAQ's and key messages;
- tracking actions for drought management;
- framework established;
- issuing or warning and fines for water restrictions violations;
- regular updates issued to media;
- sign up Taskforce to Terms of Reference;
- prepare agenda for first Taskforce meeting;
- hold the first Taskforce meeting; and
- daily monitoring of dam levels, stream flows, bore levels.

The CEP gives comprehensive and clear guidance to enable Council to meet the targets established within the DMP. It is recommended that Councillors adopt the CEP for implementation.

(a) Policy Implications

This CEP has been developed to support the targets for consumption as determined in Councils *Drought Management Plan 2015*.

(b) Financial Implications

A draft budget for Level 5 water restrictions media campaign for Tamworth, Moonbi and Kootingal as well as other communication and engagement activities has been prepared and is presented for Council's consideration in another report in this business paper.

(c) Legal Implications

Nil

(d) Community Consultation

Community consultation is undertaken at the development of each new rendition of the Drought Management Plan and has been considered in the preparation of the Drought Management Response - Water Restrictions Communication and Engagement Plan. Further consultation will be undertaken when the drought breaks and the Drought Management Plan is reviewed and updated, this will include a review of the Drought Management Response - Water Restrictions Communication and Engagement Plan.

(e) Delivery Program Objective/Strategy

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

8.3 FARM OPERATOR REQUESTING COUNCIL APPROVAL TO CULL KANGAROOS ON COUNCIL'S TAMWORTH EFFLUENT REUSE FARM – FILE NO SF5510

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

Reference: Item 8.1 to Ordinary Council 9 April 2019 - Minute No 102/19

RECOMMENDATION

That in relation to the report “Farm Operator Requesting Council Approval to Cull Kangaroos on Council’s Tamworth Effluent Reuse Farm”, Council agree to sign the application for approval of the cull, and other associated documents as the land owner, provided that all necessary approvals are obtained and strictly complied with.

SUMMARY

The purpose of this report is to seek direction from Council in relation to a request to allow the culling of kangaroos on the Council owned Tamworth Effluent Reuse Farm located in New Winton Road, Tamworth.

COMMENTARY

The Operator of the Tamworth Effluent Reuse Farm, Harley Hay Pty Ltd, claims, due to the drought, the number of kangaroos on the farm has increased significantly to the point they are adversely impacting the operation of the farm.

The Operator has proposed culling the kangaroos on the property. A number of approvals must be in place before culling can take place and for some of those approvals the consent of the property owner is required. As a result the Operator has requested Council, as property owner, sign off on relevant forms related to this matter.

The Operator has spoken to a commercial shooter and arranged for him to do the work should Council agree and the appropriate approvals are granted. Staff posed a number of questions of the shooter and the responses are detailed in italics below:

1. if the cull was approved when would you actually shoot the kangaroos – e.g. at night, during the day? *Shooting would be undertaken at night.*
2. do you have a date when you would start? *As soon as possible after approval is granted*
3. how long would it take – e.g. would you be on site every night for three nights in a row say, or would you do a night and then not come back for a while? *Initially shoot once per week until a reduction in numbers is recognised.*
4. There are residences on and close to the subject property and three roads adjoining. Considering this
 - a. would the nearby neighbours hear shooting? *Yes*
 - b. how do you ensure public safety in general? *I always ensure to shoot toward the middle of the property to ensure safety.*
 - c. would you shoot towards the roads, and/or residences or shoot away from these locations? *I always ensure to shoot toward the middle of the property to ensure safety.*
5. Is it intended to advise nearby residents if approval is granted? *Yes*
6. Do you try and shoot all the kangaroos on the property? *No. Only animals greater the 16 kilograms can be shot and if approval is granted a certain number of tags based on the size of the property will be issued. No more kangaroos can be culled than the number of tags issued.*
7. How many kangaroos do you think you will shoot in total? *As many as the tags provided.*
8. How many kangaroos do you estimate there are currently on the property? *Thousands.*
9. is there any rules about what can be shot and what can't – e.g. only kangaroos over a certain size? *Only take kangaroos over 16 kilograms. Every harvested animal must be shot in the head.*
10. are the carcasses taken away?
 - a. If so how long before they are removed? *Carcasses are removed the same night they are shot.*
 - b. What happens to the carcasses? *Will be sold for consumption.*
11. apart from getting approval from the NSW Government, Office of Environment and Heritage under the Commercial Kangaroo Management Program are there any other approvals required? *No.*

In considering this application Council should be aware the operating agreement between Council and Harley Hay did not contemplate the need for control of animals on the property and is silent on this issue. Therefore, it is solely a matter for Council to decide whether, as property owner, Council agrees to sign the application and associated documentation to allow the application for approval to be submitted to the relevant NSW Government authorities. The Operator has no recourse should Council decide not to sign the application and operation of the farm will continue.

Council may recall a similar application from the Lessee of Council owned Lot 7304 DP1158146, sometimes referred to as “The Common” located generally between the Tamworth Base Hospital, Forest Road, Moore Creek Road and the Forest Road Waste Management Centre. This request was considered at the Council Meeting of 9 April 2019, and on that occasion the recommendation was to not sign the necessary documentation because of the proximity of the hospital, residences and busy traffic routes to the subject land. Council resolved as per the recommendation.

