

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

28 APRIL 2020

**PAUL BENNETT
GENERAL MANAGER**

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 24 March 2020 and Extraordinary Meeting held on Monday, 6 April 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 **DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 **MAYORAL MINUTE**

5.1 NAMOI UNLIMITED POSITIONS OF ADVOCACY AND LEADERSHIP – FILE NO SF8797

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Col Murray, Mayor

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Namoi Unlimited Positions of Advocacy and Leadership”, Council:

- (i) review the positions of advocacy and leadership of Namoi Unlimited and provide any feedback on the document; and*
- (ii) endorse the document.*

SUMMARY

The Namoi Joint Organisation of Councils (trading as Namoi Unlimited) has developed a position of advocacy and leadership and is seeking member councils’ review, feedback and endorsement.

COMMENTARY

The proposed positions of advocacy and leadership for the Namoi Joint Organisation of Councils (trading as Namoi Unlimited) was presented to their Board Meeting held on Tuesday, 3 December 2019.

The Board endorsed the proposed positions and is now seeking member councils' review, feedback and endorsement. A copy of the proposed positions of advocacy and leadership of Namoi Unlimited is **ATTACHED**, refer **ANNEXURE 1**.

The endorsed positions of advocacy will be used for active approach for change to stakeholders.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 DEVELOPMENT APPLICATION No. DA2020-0286 FOR THE RELOCATION OF THE GOLF COURSE MAINTENANCE AND STORAGE BUILDINGS AT LOT 2 DP864981 AND LOT 120 DP1105753, BEING THE LONGYARD GOLF COURSE, HILLVUE – FILE NO SF5761

DIRECTORATE:

PLANNING AND COMPLIANCE

AUTHOR:

Emma Briggs, Senior Development Assessment Planner

6 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

Two submissions against (one including a petition with eighteen signatures)

RECOMMENDATION

That in relation to “Development Application No. DA2020-0286 for the Relocation of the Golf Course Maintenance and Storage Buildings at Lot 2 DP 864981 and Lot 120 DP 1105753, being the Longyard Golf Course, Hillvue”, be granted conditional approval subject to the following conditions:

Prior to Work Commencing

- 1) *The approved development which is the subject of this development consent must not be commenced until:*
 - a) *A construction certificate for the building work has been issued by the consent authority, Council (if Council is not the consent authority) or an accredited Certifier;*
 - b) *The person having the benefit of the development consent has:*
 - i) *appointed a Principal Certifying Authority for the building work;*

pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the “Blue Book” Managing Urban Stormwater –Soils and Construction (Landcom 2004). THE ESCP is to be implemented prior to the commencement of any construction works.

- 5) *Any required water, sewer or stormwater works must obtain a Section 68 approval from Council pursuant of the Local Government Act 1993.*

Advisory Note: Detailed stormwater plans and calculations shall be provided to Council for approval.

- 6) *Section 138 approval from Council under the Roads Act 1998 is required to construct vehicle crossings for this development. Detailed construction plans shall be provided to Council for approval.*
- 7) *The contractors engaged on the development must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.*

Prior to the release of a Construction Certificate

- 8) *Written confirmation from Safework NSW that satisfactory measures are proposed to satisfy Work Health and Safety legislation shall be submitted to Council prior to issue of any Construction Certificate.*

General

- 9) *Development shall take place in accordance with the attached endorsed plans:*
- a) *proposed site plan, prepared by D&C Projects, Project No. 19041, Revision 5, dated 04/12/2019;*
 - b) *maintenance shed location detail plan, prepared by D&C Projects, Project No. 19041, Revision 09, dated 04/03/2020;*
 - c) *proposed maintenance shed floor plan, prepared by D&C Projects, Project No. 19041, Revision 05, dated 04/12/2019; and*
 - d) *proposed maintenance shed elevations, prepared by D&C Projects, Project No. 19041, Revision 05, dated 04/12/2019.*
- 10) *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.*
- 11) *All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).*
- 12) *To ensure the safety, all demolition work shall be carried out in accordance with*

Workcover Authority requirements and Australian Standard 2601 - The Demolition of Structures.

- 13) *Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.*

Earth/dirt mound

- 14) *To the extent that this consent permits filling of the site for the construction of the earth/dirt mound, such fill must be virgin excavated natural material ("VENM").*

VENM includes clay, gravel, sand, soil and rock that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.

- 15) *Irrigation shall be installed to the landscaping on the earth mound to ensure the ongoing maintenance of such landscaping to provide a visual screen of the shed.*

Lighting

- 16) *No outdoor lighting shall be located at the rear of the shed.*
- 17) *Any outdoor lighting provided for the safety and security of employees and users of the facility, shall be in accordance with AS1158.3.1 Pedestrian Area (Category PC) Lighting shall be provided to all off-street parking areas. Any lighting installed must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting specifically addressing the properties at Eureka Place.*

Stormwater

- 18) *All roof water stormwater discharging from the proposed development site, buildings and works must be conveyed to the approved point of discharge by underground pipe drains complying with AS3500.3 to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.*
- 19) *Runoff from all hardstand areas shall be captured on site and piped to the approved point of discharge in accordance with the current version of the Engineering Design Minimum Standards for Subdivisions and Developments.*
- 20) *Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:*
- i) all plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage - Stormwater Drainage;*
 - ii) temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;*
 - iii) all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows*

discharging onto adjoining properties shall be implemented;

- iv) any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted;*
 - v) all stormwater leaving the bunded area shall be free of pollutants including petrochemicals, fertilisers and other materials stored within the site;*
 - vi) all overflow from rainwater tanks shall be collected and piped to the approved point of discharge; and*
 - vii) only a single point of discharge is permitted to the approved point of discharge.*
- 21) The approved point of discharge for the development site is defined as the existing overland drainage system located within the Longyard Golf Course, adjacent to the development site.*
- 22) All major flows shall be directed to the existing overland drainage system so as not to impact any adjoining properties.*

Internal driveway

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

Parking

- 24) Parking of vehicles associated with the golf course (including any staff or maintenance vehicles) shall be located within the dedicated parking areas associated with the golf course and shall not be parked within the Longyard Drive road reserve.*

Vehicular access and egress

- 25) The new vehicle layback for access/egress on Longyard Drive shall have a width suitable for the design vehicles but include a pavement of not less than 3.5 metres and be constructed in accordance with Council Standard Drawing RD010 Driveways – Rural Access Across Table Drains. Any construction shall consider and not impede the flow of the existing table drain servicing Longyard Drive.*
- 26) The new crossover on Longyard Drive shall be constructed in accordance with Council's Engineering Minimum Standards for Subdivisions and Developments, at the location shown on the drawings provided with the Development Application and shall comply with the following:*
- i) the alignment of the vehicle crossover across the verge shall be at right angles to Longyard Drive;*
 - ii) the vehicle crossover shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be*

at the Developer's expense;

- iii) the vehicle crossover pavement shall be of adequate thickness to accommodate the design vehicle loading;*
- iv) the vehicle crossover shall be provided with a non-slip finish; and*
- v) the verge adjacent to either side of the vehicle crossover shall be established with turf and finished flush with the new vehicle crossover.*

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

During Construction or Works

- 27) A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal.*
- 28) All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code (NCC).*
- 29) The applicant must maintain the installed water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").*
- 30) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.*
- 31) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, a hoarding or fence must be erected between the work site and the public place. If the hoarding or fencing is to be placed on or over Council land, the written approval of Council is to be obtained.*
- 32) Any damage caused to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.*
- 33) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.*
- 34) Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The applicant is to ensure controls are maintained for the duration of the works and is to inspect the control for this purpose at frequent*

intervals. Any deficiencies are to be immediately made good.

- 35) *If ground water is evident during the excavation of piers or footings, then the certifying engineer shall be contacted by the concreter/builder to seek advice. A letter from the certifying engineer shall then be submitted to Council and the Principal Certifying Authority stating what amendments are required to the piers or footings if any.*
- 36) *Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:*
- Monday to Friday - 7.00am to 5.00pm;*
- Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;*
- No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.*
- The applicant shall be responsible to instruct and control any sub-contractors regarding the hours of work.*
- 37) *The following hoarding requirements shall be complied with:*
- a) *no third party advertising is permitted to be displayed on any hoarding/fencing proposed to be erected around the subject site; and*
 - b) *the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its operation.*
- 38) *The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.*
- 39) *The applicant must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:*
- a) *an approval has been issued by Council to place the waste storage container in a public place; and*
 - b) *where located on the road, it is located only in a position where a vehicle may lawfully park in accordance with the Australian Road Rules to the extent they are adopted under the Road Transport (Safety and Traffic Management)(Road Rules) Regulation 1999.*

Allotment filling

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

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

Inspections

- 41) *It is required that a Principal Certifying Authority (PCA be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either Council or an accredited certifier to be the PCA.*
- 42) *Inspections are required to be carried out by Council for works as specified below:*
- a) *placement of formwork and reinforcement prior to the pouring of concrete for the vehicle layback and crossover on Longyard Drive. Please note that Council requires a minimum of 48 hours notice for inspections.*

Prior to Occupation

- 43) *The occupation or use of the whole or any part of a new building must not commence unless an Occupation Certificate has been issued in relation to the building or part.*

Prior to the release of an Occupation Certificate

- 44) *All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to the issue of any Occupation Certificate for the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.*
- 45) *Details shall be provided confirming that the site of the existing maintenance shed has been cleaned up of debris, machinery and equipment.*
- 46) *Remediation works within the vicinity of the existing maintenance shed location must be carried out and a Validation Report prepared by a suitably qualified person submitted, prior to the issue of a Occupation Certificate to address existing known ground contamination issues.*
- 47) *To ensure that the required fire safety measures are provided in accordance with the building's use and operate in accordance with the appropriate standards, the owner must submit a copy of a Fire Safety Certificate to Council and the Commissioner of the NSW Fire Brigades prior to occupation in relation to the fire safety measures required by the National Construction Code (NCC).*
- 48) *In lieu of completing the landscaping nominated on the approved plan, a cash bond or bank guarantee to the value of the landscaping works must be paid to Tamworth Regional Council prior to the issue of an Occupation Certificate. The cash bond or bank guarantee will be returned when the water conservation measures allow the landscaping to be completed.*

Ongoing Requirements

- 49) *Delivery vehicles associated with the operation of the golf course and use of the maintenance shed shall be restricted to accessing the site between 8.00am and 5.00pm Monday to Friday.*
-

- 50) *Offensive noise should be minimised with activities/works to undertaken within the maintenance shed. Offensive noise is defined in the Protection of the Environment Operations Act 1997, as noise that by reason of its level, nature, character or quality, or the time at which the noise is made can be considered offensive or unreasonably interferes with the comfort or repose of a person who is outside of the premises from which the noise is emitted.*
- 51) *Delivery 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. Under no circumstances are vehicles to be loaded or unloaded at the kerb side, or across the public footpath.*
- 52) *To ensure that the internal driveways and associated manoeuvring areas are able to function efficiently for their intended purpose, proposed driveways and turning areas shall be maintained clear of obstruction and be used exclusively for purposes of loading and unloading, and vehicle access respectively and under no circumstances are such areas to be used for the storage of goods or waste materials.*
- 53) *No machinery, plant or equipment owned or operated in connection with the conduct of the golf course shall be stored outside of the storage shed.*
- 54) *No stockpiling of any product or material shall occur outside of the storage shed. This excludes sand which can be stored within the designated stockpile as shown on the approved plan.*
- 55) *The washing down of any machinery or equipment on the site is prohibited.*
- 56) *Burning of any green waste on the site is prohibited.*
- 57) *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.*
- 58) *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.*
- 59) *The bund is to comply with AS1940-2004: The Storage and Handling of Flammable and Combustible Liquids.*
- 60) *A spill kit designed to handle all types of products handled/stored on the site must be kept adjacent to where the products are being handled and/or stored.*
- 61) *The landscaped area of the development is to be maintained at all times.*
- 62) *The sealing to all vehicular crossovers, parking, manoeuvring and loading areas is to be maintained at all times.*
- 63) *The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.*

Advice

64) The proponent is reminded of their obligations to comply with the relevant Work Health and Safety legislation.

APPLICATION DETAILS:

Application No.	DA2020-0286
Application For:	Golfcourse Maintenance and Storage Buildings
Date Received:	09 December 2019
Applicant:	John O'Rourke
Owner:	Dromahair Pty Ltd
Land/Address:	Lot 120 in DP 1105753 & Lot 2 DP 864981 Longyard Golf Course Greg Norman Drive, Longyard Drive, Jack Smyth Drive, HILLVUE
Zoning:	Part RE2 Private Recreation and Part SP3 Tourist - <i>Tamworth Regional Local Environmental Plan 2010</i>

DEVELOPMENT ASSESSMENT SUMMARY

The subject development application seeks Council's consent to the relocation of part of the existing Longyard Golf Course Maintenance and Storage Area. The application is being presented to Council for consideration given the community interest generated by the application. The key issues that relate to this application are as follows:

- potential impact of the development, specifically visual and noise impacts, on nearby dwellings in Eureka Place;
- potential impact of the development on the playability of the golf course; and
- potential impact of the development on the natural and built environment having regard to the material stored on the site.

DESCRIPTION OF PROPOSAL:

Background

DA2019/0037 for a manufactured homes estate (MHE) on Lot 2 DP 864981 and Lot 120 DP 1105753, being the Longyard Golf Course (and the same development site the subject of this report), was refused by Tamworth Regional Council on 7 November 2018. In response to Council's decision, a Class 1 Appeal was lodged in the NSW Land and Environmental Court (Andersen v Tamworth Regional Council).

The judgement was handed down on 26 November 2019, citing that the appeal was upheld by granting deferred commencement consent to the development for the purpose of a manufactured homes estate comprising 99 dwellings sites and community facilities with clubhouse, swimming pool and bowling green.

The deferred commencement condition imposed on DA 2019-0037 as a result of the judgement states:

1.1 *Development consent, if required, has been obtained for:*

- a) *removal and/or relocation of the machinery shed located on proposed Lot 100; and*
- b) *changes to the golf course layout modified fairways, rough areas and greens.*

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, a period of 24 months from the date of this notice is allowed for the satisfaction of the deferred commencement requirements.

The Consent in Part B will not operate until the applicant has satisfied Tamworth Regional Council with respect to the above matters

The subject development application being presented to Council has been lodged in response to Condition 1.1 a) as stated above. For the purpose of the assessment, it is noted that the “machinery shed” as referred to in this condition is identified as the “maintenance shed” on the submitted plans and throughout this report.

It is also noted that a separate development application (DA2020-0346) is currently being considered by Council for the second shed (identified as a “storage shed”), as well as the existing pro-shop, putt putt, green keeper’s dwelling to be relocated within the development site. A separate development application is also currently being considered by Council (DA2018-0378) for a subdivision to create two lots and the change of use of the existing manager and staff residences to serviced apartments.

Council is currently processing a Planning Proposal which would prohibit caravan parks in the RE2 Private Recreation zone and also the rezoning of Lot 2 DP 864981, Greg Norman Drive, Hillvue, from SP3 Tourist to RE2 Private Recreation.

This Planning Proposal includes part of the subject development site (ie Lot 2 DP 864981). Lot 2 is currently part zoned RE2 and SP3 Tourist under the Tamworth Regional Local Environmental Plan 2010. As the proposed development will be located wholly within Lot 120 in DP 1105753, and is ancillary to the current use of the land as a golf course, the development is not impacted upon by the Planning Proposal.

The proposed development

The subject application seeks Council’s consent to the relocation of part of the existing Longyard Golf Course Maintenance and Storage Area. This comprises:

- construction of a maintenance shed. It is proposed to re-use the frame of the existing maintenance shed and re-clad in new colourbond materials in “eucalyptus green”. The shed is to have dimensions of 21.85 m x 7.8m;
- demolition of remaining parts of existing maintenance shed not to be re-used;
- installation of 2 shipping containers for fertiliser and chemical;
- bunded above ground fuel tanks (unleaded and diesel);

- sand stockpile area;
- 1.0m high landscaped earthen bund on the northern side of the shed;
- concrete internal driveway and manoeuvring area; and
- 9.0m wide vehicle access via Longyard Drive.

The submitted plans are **ATTACHED**, refer **ANNEXURE 1**.

An aerial image of the existing maintenance and storage shed area showing the buildings to be relocated is **ATTACHED**, refer **ANNEXURE 2**.

SUBJECT SITE AND LOCALITY MAP:

The subject development site comprises Lot 2 DP 864981 and Lot 120 DP 1105753, having an area of 67 hectares, and contains the existing Longyard Golf Course (16 holes) and associated buildings and facilities including:

- club house, Pro-shop, Putt-putt Golf Course and car park;
- driving Range;
- green Keeper's Dwelling;
- Manager and Staff Residences; and
- two Machinery/Storage Sheds.

The majority of these facilities, including the club house, pro-shop, putt putt course and car park are located in a cluster on the eastern portion of Lot 120 with primary vehicular access to these facilities via Longyard Drive. The existing maintenance and storage sheds, as well as green keeper's dwelling, are located to the south of this cluster, separated by the driving range.

The site of the proposed maintenance and storage area occupies a footprint of approximately 1500m² and is located approximately 120m to the east of the existing entry gates to the golf course. The site is level and directly adjoins Longyard Drive. The area to the immediate north of the proposed maintenance and storage area is the first fairway of the golf course.

The entire development site is bound by, and located amongst, established residential areas, as well as the Northern Inland Centre for Sporting Excellence and the Australian Equine and Livestock Events Centre (AELEC) to the south east, and the proposed Arcadia residential development to the south west.

The Longyard Golf Course site is gently undulating with natural drainage from the western corner which adjoins properties located on Rodeo Drive to the north eastern corner of the site towards Barnes Gully. There are various dams used for irrigation purposes and water features throughout the golf course. The site is predominantly cleared of any vegetation with the exception of the trees and landscaping associated with the golf course.

There are a number of easements over the site for services, including a 40m wide easement for transmission line (TransGrid) traversing the southern portion of the site. The proposed development footprint is not located within close proximity to any of these easements.

A Locality Map is **ATTACHED**, refer **ANNEXURE 3**, of this report.

ASSESSMENT REPORT:

Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act contains the requirements for biodiversity assessment and approvals under the Environmental Planning & Assessment Act 1979 (EP&A Act). In accordance with Sections 7.2 and 7.3 of the BC Act, the consent authority is required to consider whether a development or activity is “likely to significantly affect threatened species”.

It is acknowledged that a flora and fauna assessment has not been undertaken for the site. However, it is noted that:

- the proposed development does not involve any clearing other than removal and relocation of olive trees which were planted as part of the golf course development;
- the footprint of the development occupies approximately 1500m² which is currently land adjoining the first fairway of the golf course adjacent to Longyard Drive;
- the proposal does not result in any changes to the primary use of the land as a golf course; and
- the site is not identified as having any value on the Biodiversity Values Map.

Consequently, when considering Section 7.3 and the test of significance, Council can be satisfied that the proposed development is unlikely to significantly affect threatened species or ecological communities or their habitats.

Environmental Planning and Assessment Act 1979

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

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

State Environmental Planning Policies

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

Clause 7 of the *State Environmental Planning Policy No. 55 – Remediation of Land* states that the issue of contamination and remediation is to be assessed as part of the determination of a Development Application. The subject site is used for recreational purposes associated with the golf course. This area is immediately adjacent to a golf course fairway with no evidence of any land contamination or potentially contaminating activities identified during the on site visit.

However, it is acknowledged that the existing maintenance and storage area is the subject of contamination investigations associated with a separately approved development application (DA2017/0267) for the subdivision of land to create allotments proposed to be used for the manufactured homes estate. A condition is imposed on this consent stating that:

The remediation works outlined in the Preliminary Site Contamination Investigation Report prepared by Envirowest Consulting Pty Ltd, dated 31 July 2017 shall be carried out, as well as the submission of a Validation Report, prior to the issue of the Subdivision Certificate.

On the basis that the Subdivision Certificate for DA2017/0267 has not been released, and given that the subject proposal includes the removal of the shed located within the area the subject of the remediation works, the following conditions are to be included in the consent, to address site clean up requirements prior to issue of any Occupation Certificate:

- *Details shall be provided confirming that the original site of the existing maintenance shed has been cleaned up of debris, machinery and equipment.*
- *Remediation works within the vicinity of the existing maintenance shed location must be carried out and a Validation Report prepared by a suitably qualified person submitted, prior to the issue of a Occupation Certificate to address existing known ground contamination issues.*

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development:

The purpose of this policy is to provide definitions for potentially hazardous industry and potentially offensive industry and to apply suitable planning provisions for such land uses. The SEPP lists the maximum permissible quantity of dangerous goods that may be stored before the SEPP is triggered and a Preliminary Hazard Analysis (PHA) is required to demonstrate the proposed storage is not hazardous. The following chemical storage volumes have been provided by the Applicant:

- Fungicides- 2 x 20L
- Insecticides- 2 x 20L
- Herbicides- 4 x 20L
- Growth regulator - 1 x 5L

Given the low volumes provided a Preliminary Hazard Analysis is not required in this instance.

Local Environmental Plan

Tamworth Regional Local Environmental Plan 2010:

Zoning

The subject site is zoned part RE2 Private Recreation and part SP3 Tourist under the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010). A plan showing the zone boundaries is **ATTACHED**, refer **ANNEXURE 4**, of this report. The objectives of the RE2 zone are as follows:

- to enable land to be used for private open space or recreational purposes.
- to provide a range of recreational settings and activities and compatible land uses.
- to protect and enhance the natural environment for recreational purposes.

The objectives of the SP3 Tourist zone are as follows:

- to provide for a variety of tourist-oriented development and related uses.
- to facilitate development that recognises the unique characteristics of the nationally and regionally significant tourist precincts that are the Australian Equine Livestock and Events Centre (AELEC) and the Tamworth Regional Racing Precincts.

In response to the zone objectives of the RE2 zone:

- the proposed development involves the relocation of existing buildings used for the storage of equipment associated with the operation of the existing golf course being a recreation facility; and

- the development footprint is located in between an existing fairway and the property boundary (bound by Longyard Drive) which is currently managed land associated with the golf course.

As previously discussed, the proposed development footprint is located within the RE2 zone. However, when having regard to the whole golf course site (ie the subject site), the zone objectives of the SP3 Tourist zone should also be acknowledged, and consequently the following comments are offered:

- The proposed development involves the relocation of existing facilities associated with the operation of a golf course which could be considered a tourist-oriented development; and
- Given the footprint of the development being approximately 1500m², combined with the existing and proposed landscaping, the development is unlikely to compromise the unique characteristics of the nationally and regionally significant tourist precincts that are the Australian Equine Livestock and Events Centre (AELEC) and the Tamworth Regional Racing Precincts.

Definitions and Permissibility

The proposed development is permissible in the RE2 zone subject to consent being development ancillary to the use of the subject land as a recreation facility (outdoor) as defined in the TRLEP 2010 as follows:

“recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)”.

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

There are no draft environmental planning instruments that relate to the subject site or type of development.

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

Tamworth Regional Development Control Plan 2010:

There are no specific development controls that relate to the subject development type however the following general development specifications have been considered:

Water and sewer connections

The maintenance shed is not required to be connected to water or sewer services.

Stormwater

It is proposed that all shed roof water will be captured in a 5,000L rainwater tank to be located on the northern side of the shed with overflow directed away from the building to the exiting overland drainage system located within the golf course.

Additionally, runoff from all hardstand areas shall be captured on site and piped to the approved point of discharge in accordance with the Council’s standards. Conditions are imposed in this regard.

Utilities

Existing electrical supply servicing the lot can be readily connected to the service the shed.

Landscaping

It is proposed to establish a photinia hedge on a 1.0m high earthen bund to the north of the proposed maintenance shed. This is to provide a visual screen of the maintenance and storage area from the rear yards of residences in Eureka Place, as well as golf course patrons. Given the mature height of photinias combined with the suitability of this species for the Tamworth climate, it is considered that the proposed landscaping will assist in minimising the visual impact of the shed from the north.

A condition is imposed in the conditions of consent requiring that irrigation be provided to ensure ongoing maintenance. It is also noted that given the water restrictions in place at the moment, it is not the most opportune time for the establishment of landscaping. Consequently, a condition is also imposed requesting that a cash bond be paid to Council until such time as the landscaping can be established. Furthermore, the existing olive trees that are to be relocated to make space for the proposed shed will be replanted around the development site area and golf course where appropriate without impacting on the golf course.

Outdoor Lighting

Concerns were raised in the submission received regarding the potential impact from outdoor lighting on nearby dwellings. The Applicant states that no external lighting is proposed as part of this application. However, in the event that outdoor lighting is installed at a later date, a condition is imposed requiring compliance with the relevant standards to assist in minimising potential glare nuisance. Further, that no outdoor lighting be located at the rear of the shed to assist in ensuring that any future lighting installed is not directed towards dwellings located in Eureka Place.

Parking

As previously discussed, Council is also currently considering a development application which involves the relocation of a greenkeeper's residence to be amongst the existing cluster of golf course buildings. Given that the maintenance and storage buildings will be used primarily by the green keeper, it is proposed that vehicle parking will be provided with this dwelling; however the facility provides adequate space for the parking of vehicles intermittently.

Furthermore, the existing car park, located approximately 120m from the proposed maintenance and storage buildings, provides adequate car parking facilities. A condition is imposed requiring that parking of vehicles associated with the golf course (including any staff or maintenance vehicles) be located within the dedicated parking areas associated with the golf course and shall not be parked within the Longyard Drive road reserve.

Site Access

The new machinery shed location will require a new driveway to be constructed on the northern side of Longyard Drive. A Section 138 Permit will be required from Council to ensure the driveway access from Longyard Drive to adequately designed and constructed.

Developer Contributions

Given the estimated cost of works is \$75,000.00, the Tamworth Regional Council S.7.12 (formerly S.94A (Indirect)) Contributions Plan 2013 is not applicable as the cost of works is less than \$100,000.00.

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

There are no planning agreements which apply to this type of development or to the subject site.

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

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

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

Natural Environment

The natural environment has been modified to accommodate the existing golf course facility. Vegetation primarily consists of scattered mature trees, shrubs and extensive grassed areas associated with the golf course. A number of olive trees have been planted throughout the golf course including along the property boundary immediately adjacent to, and within, the development footprint will be relocated throughout the golf course where appropriate without impacting on the golf course.

The subject site is also located within an area recognised as being potentially affected by the presence of groundwater vulnerability and potential soil salinity which can result in the corrosion of concrete, as well as the deterioration of metal, masonry and bituminous structures/products.

Consequently, the following condition of consent is recommended:

- If groundwater is evident during the excavation of piers or footings, then the certifying engineer shall be contacted by the concreter/builder to seek advice. A letter from the certifying engineer shall then be submitted to Council and the Principal Certifying Authority stating what amendments are required to the piers or footings if any.

The potential for groundwater contamination, including downstream from the development site towards residential areas, from chemical/fuel wash down bays was a further concern raised in a submission received. It is noted that the proposed development includes the following measures to prevent contamination:

- Fuel (diesel and unleaded petrol) is to be contained within 3 x 1200L self bunded above ground fuel storage tanks. These tanks are to be stored outside adjacent to the maintenance shed. The fuel tanks were originally intended to be stored in a third shipping container, however the fuel will now be stored in above ground tanks (bunded) outside;
- Chemicals including fertiliser (1 tonne) and various chemicals (fungicides (40L), insecticides (40L) growth regulator (5L) and herbicides (100L)) are to be contained within the two shipping containers.

It is noted that there is reference to a “bund” surrounding one side of the concrete apron. However, it is confirmed by the Applicant that this is not a bund intended for the purpose of containment to prevent potential pollution, but rather to define the work/driveway area. The “bunded” areas for the storage of the products (fertilisers, fungicides, herbicides, fuels) will be required to comply with the relevant standards.

It is acknowledged that there may be potential for the spill of fuel, fertiliser or fungicides/herbicides within the concrete apron, however the operator is required to implement a Standard Operating Procedure for the handling of these materials, as well as

the keeping of a spill kit designed to handle all type of products stored on site. Therefore, it is considered satisfactory measures are in place to prevent impact on the natural environment. Consequently, the following conditions are imposed as requested by Council's Environmental Health Unit:

- *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 bund is to comply with AS1940-2004: The Storage and Handling of Flammable and Combustible Liquids.*
- *Storage and handling of all liquids on the site shall comply with AS1940 The Storage and Handling of Flammable and Combustible Liquids.*
- *A spill kit designed to handle all types of products handled/stored on the site must be kept adjacent to where the products are being handled and/or stored.*

It is also recommended that the following condition be imposed:

- *No washing down of any machinery or equipment shall occur on the subject site.*

As part of the assessment process, comments were also sought from Safework NSW with regard to the storage/handling of the products as described by the Applicant. Advice received from Safework NSW Acting Manager – Northern NSW, included the need for the Applicant to ensure compliance with the Work Health and Safety (WHS) legislation and the Safework NSW Code of Practice Managing Risks of Hazardous Chemicals in the Workplace. While Council can impose conditions requiring compliance with the relevant Work Health and Safety legislation, it is emphasised that the enforcement of such legislation is the responsibility of Safework NSW and not Council. Therefore, an advisory note is recommended to be included reminding the Applicant of their obligations to comply with such legislation.

It is noted that no emergency shower or hand wash facilities have been provided at the development site. It is further noted that these facilities are not currently provided at the existing maintenance and storage shed site. The need for these facilities is determined in consultation with Safework NSW and the Safety Data Sheets of the chemicals intended to be stored. The carrying out of water or sewer works will require the owner to obtain a Section 68 approval from Council pursuant to Local Government Act 1993. A condition is imposed requiring that written confirmation from Safework that satisfactory measures are proposed to satisfy Work Health and Safety legislation shall be submitted to Council prior to issue of any Construction Certificate.

A further point raised in a submission received was the location of green waste stockpiles scattered throughout the course, and adjacent to the existing storage and maintenance sheds. The concerns relate to the potential relocation of these stockpiles adjacent to the proposed development site and the burning of these stockpiles which has allegedly occurred in the past.

The applicant has provided the following comments in response to these concerns:

Most green waste is recycled or used as mulch. A small tractor mounted mulching machine is used in this process. Larger firewood (i.e. fallen trees throughout the course) is usually donated to people for raffles.

It is acknowledged that some green waste will remain scattered throughout the course as a result of fallen branches/trees. However, the burning of green waste is not an approved disposal method. In addition, the proximity to residential receptors has the potential to exacerbate air pollution air impacts. Consequently, a condition is recommended prohibiting the burning of any green waste on the site.

Built Environment

The proposed maintenance and storage area occupies a footprint of approximately 1500m² and includes the maintenance shed, installation of shipping containers for storage of fertiliser, diesel and chemical storage, sand stockpile area and vehicle manoeuvring area. It is also proposed to establish an earthen mound with landscaping to the north of the shed.

The external cladding of the shed, as well as the exterior of the shipping containers, is proposed to be colourbond “eucalyptus bushland green”. It is considered that these colours have low reflectivity and will blend in with the surrounding environment. It is noted that submissions received request that the external cladding of the shed be in these colours.

One of the key areas of concern identified in the submission (which included the petition) was the potential visual impact of the maintenance and storage shed on the existing views and vista that is enjoyed by the residents of Eureka Place when looking to the south from their dwellings/rear yards. Concerns are largely in response to the amenity of the existing maintenance and storage area which could be described as being unsightly and untidy as a result of the outdoor storage of equipment and surplus material stockpiles. Further, such concerns were also exacerbated by the subject proposal seeking approval for the relocation of one of the existing two sheds used for the storage of equipment.

The Applicant has provided the following information in response to these concerns:

“The following is a list of the machinery that is currently stored and will be stored in the proposed maintenance building:

- *4 x Greens and Tees mowers;*
- *1 x Fairway Mower;*
- *1 x Rough mower;*
- *1 x Boom spray / sand spreader;*
- *1 x bunker rake;*
- *2 x Small John Deere tractors; and*
- *Miscellaneous equipment including chain saws, whipper snippers, blowers and workshop tools will also be stored within the maintenance building”.*

In addition, as previously noted, Council is currently in receipt of a separate application currently under consideration (DA2020-0346) which seeks approval for the relocation of existing golf course buildings, including the second storage shed. While Council can be satisfied that the proposed storage shed, together with the second shed (whether in the existing location or future intended location) are capable of accommodating the items listed above, it is acknowledged that it is ultimately the responsibility of the golf course operator to ensure that items are stored within the nominated storage shed. The Applicant has provided written confirmation that *“all plant, materials and equipment associated with the maintenance of the golf course will be stored in on relocation, the proposed maintenance building”*. A condition of consent is imposed re-enforcing this requirement.

It is also proposed to construct an earthen mound to be planted with a photinia hedge to assist in providing a visual screen of the proposed shed. As this mound and landscaping is proposed to extend beyond the proposed shipping containers to be placed either side of the shed, it is considered that this will provide a visual screen to the majority of the proposed maintenance/storage compound. In addition, the height of the shed to the ridge is 4.140m, with the proposed earth mound being a minimum of 1.0m high combined with the mature height of photinias being up to 4.0m, this results in the majority, if not all of the shed being screened once the landscaping has been fully established. The applicant has provided an artist's impression of the development, including the earthen mound and landscaping once established. These impressions are **ATTACHED**, refer **ANNEXURE 5**.

It is acknowledged that the proposed storage and maintenance facility will be visible from the rear yards of some dwellings located within Eureka Place. However, it is noted that a given the setback of the this facility from these property boundaries is at least 165m, combined with the height of the shed, the proposed landscaping and external cladding colours, it is considered that adequate measures are place to assist in minimising the visual impact of the development.

The question was also raised in a submission as to whether the maintenance and storage facility could be relocated to between the 12th and 13th hole (near the existing manager and staff residences) located at the far western corner of the development site. The area between the 12th and 13th is problematic due to the proximity of the existing Transgrid Easement. The following comments were also provided by the Applicant in response to this request:

"If the maintenance building were to be located between the 12th and 13th hole significant course alterations and redesign would be required to accommodate the structure. The alternative location as suggested in the submission may also result in a substantial number of objections from the residence living within the vicinity.

Furthermore, the proposed site is the most appropriate location for the development. Professional advice has also been provided regarding the suitability of the site (refer report attached in the Statement). Direct access via Longyard Drive is considered the most appropriate for delivery vehicles, as some include large trucks. Access from Longyard Drive also avoids the need for vehicles to manoeuvre throughout The Heights west road network".

The correspondence provided by Golf Course Architect Bernie Hogan as referred to in the above paragraph, is **ATTACHED**, refer **ANNEXURE 6**.

Further concerns have been raised in relation to the potential for noise impacts from the activities associated with the storage and maintenance sheds on residents of dwellings located in Eureka Place. It is acknowledged that the following activities associated with the maintenance and storage shed have the potential to generate noise:

- operation of mowing/maintenance equipment; and
- delivery vehicle movements.

The following information was submitted by the Applicant in response to these concerns:

"The Greens staff commence work at 5.00 am. Any noise associated with the plant and equipment (e.g. mowers etc.) from the maintenance building do not occur until after 7.00 am. The mowers operate throughout the course from this time due to competition starting at 7.00 am. These actions have occurred since the commencement of the golf course. Activities associated with noise within the

maintenance building will not commence until 8.00 am. Deliveries from large trucks etc. do not occur before 8.00 am or after 5.00 pm. These operating timeframes comply with Council's standard business operating hours.

Any potential noise generated within the shed will occur during the hours of 8.00 am - 5.00 pm Monday to Sunday and is expected to have negligible impact. Furthermore, the proposed buildings have been orientated to have minimal impact on the nearest adjoining area”.

It is acknowledged that activities, associated with the maintenance of the golf course, including mowing, are essential to the golf course operations and have occurred on the subject site since its commencement. In this regard, the exiting maintenance procedures are unlikely to change as a result of the subject proposal.

However, there is potential for additional noise generated in the immediate vicinity of the shed due to the increased movements of the equipment in and out of the sheds, as well as activities that may be undertaken within the shed. It is considered that the setback of the shed to the nearest dwellings in Eureka Place (approximately 160m) combined with the proposed earthen mound and landscaping, will assist in minimising potential increase in noise impact in this regard. A standard condition is also imposed requiring that offensive noise shall be not be generated from activities/works undertaken within the maintenance shed.

In relation to delivery vehicle movements, the Applicant states that these vehicles typically access the site on a fortnightly basis. Given this number of movements, combined with deliveries to the site being limited to between 8:00am and 5:00pm, it is considered that potential noise impacts associated with vehicle movements will be minimal. To confirm and clarify the timeframes for vehicle deliveries to occur to the site, the following condition is imposed:

- *Delivery vehicles associated with the operation of the golf course and use of the maintenance shed shall be restricted to accessing the site between 8:00am and 5:00pm Monday to Friday.*

With regard to vehicle access, it is proposed to construct a new 9.0m wide access from Longyard Drive to the maintenance and storage area and internal concrete apron and driveway. This is to accommodate manoeuvring in and out of the shed, as well as fuel, fertiliser, chemical and sand delivery vehicles accessing the site.

An adequate reverse area has been provided to enable a 12.5m truck to enter and leave the site in a forward direction.

A further concern raised in a submission received suggests that the proposed shed will be indirect flight of any ball hit with a slice on the first hole. It is noted that the golf course is privately owned and the playability of the course is not a matter for Council's consideration.

It is also noted that the location of the proposed maintenance and storage facility is located in the rough area adjoining the fairway which is not dissimilar to other golf courses where their maintenance and storage sheds are located in between holes.

Furthermore, a submission from a Golfing Architect has been provided by the Applicant supporting the location of the proposed shed.

Social Impact

The subject site is a privately owned golf course and offers recreational opportunities for the Tamworth community. The proposed maintenance and storage facility is to be located in the

rough area adjoining the 1st hole fairway and is not considered to impact on the playability of the golf course. This is reiterated in the submission from a Golfing Architect.

Economic Impact

As previously discussed, the subject application is lodged in response to a deferred commencement condition imposed on an approval issued (DA2019/0037) as a result of a Class 1A Appeal for a manufactured homes estate on the subject development site. It is noted in the Appeal judgement that the Applicant asserts the future of the golf club is better secured by preserving the asset (ie the golf course) as a result of approving the manufactured homes estate. The Senior Commissioner agreed that the maintenance of the golf course as a recreational facility is said to be in the public interest and is therefore a relevant consideration. On this basis, it could be considered that the relocation of the maintenance and storage facility will assist in securing the economic position of the golf course operation, a recreational facility for the community, by satisfying this condition of DA2019/0037 for the manufactured homes estate.

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

As previously discussed, the Applicant has provided a statement from a Golfing Architect, Bernie Hogan, which states that the proposed location of the maintenance and storage facility is suitable on the basis that:

- it has a direct access to the main road for numerous vehicles including maintenance vehicles;
- it is a non residential road;
- convenient staff entry without disturbing the club house operation;
- enables golf course deliveries independent of the golf operations, i.e. sand, mulch, mowing equipment and the like;
- separate fuel and chemical storage;
- direct access to the golf course at the rear;
- located away from residential dwellings to minimise acoustic impact;
- visually hidden behind a landscaped perimeter with bunding and screened fencing;
- located to allow playability of the golf course not to be affected.

In addition to the above points, the proposed development footprint is located within close proximity to the existing golf course buildings.

While concerns have been raised with regard to the suitability of the site based on potential impacts, specifically noise and visual impacts, arising from the development on the nearby residential dwellings located in Eureka Place, it is considered that measures including an earth mound and landscaping, proximity to nearby dwellings, combined with the height and external materials of the proposed shed, will assist in minimising potential visual impacts. Further, these measures, combined with the nominated timeframes for delivery vehicle movements, will assist in minimising potential noise impacts to nearby sensitive receptors.

An alternative site for the shed to be located adjacent to the existing manager and staff residence was also suggested in the submission received. However, as previously discussed, the Applicant indicated this location is not preferable considering the playability of the golf course, as well as potentially impacting other residences within the vicinity of the Peak.

Additionally, although the site is located within an area identified as being potentially affected by the presence of groundwater vulnerability and potential soil salinity, the structural design and construction is required to take this into consideration as part of the construction certificate process.

When having regard to the points discussed above, the site is considered suitable for the development subject to the imposition of the recommended conditions.