However, on this occasion given the subject property is more isolated it is recommended Council agree to sign the application forms and associated documentation.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.4 REQUEST TO AMEND DROUGHT MANAGEMENT PLAN – FILE NO SF1747

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

RECOMMENDATION

That in relation to the report “Request to Amend Drought Management Plan”, Council:

- (i) approve the implementation of Option 2 that seeks to temporarily amend the Drought Management Plan to permit the opening of Tamworth South and West War Memorial Pool at Level 5 water restrictions, on the condition that pool water is sourced from a non-potable supply from one of Council’s Riverside Sports Fields bores; and*
- (ii) commit to review this temporary arrangement when water levels for the Chaffey Dam supply approach 15% capacity.*

SUMMARY

Decreasing water storage levels for Tamworth City, Kootingal and Moonbi indicates that these communities will soon move to Level 5 water restrictions under Council’s Drought Management Plan. A consequence of the impending Level 5 water restrictions under the current plan is that the public swimming pools, including Tamworth Olympic Pool, Kootingal Pool and Tamworth South and West War Memorial Pool, will not open as scheduled on 14 October 2019.

This report seeks a temporary amendment to the Drought Management Plan, to enable the Tamworth South and West War Memorial Pool to be open at Level 5 restrictions on the basis that pool water is supplied from a non-potable water source from one of Council's Riverside Sports Field bores.

COMMENTARY

The current drought conditions are likely to result in Tamworth and the surrounding areas of Kootingal and Moonbi, moving to Level 5 water restrictions sometime prior to the scheduled opening of the pools on 14 October 2019. Under Council's Drought Management Plan, Level 5 water restrictions result in public swimming pools closing, which will result in the closure of the following three pools:

- Kootingal Swimming Pool;
- Tamworth Olympic Pool; and
- Tamworth South and West War Memorial (Scully) Swimming Pool.

Council's other aquatic facilities at Barraba, Manilla and Nundle are not likely to be impacted at this stage. Currently each of these communities are at lower water restriction levels and following discussions with Council's Water and Waste directorate, these communities are not expected to reach Level 5 this coming summer. Therefore these pools will open as normal.

However, the three impacted pools are Council's busiest pools and service not just the recreational needs of the community, but also a number of school and community groups including:

- 23 local schools;
- three large swimming clubs;
- one water polo club; and
- one triathlon club.

Over recent months Council staff have been in discussions with aquatic user groups to educate them on the Drought Management Plan. In the last few weeks these groups and other community members have written to Council and Councillors listing a number of concerns associated with pool closures, including:

- sporting associations concerns in relation to the training needs of club members, negative impact on clubs and membership numbers and the need to travel to other suitable facilities or towns outside our region;
- aspects of community health, wellbeing and resilience, relating to access to recreational use of aquatic facilities during hotter months, including Tamworth's reported high obesity rates;
- safety aspects of not conducting local learn to swim programs for young children;
- the potential danger of people having no safe public swimming areas and as a result could lead to the public swimming in other unsupervised water bodies including rivers and Dams;
- access to an aquatic facility by local Schools for intensive swimming sessions and school swimming carnivals; and

- the loss of major regional and state level events and resulting economic loss for the Tamworth region (swimming and water polo events).

Given that the Riverside Sporting Complex, including No. 1 Oval and Bi-Centennial Park, are now serviced from bore water, it is suggested that Council may want to consider the use of this bore water supply to sustain the opening of one of the three pools that will be closed when Level 5 water restrictions are introduced in Tamworth.

As a result there are two options for consideration by Council.

Option 1 (not recommended)

Strict adherence to the Drought Management Plan, resulting in the closure of the Tamworth Olympic Pool, Kootingal Pool and Tamworth South and West War Memorial Pools when Level 5 water restrictions are in place in Tamworth.

These facilities remaining closed until water restrictions ease to Level 4 (or Level 3 for Tamworth Olympic Pool).

Community recreational needs and competitive training needs will need to be met through accessing facilities at other towns or a commercial indoor 25 metre pool in Tamworth.

Option 2 (recommended)

Temporarily amend the Drought Management Plan to permit the opening of Tamworth South and West War Memorial Swimming Pool for the 2019-2020 summer season, using non-potable water.

As a result of the recent transfer of bulk water from One Tree Hill Reservoir to the Tamworth South and West War Memorial Pool, this pool is now full.

Sports and Recreation staff have looked at the pool water consumption data and have determined that they could manage the ongoing operation of this pool (topping up) through non-potable water, accessed from one of the bore water sites at Riverside. The only use of potable water at the pool would be for public amenities (showers, toilets etc.).

In addition, staff have reviewed the pool operational arrangements and believe that they can practicably cater for recreational swimmers, key user groups, and schools through the careful management of:

- extended pool opening hours (sufficient lifeguard staff would be available to meet roster needs at one pool);
- swimming clubs co-using the pool for training and weekly club nights where possible;
- adherence to predetermined booking timeframes for morning squad training, community recreational times, afternoon and evening squad training times and water polo competition; and
- negotiation with schools on carnival booking dates to ensure that schools carnival needs are met.