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

The application was not advertised or notified. However, two submissions, one including a petition with eighteen signatures, objecting to the proposal were received. Copies of the submissions are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

A summary of issues raised in the submissions are as follows:

- visual impact - Potential negative visual impact and loss of views from dwellings in Eureka Place, as well as along the 1st and 2nd fairways, largely as a result of the use of the area around the maintenance shed for unsightly/untidy storage of various items of machinery and materials; clarification of the proposed shed colours;
- vehicle access - Clarification of the proposed vehicle access to the golf course for ground keeping staff;
- site design - Clarification as to whether the scale of maintenance facility is adequate to accommodate the required equipment and machinery considering the scale of the current area used; clarification as to whether any additional area within the Longyard Golf Course will be used for the storage of maintenance equipment; consideration of how the potential re-location of other buildings on site will impact on the proposed location of the maintenance shed, the shed will be in direct flight of any ball hit with a slice on the 1st hole;
- waste - Clarification of location of stockpiles for green waste/materials associated with the operation of the golf course; Clarification as to whether the burning of stockpiled materials (for example green waste) is proposed;
- hours of operation - Clarification is requested of proposed operating hours of vehicles associated with the use of the maintenance shed. For example, heavy vehicle deliveries of fuel, sand and loam, and fertilisers;
- noise - Potential for negative noise impacts from vehicles and machinery, including heavy vehicles, associated with the use of the maintenance shed;
- lighting - Potential for negative lighting impacts from vehicles and machinery, including heavy vehicles, associated with the use of the maintenance shed; potential for negative lighting impacts from security lights; potential for glare impact from building materials;
- alternative location for shed - Potential for the shed to be relocated to the behind the 12th and 13th fairway near the Manager's Dwelling;
- potential conditions/requirements - 100% of all external surfaces including shipping containers should be colourbond eucalyptus green; the earth barrier should be increased to two metres; landscaping on the earthen mounds and surrounding the shed should be drought resistant and regularly maintained; external lighting should be directed away/covered to protect neighbours from glare; there should be no overflow of machinery, stores or waste outside of the compound area; and

- contamination - Concern over potential groundwater contamination from chemical/fuel wash down bays which could end up near houses at Cobb and Co Circuit and then onto the 5th hole and water course down the 4th.

Detailed discussion of these concerns is provided in the preceding sections of this report.

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

Given the proposed development relates to land occupied by an existing golf course, and as evidenced by the submissions received, there has been some level of community interest in the proposal. As previously identified and discussed, while the golf course does offer recreational opportunities for the wider Tamworth community, it is a privately owned facility.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The application was not notified to adjoining land holders.

(e) Reason for Consideration by Council

Submissions by way of objection (including one petition) were received in response to the proposal.

(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 (1) of the Environmental Planning and Assessment Act 1979 and the applicable planning instruments and development control plan. The concerns raised in the submissions have also been addressed.

The concerns raised in the submissions specifically relate to the potential impact of the development on nearby dwellings in Eureka Place, the impact on the golf course, and the impact on the natural and built environment, specifically having regard to the type of material stored on the site. As discussed throughout this report, Council can be satisfied that these concerns have been adequately addressed by the Applicant though the proposed design of the shed and material storage areas, the implementation of landscaping, and proposed operational measures. Further, conditions can be imposed requiring the submission of information with regard to Safework NSW procedures.

As a consequence, it is recommended that the application be determined by the granting of consent, subject to the recommended conditions.

7.2 DEVELOPMENT APPLICATION NO. DA2018-0378 - SUBDIVISION TO CREATE TWO LOTS AND CHANGE OF USE OF EXISTING MANAGER AND STAFF RESIDENCES TO SERVICED APARTMENTS AT LOT 120 DP1105753 AND LOT 2 DP864981, BEING THE LONGYARD GOLF COURSE, HILLVUE – FILE NO SF5761

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Emma Briggs, Senior Development Assessment Planner

6 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

A total of 21 submissions were received - 19 objecting to the proposal and 2 supporting the proposal, including one petition (111 signatures) in support of the proposal.

RECOMMENDATION

That in relation to Development Application No. DA2018-0378 - Subdivision to Create Two Lots and Change of Use from Existing Manager and Staff Residences to Serviced Apartments at Lot 120 in DP 1105753 and Lot 2 in DP 864981, being the Longyard Golf

Course, Hillvue, be granted conditional approval subject to the following conditions:

Prior to Work Commencing

1. **Any building works required to bring the existing building (proposed serviced apartments) into compliance with the National Construction Code (NCC) must not be commenced until:**
 - a) **a Construction Certificate for any building works has been issued by the consent authority, Council or an accredited Certifier;**
 - b) **the person having the benefit of the development consent has:**
 - i) **appointed a Principal Certifying Authority for the work, and**
 - ii) **notified the Principal Certifying Authority that the person will carry out the work;**
 - c) **the Principal Certifying Authority has, no later than 2 days before the building work commences:**
 - i) **notified Council of his or her appointment; and**
 - ii) **notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and**
 - d) **the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:**
 - i) **appointed a principal contractor for the building work;**
 - ii) **notified the Principal Certifying Authority of any such appointment;**
 - iii) **unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and**
 - iv) **give at least 2 days notice to Council of the persons intention to commence the erection of the building.**
2. **The approved subdivision development which is the subject of this development consent must not be commenced until a Subdivision Works Certificate has been issued by a certifier (either Council or an accredited certifier) in accordance with the requirements of Division 6.4 of the Environmental Planning and Assessment Act 1979.**
3. **Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:**
 - a) **must be a standard flushing toilet; and**
 - b) **must be connected to a public sewer; or**
 - c) **if connection to a public sewer is not practicable, to an accredited**

sewage management facility approved by Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

4. *The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:*
 - a) *the name, address and telephone number of the principal certifying authority for the work;*
 - b) *the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and*
 - c) *a statement that unauthorised entry to the work site is prohibited.*

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

5. *The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").*
6. *The contractors engaged on the work on the water and sewer construction (associated with the subdivision) works must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.*
7. *Pursuant to Section 68 of the Local Government Act 1993, the following approvals must be obtained for the change of use to "serviced apartments":*
 - a) *carry out water supply work;*
 - b) *carry out sewer work; and*
 - c) *carry out stormwater work.*
8. *Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
9. *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW(www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

Prior to the release of a Construction Certificate (building works)

10. *In accordance with Section 7.12 of The Environmental Planning & Assessment Act 1979 and the Tamworth Regional Council Section 7.12 (Formerly S94(A)) Development Contributions Plan 2013, a Cost Summary Report must be submitted to Council and applicable monetary contribution paid prior to the*

issue of a Construction Certificate.

Advisory Note: It is the professional responsibility of the Principle Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

11. *A Fire and Access Upgrade Report for the proposed serviced apartments is to be prepared by an A1 or A2 Accredited Certifier to ensure compliance with the National Construction Code (NCC) is achieved (in terms of fire separation, protection of openings, installation of essential fire safety measures, and provision for access). This report shall be lodged with the Certifying Authority prior to issue of any Construction Certificate.*

Advisory Note: Council's assessment concludes that the serviced apartments will be classified as a Class 3 building under the NCC-2016 and advises that the building shall be upgraded to protect the occupants consistent with Class 3 building requirements.

Prior to the release of a Subdivision Works Certificate

12. *A Compliance Certificate under the Water Management Act 2000 must be obtained from Council (as the Local Water Supply Authority). The following information shall be provided to Council prior to the issue of a Subdivision Works Certificate:*

Sewer

Engineering design drawings prepared in accordance with Council's Engineering Minimum Standards for Subdivisions and Developments for the extension of the sewer system shall be submitted to and approved by Council prior to issue of a Subdivision Works Certificate, noting that:

- a) *Council's sewerage system shall be extended to provide adequate service to proposed Lot 1;*
- b) *a single sewer service to be provided to proposed Lot 1;*
- c) *works shall be undertaken in accordance with Council's Minimum Standards for Subdivisions and Developments (as amended from time to time);*
- d) *work on live sewer mains is to be undertaken by Council at full cost to the developer; and*
- e) *details to be provided regarding the decommissioning of the existing OSSM system.*

All engineering design drawings and the associated specifications are to be certified by a Chartered Professional Engineer, a person qualified, or a Registered Surveyor

General

13. *To confirm and clarify the terms of this approval, consent is granted for:*
 - a) *a change of use of the existing manager and staff residences to three*

serviced apartments; and

- b) subdivision involving the creation of two lots being:**
- *proposed Lot 1 having an area of 2.9 hectares and contains the existing Longyard Golf Course manager and staff residences converted to serviced apartments; and*
 - *proposed Lot 2 having an area of 63.3 hectares and contains the existing Longyard Golf Course and associated facilities.*

Advisory Note: *as stated in Condition No. 41 of this consent. An Occupation Certificate for the change of use of the existing manager and staff residences to three serviced apartments on proposed Lot 1 must be issued prior to issue of a Subdivision Certificate for the creation of the two new lots.*

The assessment of this application has not considered whether the new Lot 1 created by this consent can be developed for a use which is permissible within the zone (other than for the serviced apartment use forming part of this consent), or one that requires a planning proposal such as “medium density housing” as nominated in the statement of environmental effects. For this reason, it is important that there are no assumptions made as to the suitability of the new Lot 1 for future development on the basis of this consent, other than for the use of serviced apartments.

- 14. Development shall take place in accordance with the attached endorsed plans:**
- a) Subdivision Plans prepared by Anthony Daintith Town Planning, Reference 2017-144SU, Sheets 1 – 2 dated 13.03.2020;**
 - b) Proposed Serviced Apartments Site Plan prepared by Anthony Daintith Town Planning, Reference 2017-144SU, Sheet 3 dated 13.03.2020;**
 - c) Proposed Serviced Apartments Ground Floor Plan prepared by Anthony Daintith Town Planning, Reference 2017-144SU, Sheet 4 dated 13.03.2020; and**
 - d) Proposed Serviced Apartments 1st Floor Plan prepared by Anthony Daintith Town Planning, Reference 2017-144SU, Sheet 5 dated 13.03.2020.**
- 15. 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.**
- 16. The development is to comply with Council’s Engineering Minimum Standards for Subdivisions and Developments**
- 17. All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).**
- 18. All building work must be carried out in accordance with the provisions of the disability (Access to Premises - Buildings) Standards 2010.**
- 19. Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General’s Directions published by the NSW Land and Property Information Service. In this regard,**
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the Principal Contractor is responsible for the protection of the mark.

20. *The internal driveway shall be constructed from the existing concrete entrance on Peak Drive for a distance of 50 metres with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.*
21. *The Applicant shall consult with, as required:*
 - a) *Essential Energy;*
 - b) *Natural Gas Company; and*
 - c) *A Telecommunications carrier;*

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).
22. *Any future fencing is to remain outside of a TransGrid structure's 20m exclusion zone.*
23. *Any future fencing located adjacent to the existing TransGrid easement will be required to be installed to TransGrid's Fencing Guidelines.*

During Construction or Works (associated with either the change of use or subdivision)

24. *A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal.*
 25. *Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:*

Monday to Friday - 7.00am to 5.00pm;

Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

The applicant shall be responsible to instruct and control any sub-contractors regarding the hours of work.
 26. *The applicant must maintain the installed water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").*
 27. *Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The applicant is to ensure controls are maintained for the duration of the works and is to inspect the control for this purpose at frequent intervals. Any deficiencies are to be immediately made*
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good.

28. *If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, a hoarding or fence must be erected between the work site and the public place. If the hoarding or fencing is to be placed on or over Council land, the written approval of Council is to be obtained.*
29. *The following hoarding requirements shall be complied with:*
 - a) *no third party advertising is permitted to be displayed on any hoarding/fencing proposed to be erected around the subject site; and*
 - b) *the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its operation.*
30. *The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.*
31. *The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council.*
32. *Any damage caused to Council infrastructure during construction in, on or under the road reserves or within private property shall be rectified by the owner or developer to the satisfaction of Council so as to ensure the integrity of Council's infrastructure.*
33. *Should any contaminants or potential contaminants be discovered during the construction of the subdivision, all work must cease immediately and Council's Environment and Health Division must be contacted to arrange for an inspection of the site.*
34. *Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*

Inspections

35. *It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.*
 36. *Inspections and testing of water and sewer infrastructure associated with the subdivision are required to be carried out by Council for works as follows:*
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Sewer

- a) *inspections of pipes in trench prior to backfill;*
- b) *air testing on sewerage lines; and*
- c) *hydrostatic testing on manholes.*

Please note: Council requires a minimum of 48 hours notice to undertake inspections. Phone Council's Water and Waste Enterprises Directorate on 6767 5804 and quote the Development Application number and property description to ensure the inspection is confirmed.

Prior to the release of an Occupation Certificate

- 37. *An applicant must not effect a change of building use for the whole or any part of an existing building unless an Occupation Certificate has been issued in relation to the building or part.*
- 38. *All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent relating to the serviced apartments shall be completed prior to the issue of any Occupation Certificate for the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.*
- 39. *The serviced apartments shall be connected to Council's reticulated sewerage system and the existing on-site waste management system shall be decommissioned.*
- 40. *To ensure that the required fire safety measures are provided in accordance with the building's use and operate in accordance with the appropriate standards, the owner must cause a copy of a Fire Safety Certificate to be given to Council and the Commissioner of the NSW Fire Brigades prior to Occupation in relation to the fire safety measures required by the National Construction Code (NCC).*

Prior to the release of a Subdivision Certificate

- 41. *An Occupation Certificate for the change of use of the existing manager and staff residences to three serviced apartments on proposed Lot 1 shall be issued prior to issue of any Subdivision Certificate.*
- 42. *A Compliance Certificate under the Water Management Act 2000 must be obtained from Council (as the Local Water Supply Authority). Council requires the following works to be completed prior to the issue of the Subdivision Certificate.*

Water

- a) *proposed Lot 1 shall be provided with a appropriately sized water service from the existing DN200 main in Peak Drive;*
- b) *works shall be undertaken in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments; and*

- c) *work on live water mains is to be undertaken by Council at full cost to developer.*

Sewer

- a) *Council's sewerage system shall be extended to provide adequate service to proposed Lot 1;*
 - b) *a single sewer service to be provided to proposed Lot 1;*
 - c) *works shall be undertaken in accordance with Council's Minimum Standards for Subdivisions and Developments (as amended from time to time); and*
 - d) *work on live sewer mains is to be undertaken by Council at full cost to the developer.*
43. *Easement/s shall be created for any existing electrical infrastructure. The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.*
44. *Easements for utilities and services, including water, stormwater and sewer, in favour of the lots benefiting and/or Council shall be provided where services are located on adjoining lots and/or overland flows traverse adjoining lots.*
45. *A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) shall be issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.*
46. *A written acknowledgement that all conditions of consent have been complied with and the subdivision plan is in accordance with the approved Development Application is to be submitted.*
47. *A copy of the final inspection sign off form from Council's Water and Waste Directorate or written confirmation that all required conditions of consent imposed by Council's Water and Waste Directorate have been satisfactorily addressed is to be submitted.*
48. *A copy of the final inspection sign off form from Council's Development Engineering Division or written confirmation that all required conditions of consent imposed by Council's Development Engineering Division have been satisfactorily addressed is to be submitted*
49. *One A1 set of approved construction drawings shall be amended to show the "work-as-executed" and submitted to Council for approval. The drawings shall be revision/version "W" and be certified by a Registered Surveyor or a Chartered Professional Civil Engineer.*
- A scanned 'pdf' version of the signed" work-as-executed" plans shall also be submitted to Council to ensure that adequate electronic records are maintained of community infrastructure.*
50. *An 'AutoCAD' file of the "work-as-executed" plans is required to upload into Council's Geographic information System.*
-

Ongoing Requirements for Serviced Apartments

51. *The ongoing operation of the service apartments shall be in accordance with the definition as per the Tamworth Regional Local Environmental Plan 2010, which is:*
- “serviced apartments” means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.*
52. *Potable water to the serviced apartments shall be supplied by Council’s reticulated water supply. Alternatively, the proponent is required to develop and implement a quality assurance program for the private water supply associated with the serviced apartments. Part 5 of the Regulation specifies the details that must be contained within the quality assurance program that is to be submitted to NSW Health.*
53. *Operations associated with the serviced apartments shall be contained wholly within the premises.*
54. *To ensure that the required parking, loading/unloading facilities and associated driveways for the serviced apartments are able to function efficiently for their intended purpose, proposed parking areas, driveways and turning areas shall be maintained clear of obstruction and be used exclusively for purposes of car parking and vehicle access respectively and under no circumstances are such areas to be used for the storage of goods or waste materials.*
55. *The landscaped area of the serviced apartments shall be maintained at all times.*
56. *The sealing to all vehicular parking and manoeuvring areas to the serviced apartments and loading areas shall be maintained at all times.*

APPLICATION DETAILS:

Application No.	DA2018-0378
Application For:	Subdivision to create two lots and change of use of existing manager and staff residences to serviced apartments
Date Received:	02 February 2018
Applicant:	Dromahair Pty Ltd C/- Anthony Daintith Town Planning
Owner:	Dromahair Pty Ltd
Land/Address:	Lot 120 DP 1105753 and Lot 2 DP 864981 Longyard Golf Course Greg Norman Drive, Longyard Drive, Jack Smyth Drive,

	The Peak Drive HILLVUE
Zoning:	Part RE2 Private Recreation and Part SP3 Tourist - <i>Tamworth Regional Local Environmental Plan 2010</i>

DEVELOPMENT ASSESSMENT SUMMARY

The subject development application seeks Council’s consent to a subdivision to create of two lots and change of use from the Longyard Golf Course Manager and Staff Residences to Serviced Apartments. The application is being presented to Council for consideration given the community interest generated by the application.

The key issues that relate to this application are as follows:

- potential impact of the subdivision on the existing golf course;
- potential for future development of Proposed Lot 1;
- building works required to enable approval of the change of use of the existing manager and staff residence to “serviced apartments”; and
- potential impacts of the proposed subdivision and change of use to “serviced apartments” on surrounding properties.

DESCRIPTION OF PROPOSAL:

Background

The subject development application (DA) was lodged with Council in February 2018. A number of revised amendments to the subdivision plan have been received by Council since that time. Amendments to the allotment layout have been largely in response to concerns raised regarding the potential impact of the proposed subdivision on the functionality of the existing golf course.

The superseded subdivision plans are **ATTACHED**, refer **ANNEXURE 1**, to demonstrate the number of changes made to the allotment layout during the assessment process.

The proposed development

The subject development application seeks Council’s consent to the following:

- a subdivision involving the creation of two allotments being:
 - Proposed Lot 1 having an area of 2.9 hectares and contains the existing Longyard Golf Course manager and staff residences;
 - Proposed Lot 2 having an area of 63.3 hectares and contains the existing Longyard Golf Course and associated facilities; and
- change of use of the existing manager and staff residences to serviced apartments; and
- one of the existing vehicle access/driveway off Peak Drive to the existing manager and staff residences will no longer have access.

The submitted plans are **ATTACHED**, refer **ANNEXURE 2**.

In order to avoid a potential non permissible use on the proposed new lot, the Applicant will be required to carry out building (rectification) works to the manager and staff residences to ensure it can be converted to serviced apartments prior to the land being subdivided.

This building work must be carried out and certified prior to the release of a Subdivision Certificate

Potential future development of Proposed Lot 1

The submitted Statement of Environmental Effects is **ATTACHED**, refer **ANNEXURE 3**, references lodgement of a future Planning Proposal to change the current zoning of the land to enable residential development. A number of concerns in submissions received by Council relate to the future development of Proposed Lot 1 for residential purposes. It is important to note that the assessment carried out for this development application is for the subdivision of land and the change of use of the existing manager and staff residences to serviced apartments (only).

There must be a connection to the concerns raised and the subject development application. This assessment does not include any consideration of future potential use of the site (other than the change of use to serviced apartments) or any change in zoning. Notwithstanding, the assessment of this subdivision must ensure that proposed Lot 1 is capable of any future development that would be permissible under the current RE2 land use zone in which it lies, such as “serviced apartments”. This is discussed further in the zone objectives section of this Report.