Calculations of the budget implications of this option are summarised in table 1 below. While the closure of the pools does reduce the net operational loss of these facilities, it should be noted that there are still considerable costs associated with buildings, grounds, plant room and pool maintenance as well as permanent staff salaries.

Table 1 also displays the additional revenue that is associated with only opening Tamworth South and West War Memorial Pool. This additional revenue has been estimated at 65% of the 2019-2020 budgeted revenue for Tamworth Olympic and Kootingal Pools.

Table 1: Summary of cost Implications for option 2

Pool	Costs	18/19 Actual	19/20 Budget	Option 2 Estimate	Estimated Cost Saving
Tamworth Olympic	Facility expenses	96,290	86,362	94,930	
	Utilities	45,158	68,123	5,000	
	Pool operation expenses	44,480	43,750	7,750	
	Staffing	222,729	186,368	70,000	
	Revenue	-133,237	-140,500	0	
	TOTAL	275,419	244,103	177,680	66,423
Kootingal	Facility expenses	74,026	66,519	64,640	
	Utilities	12,945	11,573	5,000	
	Pool operation expenses	11,480	13,000	5,550	
	Staffing	80,139	87,000	37,500	
	Revenue	-56,762	-62,300	0	
	TOTAL	121,828	115,792	112,690	3,102
Tamworth South and West	Facility expenses	151,783	150,659	160,900	
	Utilities	30,978	39,110	28,750	
	Pool operation expenses	77,889	80,950	111,000	
	Staffing	295,196	233,868	300,000	
	Revenue	-177,490	-238,150	-226,750	
	Additional Revenue (65% of Olympic and Kootingal)			-131,820	
	TOTAL	378,356	266,437	242,080	24,357
NET RESULT					93,882

In considering all of the above benefits to the community and user groups, the minimal use of potable water and net cost implications, it is recommended that Council support Option 2 and amend the Drought Management Plan.

It is also recommended that the cost savings estimated in Option 2 above be reinvested back into much needed pool maintenance and repairs across Council's six aquatic facilities.

Should the drought continue and water levels in Chaffey Dam approach 15% capacity, it is recommended that Council review this temporary arrangement to ensure ongoing effective water management.

(a) Policy Implications

If approved, the Drought Management Plan will be amended to reflect the opening of Tamworth South and West War Memorial pool during Level 5 water restrictions on the provision that it is operated with the use of non-potable water.

(b) Financial Implications

The estimated net saving of implementing Option 2 is \$93,882.00, which will be reinvested on pool maintenance and repairs.

(c) Legal Implications

Nil

(d) Community Consultation

Community consultation has occurred through direct meetings and correspondence with all aquatics associations and schools within the Tamworth region, as well as a review of media articles in recent weeks.

(e) Delivery Program Objective/Strategy

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

8.5 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 7 AUGUST 2019 – FILE NO SF1387

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Infrastructure and Works

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting – General – 7 August 2019”, Council:

- (i) approve the installation of a loading zone opposite 1-3 Crown Street Taminda;*
- (ii) approve the rolling road closure on Peel Street, between Roderick Street and O’Connell Street, for 50 Years Of Service To The Community Parade by the West Tamworth Fire Brigades, on 8 September 2019, from 10:30am to 11:00am;*
- (iii) approve the installation of a 30 metre long authorised vehicles – “Council Vehicles and Buses” zone on Kable Avenue, within the current bus zone, adjacent the rear of Ray Walsh House;*
- (iv) approve the installation of the painted median, and associated BB line, on the southern end of Garden Street, and the extension of the existing central median to transition to the new section of Garden Street Hillvue; and*
- (v) approve the installation of two 45 degree disabled parks on the northern side of the driveway to the Kootingal football ground on Denman Avenue, Kootingal.*

SUMMARY

The purpose of this report is to advise Council of five recommendations made by the Tamworth Regional Local Traffic Committee at the meeting held 7 August 2019.

COMMENTARY

Five formal items reached consensus at the meeting held 7 August 2019. The Minutes are **ATTACHED**, refer **ANNEXURE 1**. A sixth item, recommending the installation of disabled

parking in Dowe Street, is subject to further technical assessment before being formally considered by Council at a future meeting.

72/2019 – Crown Street Taminda – request for review of parking changes

A transport company situated on Crown Street Taminda, would like a section of the parallel parking opposite 1-3 Crown Street, changed from parallel parking to loading zone or truck parking only.



Image 1 – Proposed loading zone/truck parking opposite 1-3 Crown Street

COMMITTEE RECOMMENDATION: the Committee support the installation of parking restrictions, of either loading zone or truck parking only, opposite 1-3 Crown Street Taminda, to provide on-street parking for long vehicles.

75/2019 Fire and Rescue Parade 8 September 2019 – 50 Years of Service

Fire and Rescue NSW request permission to have a rolling road closure on Peel Street, between Roderick Street and O'Connell Street, to celebrate 50 years of service to the community by the West Tamworth Fire Brigades. The parade will commence at Roderick Street at 10:30am and conclude at Viaduct Park at 11:00am. The road closures will be undertaken by Council with assistance from the NSW Police.