Council has received an expression of interest from a consultant acting on behalf of the owner of the land to potentially rezone the land to an R3 medium density residential land use zone. Council’s Integrated Planning team are currently reviewing the information provided. A decision on this proposal will not likely take place until after the Local Strategic Planning Statement (LSPS) and Blueprint 100 documents have been adopted and a review of the entire Tamworth Regional Local Environmental Plan (LEP) is commenced. Consideration of this expression of interest as part of the overall review of the LEP will allow Council to make a more informed decision on where it is most appropriate to locate R3 zones within the LGA.

Planning Proposal

Council is currently processing a Planning Proposal which would prohibit caravan parks in the RE2 Private Recreation zone and also the rezoning of Lot 2 DP 864981, Greg Norman Drive, Hillvue, from SP3 Tourist to RE2 Private Recreation.

This Planning Proposal includes part of the subject development site (ie Lot 2 DP 864981). Lot 2 is currently part zoned RE2 and SP3 Tourist under the Tamworth Regional Local Environmental Plan, 2010. The area of land forming Proposed Lot 1 under the current development application is mostly located within the RE2 zone, with a small portion of SP3 Tourist on the southern boundary.

Council is processing the proposal in accordance with Gateway Determination (PP_2018_TAMWO_005_00) from the NSW Department of Planning Industry and Environment.

For clarification, this Planning Proposal should not be confused with the Planning Proposal alluded to by the Applicant in the submitted SEE to enable future residential development on the proposed new lot which is the subject of this application on the western side of the subject site.

SUBJECT SITE AND LOCALITY MAP:

The subject development site comprises Lot 2 DP 864981 and Lot 120 DP 1105753, having an area of 67 hectares, and contains the existing Longyard Golf Course (18 holes) and associated buildings and facilities including:

- Club house, Pro-shop, Putt-putt Golf Course and car park;
- Driving Range;
- Green Keeper's Dwelling;
- Manager and Staff Residences; and
- two Machinery/Storage Sheds.

The site is bound by, and located amongst, established residential areas, as well as the Tamworth Regional Sporting Precinct to the south east, and the proposed future Arcadia residential development land to the south west.

The Longyard Golf Course site is gently undulating with natural drainage from the western corner which adjoins properties located on Rodeo Drive to the north eastern corner of the site towards Barnes Gully. However, a ridge located on the eastern corner of Proposed Lot 1 results in the majority of Proposed Lot 1 gently sloping towards the west. There are various dams used for irrigation purposes and water features throughout the golf course. The site is predominantly cleared of any vegetation with the exception of the trees and landscaping associated with the golf course.

There are a number of easements over the site for services, as well as a 40m wide easement for transmission line (TransGrid) traversing the southern portion of the site.

The site is also the subject of two recent development approvals being:

- DA2017/0267 – Subdivision (two lots plus residue); and
- DA2019-0037 – Manufactured Homes Estate.

The submitted subdivision plans notes the location of the allotments created under DA2017/0267. On the basis that the subdivision approved under DA2017/0267 has not yet been registered with Land and Property Information, the residue lot the subject of the current proposal incorporates this land. The location of the Manufactured Homes Estate (approved by the Land and Environment Court) adjoins the golf course club house and putt putt area, with access via Longyard Drive and Jack Smyth Drive.

The subject site and locality map can be found as **ATTACHMENT**, refer **ANNEXURE 4**.

ASSESSMENT REPORT:

Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the *BC Act* contains the requirements for biodiversity assessment and approvals under the Environmental Planning & Act 1979. In accordance with Sections 7.2 and 7.3 of the *BC Act*, the consent authority is required to consider whether a development or activity is "likely to significantly affect threatened species".

It is acknowledged that a flora and fauna assessment has not been undertaken for the site. However, it is noted that:

- the proposed development does not involve the removal of existing vegetation;

- the proposal does not result in any changes to the primary use of Proposed Lot 2 as a golf course;
- the proposal does not result in any increase in the existing building footprint on Proposed Lot 1;
- the proposed change of use of the existing building on Lot 1 to serviced apartments will not significantly alter the types of activities currently being undertaken on the site; and
- the site is not identified as having any value on the Biodiversity Values Map.

Consequently, when considering Section 7.3 and the test of significance, Council can be satisfied that the proposed development is unlikely to significantly affect threatened species or ecological communities or their habitats.

It should be noted that further assessment may be required to be undertaken should a Planning Proposal be submitted to enable the future development of Proposed Lot 1 for residential purposes.

Water Management Act 2000

Council, as the Local Water Supply Authority, has previously levied headworks for the subject building under the original development approval (DA0534/2006) for the manager and staff residences and therefore headworks are not applicable to this development.

Environmental Planning and Assessment Act, 1979

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 (Infrastructure) 2007

Division 5 of the State Environmental Planning Policy (Infrastructure) 2007 requires consultation with the relevant electricity supply authority where the development is proposed to be carried out within or immediately adjacent to an easement for electricity purposes. Consequently, consultation with TransGrid has been undertaken. It should be noted that the comments were provided based on superseded plans which included part of the easement within Proposed Lot 1. Given that current plans (received 03 and 16 April 2020) propose that Lot 1 adjoins (but does not include any part of) the easement, the following comments remain valid:

- *Should any future allotment boundary fencing be proposed at the easement location, the following will require consideration:*
 - *any future fencing is to remain outside of a structure's 20m exclusion zone;*
 - *any future fencing will be required to be installed to TransGrid's Fencing Guidelines; and*
 - *from an access and maintenance perspective, provided the proposed subdivision will not impact on TransGrid's access and travel means to the easement and structures, we would not expect any issue with the proposed subdivision.*

Conditions of consent requiring compliance with TransGrid’s fencing Guidelines will be imposed in this regard.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the *State Environmental Planning Policy No. 55 – Remediation of Land* states that the issue of contamination and remediation is to be assessed as part of the determination of a Development Application. The subject site is used for recreational purposes associated with the golf course, as well as the existing manager and staff residences. It is acknowledged that the existing maintenance and storage area (located on Proposed Lot 2) is the subject of contamination investigations associated with a separate development application. However, the area to be occupied by Proposed Lot 2 is immediately adjacent to the existing manager and staff residences and a golf course fairway. Further, as indicated in the submitted Statement of Environmental Effects, and during on site visits by Council staff, there was no evidence of any land contamination or potentially contaminating activities identified on the site. Consequently, no further consideration is deemed necessary in this instance.

Local Environmental Plan

Tamworth Regional Local Environmental Plan 2010:

Zoning

The subject site is zoned part RE2 Private Recreation and part SP3 Tourist under the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010). A plan showing the zone boundaries is **ATTACHED**, refer **ANNEXURE 5**. The objectives of the RE2 zone are as follows:

- to enable land to be used for private open space or recreational purposes;
- to provide a range of recreational settings and activities and compatible land uses; and
- to protect and enhance the natural environment for recreational purposes.

The objectives of the SP3 Tourist zone are as follows:

- to provide for a variety of tourist-oriented development and related uses; and
- to facilitate development that recognises the unique characteristics of the nationally and regionally significant tourist precincts those are the Australian Equine Livestock and Events Centre (AELEC) and the Tamworth Regional Racing Precincts.

It is noted that the proposed development involves a subdivision to excise land surplus to the existing golf course, and a change of use from the existing residences associated with the golf course to “serviced apartments”. The “serviced apartments” may operate independently of the golf course. In response to the zone objectives of the RE2 zone:

proposed Lot 1 will contain the serviced apartments which could provide accommodation for golfers or users of other recreational facilities such as the AELEC or the Tamworth Regional Sporting Precinct;

- it is considered that Proposed Lot 1 contains land that is surplus to the existing golf course operations and occupies land that is already predominantly associated with the existing manager and staff residence. Consequently, the proposal results in minimal change to the existing recreational area designated for the golf course; and
 - proposed Lot 2 contains the existing golf course.
-

A small portion of the Proposed Lot 1 is zoned SP3 Tourist is currently the subject of a Planning Proposal to rezone the land to RE2 Private Recreation. When having regard to the whole golf course site (ie the subject site), the zone objectives of the SP3 Tourist zone should also be acknowledged, and consequently the following comments are offered:

- with the exemption of the small portion on proposed Lot 1, the SP3 zoned land will remain part of the residue lot (Proposed Lot 2) which contains the existing golf course and therefore the primary use of Lot 2 will remain unchanged from the existing;
- the serviced apartments are considered a tourist-oriented development; and
- proposed Lot 1 and the serviced apartments are located more than 650 metres from the Tamworth Regional Sporting Precinct (boundary adjoining Stockmans Way) and are unlikely to compromise the unique characteristics of the nationally and regionally significant tourist precincts that are the Australian Equine Livestock and Events Centre (AELEC) and the Tamworth Regional Racing Precincts.

Consequently, the proposal is not considered to be contrary to the objectives of the RE2 Private Recreation and SP3 Tourist zones.

Definitions and Permissibility

The proposed subdivision development is permissible under Clause 2.6 of the TRLEP 2010 within the RE2 and SP3 zones subject to consent. It is noted that there is no minimum lot size applicable to the subject land.

It is important to clarify that the existing manager and staff residences are permissible on the current Lot as they are approved under DA0534/2006 as ancillary residences to the golf course. However, as this proposal is to excise the Lot containing the existing residence, the residences would become non conforming as they are no longer ancillary to the golf course on the same parcel of land.

The proposed changed of use to a “Serviced apartments” is permissible in the RE2 zone subject to consent. “Serviced apartments” are a type of “tourist and visitor accommodation” which are defined in the TRLEP 2010 as follows:

“tourist and visitor accommodation” means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers’ accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) **serviced apartments,**

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

“serviced apartments” means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.

The Applicant has provided the following information regarding the proposed serviced apartments and how it will satisfy the definition of the use:

“The serviced apartments, located at 74 The Heights West, will be managed by Longyard Golf's current expert team of staffers. These staffers are well-qualified to maintain and operate the Longyard Golf serviced apartments, with all required new duties complementing the duties that are already undertaken by existing Longyard Golf staffers.

For example, our Accounts Manager will be responsible for managing rentals, accounts and other administrative requirements relating to the serviced apartments.

Gardens and grounds of the apartments will be regularly maintained by our team of Greens' Keepers, and overseen by our Longyard Golf Course Superintendent.

Cleaning of the properties will be performed by the cleaners who are currently contracted to regularly service The Windmill Tavern (Longyard Golf's clubhouse facility), with additional periodic maintenance or repairs, such as any required repainting; regular safety maintenance such as smoke alarm checks; and other additional property repairs or maintenance as required, contracted to our preferred external contractors.

Furthermore, Longyard Golf anticipates a seamless transition to operation of the properties as serviced apartments, with all required staffers already in place and highly competent in the areas required to manage the operational tasks and maintenance of the serviced apartments”.

It is noted that submissions received raise concerns in relation to the current use of the manager and staff residences not being utilised for this approved use but rather as long term residential (rental) accommodation for persons not associated with the operation of the golf course. Council has the ability to take enforcement action under the relevant legislation where a development is not operating in accordance with the relevant approvals.

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

There are no draft environmental planning instruments that relate to the subject site or type of development.

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

Tamworth Regional Development Control Plan 2010 (Amendment No.13) (TRDCP 2010):

Subdivision Controls

Sewer

The existing golf course lot is currently serviced by Council's reticulated sewerage system. It is noted that the existing golf course buildings, including the Windmill Tavern are connected to this supply. However, the existing manager and staff residences (ie the proposed “serviced apartments”) are serviced by an on-site sewage management system.

The proposal was referred to Council's Development Engineering and Water and Waste Divisions for comment regarding sewer connections. Investigations conclude that the existing sewerage system is capable of being extended to service proposed Lot 1 and the serviced apartments. Consequently, a condition can be imposed requiring that:

- Council's sewerage system is extended to provide adequate service to Proposed Lot 1.

It is noted that the extension of Council's sewer system to Proposed Lot 1 is from a different sewer catchment to that which is proposed to service the Manufactured Homes Estate on the eastern side of the golf course. Furthermore, it should also be noted that any Planning Proposal and/or development application lodged for the future development of Proposed Lot 1, will require further review of the sewer system capacities.

Water

The existing lot is serviced by Council's reticulated water supply. It is noted that the existing golf course buildings, including the Windmill Tavern and the existing manager and staff residences (ie the proposed "serviced apartments"), are also connected to this supply.

The proposal was referred to Council's Development Engineering and Water and Waste Divisions for comment regarding water connections. Investigations conclude that a new water service to Proposed Lot 1 can be provided from an existing water main in Peak Drive. Consequently, a condition can be imposed requiring that:

- Proposed Lot 1 shall be provided with an appropriately sized water service from the existing DN200 main in Peak Drive.

Again, it is emphasised that any future development of Proposed Lot 1 will require further review of the capacity of the existing reticulated water supply to accommodate any proposed future development.

Stormwater Drainage

Given the area of Proposed Lot 1 is 2.9 hectares and that stormwater/roofwater generated from the serviced apartments will remain unchanged, there is no requirement for additional stormwater infrastructure as part of the subdivision proposal.

However, the following condition has been included to formalise overland flow paths onto adjoining lots:

- Easements for utilities and services, including water, stormwater and sewer, in favour of the lots benefiting and/or Council shall be provided where services are located on adjoining lots and/or overland flows traverse adjoining lots.

In the event that a Planning Proposal or separate development application is lodged for any development on Proposed Lot 1, further discussions will be required between Council and the Proponent to address any stormwater drainage issues. As previously noted, a ridgeline in the eastern portion of Proposed Lot 1 results in the natural drainage of majority of Lot 1 to the west, with the remaining part draining to the east. This would be required to be addressed as part of any future stormwater servicing strategy.

Telecommunications

It is noted that existing telecommunications facilities are already connected to the buildings located on each of the proposed allotments. Consequently, a provisioning confirmation letter from a telecommunications supplier will not be required for the proposed subdivision in this instance.

Electricity

It is noted that buildings located on each of the proposed allotments are connected to the existing electrical supply.

The application was referred to Essential Energy and the following comments were received:

As part of the subdivision, an easement/s are/is created for any existing electrical infrastructure. The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;

If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and

Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Conditions are imposed in response to these requirements.

Lot size

There is no minimum lot size control applicable to the subject development site.

Site Access

Vehicular access to Proposed Lot 1 is via an existing access off Peak Drive with 3.5m wide concrete apron. Vehicular access to Proposed Lot 2 is via the existing access to the Longyard Golf Course and associated facilities off Longyard Drive. No additional works other than internal driveway sealing, are proposed to the existing vehicular access arrangements in response to the subdivision proposal.

It is also noted that the existing second access to the staff and managers residence off Peak Drive (which is located further south of the existing access) will no longer be available to Proposed Lot 1.

Garbage Collection

There will be no changes to the existing situation in terms of garbage bin placement at the entry to Peak Drive or to the commercial arrangements in place for the Longyard Golf Course facilities.

Controls relating to the Change of use to Serviced Apartments

Sewer

As previously discussed, the existing staff and manager's residences are not connected to Council's reticulated sewerage system. Given that "serviced apartments" are a type of tourist and visitor accommodation, connection to Council's sewerage system will be required to be provided. Consequently, the following condition is recommended to be imposed:

- The serviced apartments shall be connected to Council's reticulated sewerage system and the existing on-site waste management system is decommissioned prior to the issue of any Occupation Certificate.

Water

The existing staff and manager's residences are connected to Council's reticulated water supply. Roof water captured in an existing rain water tank is also connected to the existing residences. It is understood that this supply can be used for potable purposes. In accordance with the *Public Health Act 2010* and the *Public Health Regulation 2012*, where rainwater is to supply the serviced apartments, the proponent is required to develop and implement a quality assurance program for the private water supply associated with the serviced apartments. Part 5 of the Regulation specifies the details that must be contained within the quality assurance program that is to be submitted to NSW Health.

Consequently, a condition shall be imposed as follows:

- Potable water to the serviced apartments shall be supplied by Council's reticulated water supply. Alternatively, the proponent is required to develop and implement a quality assurance program for the private water supply associated with the serviced apartments. Part 5 of the Regulation specifies the details that must be contained within the quality assurance program that is to be submitted to NSW Health.

Vehicular access and traffic

It is noted that one of the concerns in submissions received relates to the potential increase in vehicle movements to the proposed serviced apartments and the subsequent increase in dust nuisance arising from the unsealed access. It is acknowledged that the change of use to serviced apartments will have minimal impact on the existing situation in terms of traffic generation. However, given the commercial nature of serviced apartments, combined with the proximity of the driveway entry to residential development, it is considered reasonable to request that the internal driveway be sealed for a distance of 50 metres to avoid potential dust impacts. This is consistent with controls applicable to multi-dwelling developments and other types of tourist and visitor accommodation which are considered to generate similar traffic movements to serviced apartments. Consequently, a condition is imposed in this regard.

Car parking

In accordance with Appendix A of the TRDCP 2010, serviced apartments require 1 car parking space per accommodation unit plus 1 space per two employees. There are three existing double garages to service each of the apartments, thus complying with these controls. Further, the existing driveways immediately adjacent to the garages are sealed, allowing adequate area for parking of staff for cleaning/servicing at the end of stays.

Garbage Collection

An existing garbage storage receptacle is located within the property boundary at the entrance to the site. The apartments will continue to be serviced by Council's regular waste collection service.

Developer Contributions

The Tamworth Regional Council S.7.11 (formerly S94) Contributions Plan 2013 does not apply to the development given the development site is located within the SP3 Tourist and RE2 Private Recreation zones.

While no construction works were originally identified by the developer to form part of the change of use to serviced apartments, in response to the assessment of the application, Council requires the following works to be undertaken to satisfy requirements for a serviced apartments building:

- building works to ensure compliance of the serviced apartments and detached garages with the National Construction Code;
- sealing of a section of the internal driveway; and
- works associated with the connection of the serviced apartments to Council's reticulated sewer system.

Consequently, depending on the value of the works undertaken, the Tamworth Regional Council S.7.12 (Formerly 94A) Contributions Plan 2013, may be applicable to the development. Consequently, a condition is imposed requesting a Cost Summary Report be submitted to Council and payment of any contributions relevant to the associated works will be required prior to issue of any Construction Certificate.

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

There are no planning agreements that relate to the subject site or type of development.

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

In accordance with Clause 93 of the Environmental Planning and Assessment Regulations 2000, Council is required to consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.

The application was referred to Council's Building Certification Team and the following comments were received:

- the existing building was originally approved as a Class 1a building (type of residential accommodation) under the Building Code of Australia (BCA);
- Council's assessment of the subject application concludes that the proposed "serviced apartments" are a Class 3 building under the current building regulations being the National Construction Code (NCC). The use of the building as "serviced apartments" as well as other factors, including the floor area of the building (which is greater than 300m²) and maximum number of occupants (exceeds 12 persons) in the building at any one time, were also taken into consideration when making this assessment; and
- given this change in building classification, fire upgrades in terms of fire separation, protection of openings and essential fire safety measures are required to be installed in the serviced apartment building and detached garages.

The proponent engaged a private building certifier to provide advice on the likely building classification of the serviced apartments in consideration of the NCC. The report suggests a

Class 1(b) is the best fit for the building based on the use of the building as serviced apartments. The NCC identifies Class 1(b) buildings as a boarding house, guest house, hostel or the like that would ordinarily accommodate not more than 12 people and have a total floor area of not more than 300m² or four or more single dwellings located on one allotment and used for short-term holiday accommodation. These limitations are exceeded through the proposed serviced apartments of which there are only three, and the floor area exceeds 300m² with a capacity to accommodate more than 12 persons, therefore, a 1b building classification is not the appropriate building class, a Class 3 is more appropriate for the proposed use. A Class 3 building is defined in the building code as a Residential Building providing long-term or transient accommodation for a number of unrelated persons including, boarding house, guest house, lodging or backpacker accommodation, a residential part of a hotel or motel, and other descriptors which are not consistent with the proposed use for the purpose of this report. Furthermore, the report only considers two units, when approval is sought for three units. As outlined previously, the use of the building as “serviced apartments” as well as other factors, including the floor area of the building (which is greater than 300m²) and maximum number of occupants (exceeds 12 persons) in the building at any one time, it is considered reasonable to consider the serviced apartments as a Class 3 Building. It is acknowledged that the classification of buildings is determined by the Principle Certifying Authority as part of the Construction Certificate, however Council have a statutory obligation to ensure the fire safety measures are appropriate for the class of the building in accordance with its proposed use.