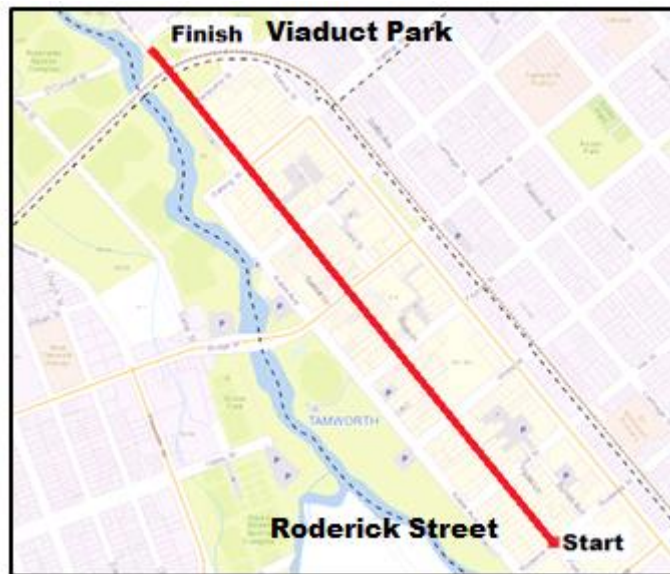


Image 2 – Proposed route from Fire and Rescue Parade

COMMITTEE RECOMMENDATION: the Committee support the rolling road closure on Peel Street, between Roderick Street and O’Connell Street, for 50 Years of Service To The Community Parade by the West Tamworth Fire Brigades, on 8 September 2019, from 10:30am to 11:00am.

76/2019 – Authorised parking zone on Kable Avenue for Council vehicles and Buses

Options for Council outdoor staff parking (truck/long vehicle parking) near Ray Walsh House, have been investigated. There is a 60 metre long bus zone on Kable Avenue, adjacent to the pedestrian crossing near Fitzroy Street. This is a low use bus zone.

It is proposed to change 30 metres of this bus zone to authorised vehicles only. Authorised vehicles would be Council truck/long vehicles and buses. This would provide suitable parking for long Council vehicles without limiting the space available for buses.



Image 3 – Proposed authorised vehicle/bus zone on Kable Avenue

COMMITTEE RECOMMENDATION: the Committee support the installation of a 30 metre long authorised vehicles – Council vehicles and buses zone on Kable Avenue, within the current bus zone, adjacent the rear of Ray Walsh House.

81/2019 – Garden Street Extension to Warwick Road Hillvue Line marking

As part of a new subdivision development in Hillvue, the southern end of Garden Street will be extended through to Warwick Road.

Garden Street currently has a divided carriageway with a central median at the Warwick Road end of the street. The extension of Garden Street will be transitioned in the new section to a painted median at the end of the existing median as per the below drawing.

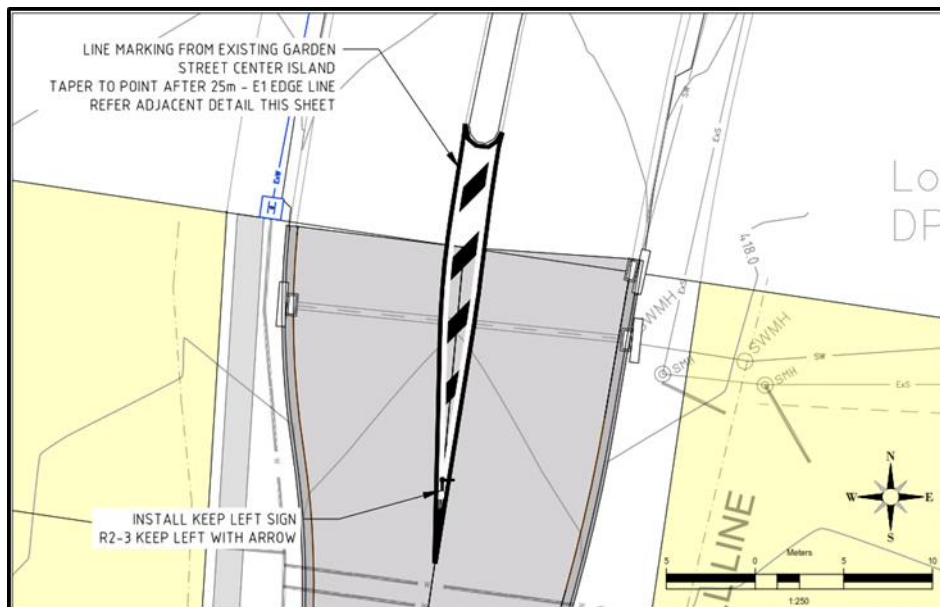


Image 4 – Developers proposed painted median for transition from central median to regular residential street.

COMMITTEE RECOMMENDATION: the Committee support the installation of the painted median, and associated BB line, on the southern end of Garden Street, and the extension of the existing central median to transition to the new section of Garden Street Hillvue.

83/2019 – Disabled car parks at Kootingal Football Oval, Denman Avenue Kootingal

A request has come to Council's Sports and Recreation division, regarding disabled parking for patrons accessing the Kootingal football ground from Denman Avenue.

The request was originally for one park either side of the driveway. Council proposes that these parks be moved to the northern side, and install a shared zone and layback to allow these parks to be compliant.



Image 5 – Proposed disabled car parks Denman Avenue Kootingal

COUNCIL RECOMMENDATION: the Committee support the installation of two 45 degree disabled parks on the northern side of the driveway to the Kootingal Football Ground on Denman Avenue, Kootingal.

(a) Policy Implications

Nil

(b) Financial Implications

72/2019 – Funded by Infrastructure and Works signs and linemarking budget

75/2019 – Funded by the event organiser

76/2019 – Funded by Infrastructure and Works signs and linemarking budget

81/2019 – Funded by the developer

83/2019 – Funded by Infrastructure and Works signs and linemarking budget

(c) Legal Implications

Nil

(d) Community Consultation

75/2019 – Notification to the community regarding road closures.

(e) Delivery Program Objective/Strategy

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

8.6 LEVEL 5 WATER RESTRICTIONS MARKETING PLAN – FILE NO SF9442

DIRECTORATE: WATER AND WASTE

AUTHOR: Tracey Carr, Sustainability Coordinator

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Level 5 Water Restrictions Marketing Plan”, Council:

- (i) fund the essential elements of the Level 5 water restrictions marketing plan at a total cost of \$105,213.25 over six months;*
- (ii) fund the additional elements identified in the Level 5 water restrictions marketing plan at an additional cost of \$59,170.00 over the next six months; and*
- (iii) approve the purchase of new sign panels with water restrictions awareness messages for the existing locations at town entrances to be funded from existing community education budget.*

SUMMARY

To meet the key achievements identified in the Drought Management Response: Water Restrictions Communication and Engagement Plan a marketing plan has been developed. Subject to Council’s approval and funding the plan will be launched at the announcement of Level 5 Water restrictions for Tamworth and Moonbi Kootingal.

This report provides the outline of the marketing plan with the details **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

COMMENTARY

Due to the severity of the ongoing drought it is considered necessary for Council to continue with activities to raise community awareness of the current restriction levels and ensure residents and visitors to the region are actively reducing their consumption of treated water. The activities to be undertaken at the various levels of water restrictions are detailed in Drought Management Response Water Restrictions Communication and Engagement Plan (CEP). Adoption of this document is the subject of a separate report within this Council business paper.

The CEP, assuming adoption by Council, includes the introduction of target water consumption per person per day at Level 4 (200 Litres per person per day) and Level 5 Restrictions (150 Litres per person per day). A detailed review of the current consumption levels has shown that residents are achieving the target of 200 Litres per person per day so it was not considered necessary to launch a campaign promoting this target. With Tamworth

and Moonbi Kootingal approaching Level 5 restrictions the introduction of the new target, 150 litres per person per day, will require significant promotion, education and awareness.

The CEP includes a marketing plan which details the essential elements required as well as additional suggested marketing activities to ensure consistent messaging is delivered to all residents and visitors across a wide variety of media platforms. The marketing activities identified in the plan will provide detail to demonstrate what 150L per person per day looks like, focusing on essential indoor water use; kitchen, laundry and bathroom, as well as wide reaching general awareness communications.

The marketing plan details the reach and impact of each element so Council can consider the elements individually and determine the value of each, if necessary. A significant portion of the essential elements cost is radio and television airtime. The monthly spend for airtime can be amended or stopped at anytime if required.

The elements of the plan that are considered essential total \$105,213.25 for the next six months and are as follows:

Radio	Notes	Expenditure
Radio Ad Creation	x1 30sec & x3 15sec ads	\$1,670.00
Initial Advertising Schedule	x1 month	\$2,010.00
Ongoing Advertising Schedule	x5 months	\$7,500.00
	Total	\$11,180.00
Social Media		
Six Month Social Media Advertising	x6 months	\$4,000.00
	Total	\$4,000.00
Television		
TV Ad Creation	x1 30sec & x3 15sec TVCs	\$14,560.00
Initial Advertising Schedule	x1 month	\$15,000.00
Ongoing Advertising Schedule	x5 months	\$36,000.00
	Total	\$65,560.00
Print		
Fortnightly Newspaper ad	x6 months	\$5,000.00
DL Flyers	x20,000 copies	\$699.55
Home Audit Handouts	x10,000 copies	\$783.70
Water Update	x 18,000 homes	\$18,000.00
	Total	\$24,483.25
	TOTAL	\$105,223.25

The elements above are the methods already employed to deliver water restrictions information and are considered to be very effective. Television advertising is expensive however reaches a large audience regionally. The message used for television advertising

always refers people back to Council’s website to check the restrictions information specific to their location. Viewers can become over exposed to advertising leading to advertising fatigue. For this reason the existing Level 4 ads were not run during July and August 2019. A new look and message will be launched at the announcement of Level 5 restrictions and a strategy called “pulsing” used to avoid advertising fatigue. Pulsing will see the ad frequency increased for short periods of time when trigger points are hit and then the frequency reduced or even stopped until the next trigger point is reached. Advertisement scheduling will be set so that ads are not played between 10:00pm and 6:00am to avoid low viewer time slots and high viewer, prime time, programs will be targeted.