In addition, during an on site inspection undertaken by Council’s Team Leader Building Certification, it was noted that the existing fire safety measures for the current use of the building as three separate dwellings are inadequate. Works identified to be carried out during the site visit include the extension/construction of fire separation walls between Proposed Units 2 and 3, as well as between the garages, which will trigger the requirement for a Construction Certificate.

On this basis, a Fire & Access Upgrade Report will be required to be prepared by an appropriately accredited certifier prior to issue of a Construction Certificate. Any works identified in the Fire and Access Upgrade Report for the proposed change of use to serviced apartments shall be required to be completed prior to any Occupation Certificate being issued for the change of use. Conditions can be imposed in this regard.

Given the requirement to undertake such work in order for the subject building to achieve compliance with the NCC and ensure safety of all occupants of the serviced apartment building and to ensure that the appropriate defined use of the land can be achieved, the upgrade works will be required to be completed and an Occupation Certificate for the serviced apartment building issued by the Principle Certifier prior to the issuing of a Subdivision Certificate.

Further, in the event that the required works to bring the building into compliance with the NCC are not completed under this proposal, appropriate regulatory action will be undertaken by 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*

Natural Environment

The natural environment has been modified to accommodate the existing golf course facility. Vegetation primarily consists of scattered mature trees, shrubs and extensive grassed areas associated with the golf course, as well as landscaped open space associated with the

existing manager and staff residence. The natural drainage lines extending from the north western side of the eastern side of the site towards Barnes Gully remain unaltered as a result of the proposal, as well as the existing dams.

The proposed development does not involve the removal of any vegetation, nor are there any changes to the existing building footprints given no additional buildings are to be constructed. While it is proposed to change the use of the existing buildings on Proposed Lot 1 to serviced apartments, this use is considered comparable to the current use in terms of impact on the natural environment and therefore is unlikely to have an impact on flora and fauna. The proposal does not result in the change to the landscaped and managed open spaces of the existing golf course on Proposed Lot 2 with the exception of the shortening of Hole 12 by approximately 25m as a result of the location of the allotment boundary and a reduction in the width of part of the rough areas adjacent to the fairway. This can be seen on Figure/Sheet 2A as **ATTACHMENT**, refer **ANNEXURE 2**.

Built Environment

The subject site contains the existing Longyard Golf Course and associated facilities including the manager and staff residences located in the western portion of the site. The remaining buildings associated with the golf course, including the Club House (Windmill Tavern), Pro-Shop, Putt Putt Golf, Maintenance and Storage area, and Green Keeper's residence, is located on the eastern portion of the site.

Proposed Lot 1 is located on the western side of the site adjacent to the undeveloped residential land (Arcadia) and separated from The Peak residential community by a golfing fairway, being Hole 12.

An existing Transgrid transmission line easement is directly adjoining the boundary of Proposed Lot 1. It is noted that the fencing of the allotment will be subject to strict requirements from Transgrid and can be conditioned accordingly.

Some of the concerns raised in the submissions relate to the potential impact of the future development of Lot 1 on the existing visual amenity of the area. However, given that the current application before Council is for a subdivision and change of use of the existing building with internal works required only, it is considered that the proposal will have minimal change on the existing visual amenity of the area.

A number of submissions received raised concerns in response to the proposed subdivision and the negative impact of the proposed layout on the functionality of the golf course. It is acknowledged that the initial proposal submitted may have resulted in potential impacts to the operation of the golf course. Such concerns were relayed to the Applicant and as a result, modified plans were received.

It is acknowledged that some of those initial public concerns are likely still relevant as the current proposal will result in changes to the design of the 12th Hole shortening the length of the hole and reducing the width of part of the rough areas adjacent to the fairway. In response to these concerns, the Applicant has stated that the proposal will have negligible impact on the operation of the golf course and as the golf course is privately owned and the design of the golf course is therefore the concern of the golf course operator.

It also noted in the recent judgement of the Class 1A Appeal for the Manufactured Homes Estate (Andersen v Tamworth Regional Council (TRC)), the Applicant asserts that the future of the golf club is better secured by preserving the asset (i.e the golf course) as a result of approving the subdivision. The Senior Commissioner agreed that the maintenance of the golf course as a recreational facility is said to be in the public interest and is therefore a

relevant consideration. This argument is also provided by the Applicant for the subject application.

Further, concerns raised in the submissions also suggest that the layout of Proposed Lot 1 does not enable future quality development of the site. As previously stated, this application is for the subdivision only and no further development (other than the change of use to serviced apartments) is being considered as part of this application. Council can be satisfied that the allotment layout does not result in any building encroachments and contains infrastructure associated with the existing buildings on the site.

The change in use of the existing manager and staff residences to serviced apartments will result in changes to the function of the building to a form of tourist and visitor accommodation. However, it is considered that the proposed setbacks of the existing building to the Proposed Lot 1 boundary, combined with proximity of the building to existing nearby dwellings will assist in minimising potential privacy (both aural and visual) impacts resulting from this change of use.

Concerns have been raised in the submissions relating to the potential for an increase in noise nuisance as a result of increased traffic movements generated by the serviced apartments. On the basis that there are three existing residences on the site, it is considered that the change in use to serviced apartments is unlikely to generate a significant increase in traffic movements. Further, the separation distance between the existing internal driveway and nearby dwellings will assist in reducing potential noise impacts arising from traffic movements associated with the serviced apartments.

The potential safety concern arising from golf ball strike has also been raised in submissions received. However, the subject proposal does not result in any additional buildings or infrastructure and therefore it is not considered that there will be any change to the existing situation in terms of potential for golf ball strike.

Social Environment

Concerns have been raised in submissions received regarding the potential social impact on the Tamworth community as a result in a modification to the existing golf course. These concerns included the loss of recreational/sporting space, as well as loss of existing golfing events to Tamworth.

As noted previously, the subject site is a privately owned golf course and while it does offer recreational opportunities for the Tamworth community, it could be considered that there are various other places for recreational activities to occur, including an alternative golf course.

The original proposal included a new lot that would potentially impact on the 12th, 13th, 14th and 15th golf course holes. Following a series of modifications to layout of the proposed new Lot 1, the impact is now only on the 12th hole and is considered minimal.

Given the subdivision proposal relates to land occupied by an existing golf course, there has been some suggestion in submissions received that the subject proposal will impact on a public recreational facility. While the golf course does offer recreational opportunities for the community, it is a privately owned facility. This is reflected in the zoning of the land as RE2 Private Recreation.

Economic Impacts

Concerns have been raised in submissions received regarding the potential economic impact on the Tamworth community as a result in a modification to the existing golf course. These concerns include the potential loss of existing golfing events to Tamworth as a result in the

change to the golf course layout, and the resulting economic impact on the Tamworth community.

Submissions in support of the proposal were also received on the basis that the sale of land surplus to the golf course operations has the potential to provide funding to the owner to enable the golf course to remain operational.

Concern regarding the potential impact of the proposal on surrounding property values was also raised in the submissions received. The potential impact of a development on surrounding property values is not a matter for consideration in Council's assessment. Council is not in a position to determine the impact of the proposal on surrounding property values.

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

The proposed subdivision involves the creation of a 2.9 hectare allotment which contains an existing manager and staff residence. This area of land is surplus to the golf course operations and contains land predominantly associated with the existing residences. The site is capable of being serviced by reticulated water supply and sewer system and will have no change to the existing situation in terms of access and stormwater. On this basis, the site is considered suitable for the proposed subdivision.

The use of the existing building for serviced apartments is considered suitable on the basis of the existing building setbacks and proximity to nearby dwellings which will assist in minimising potential noise and traffic impacts. The existing building is capable of being connected to the existing reticulated water supply and sewer system. Having regard to the above, the site is considered suitable for the development.

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

The application was originally notified to adjoining property owners in accordance with the Tamworth Regional Development Control Plan 2010.

A total of 21 submissions were received, 19 objecting to the proposal and 2 supporting the proposal, including one petition (containing 111 signatures) in support of the proposal. Copies of the public submissions are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

A summary of submissions received is as follows:

Initial notification period	26 April 2018 – 10 May 2018	Fourteen submissions by way of objection were received.
Notification of revised allotment layout	1 October 2018 – 22 October 2018	Two submissions and one petition with 111 signatures were received in support of the proposal. Three submissions by way of objection were received (one by the same author as the initial notification period).
Notification of revised (current) allotment layout	No call for submissions – information for authors of submissions only	Two submissions by way of objection were received (both by authors of previous submissions).

A summary of the issues raised objecting to the proposal is provided below:

- site design – concerns over subdivision layout and impact on functionality of existing golf course (particularly Hole 12), concern that allotment layout does not enable future quality development of the site;
- context and setting - the future development of Proposed Lot 1 will impact on surrounding residential development in terms of visual amenity and loss of views;
- access/traffic – potential for increase in traffic and associated dust nuisance from unsealed driveway, concern over the existing road network to cater for the increase in traffic;
- social/economic impact – potential social/economic impact on community as a result in loss of recreational/sporting space, loss of golfing events to Tamworth as a result in change to the golf course layout;
- safety - Potential safety concerns arising from golf ball strike;
- flora and fauna – potential impact on wildlife (particularly kangaroos) and native vegetation resulting in loss of amenity to the area;
- noise - Increase in traffic and potential noise impacts on surrounding residences;
- development compliance - Concern that the development will not operate as “serviced apartments” but will continue to be rented out on a long term basis;
- current zoning – concern that the current zoning was implemented without any community consultation; current zoning prohibits any future residential development as referenced in the submitted SEE;
- assessment process – concern that the application should have been placed on public exhibition; and
- property value – concerns that the development will negatively impact on surrounding property values.

Detailed discussion of these concerns is provided in the preceding sections of this report.

As noted in the summary above, one of the concerns raised in the submissions received was that the application should also have been advertised (ie a notice placed in the local newspaper). On the basis that the original proposal comprised a subdivision involving the creation of two lots, the application was not advertised.

Extensive community engagement has been undertaken which has involved the notification of the amended plans to authors of objections. While the revised plans submitted throughout the assessment are considered to have largely addressed concerns raised in submissions, these plans were provided to authors of objections. On this basis, Council can be satisfied that sufficient consultation has been undertaken.

The petition with 111 signatures and two submissions supporting the proposal made the following comments:

- the proposal will utilise unused land to ensure the continuation of the course; and
- the proposal will benefit the Tamworth community, especially the golfing community.

The Applicant has also sought comments from Steve Hill of Six Hills Group which provides further support of the proposal and is **ATTACHED**, refer **ANNEXURE 6**.

S4.15 (1)(e) Public Interest

Given the subdivision proposal relates to land occupied by an existing golf course, and as evidenced by the submissions received, there has been some level of community interest in the proposal. As previously identified and discussed, while the golf course does offer recreational opportunities for the wider Tamworth community, it is a privately owned facility.

Accessibility to the serviced apartments is also a consideration in the public interest. On the basis that a Construction Certificate is required for building upgrade works, the serviced apartments will be required to comply with the current Disability (Access to Premises) Standard 2010. A condition is imposed in this regard.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The application was notified to adjoining land holders.

(e) Reason for Consideration by Council

Submissions by way of objection were received in response to the proposal.

(f) Delivery Program Objective/Strategy

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

CONCLUSION:

This report provides an assessment of the development with regard to all relevant matters listed under Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979* and the applicable planning instruments and development control plan. The concerns raised in the submissions have also been addressed.

The concerns raised in the submissions specifically relate to the impact of the subdivision and the future development of Proposed Lot 1 on the existing golf course, and the potential impact of the proposed subdivision and serviced apartments on surrounding residential developments.

As emphasised throughout the report, this development application is for the subdivision of land and the change of use of the existing manager and staff residences to serviced apartments. This assessment does not include any consideration of future potential use of the site (other than the change of use to serviced apartments) or any change in zoning. Subject to the imposition of the recommended conditions, Council can be satisfied that the proposed subdivision complies with the relevant controls and will assist in maintaining the existing golf course. Further, that subject to the completion of works required to bring the building into compliance with the NCC and the sealing of the nominated section of the internal driveway, Council can be satisfied that the proposed serviced apartments are unlikely to significantly alter the existing situation in terms of impacts to surrounding

residential land. As a consequence, it is recommended that the application be determined by the granting of consent, subject to the recommended conditions.

7.3 LOT 7 JEWRY STREET ROAD WIDENING – FILE NO LF32462

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Steve Brake, Manager Development Engineering

3 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Lot 7 Jewry Street Road Widening”, Council:

- (i) endorse the widening of the Jewry Street road reserve generally in accordance with the details provided in the body of this report;*
- (ii) authorise the Mayor and General Manager to sign the plan of road widening and any documentation required to give effect to the resolution;*
- (iii) affix the Seal of Council to the plan of road widening and any other documents required to give effect to the resolution; and*
- (iv) note the modification to the DA pertaining to the proposed development on Lot 7 Jewry Street.*

SUMMARY

The purpose of this report is to seek Council’s direction in relation to widening a portion of Jewry Street, Taminda. The road widening is sought as a mechanism to facilitate vehicular access to the eastern frontage of Lot 7 Jewry Street. The proposed access is in a location that would otherwise be precluded because of the vesting of the frontage as land for community purposes.

COMMENTARY

Lot 7 Jewry Street was recently created as a part of the Federation Park subdivision. A Development Application has been lodged for the creation of a service station on the lot. The lot takes its access off Jewry Street, and the application includes three vehicular crossovers. The easternmost of these crossovers is designated for heavy vehicles. This proposal for the third crossover was a departure from the adopted Engineering Design Minimum Standards for Subdivision and Development. The third crossover was nevertheless supported on the basis that it facilitates separation of light and heavy vehicles using the site. This arrangement is seen as highly beneficial for users of the site.

The development plans indicate the easternmost of the three proposed crossovers is located such that it traverses a sliver of the drainage reserve containing the Federation Park stormwater detention basin (Lot 14 DP 271212). It is understood that the sliver of land is a legacy of previous layouts, and does not serve any useful function in terms of the stormwater basin. The edge of the basin itself is well inboard of the sliver of land.

The locality of the site is **ATTACHED**, refer **ANNEXURE 1**, and the development proposal (with the third crossover highlighted) is **ATTACHED**, refer **ANNEXURE 2**.

A DA has been issued in respect of the proposed development, with a condition requiring an agreement between the proponent and Council's Regional Services Directorate for access over the sliver of Lot 14 DP 271212. The condition reads as follows:

47) An agreement between the owner of Lot 7 DP 271212 and the Regional Services Directorate of Tamworth Regional Council for right of access for the proposed exit over Lot 14 DP 271212 is to be obtained. All costs associated with obtaining the agreement are to be borne by the owner of Lot 7 DP 271212.

It has now come to light that Lot 14 DP 271212 is land set aside for Community purposes rather than for Operational purposes. As a consequence, Council's Regional Services Department does not have the ability to enter into an agreement for access over the land.

The simplest way to overcome this anomaly and facilitate the proposed third access to the development site will be to excise the sliver of land from Lot 14 DP 271212 in the form of a widening to Jewry Street road reserve. The sliver of land has an approximate area of 125m². The proposed road widening in the context of Lots 7 and 14 (being the development site and the drainage basin respectively) is **ATTACHED**, refer **ANNEXURE 3**.

In order to match this recommended action to the DA for the proposed development on Lot 7, it will be necessary to modify the DA, and specifically Condition 47 to reflect this alternative strategy. This can be dealt with as a clerical modification to the DA.

As the sliver of land is not being transferred to the proponent, but is simply being re-vested from one public purpose to another, no value is assigned to the transaction.

However, in the spirit of the original DA condition, the modified condition will require the owner of Lot 7 to bare the costs associated with survey and conveyancing associated with the road widening.

(a) Policy Implications

Nil

(b) Financial Implications

All the costs of the matter will be paid by the owner of Lot 7.

(c) Legal Implications

The plan of road widening will require the Seal of Council to be affixed.

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

7.4 LOT 14 DP 1171224 GOONOO GOONOO ROAD – LONGYARD DRIVE ROAD WIDENING – FILE No LF356

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Steve Brake, Manager Development Engineering

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Lot 14 DP1171224 Goonoo Goonoo Road - Longyard Drive Road Widening”, Council:

- (i) endorse the widening of the Longyard Drive road reserve generally in accordance with the details provided this report;*
- (ii) authorise the Mayor and General Manager to sign the plan of road widening and any other documentation required to give effect to the resolution;*
- (iii) affix the Seal of Council to the plan of road widening and any other documentation required to give effect to the resolution; and*
- (iv) note the modification to the DA pertaining to the proposed subdivision of Lot 2 DP864981 Greg Norman Drive.*

SUMMARY

The purpose of this report is to seek Council’s direction in relation to widening a portion of Longyard Drive, Hillvue. The road widening is sought as a mechanism to facilitate the creation of an appropriate termination (cul-de-sac head) at the end of Longyard Drive. The current approved subdivision layout does not provide sufficient space for a proper cul-de-sac head at the termination of the roadway.

COMMENTARY

DA2017-0267 provided conditional approval for the subdivision of Lot 2 DP 864981 Greg Norman Drive, Hillvue (Longyard Golf Course) for the creation of two allotments (for future development) as well as a residual allotment to contain the existing golf course and associated buildings and facilities.

No new roads were proposed as a part of the subdivision, however a 20m extension to Longyard Drive was included – ostensibly to provide frontage to the proposed new lots.

During the process of detailed engineering design by the proponent’s consulting team, it was identified that a literal interpretation of the 20m road extension results in a less than ideal result on the ground, with the following outcomes:

- the existing brick entry statement and gateway into the golf course clubhouse and parking area is within the 20m road extension, and would need to be demolished and reconstructed; and
- the area at the end of the public portion of the roadway is not expansive enough to allow for service corridors and at the same time facilitate construction of a proper turning area (cul-de-sac head).

A meeting was convened on site at the proponent’s request, the original design is **ATTACHED**, refer **ANNEXURE 1**, and as a result of the meeting an alternative arrangement was proposed and is **ATTACHED**, refer **ANNEXURE 2**.

Council's Development Engineering team hold the view that this modified arrangement represents a much better result on the ground than that which would have been afforded by the original consultant's nominated road extension. The resultant road layout will offer a much better level of service for general users of this roadway, particularly if managers of the private developments inboard of the cul-de-sac ever elect to install security gates and the like.

The land from which the TRC element of the road widening would be taken is currently part of Lot 14 DP 1171224 Goonoo Goonoo Road, Hillvue (the Tamworth Regional Sports Precinct site). The proposed road widening is in the form of a triangular truncation across the far north western corner of Lot 14. TRC's Manager Sports and Recreation has confirmed that re-vesting this triangle of land from "Operations" to "Road Reserve" will not have a negative impact on future plans for the site.

As the triangular portion of land is not being transferred to the proponent, but is simply being re-vested from one public purpose to another, no value is assigned to the transaction. However, given that the requirement to undertake the road widening has been triggered as a result of the proponent's subdivision, it is reasonable to require the proponent to bare the costs of survey and conveyancing costs associated with the road widening.

In the interest of procedural transparency, the proponent will also be requested to reflect the revised road extension and cul-de-sac head via a Modification to the existing DA.

(a) Policy Implications

Nil

(b) Financial Implications

All costs will be paid by the owner.

(c) Legal Implications

The plan of road widening will require the Seal of Council to be affixed.

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 4 MARCH 2020 – FILE NO SF1387

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Infrastructure and Works

6 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting – General – 4 March 2020”, Council:

- (i) approve the installation of two disability access bays on Crown Street West Tamworth, adjacent to the existing kerb ramp at Saint Patrick’s Church;***
- (ii) approve the installation of BB lines at the crest on Gill Street Nundle, at the intersection with Rudder Street;***
- (iii) approve the installation of a disability access bay on Strafford Street Manilla, adjacent to the Manilla Post Office;***
- (iv) approve implementation of a ten metre No Stopping Zone on Brewery Lane North Tamworth, on the left side when exiting the Spotlight carpark;***
- (v) approve the installation of an edge line at the service road adjacent Duri Road South Tamworth, from 68 Duri Road to the access in front of 72 Duri Road;***
- (vi) approve the following changes to parking restrictions on the streets surrounding West Tamworth Public School:***
 - a. remove the No Stopping zone on William Street, and install a disability access bay at the existing layback;***
 - b. change the No Parking on William Street, between Denne Street and Church Street, to 15 minute during school zone hours only;***
 - c. change the existing No Parking zone during school hours on Denne Street to 15 minute during school zone hours and extend the zone to the staff carpark driveway (approximately 90 metres); and***
 - d. extend the existing Bus Zone on Church Street to 45 metres to allow space for three buses;***
- (vii) approve the installation of new signage and line marking for a shared zone with cyclists, on Locks Lane West Tamworth; and***
- (viii) approve the installation of a transverse line at the existing give way sign, and Keep Clear marking, at the Roses Lane intersection with Porcupine Lane Kootingal, pending traffic analysis.***

SUMMARY

The purpose of this report is to advise Council of eight recommendations made by the Tamworth Regional Local Traffic Committee meeting held 4 March 2020.