Radio advertising is more localised and by utilising all local stations is able to reach large numbers of listeners across a wide range of demographics within the target region. Radio gives the opportunity to provide a strong call to action and can be broadcast at specific times to hit target audiences, for example work travel times.

Social media is a low cost, high impact method of communication which has the ability to be targeted at specific locations and demographics through paid sponsorship of content. By utilising Council’s own social media, Facebook, Instagram, and YouTube, there is the additional benefit of being able to monitor comments and respond in a public forum to provide accurate information direct to the public.

The current levels of consumption through Calala Water Treatment Plant would indicate that the methods of communication currently employed are working, with daily consumption regularly sitting well below the daily target under Level 4 of 18.5 Megalitres per day. Ongoing monitoring of consumption will guide marketing spend and scheduling; where consumption targets are being achieved communication will be scaled back or paused to ensure the best value is achieved in all paid activities.

Further to these essential elements, a number of additional elements have been identified and costed for Councils consideration. Staff believe that including these additional elements is required to help residents meet the 150L target and understand why it is important that everyone does their part to help conserve water. The additional elements identified are as follows:

<i>Out of Home</i>	<i>Notes</i>	<i>Expenditure</i>
Coffee Cups	x10,000 cups	\$2,660.00
VMS Hire	x6 signs, x3 months	\$28,080.00
Bus Shelters	x6 months	\$4,290.00
Bus Backs	x6 months	\$13,520.00
Cinema Advertising Schedule	x6 months	\$10,620.00
	<i>Total</i>	\$59,170.00
	TOTAL	\$59,170.00

<i>Out of Home</i>	<i>Notes</i>	<i>Expenditure</i>
Road Sign Replacement	x16 panels	\$5,320.00 – from existing budget

Coffee cups printed with water conservation messaging have been included as they can act as a miniature billboard and are an everyday item that are seen by a large number of people. Within the Tamworth region takeaway coffee cups are able to be recycled through the kerbside recycling collection and this information would be printed on the cups. The cups would be provided to cafes for free at the introduction of Level 5 restrictions with more cups being purchased and distributed during Tamworth Country Music Festival to reach festival visitors.

VMS boards, bus shelters, bus backs road signs and cinema advertising would ensure that restrictions and conservation messages are prominent during the average resident's day to day movements and activities. VMS boards and cinema advertising are relatively expensive but have additional benefits, such as the information can be regularly updated and they can be removed at any time should restrictions ease or consumption targets are at a level that the additional messaging is considered to not be required.

Council currently have permanent sign boards at the entrances to towns and villages utilising the "Let's Thrive" branding and promoting waterwise gardening to reduce outdoor water use. For an approximate cost of \$5,320.00 these signs can have new panels produced informing residents and visitors that water restrictions are in force and to refer to Councils website for information specific to that area. The panels can be funded from the existing community education budget. The locations of the existing signs have been approved through the traffic committee where approval was needed and are in high traffic locations. The existing panels would be retained and can be put back in place at any time.

(a) Policy Implications

This marketing plan has been developed to support the implementation of water restrictions as identified in Council's Drought Management Plan 2015.

(b) Financial Implications

The marketing activities identified have been presented in two groups, those considered essential to deliver the CEP and optional additional activities that would ensure the best result in delivering the CEP.

There is no existing budget for this work so Council would need to provide funds from the Water Reserve.

Total funds requested:

Essential marketing elements (for six months)	\$105,213.25
Additional recommended marketing elements (for six months)	\$59,170.00
TOTAL	\$164,393.25

The additional recommendation of replacing the sign panels at the entrances to towns and villages can be funded from existing community education budget for an approximate total cost of \$5,320.00.

(c) Legal Implications

Nil

(d) Community Consultation

Community consultation is undertaken at the development of each new rendition of the Drought Management Plan. Further consultation will be undertaken when the drought breaks and the Drought Management Plan is reviewed and updated and will include measuring the effectiveness of marketing and communications activities.

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS JULY 2019 – FILE NO SF9655

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Michael Gould, Acting Manager Financial Services

1 ANNEXURES ATTACHED

RECOMMENDATION

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

SUMMARY

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

COMMENTARY

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

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

Institution	On Call	Term Deposit	Floating Rate	Total	% of Total
NAB	5,945,673	50,000,000	0	55,945,673	37.61%
ANZ	0	14,000,000	0	14,000,000	9.41%
BOQ	0	5,000,000	0	5,000,000	3.36%
CBA	0	12,000,000	3,000,000	15,000,000	10.09%
St George	0	18,000,000	0	18,000,000	12.10%
TCorp	11,792,155	0	0	11,792,155	7.93%

Westpac	0	17,000,000	12,000,000	29,000,000	19.50%
TOTAL	17,737,828	116,000,000	15,000,000	148,737,828	

The amount invested at 31 July 2019, has decreased by \$7,584,127.36 since the previous month, with no significant cash receipts due in the month of July.

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

Fund	Restriction	Amount	%
General	Unrestricted	6,260,281	4.21%
General	Internally Restricted	35,872,913	24.12%
General	Externally Restricted	488,678	0.33%
General Fund Total		42,621,872	28.66%
Water	Unrestricted	4,278,278	2.87%
Water	Internally Restricted	24,254,646	16.31%
Water	Externally Restricted	21,383,810	14.38%
Water Fund Total		49,916,734	33.56%
Sewer	Unrestricted	4,105,061	2.75%
Sewer	Internally Restricted	37,356,921	25.12%
Sewer	Externally Restricted	14,737,240	9.91%
Sewer Fund Total		56,199,222	37.78%

Total Investments

148,737,828

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

Unrestricted:

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

Internally Restricted:

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

Externally Restricted:

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

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

(a) Policy Implications

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

(b) Financial Implications

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

(c) Legal Implications

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

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.2 TAMWORTH REGIONAL COUNCIL 2018/19 DELIVERY PROGRAM AND ANNUAL OPERATIONAL PLAN QUARTERLY PROGRESS REPORT 1 APRIL 2019 TO 30 JUNE 2019 – FILE NO SF7918

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

Reference: Item 9.1 to Ordinary Council 26 June 2018 - Minute No 217/18

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Tamworth Regional Council 2018/19 Delivery Program and Annual Operational Plan Quarterly Progress Report 1 April 2019 to 30 June 2019", Council receive and note the Quarterly Progress Report.

SUMMARY

Council's 2018-2022 Delivery Program was adopted at the Ordinary Council Meeting held 26 June 2018. The purpose of this report is to present the Quarterly Progress Report on the program for the period 1 April to 30 June 2019.

COMMENTARY

Chapter 13, Part 2 of the *Local Government Act 1993*, sets out the Strategic Planning provisions for Council, 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 year has continued its commitment to improving the information available to the Tamworth Regional Community with quarterly reporting for the progress report.

The Quarterly Progress Report 1 April 2019 to 30 June 2019, 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.

9.3 ANNUAL OPERATIONAL PLAN 2019/20 BUDGET VARIATION REPORT - JULY 2019 – FILE NO SF7920

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Michael Gould, Acting Manager Financial Services

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

1 ANNEXURES ATTACHED

RECOMMENDATION

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

SUMMARY

Council adopted the original budget included in the Annual Operational Plan for 2019/2020 at

the Ordinary Council Meeting held 25 June 2019. Any changes to the budget must be approved by Council at a later Ordinary Meeting. This report seeks Council approval for any required budget variations identified during the month of July 2019, for which there has been no previous specific report or approval.

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

COMMENTARY

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

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

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

General variations identified during June

<i>Description</i>	<i>Operating Income</i>	<i>Operating Expenses</i>	<i>Capital Income</i>	<i>Capital Expenses</i>
Cultural Services	0	2,500	(9,091)	9,091
Events	0	0	0	0
Directorate Mgmt - Business and Community	136,918	(111,324)	0	0
Legal	0	0	0	6,000
Regulatory Services	(33,613)	33,613	0	0
Plant, Fleet and Buildings	82,739	0	0	0
Sports and Recreation Services	0	0	0	0
Infrastructure and Projects	0	0	0	0
Project Costing	0	108,500	0	85,000
Waste Management	0	58,500	0	0
Water and Wastewater	0	0	0	0
Grand Total	186,044	91,789	(9,091)	100,091

Material differences between budget and actual income or expenditure

Nil

(a) Policy Implications

Nil

(b) Financial Implications

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

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	186,044	91,789	(9,091)	100,091
Water	0	0	0	0
Sewer	0	0	0	0

(c) Legal Implications

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

211 Authorisation of expenditure; and

202 Responsible Accounting Officer to maintain system for budgetary control.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE – FILE NO SF5614

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

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Audit, Risk and Improvement Committee”, Council receive and note the Minutes of the meeting held 26 July 2019.

SUMMARY

The purpose of this report is to present to Council the Minutes of the Audit, Risk and Improvement Committee meeting held Friday, 26 July 2019.

COMMENTARY

The quarterly meeting of the Audit, Risk and Improvement Committee was held on Friday, 26 July 2019. The Minutes of the meeting are **ENCLOSED**, refer **ENCLOSURE 1**. The Members of the Committee were invited on a tour of the Tamworth Regional Airport after the meeting to review and understand the risks of operating an airport.

(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.

10 COMMUNITY SERVICES

10.1 SUMMARY OF FEES WAIVED FOR THE PERIOD 1 JANUARY 2019 TO 30 JUNE 2019 – FILE NO SF8450

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Mickaela Fairall, Senior Business Support Officer

RECOMMENDATION

That in relation to the report “Summary of Fees Waived for the Period January 2019 to 30 June 2019”, Council receive and note the report. **1**

SUMMARY

This report outlines the Fee Waiver applications approved by the General Manager for the six month period from 1 January 2019 to 30 June 2019. This report also includes the total amount of funds allocated to local community based organisations for the 2018/2019 financial year.