COMMENTARY

The Minutes of the meeting held 4 March 2020 are **ATTACHED**, refer **ANNEXURE 1**.

It is noted that a number of items dealt with at the March meeting were related to traffic management for large scale gatherings. Recent developments regarding COVID-19 across the country means these events will not proceed, so these items have not been included in this report.

17/2020 – request for disability access bays on Crown Street West Tamworth, St Patrick’s Church

The Archdiocese of Armidale, has requested six disability parking bays be installed on Crown Street, in front of St Patrick's Church. There are currently no accessible parking bays allocated in this area.

There is an existing access ramp in front of the church that can provide an accessible path of travel for the two centre bays. The four other bays would require construction of new kerb ramps.

The two centre bays (blue dots) can be converted to accessible bays in the short term, by adding signage. The four outer bays (green dots) can be listed on the Pedestrian Access Mobility Plan for consideration for funding in the future, with reference to other priority projects.



Figure 1: St Patrick's Church indicating proposed disabled parking spaces.

COMMITTEE RECOMMENDATION: the Committee support the installation of two disability access bays on Crown Street, adjacent to the existing ramp at Saint Patrick's Church, Crown Street, West Tamworth.

18/2020 – install a new BB line Gill Street / Rudder Street Nundle

A request has been received for either a Crest or Keep Left sign approaching either side of the crest on the corner of Gill and Rudder Street Nundle.

Motorists are often in the middle of the road as they approach the crest, and other vehicles have difficulty seeing oncoming traffic. Council staff have investigated and recommend the installation of BB lines for the crest.



Figure 2: Gill Street Nundle

COMMITTEE RECOMMENDATION: the Committee support the installation of BB lines at the crest on Gill Street Nundle to improve safety.

24/2020 – request for Disability carpark on Manilla Street, Manilla

A request has been received from a resident for a disability car park on the western side of Manilla Street, close to facilities.

Council staff have investigated the area, and suggest a location on Stafford Street that may be appropriate. The proposed location is immediately adjacent to an existing pram ramp on Stafford Street in front of the Post Office. With low gutters, and located on a reasonably level area, this area is safer with a reduced effect on vehicular traffic than the suggested Manilla Street location.



Figure 3: The blue dot shows the proposed Disabled Parking outside Manilla Post Office, Stafford Street



Figure 4: Proposed Disabled Parking outside Manilla Post Office, Stafford Street

COMMITTEE RECOMMENDATION: the Committee support installation of a disability access bay on Stafford Street Manilla, adjacent to the Manilla Post Office.

25/2020 - Spotlight Carpark exit, Brewery Lane North Tamworth

When Council and Transport for NSW upgraded the Peel Street and Jewry Street intersection, the car parking and access arrangements changed at the Spotlight carpark. Previously, vehicles could enter and exit at Peel Street, whereas now the carpark has no exit to Peel Street.

Exiting the carpark into Brewery Lane was a known concern with increased traffic volumes, so the widening of Brewery Lane (shown in red on the image below) was undertaken.

Council receives regular complaints from the property owner regarding truck access out of the carpark as they cannot turn left.

The customers have requested a No Stopping zone be implemented at the left of the exit on Brewery Lane.



Figure 4: Proposed No Parking on Brewery Lane North Tamworth

COMMITTEE RECOMMENDATION: the Committee support implementation of a 10 metre No Stopping zone on Brewery Lane North Tamworth, on the left side on exiting the Spotlight carpark.

26/2020 - Proposed edge line on service road, Duri Road South Tamworth

Council is proposing to install an edge line along the service road adjacent to Duri Road, as shown in the below images.

The construction of a shared path along the grassed median has limited the space that can be used for informal parking for businesses on the service road. For the safety of cyclists and pedestrians, it is important the vehicles do not overhang or obstruct the shared path.

There is sufficient width for vehicles to park between the service road and the shared path, and delineation along the road edge will encourage vehicles to park closer to the road, rather than obstructing the shared path.



Figure 5: Proposed E1 edge line plan view, Duri Road South Tamworth



Figure 6: Proposed E1 edge line perspective view, Duri Road South Tamworth

COMMITTEE RECOMMENDATION: the Committee support the installation of a new edge line on the service road adjacent Duri Road South Tamworth, from 68 Duri Road to the access in front of 72 Duri Road.

30/2020 - West Tamworth Public School pick up parking concerns

Tamworth West Public School is experiencing issues with parking, particularly during pick up times in the afternoon.

The following changes are proposed to improve utilisation of parking around the school.

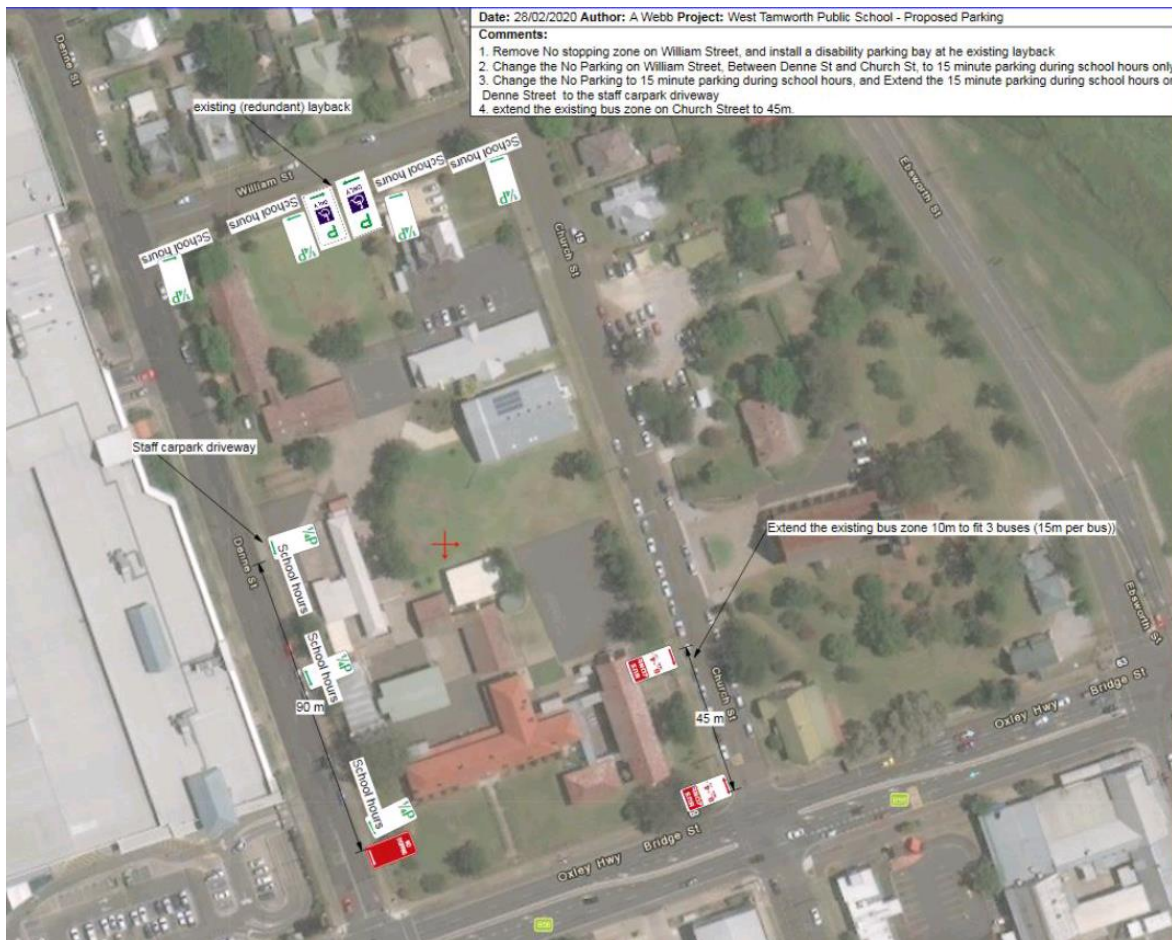


Figure 7: Proposed changes to West Tamworth Public School Parking

COMMITTEE RECOMMENDATION: the Committee support the following changes to parking restrictions on the streets surrounding West Tamworth Public School:

1. remove the No Stopping zone on William Street, and install a Disability Parking bay at the existing layback;
2. change the No Parking on William Street, between Denne Street and Church Street, to 15 minutes during school zone hours only;
3. change the existing No Parking zone during school hours on Denne Street to 15 minutes during school zone hours and extend the zone to the staff carpark driveway (approximately 90 metres); and
4. extend the existing Bus Zone on Church Street to 45 metres to allow space for three buses.

31/2020 – Gipps Street West Tamworth shared area line marking – Locks Lane line marking

Council proposes to line-mark a section of Locks Lane, to indicate a mixed traffic zone to be shared by cyclists and motor vehicles, as depicted in the below concept plan.

This mixed traffic zone will provide an important cycleway link connecting shared paths on Goonoo Goonoo Road to the Locks Lane car park and adjacent sporting fields, as well as the new Gipps Street Sport Complex Shared Path.

Black line indicates path to be constructed, blue line indicates a mixed traffic area. Linemarking and signage will be advertised prior to installation

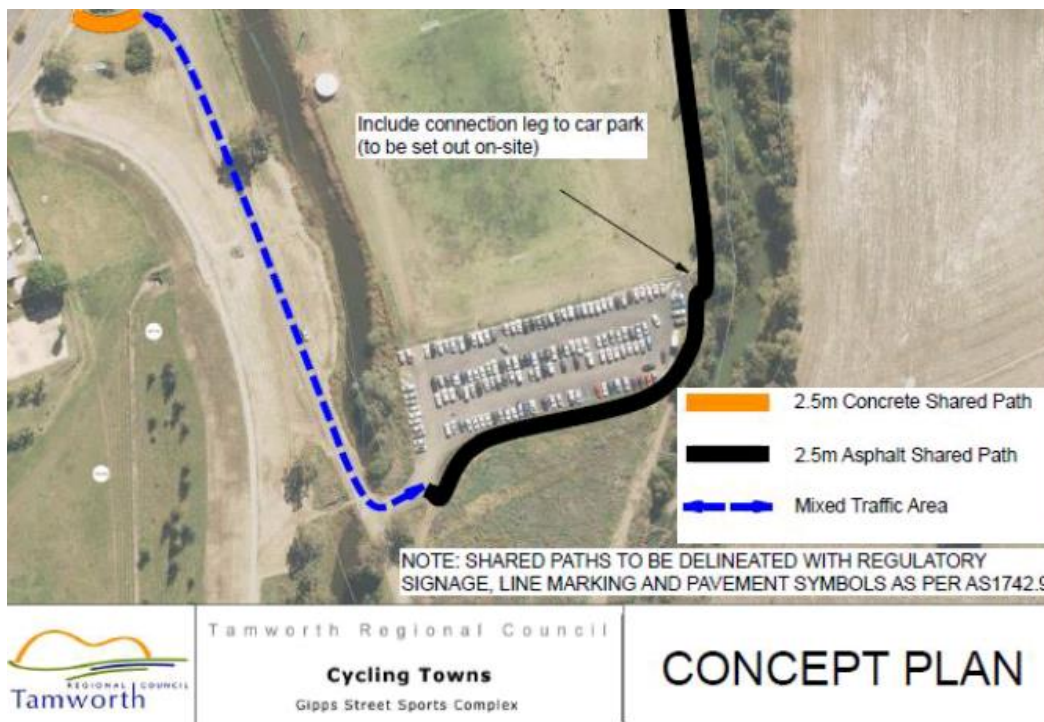


Figure 8: Proposed shared area, Gipps Street West Tamworth

COMMITTEE RECOMMENDATION: the Committee support the installation of new signage and line marking, indicating that this section of Locks Lane West Tamworth, is a shared zone.

32/2020 – Roses Lane access through Porcupine Lane from New England Highway Kootingal

A resident has informed Council that coming off the highway and making a right hand turn from Porcupine Lane on to Roses Lane, is often not possible due to queued traffic turning on to the New England Highway that obstructs Roses Lane.



Figure 9: Proposed Keep Clear Line Marking on Porcupine Lane

COMMITTEE RECOMMENDATION: pending traffic analysis, the Committee support the installation of a Transverse Line at the existing give way sign, and Keep Clear marking, at the Roses Lane intersection with Porcupine Lane, Kootingal.

(a) Policy Implications

Nil

(b) Financial Implications

17/2020 – request for disability access bays on Crown Street West Tamworth, St Patrick’s Church will be funded by the existing Infrastructure and Works signs and line marking budget.

18/2020 – install a new BB line Gill Street / Rudder Street Nundle will be funded by the existing Infrastructure and Works signs and line marking budget.

24/2020 – request for Disability carpark on Manilla Street, Manilla will be funded by the existing Infrastructure and Works signs and line marking budget.

25/2020 - Spotlight Carpark exit, Brewery Lane North Tamworth will be funded by the existing Infrastructure and Works signs and line marking budget.

26/2020 - proposed edge line on service road, Duri Road South Tamworth will be funded by the existing cycleway project budget.

30/2020 - West Tamworth Public School parking restriction changes will be funded by the existing Infrastructure and Works signs and line marking budget.

31/2020 – Gipps Street West Tamworth shared area line marking – Locks Lane line marking will be funded by the existing cycleway project budget.

32/2020 – Roses Lane access through Porcupine Lane from New England Highway Kootingal will be funded by the existing Infrastructure and Works signs and line marking budget.

(c) Legal Implications

The current and future requirements for health management of the COVID-19 pandemic in accordance with the Public Health Act and any other legislation as applicable has resulted in cancelled events and limited Council staff availability.

Any event traffic management approval provided through this report does not constitute endorsement of the event itself (which may be contrary to public health advice), but does provide approval for the relevant traffic management arrangements to be put in place if the event proceeds.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 1 APRIL 2020 – FILE NO SF1387

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Infrastructure and Works

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting – General – 1 April 2020”, Council:

(i) approve a series of changes to parking restrictions around Tamworth Public School:

on Bourke Street between Napier and Upper Street:

- line mark 45 degree rear angle parking adjacent to the school;*
- install 15 Minute parking during school zone times, adjacent to the school, from the children’s crossing to the corner of Bourke Street and Napier Street;*

on Napier Street:

- line mark four parallel parking bays between the roundabout and children’s crossing and install 15 minute parking;*
-

- *line mark parallel parking bays along the length of Napier Street, from the children's crossing to the corner of Bourke Street and Napier Street;*
- on Brisbane Street, between Napier and Upper Street:*
- *remove “kiss and drop” zone and No Parking signs, and replace with 15 minute parking during school zone hours;*
 - *remove the no stopping zone adjacent to ANZAC Park, replace with unrestricted parking, and line mark parking bays;*
- (ii) approve the installation of 45 degree rear angle parking signs and line marking on the side of Beaufort Street adjacent to 360 Fitness Club, from the cul de sac to Wirraway Street, Taminda;*
- (iii) approve the installation of line marking and signage, for the proposed roundabout at Hillvue Road and Garden Street intersection including an enlarged no parking zone adjacent to Lot 300 DP 581076; and*
- (iv) approve the installation of edge line marking on Attunga Street and Cross Street, Attunga.*

SUMMARY

The purpose of this report is to advise Council of four recommendations made by the Tamworth Regional Local Traffic Committee at the meeting held via email in April 2020.

COMMENTARY

Four formal items reached consensus at the meeting held in April 2020. The Minutes are **ATTACHED**, refer **ANNEXURE 1**.

40/2020 - Request for angle parking - Tamworth Public School

Council's Operations Engineer met with the school's Deputy Principal to review the parking around the school. A number of changes were requested.

COMMITTEE RECOMMENDATION: support the changes to parking restrictions as follows:

On Bourke Street between Napier and Upper Street:

- line mark 45 degree rear-angle parking adjacent to the school; and
- install 15 minute parking during school zone times, adjacent to the school, from the children's crossing to the corner of Bourke/Napier Streets.

On Napier Street:

- line mark four parallel parking bays between the roundabout and children's crossing and install 15 Minute parking; and
- mark parallel parking bays along the length of Napier Street, from the children's crossing to the corner of Bourke/Napier Streets.

On Brisbane Street, between Napier and Upper Street:

- remove “kiss and drop” zone and No Parking signs, and replace with 15 minute parking during school zone hours; and
- remove the no stopping zone adjacent to ANZAC park and replace with unrestricted parking, and line mark parking bays.

44/2020 – angled parking line marking - Beaufort Street, Taminda

When the 360 Fitness Club was constructed, perpendicular parking line marking was installed on Beaufort Street. This is one of the only locations that this type of parking has been used in Tamworth. The line marking has faded and requires renewal, however there is not a record of approval for the perpendicular parking, and no signs for this parking restriction are installed.

Beaufort Street is 15 metres wide. There is sufficient room to have angle parking on one side of the road. It is proposed to reinstate line marking, and install signs for parking to match the 45 degree rear angle parking on Wirraway Street, installed in 2018. Angled parking will reduce the risk of cars crossing the Beaufort Street centreline as they leave their parking spaces, improving overall safety

A representative of the gym has been consulted regarding the change, and there were no objections.



COMMITTEE RECOMMENDATION: support the installation of 45 degree rear angle parking signs and line marking on the side of Beaufort Street adjacent to 360 Fitness Club, from the cul de sac to Wirraway Street, Taminda.

45/2020 – New roundabout line marking and signage - Hillvue Road and Garden Street, Hillvue

Construction of the roundabout is to commence in late April 2020, and be complete by late June 2020. The project has been funded through the NSW Government's Safer Roads Program, due to the crash history in this area.

Current signage and line marking will require amendment to accommodate the proposed roundabout as per Austroads: Guide to Traffic management Requirements. This includes:

- a. removal of three existing Keep Left signs on medians;
- b. installation of a total of eight Give Way signs, two on each approach to the roundabout;
- c. TB lines to be installed at all approaches to roundabout; and
- d. No Stopping zones as indicated in magenta.

The plan is **ATTACHED**, refer **ANNEXURE 2**.

COMMITTEE RECOMMENDATION: support the installation of line marking and signage, for the proposed roundabout at the Hillvue Road and Garden Street intersection including an enlarged no parking zone adjacent to Lot 300 DP 581076.

48/2020 - Request for speed hump - Attunga Street, Attunga

A resident has raised concerns regarding speeding along Attunga Street, and requested a speed hump be installed in Attunga Street.

The most recent traffic count was done in July 2016 and the 85% percentile speed was 64.9km/hr with a maximum average speed of 53.8km/hr. Attunga Street is 22 metres wide between Manilla Road and Cross Street. It is proposed that installation of edge line marking on Attunga Street and Cross Street to narrow the lane widths, would create an environment that would better support the 50km/hr speed limit.



COMMITTEE RECOMMENDATION: support the installation of edge line marking on Attunga Street and Cross Street Attunga.

(a) Policy Implications

Nil

(b) Financial Implications

40/2020 – will be funded from the Infrastructure and Works signs and line marking budgets.

44/2020 – will be funded from the Infrastructure and Works signs and line marking budgets.

45/2020 – will be funded from the Black Spot project budget.

48/2020 - will be funded from the Infrastructure and Works line marking budgets.

(c) Legal Implications

Nil

(d) Community Consultation

The changes to parking at Tamworth Public School were discussed and agreed with the school's Deputy Principal.

(e) Delivery Program Objective/Strategy

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

8.3 CHAFFEY PARK MANILLA MASTERPLAN – FILE NO PROJ2019-0133

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Chaffey Park Manilla Masterplan”, Council adopt the masterplan titled “Chaffey Park Manilla Masterplan”.

SUMMARY

As part of future planning for the continued growth of the Tamworth Local Government Area (LGA), Council staff have completed a Masterplan for Chaffey Park Manilla. The Masterplan establishes the park as the central sporting precinct in Manilla and brings together a wide variety of elements to ensure the precinct caters for current and future sport demands.

This Masterplan was placed on public exhibition for 28 days between 14 January 2020 and 11 February 2020, during which a total of 47 responses were received. Following this, a Councillor workshop was held on 25 February where the consultation data was reviewed and now a final version of the Masterplan is recommended for adoption.

COMMENTARY

The Chaffey Park Manilla Masterplan was completed in six key stages as detailed below:

- Stage 1: Council staff commenced the Chaffey Park Manilla Masterplan by meeting with the key stakeholders of the Chaffey Park - sport user groups - to understand the essential and the desirable requirements particular to each sport.
- Stage 2: Knowing the needs and desires of each sport, Council produced several draft layouts of the park seeking to accommodate each of the requests. The draft layouts were presented to the stakeholders and they identified the two layouts they believed best met the current and future needs of sport at Chaffey Park.
- Stage 3: Council staff then presented to a Councillor Workshop and sought input from both Councillors and Council's Executive Management Team (EMT).
- Stage 4: The two preferred layouts were placed on public exhibition for a period of 28 days to seek community feedback. A total of 47 people commented on the project and this feedback is collated and **ATTACHED**, refer **ANNEXURE 1**, with a summary of this community feedback detailed in Table 1.

Table 1. Summary of community feedback

Which design option do you prefer?	Option 1	51%
	Option 2	49%
Is field orientation critical to you?	Yes	49%

	No	51%	
Should the precinct provide sports the opportunity to take a gate fee?	Yes - One field only	33%	51%
	Yes - Entire precinct	18%	
	No	49%	
What additions would you like to see included to the playground?	Picnic table/seating	90%	
	Shade	90%	
	Swings & slippery dip	57%	
	Outdoor Gym	50%	
	Multipurpose half court	50%	
	skate park expansion	30%	
	Flying Fox	30%	
	Bike safety park expansion	17%	
	Dog off leash area	13%	
	Climbing castle	13%	
How do you currently use the park?	Sports	61%	
	Exercise	57%	
	Playgrounds	57%	
	Picnics	43%	
	Meeting with family and friends	41%	
	Dog walking	22%	
	Other	13%	
Other Comments	Netball Courts	51%	
	Beautify area adjacent to the river		
	Walking / jogging tracks		

Stage 5: The community feedback was collated and presented to the Councillors and EMT in a Councillor Workshop on 25 February, 2020. In this workshop and based on

community feedback, the Councillors recommended the final layout of Chaffey Park. A summary of the recommendations are detailed in Table 2.

Table 2. Summary of Councillor Workshop recommendations.

Recommendation	Comment
Adopt Option 2 design	Option two is preferred as it provides a good overall outcome for the community, achieves the preferred field orientation and provides the least intrusive fence opportunity around Playing Field No. 1.
Include provision for netball courts and walking / jogging paths	Valid requests from the community that ensure the precinct is 'future proof' and caters for the broader community. It is preferred that the netball courts be multi-purpose facilitating basketball also.
Incorporate beautification of river area.	Whilst the objective of the masterplan is to make Chaffey Park the 'home of sport' in Manilla, beautification of the adjacent river area is seen as integral to the success of this Park as a whole.

Stage 6: A final masterplan was developed taking into consideration both community and Councillor feedback and is **ATTACHED**, refer **ANNEXURE 2**.

The Masterplan includes a prioritisation schedule of the improvements across Chaffey Park with short and medium term actions. It should be noted, however, that none of these actions are currently funded and will require funding consideration in future budgets and prioritisation for grant applications as required.

(a) Policy Implications

Nil

(b) Financial Implications

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

(c) Legal Implications

Nil

(d) Community Consultation

The draft layouts for Chaffey Park, Manilla Masterplan were placed on public exhibition for a total of 28 days between 14 January 2020 and 11 February 2020. A total of 47 respondents commented on the project.

During the consultation period, Council technical staff engaged directly with the community through community pop-up stands in Manilla Street, Manilla on two occasions.

(e) Delivery Program Objective/Strategy

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

8.4 ASSET MANAGEMENT POLICY UPDATE – FILE NO SF3960

DIRECTORATE: WATER AND WASTE
AUTHOR: James McLoughney, Corporate Assets Coordinator

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Asset Management Policy Update”, Council agree as follows:

- (i) place the draft Asset Management Policy on public display seeking submissions/comments from the public for a period of 28 days; and*
- (ii) in the event that no objections are received to the draft policy the policy be adopted without further reference to Council; or*
- (iii) in the event that objections are received the Director of Water and Waste prepare a report to Council detailing the objections for Council’s consideration.*

SUMMARY

The purpose of this report is to recommend changes to Council’s existing Asset Management Policy following a review by the Asset Management Reference Group. These changes will align the Asset Management Policy with recommendations arising from the most recent Asset Maturity Assessment undertaken including:

- defining roles and responsibilities of stakeholders;
- providing an audit/sunset clause in the policy; and
- documenting reporting requirements.

COMMENTARY

The Asset Management Reference Group, an internal staff group consisting of asset owners and other stakeholders involved in the management of Council owned assets, has completed a maturity assessment of “Asset Management” across Council. As part of this assessment Council’s current Asset Management Policy was reviewed and the following areas were noted for improvement:

- roles, responsibilities and reporting framework are not defined in the current policy; and
- there is no audit/review process or sunset clause for the Policy.

To address the above requirements the previous Asset Management Policy has been amended to include:

- all roles from the Mayor to Council Managers have had responsibilities defined in the context of asset management;
- the Integrated Planning and Reporting Framework and the Asset Management framework have been included in the draft policy; and
- a review statement has been included which sets the review four years after adoption.

A copy of the amended policy is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

The Asset Management Policy defines Council's service delivery objectives as related to Asset Management.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Assuming Council agrees the draft policy will be placed on exhibition for 28 days.

(e) Delivery Program Objective/Strategy

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

8.5 NAMOI SURFACE WATER RESOURCES PLAN, WATER SHARING PLAN FOR THE UPPER AND LOWER NAMOI REGULATED RIVER WATER SOURCES 2020 AND THE WATER SHARING PLAN FOR THE PEEL REGULATED RIVER WATER SOURCES 2020 – FILE NO SF514

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

**Reference: Item 8.8 to Ordinary Council 14 February 2017 - Minute No. 13/17
Item 8.3 to Ordinary Council 12 June 2018 - Minute No. 190/18
Item 8.3 to Ordinary Council 24 July 2018 - Minute No. 116/18
Item 8.5 to Ordinary Council 10 September 2019 - Minute No. 297/19
Item 8.4 to Ordinary Council 22 October 2019 - Minute No. 372/19
Item 8.2 to Ordinary Council 12 November 2019 - Minute No. 398/19
Item 8.8 to Ordinary Council 14 February 2017 - Minute No. 13/17**

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Namoi Surface Water Resources Plan, Water Sharing Plan for the Upper and Lower Namoi Regulated River Water Sources 2020 and the Water Sharing Plan for the Peel Regulated River", Council:

- (i) write to the Minister for Water, Housing and Property expressing it's dissatisfaction with the proposed Water Sharing Plans for both the Peel and Namoi Valleys and that no changes are being made to improve the reliability and security of town water supplies;*
 - (ii) Council fund a media campaign to educate residents about the proposed Water Sharing Plans and encourage residents to write to the NSW Government via the*
-

Member for Tamworth seeking change; and

- (iii) approve \$100,000 from the Water Reserve to fund the media and education campaign.***

SUMMARY

The NSW Minister for Water, Housing and Property has recently announced the Water Resource Plan for the Namoi Valley and the associated Water Sharing Plans in the Peel and Namoi Rivers will be submitted to the Murray Darling Basin Authority by 30 June 2020. As a result, the consultation process in relation to these documents has restarted. No changes to the documents placed on public display in late 2019 have been made.

The purpose of this report is to advise Council of the new deadline for adoption of the Plans, continuing concerns that no significant changes are proposed to the Plans to improve the security and reliability of urban water supplies and seek Council direction on what, if anything, Council may like to instigate as a result.

COMMENTARY

Council last considered a report on this matter at its meeting of 12 November 2019, and resolved as follows:

That in relation to the report “Namoi Surface Water Resource Plan, Water Sharing Plan for the Upper and Lower Namoi Regulated River Water Sources 2020 and the Water Sharing Plan for the Peel Regulated River Water Sources 2020”, Council:

- (i) prepare a submission based on the points detailed in the report; and*
- (ii) write to the NSW Minister for Water, Property and Housing expressing Council’s concerns including:*
 - a. the review of the current Water Sharing Plans should be delayed until after the current drought is over and the lessons learnt can be incorporated;*
 - b. the lack of changes proposed in the Water Sharing Plan for Peel Regulated River Water Sources 2020 to improve the reliability and security of Tamworth and Moonbi Kootingal’s water supply into the future; and*
 - c. other points as detailed in the report.*

A copy of Council’s submission in accordance with the resolution is **ATTACHED**, refer **ANNEXURE 1**. A letter attaching the submission was also sent to the Minister’s office.

On 17 December 2019, the media release from the NSW Deputy Premier was released and **ATTACHED**, refer **ANNEXURE 2**, advising, amongst other things:

NSW cannot submit water resource plans and will negotiate a new deadline once the drought breaks.

However, Council staff recently received an invitation to a further Stakeholder Advisory Panel (SAP) meeting (the Namoi valley stakeholder group set up to consult with the NSW Government in relation to the Water Resource Plan (WRP) and associated Water Sharing Plans (WSP) in the Namoi valley) of a further meeting of the group to finalise consultation in relation to the draft documents.

The meeting for the Peel was held via teleconference on 30 March 2020, and for the Namoi on 31 March 2020.

A review of the amendments included in the draft Water Sharing Plan for the Peel Regulated River Water Source 2020, was completed before the SAP meeting and the following questions were sent to NSW Government representatives in charge of the process.

Some of the questions/comments made related to more minor matters such as drafting errors or other relatively insignificant matters. Below is a list of the more significant questions asked, the written response received, shown italics and further comments from staff.

Question 1: Council and others recommended the making of the Water Sharing Plans in both the Peel and the Namoi should be put on hold until the latest drought has ended and everyone is able to consider the effect of this drought when considering changes to the various plans.

Why is that not possible?

The NSW Minister for Water has stated that the Water Resource Plans will be submitted to the MDBA before 30 June 2020. The department is working to this timeline. Given we are unsure of when the drought will end, further changes are envisaged to the Peel Regulated water sharing plan when the drought has ended and the department has reviewed and considered what actions need to be embedded in the WSP.

In case of the WSP for the Peel, the Natural Resources Commission (NRC) is also undertaking its 10 year Review, which is a requirement under the NSW Water Management Act. The NRC is required to make its recommendations to the Minister by 30 June 2020.

Staff Comment: In relation to the Natural Resources Commission review staff have recently been involved in two teleconferences with representatives of the NRC and Peel Valley stakeholders to discuss concerns with the NRC in an effort to inform the review. Whilst the two discussions certainly made the NRC representatives aware of the depth of feeling and frustration associated with the present and proposed WSP for the Peel, what, if any changes this makes to the NRC's submission to the Minister is unknown and in any case, it is understood the NRC's recommendations, if any, are not binding.

Question 2: Clause 9 - Economic Objectives. There is no mention of maintaining supply for Tamworth etc. Surely being on water restrictions and/or running out of water has an economic effect and should be included in the WSP along with other economic objectives.

Yes, the economic 'economic objectives' do not specifically mention water supply to towns and cities because they are quite generic. However in the broad economic objectives subclause 9(1) it does state to: ".....access to water to optimise economic benefits for irrigation, water dependent industries and local economies." The local economies include towns. The WSP objectives have been updated and are consistent across inland NSW.

Further the 'note' at the end of Clause 9 discusses that external influences such as urban development will help determine if economic objectives are being achieved (this implies that Tamworth & other towns are included in the economic objectives).

Subclause 7(c) 'Vision statement' also mentions urban communities benefiting from sustainable and efficient use of water.

Staff Comment: Nil.

Question 3: Clause 15 and 16 - Planned Environmental Water (PEW). Council is concerned that this clause particularly (c) means that water that may be become available as a result of the construction of the Chaffey Dam pipeline, which will reduce in stream losses incurred in providing water to Tamworth City and therefore the amount of water that has to be stored in the dam to cover those losses, will automatically be classified as PEW and not be available to provide further security to Tamworth's water supply

The reliability of the TRC entitlements will be improved through the development of the pipeline and the construction of the Dungowan Dam.

Staff Comment: DPIE maintain once the Chaffey Pipeline is operating in stream losses through the delivery of water to Council's Peel Pump Station will fall. This means that the volume of water set aside in the dam when water allocations are determined will be less and all license holders will benefit including the environment. Whilst this may be true, it does not mean the security and reliability of Tamworth's water supply will be significantly increased as a result of the pipeline – any benefits will be shared across all license holders and the environment.

Question 4: Clause 34 - Available water determinations (AWD) for domestic and stock access license. Given an AWD cannot be made for any other license class unless a 100% AWD can be made for Stock and Domestic and Local Water Utility why is Clause 34 limiting AWD for domestic and stock and water access license with a limit of 70% in the WSP at all.

This is a continuation of historical water sharing arrangement. This clause is defining the level of security (70%) the plan is providing to S&D and LWU – the historical context may be the actual consumption during a dry spell. Increasing this to 100% will increase the reserve and in turn will reduce the general security allocation.

Staff Comment: Two issues here. The first is there is no acknowledgment that water security and reliability for Tamworth needs to be increased and secondly this clause seems to be in conflict with the method used for determining AWD's at the start of the water year when Council is allocated 100% of its entitlement in year 1 and 70% in year 2.

Question 5: Clause 48 - Minimum Daily Flow rules - The operator is required to ensure that a minimum daily release of 3 ML is made from Chaffey Dam unless:

- a. a release of greater than 3 ML/day is required to meet basic landholder rights and access licences that have placed orders for water: or
- b. a release is being made under clause 50.

Why is the 3ML per day required - it is a token amount that will not benefit anyone or the environment?

The Department has considered the WaterNSW application submitted under the Water Supply (Critical Needs) Act 2019. The Department's recommendation was that in-channel delivery of town water supply via the Peel River be returned when the drought ceases (i.e. >25% Chaffey storage levels).

In relation to the 4 phase proposal the Department has sought additional information from WaterNSW.

Under the Water Supply (Critical Needs) Act 2019, the Dungowan pipeline operates on a specific regulation for a period of time and overrides the WSP. The regulation will include environmental requirements for the Dam while the pipeline is in operation.

Staff Comment: Councillors may recall discussion concerning a proposal from Water NSW in relation to the release of environmental flows when the new Chaffey Dam Pipeline is operating. This proposal includes that environmental releases would stop when the storage level in the dam reached 10%. The proposal forms part of an application, submitted by Water NSW, under the Water Supply (Critical Needs) Act 2019. Council has not yet been advised whether the application and the associated proposal have been approved by the NSW Government.

In any case the response misses the point - why does the WSP include that 3 ML's of water a day has to be released from the dam regardless of need, or capacity of that volume of water to address any need.

Question 6: Clause 52 – Maintenance of Water Supply - The lowest period of accumulated inflows is listed as prior to 1 July 2010, why not use 1 July 2020 to include the current drought.

This is consistent with the water management of all regulated water sources in NSW. The level of risk adopted was the drought known at the commencement of the respective water sharing plan. This provides certainty to the general security water users and associated businesses. If any water user or industry requires higher security - water can be purchased from the market.

Staff Comment: From the answer it would seem that once the first WSP has been approved, for a valley or regulated stream, then the inflow figures used at that time will apply for all subsequent Plans adopted regardless of and changes including the effects of climate change, flood of record, the current drought of record. So the present drought, the worst on record, will never be included in the inflow figures and allocations will never be amended based on inflow figures that reflect the worst drought on record.

Question 7: When speaking to DPIE Water staff involved in calculating how the Available Water Determination (AWD) at the start of each water year they say it is calculated in accordance with the WSP. Yet it seems there are a lot, or should be a lot of factors, that are taken into account in the assessment process, that are not expressly provided for in the WSP. Council's understanding is that AWD from Chaffey Dam is worked out as follows:

- volume of water in the storage Less;
- amount for Stock and Domestic Less;
- 100% LWU entitlement for year 1 plus 70% LWU entitlement for year 2 Less;
- high security entitlements Less; and
- an allowance for instream losses and operating the river.

Then what is left is used to calculate the AWD for general security.

If this is not how the AWD is calculated can someone please provide the correct approach.

Assuming the understanding is correct then:

- what is the volume set aside for Stock and Domestic – where is that mentioned in the WSP?

- 100% LWU entitlement in year 1 plus 70% LWU entitlement for year 2 – where is that detailed in the WSP?
- what is the allowance made for losses and river operations, how is that calculated and where is that mentioned in the WSP?

The description of resource assessment is broadly correct. There are also provisions for BLR (domestic rights) and minimum release. On the other hand, the assessment assumes that historical minimum inflow for next 12 months into Chaffey will be available for distribution.

Current WSP Clauses: 23(a) S&D volume; 20(a) Domestic rights; 31(3) minimum release; 48(4,5) assuring minimum 70% LWU; 50(1e) compels 100% LWU prior to GS allocation.

Clause 50(1(i)) Evaporation, operation and transmission losses. Plan does not prescribe a given volume for losses. The department uses hydrologic assessment in conjunction with WNSW advice to determine the loss budget.

If Dungowan is more than half full, volume above half full Dungowan Dam is considered to reduce demand on Chaffey Dam from Tamworth. Such consideration is similar to utilising Goonoo Goonoo or Cockburn River flow reducing regulated release from Chaffey Dam.

Staff Comment: The answer is contradictory. The WSP does not make any mention of allowances for year two for LWU. The Plan should prescribe how the volume for losses is calculated, rather than calculate in a non transparent way. This is the first time staff have heard that the level in Dungowan Dam reduces the volume of water set aside in Chaffey Dam for Council – that does not appear in the WSP and certainly there is no detail about how demand from Chaffey is reduced based on the level of water in Dungowan Dam.

Likewise a review of the amendments included in the draft Water Sharing Plan for the Upper and Lower Namoi Regulated River Water Source 2020, was completed before the SAP meeting and questions were sent to NSW Government representatives in charge of the process. No written response to the questions has been received to date.

Some of the questions/comments made related to more minor matters such as drafting errors or other relatively insignificant matters. Below is a list of the more significant questions asked:

Question 1: Council and others recommended the making of the Water Sharing Plans in both the Peel and the Namoi should be put on hold until the latest drought has ended and everyone is able to consider the effect of this drought when considering changes to the various plans.

Why is that not possible?

Question 2: Clause 9 Economic Objectives - There is no mention of maintaining supply for Manilla and Barraba. Surely being on water restrictions and/or running out of water has an economic effect.

Question 3: Clause 54 - Whenever the sum of the water stored in Keepit Dam water storage and Split Rock Dam water storage is equal to or greater than 120,000 ML, the operator must ensure that the following flows are maintained in the Namoi River at Walgett gauge (419091):

- a. for each day in June, 21 ML/day;
- b. for each day in July, 24 ML/day; and
- c. for each day in August, 17 ML/day.

This is very prescriptive and does not allow any flexibility for delivery on those days should other eventualities occur which makes the release of this water unnecessary or insufficient to meet outcomes.

What are the outcomes this is supposed to achieve?

Question 4: Clause 55 – Maintenance of Water Supply - The lowest period of accumulated inflows is listed as prior to 1 July 2004, why not use 1 July 2020 to include the current drought.

Question 5: When speaking to DPIE Water staff involved in calculating the Available Water Determination (AWD), at the start of each water year they say it is calculated in accordance with the WSP. Yet it seems there are a lot, or should be a lot of factors, that are taken into account in the resource assessment process, that are not expressly provided for in the WSP. Council's understanding is that annual resource assessments from Chaffey Dam are worked out as follows:

- volume of water in the storage Less;
- amount for Stock and Domestic Less;
- 100% LWU entitlement for year 1 plus 70% LWU entitlement for year 2 Less;
- high security entitlements Less; and
- an allowance for instream losses and operating the river.