COMMENTARY

The objective of Tamworth Regional Council’s ‘Financial Assistance Program’s Waiving of Fees and Charges Policy’ (the Policy) is to provide a means by which community groups conducting events within the Tamworth local government area may seek Council assistance through the waiving of fees for the use of Council facilities.

Eligibility is limited to non-profit community organisations and sporting bodies operating for the direct benefit of the local community.

The Policy allows the General Manager, under delegated authority, to approve requests of up to \$500 as a donation by waiving of Council fees. Organisations may apply for fees to be waived more than once, however, the maximum amount that can be applied to each group is limited to \$500 each financial year.

A budget of \$15,000 was provided in the 2018/2019 Contributions and Donations - Waiving of Council Fees for this purpose. An unexpended amount from the previous financial year (2017/2018) budget of \$2,289 was also made available.

The following table provides a summary of the applications approved for the six month period from 1 January 2019 to 30 June 2019:

SUCCESSFUL FEE WAIVER APPLICATIONS			
1 January 2019 – 30 June 2019			
Date approved	Organisation	Facility	Amount Approved
06.03.2019	Manilla Ministers Fraternal	Manilla Town Hall	\$266.00
08.03.2019	Tamworth Regional U3A	Tamworth Community Centre	\$80.00
08.03.2019	Tamworth Business Chamber	Tamworth Town Hall	\$500.00
18.03.2019	Tamworth Astronomy Club	Tamworth Sports Dome	\$400.00
22.03.2019	Arts North West	Tamworth Town Hall	\$500.00
02.04.2019	Country Women's Association of NSW (Namoi)	Manilla Town Hall	\$266.00
06.05.2019	Nundle Public School P&C	Nundle Recreation Ground	\$164.00
Total fees waived for the six month period 1 January 2019 to 30 June 2019			\$2,176.00

The fees approved for the six month period from 1 July 2018 to December 2018, totalled \$15,571.78. The total fees approved by the General Manager for the 2018/2019 financial year totalled \$17,747.78. Due to organisations not fully utilising their approved amount, an unexpended budget amount of \$719.71 will be carried over into the 2019/2020 budget.

(a) Policy Implications

Nil

(b) Financial Implications

Unexpended funds totalling \$719.71 will be carried over into the Contributions and Donations - Waiving of Council Fees budget for the 2019/2020 financial year.

(c) Legal Implications

The General Manager has Delegated Authority from Council to approve individual waivers up to \$500.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Spirit of Community – C2.1 Preserve and celebrate the character, heritage and culture of our city, towns and villages.

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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

11.1 PROPOSAL FOR USE OF COUNCIL LAND – FILE No SF9640

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: John Sommerlad, Director Business and Community
Reference: Item 7.2 to Ordinary Council 11 January 2018 - Minute No 5/18
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to advise Council of the outcome of negotiations between Council and the proposed Lessee in regard to the proposed Lease, and seek Council's authorisation for the progression of the matter.

11.2 COMPULSORY ACQUISITION OF A PORTION OF PROPERTY FOR ROAD WIDENING - BYLONG ROAD – FILE No LF1156

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18
Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18
Item 15.8 to Ordinary Council 12 February 2019 - Minute No 26/19

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council direction in relation to the purchase of a portion of a parcel of land in Bylong Road, to allow for future road widening and the installation of other services to allow the development of the adjacent Arcadia area and Warwick Road area to proceed.

11.3 COMPULSORY ACQUISITION OF A PORTION OF PROPERTY FOR ROAD WIDENING - BYLONG ROAD – FILE NO LF3

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18
Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18
Item 15.8 to Ordinary Council 12 February 2019 - Minute No 26/19

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council direction in relation to the purchase of a portion of a parcel of land in Bylong Road, to allow for future road widening and the installation of other services to allow the development of the adjacent Arcadia area and Warwick Road area to proceed.

11.4 PROPOSED PROPERTY ACQUISITION FOR MANILLA LOW LEVEL CROSSING PROJECT – FILE NO PROJ2019-0152

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Manager Design and Construction
Reference: Item 13.1 to Ordinary Council 25 June 2019 – Minute No 213/19

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council's authorisation for the proposed acquisition of land for the purpose of a new road as part of the Manilla Low Level Crossing project and to authorise Council's acceptance of the land to be dedicated as operational land.

11.5 RETAIL ELECTRICITY SUPPLY WITH POWER PURCHASE AGREEMENT OPTIONS – FILE NO T140/2019

DIRECTORATE: WATER AND WASTE
AUTHOR: Tim Hurcum, Sustainability Officer

Reference: **Item 5.1 to Extraordinary Council 20 June 2019 - Minute No 200/19**
 Item 8.6 to Ordinary Council 26 February 2019 - Minute No 39/19

The 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

Council's electricity contract for large market energy sites is due to expire on 30 December 2019. A separate electricity agreement for retail supply of electricity for street lighting also expires on 30 December 2019.

The purpose of this report is to present options for renewal of the Retail Electricity supply contracts to Council and seek Council's direction on the Contract renewal process.

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.