Then what is left is used to calculate the AWD for general security.

If this is not how the AWD is calculated can someone please provide the correct approach.

Assuming the understanding is correct then questions are:

- 100% LWU entitlement in year 1 plus 100% LWU entitlement for year 2 – where is that detailed in the WSP?
- what is the allowance made for losses and river operations, how is that calculated and where is that mentioned in the WSP?
- in the current drought, without the intervention of Council staff, the storage level of Split Rock Dam may have been run down to a point where it would have no longer been possible to supply Manilla's water supply via releases from Split Rock dam. What specific changes are proposed in this Plan to prevent that happening in the future?

In general:

- there is complete frustration the consultation process being undertaken is simply being done to tick the box that says the government must consult with stakeholders;
- it is clear that despite the best endeavours of all stakeholders, not just Council, to have even minor changes made to the WSP's of the Peel and Namoi that no significant changes are going to made;

- some of the answers provided to explain why certain decisions have been made do not withstand close scrutiny and warrant further action from Council;
- the WSP does not detail the rules about how AWD's are determined;
- some of the inputs into the AWD calculation process are not available for question or scrutiny;
- there is no action being taken to change the current water sharing plan rules to provide further security and reliability of supply for town water supplies; and
- in some areas the WSP's lack detail, whilst in other areas they are overly prescriptive.

(a) Policy Implications

Nil

(b) Financial Implications

It is recommended Council undertake a media and education campaign including encouraging local residents to write to their local NSW Government representative urging the NSW Government to make changes to both the Peel and Upper Namoi WSP to improve security and reliability of supply for town water.

Should Council agree then, as there is no funding currently in the Annual Operating Plan, it is suggested \$100,000 be made available from the Water Reserve to fund this work.

(c) Legal Implications

Nil

(d) Community Consultation

Nil to date. Although the recommendation calls for a media and education campaign.

(e) Delivery Program Objective/Strategy

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

8.6 BULK WATER FILLING STATIONS - REVIEW OF ACCESS RULES – FILE NO SF8593

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

RECOMMENDATION

That in relation to the report “Bulk Water Filling Stations – Review of Access Rules”, Council:

- apply access restrictions to a bulk water filling station when the centre that station is located in, moves to Level 3 water restrictions or, when the volume of water taken from that station has an adverse impact on the ability of the system, the station is in, to meet demand; and***
 - relax access restrictions on a bulk water filling station in each centre as restrictions in that centre are relaxed to Level 2 water restrictions or lower, but reserve the right to restrict access to a particular station if demand at that station is compromising supply capacity in the centre the station is located in.***
-

SUMMARY

The purpose of this report is to seek Council direction whether Council wishes to relax access restrictions at Council's nine Bulk Water Filling Stations and if so, under what circumstances.

COMMENTARY

Council has nine bulk water fillings stations as follows:

- four connected to Tamworth, Kootingal/Moonbi Supply;
- one in each of the following:
 - Attunga;
 - Bendemeer;
 - Nundle;
 - Barraba; and
 - Manilla.

As of 20 January 2020, Council decided to:

- suspend credit card payments for water at Council bulk water filling stations meaning only those with an authorised card issued by Council will be able to access water at any of Council's filling stations;
- issue all water carters, licensed by Council to deliver potable water, with a Council authorised access card and access to all drought filling stations; and
- allow farmers who meet the criteria for access to free water and have been issued with an access card to access water at any of Council's stations.

As Councillors would be aware almost all centres, with the exception of Tamworth/Moonbi/Kootingal and Attunga, have had water restrictions eased over the last month. As of 17 April 2020, water restrictions in each centre with a reticulated water supply are as follows:

Tamworth/Moonbi/Kootingal	Level 5
Attunga	Level 2
Bendemeer	Permanent Water Conservation Measures
Manilla	Permanent Water Conservation Measures
Barraba	Permanent Water Conservation Measures
Nundle	Level 2

Now that restrictions have eased in some centres, Council may like to consider whether the access restrictions to bulk water filling stations in those centres should also be relaxed and, if so, under what circumstances.

As background the following information is provided:

- the Bulk Water Filling Stations were installed with funding provided by the Australian Government under a drought program;

- the idea of the stations was to make water easier to access for all customers and reduce the amount of administration undertaken by Council staff;
- the original plan was that a station in particular centre would move to restricted access when the centre the station was in moved to Level 4 restrictions;
- restricted access would mean only those with an authorised card issued by Council would be able to access water at that station;
- however, in Bendemeer and Attunga the volume of water taken from the stations at the height of the drought was such that the supply to the rest of the local community was in jeopardy and Council decided to restrict access to the stations in those centres, even though the centres were not on Level 4 restrictions;
- evidence suggests that the large volumes of water accessed through the Attunga and Bendemeer stations was as a result of residents and others from outside those communities, most notably Tamworth, travelling to these centres to fill tanks; and
- some residents of Manilla objected to residents from outside of Manilla accessing water via the Manilla station and blockaded the station for a short time.

If Council was of the view to review access restrictions on bulk water filling stations then there are many options available. Five options proposed by staff are shown below, together with some disadvantages/advantages and issues of each option:

1. Leave access restricted until all centres are on Level 2 restrictions or lower:
 - easy to administer;
 - restricts access to water at centres when there may be no need to;
 - does not view each supply as a stand alone supply;
 - prevents residents of Tamworth or any other centre accessing water from another centre until all centres are on level 2 restrictions or lower; and
 - helps ensure demand in a particular centre does not exceed capacity.
2. Relax restrictions in each centre as restrictions in that centre are relaxed to Level 2 or lower:
 - easy to administer;
 - frees up access to water in each centre as that centre is able to supply;
 - does not prevent residents of Tamworth or any other centre accessing water from another centre if access to a station in a particular centre is allowed; and
 - may lead to demand in a particular centre exceeding capacity.
3. Leave access restricted at all centres until Tamworth is on Level 2 restrictions or lower, then relax restrictions in each centre as restrictions in that centre are relaxed to Level 2 or lower:
 - more difficult to administer;
 - may lead to complaints other centres are tied to Tamworth;

- restricts access to water at centres when there may be no need to;
 - prevents residents of Tamworth accessing water from another centre until Tamworth is on Level 2 restrictions; and
 - helps ensures demand in a particular centre does not exceed capacity.
4. Relax access restrictions in each centre as restrictions in that centre are relaxed to Level 2 or lower, but reserve the right to restrict access if demand at a particular station is compromising capacity to supply:
- more difficult to administer;
 - allows water to be accessed from a particular station whilst there is capacity to supply; and
 - ensures demand in a particular centre does not exceed capacity.
5. Recognise Nundle, Bendemeer and Attunga as small supplies without the capacity to meet increased demand at filling stations and never allow stations at these centres to take credit card purchases, but relax access restrictions at all other centres at Level 2 or lower:
- more difficult to administer;
 - allows water to be accessed from stations in some centres whilst there is capacity to supply; and
 - ensures demand in particular centres does not exceed capacity.

As part of the consideration Council may also like to consider when access restrictions at a particular station are imposed. At the moment, this happens when Level 4 restrictions are imposed in the centre that station is located in. Assuming Council wishes to consider relaxing access restrictions at a station when the restrictions in the centre are lowered, then all the options detailed above are suggesting when a centre moves to Level 2 restrictions, access restrictions at a centre would also be relaxed.

If Council adopts this approach then this just leaves what happens to the bulk water filling station if the centre is placed on Level 3 restrictions (that is 15 minutes of watering outdoors using a hand held hose). It would be possible to move the point when access restrictions are relaxed to Level 3 but this is considered undesirable as it is considered a centre under Level 3 restrictions is under relatively severe water restrictions and relaxing access to filling stations at this time would seem counter productive. The recommended approach to addressing this issue is to impose access restrictions at bulk water filling stations when the centre the station is located in moves to Level 3 restrictions.

More generally the recommended approach to the imposition and relaxing of access restrictions at bulk water filling stations is as follows:

- apply access restrictions to a bulk water filling station when the centre that station is located in moves to Level 3 water restrictions or, when the volume of water taken from that station has an adverse impact on the ability of the system, the station is in, to meet demand; and

- relax access restrictions on a bulk water filling station in each centre as restrictions in that centre are relaxed to Level 2 water restrictions or lower, but reserve the right to restrict access to a particular station if demand at that station is compromising supply capacity in the centre the station is located in.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Any provisions adopted by Council in relation to this matter will be included in a future draft Drought Management Plan which will be placed on public display before adoption by Council.

(e) Delivery Program Objective/Strategy

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

8.7 CHAFFEY DAM PIPELINE - OWNERSHIP, OPERATION, MAINTENANCE AND RENEWAL – FILE NO SF9695

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Chaffey Dam Pipeline – Ownership, Operation, Maintenance and Renewal”, Council continue to lobby the Member for Tamworth and Minister for Better Regulation, the Hon. Kevin Anderson MP, and the NSW Minister for Water, Property and Housing, the Hon. Melinda Pavey MP to have the ownership and/or operation of the pipeline from Chaffey Dam to the Dungowan Recreation Ground transferred to Council.

SUMMARY

Construction of the Chaffey Dam Pipeline between Chaffey Dam and the Dungowan Recreation Ground where it connects to Council’s Dungowan Pipeline has been completed, under the project management of WaterNSW, and using funds provided by the NSW Government. Commissioning of the pipeline has recently been completed and at the time of writing, it is expected, for the first time since Chaffey Dam was completed in 1981, water will be delivered from the dam to Council’s Calala Water Treatment Plant with no in stream losses, commencing Monday 20 April 2020.

Council has previously expressed a desire to have ownership of the pipeline and associated pump station handed to Council so that Council can operate and maintain the pipeline. Latest advice from WaterNSW is that WaterNSW will be operating the pump station and pipeline.

The purpose of this report is to seek direction from Council in relation to whether Council wishes to take further action in relation to this matter and the nature of that action, if any.

COMMENTARY

The new Chaffey Dam pipeline runs from Chaffey Dam, approximately 18 kilometres, along the Back Woolomin Road and connects with Council's Dungowan Pipeline adjacent to the Dungowan Recreation Ground. A pump station has also been constructed at the foot of the Chaffey Dam wall to pump water into the pipeline, particularly when storage levels in the dam are low.

Commissioning of the pipeline and pump station has recently been completed and at the time of writing this report it is envisaged full operation will commence on Monday 20 April 2020. This is a significant milestone as it means that for the first time since Chaffey Dam was completed in 1981, water from Chaffey Dam can be delivered to Council's Calala Water Treatment Plant via pipeline, without incurring any instream losses.

Ownership, operation and maintenance of the new pipeline has been discussed for some time, with Council of the view that the ownership of the pipeline should be handed to Council and the operation, maintenance and renewal cost of the pipeline would then become Council's responsibility. Following a meeting with the NSW Minister for Water, Property and Housing the Hon. Melinda Pavey MP on this matter a letter dated 16 March 2020, advising of Council's position was sent to the Minister - see copy **ATTACHED** at **ANNEXURE 1**. No advice has been received from the Minister to date.

The reasons why Council believes transferring ownership of the pipeline and associated infrastructure to Council is appropriate are detailed below:

- the pipeline/s only serves one customer -- Tamworth Regional Council;
- Council has vast experience owning, operating and maintaining large diameter, long pipelines;
- if ownership of the new Chaffey Dam pipeline is not transferred to Council then, given the pipeline connects to the existing Council owned Dungowan Pipeline, there will be the situation where there are two different owners of two sections of the same pipeline - this is considered untenable; and
- Council already owns and operates a pipeline from Split Rock Dam to the town of Barraba.

In this case the main pump station is located at the foot of the, WaterNSW operated, Split Rock Dam and the pipeline traverses land owned by WaterNSW before making its way to Barraba. All costs associated with operation of the pump station and pipeline are met by Council with WaterNSW providing access for Council staff and for the water that is pumped from the pump station in accordance with Council's license.

- Concern, if the pipeline/s is owned by WaterNSW, costs of water provided by WaterNSW to Council will increase further to reflect ownership of the asset by WaterNSW. Given the pipeline only serves one customer Council will have to pay all these increased costs; and
- ownership of the pipeline/s by Council gives Council more flexibility in relation to where and when water is sourced from Chaffey Dam and/or the existing and new Dungowan Dam. Ownership by a third party could see Council's options limited.

In the absence of advice from the Ministers office, staff have been speaking to WaterNSW about this issue, including the following:

- does WaterNSW believe it will operate and maintain the pipeline after commissioning;
- assuming it does then please provide details of the level of service that WaterNSW will provide Council in relation to the operation including:
 - who do we ring about the delivery of this service; and
 - obligation in relation to breakdowns and maintenance, including speed of service;
- who will cover the costs of operation and maintenance in the short term/long term;
- if that is WaterNSW will WaterNSW be looking to recover those costs from Council and how will that be done; and
- any restrictions/conditions to be placed on the operation of the pump station and Council accessing the water for Tamworth/Moonbi/Kootingal.

Council has now received the following advice, amongst other things, from the CEO of WaterNSW, Mr David Harris, in relation to these matters:

As stated above, WaterNSW will operate and maintain the pipeline and as such we plan to work with TRC on defining the required levels of service. More specifically, in response the items raised by you below.

- *Operation - As you would understand, the operation of the pipeline will be vastly different to that of running the river. The pipeline can be configured to automatically maintain supply to Tamworth, with take measured via a meter at the new Chaffey pumping station.*
- *Level of Service - I understand our team has already been in contact with TRC to establish and agree on a time to discuss this further. Response timeframes for any issues will need to be developed, with the objective of ensuring flow to end customers is not impacted. An incident response plan will also need to be prepared between TRC and WaterNSW. WaterNSW has a number of similar arrangements in place that can guide those discussions. This will be worked through with TRC with an aim to finalise within 3 months. Final planning approval conditions will need to be considered prior to finalising any future operational plan.*
- *Maintenance – Maintenance requirements are currently being established as part of the project activities. The project team is currently working closely with the relevant WaterNSW team (Engineers, Asset Maintainers) to achieve and document this as part of the project handover process.*
- *Cost Recovery – WaterNSW is a regulated business and the cost of water is determined by the regulator IPART. This will be no different for the operation and maintenance of the pipeline, with our prudent and efficient cost being reviewed and considered by the regulator.*

Notwithstanding some of the issues are still under discussion between Council and WaterNSW it is considered the following concerns remain:

- level of service – Council provides a 24 hour on call service for the maintenance of the Council owned Dungowan Pipeline. It will be very easy, and at little additional cost, if any, to expand the service to cover the new Chaffey Dam pipeline and pump station. Preliminary indications from WaterNSW suggest the service provided by them will not be to the same level as Council would have provided;
- cost of operation and service provision. From experience in relation to the setting of prices for bulk raw water delivery from Chaffey Dam, the IPART process has never

been kind to Council and there is no basis to believe the IPART process for setting the cost to Council of WaterNSW providing services to Council for the operation and maintenance of the Chaffey Dam pipeline will be any different.

Of particular concern is the need for WaterNSW to make a return on assets. How this may apply to the construction of the pipeline and ongoing operation will only become clear when WaterNSW prepares the first submission to IPART for charging and Council is asked to comment.

Obviously if the ownership, operation and maintenance of the pipeline and pump station was under Council's ownership/control then Council could look at the costs to provide this service as part of its overall provision of water supply across the Council area and consider changes to charges, if any, on that basis; and

- flexibility of operation. With ownership of the pipeline/pump station remaining with the NSW Government and operation resting with WaterNSW, Council has effectively very little say in relation to the ongoing operation of the supply and access to the water for Tamworth/Moonbi/Kootingal via the pipeline.

Already Council has received advice from the NSW Department of Planning, Industry and Environment suggesting that it is the Department's view, when Chaffey Dam reaches 25% of storage, the pipeline will be shut down and water for Tamworth will again be supplied via the Peel River. This is contrary to Council's view that all water from Chaffey Dam should be delivered via the pipeline until the demand outstrips the capacity of the pipeline to deliver, and only then would water be delivered via the Peel River.

Council has limited options in relation to this matter including – do nothing and accept whatever ownership and operating regime the NSW Government decides on, or continue to lobby the NSW Government for Council ownership and/or operation of the Chaffey Dam Pipeline. Assuming Council prefers to continue lobbying then, given the Mayor has already met with the responsible Minister to discuss this issue and formal advice on Council's position has been sent, with no reply, there would appear to be limited options open to Council. Nevertheless the issue is considered to be of fundamental importance to the delivery of water from Chaffey Dam and as a result Council should continue to put its case to the NSW Government.

(a) Policy Implications

Nil

(b) Financial Implications

Not clear at this time.

(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.

8.8 MARIUS STREET BORE - USE FOR CONSTRUCTION INDUSTRY – FILE No SF8593

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

RECOMMENDATION

That in relation to the report “Marius Street Bore – Use for Construction Industry”, Council:

- (i) approve the commencement of the supply of groundwater to the construction industry as detailed in the body of the report; and*
- (ii) consider increasing the price charged for accessing the Marius Street Raw Water Bulk Filling Station as part of the review of fees and charges for the 20-21 financial year.*

SUMMARY

The following report provides an update to Council on the current status of the Marius Street Bore proposed to be used as an alternative to potable water supply for construction based activities within Tamworth, Kootingal and Moonbi during Level 5 water restrictions.

COMMENTARY

At the Councillor Workshop held with Councillors on 7 January 2020, Council was advised of a project aimed at reducing potable water used by the construction industry. During 2018, Council drilled and subsequently licenced a groundwater bore on the corner of Swan and Marius Street. The bore was drilled primarily as part of Council’s plans to water all greenspace areas by groundwater. The long term plan for the bore is to provide greenspace watering to existing community infrastructure including the BMX facility, North Companions Oval and allow for future sporting field development in the area if Council so wish. The bore has the capability of supplying up to 650kL/day of groundwater. The location of the bore is shown in the figure below.



Council, as part of its 2019/20 budget, has provided funds for the equipping of the bore for the future irrigation of sporting fields in the vicinity of the bore. This work was completed in April 2020 and included the following:

- extension of the electrical supply to infrastructure;
- installation of 250 kilolitre storage tank; and
- installation of bore and pressure pump and associated control systems.

In addition to the above, to allow the site to be used as a fill point for non potable water trucks an automatic water filling station was installed. The station is similar to other bulk water filling stations used within Council's water supplies.

The total cost of the project is approximately \$145,000.

Photographs of the filling station and associated infrastructure are provided below.



Currently up to 10 companies have access to Council owned potable water metered hydrant standpipes that are issued by Council and used to access potable water for construction activities such as road works and other earthworks construction related activities. Based on historical water meter readings this industry uses approximately 30ML per annum.

In order to save potable water use, it is proposed that Council request the return of all potable water metered standpipes, issued to private companies, by the end of May 2020. Prior to the return of potable water standpipes, Council will issue the same companies access cards to allow access to the installed groundwater filling station. Access cards will be provided for each truck accessing the filling station and the filling station subsequently can record details of each transaction including truck, time and volume of water for each transaction. This information is used for billing purposes. It is proposed the charge for using the bulk water filling station will be at the current Council fee for groundwater supply of \$0.21/kL.

It should be noted that the filling station is only intended to be used for construction activities and not for additional activities such as use for landscaping or filling of pools. In addition, where ever possible to reduce transactions and the potential for trucks queuing at the filling station, it is proposed to be utilised by private construction companies only. Council based construction activities will continue to use alternate water sources such as the AELEC recycled water scheme.

It is also intended that the filling station be used as a temporary water source for the current drought. On the easing of water restrictions to level 3 restrictions (or less), the use of potable water via metred standpipes will be permitted. At this time the bore and associated infrastructure will be connected to sporting field irrigation systems.

(a) Policy Implications

Nil

(b) Financial Implications

The infrastructure has been installed using budget allocated by Council within the 2019/20 financial year.

Council may like to consider the charges levied for water taken from this station as part of consideration of fees and charges to be levied in the 2020-2021 financial year.

(c) Legal Implications

Nil

(d) Community Consultation

Advice will be sent to all companies that are currently allocated potable water metered hydrant standpipes regarding Council's decision to allocate groundwater for construction activities.

(e) Delivery Program Objective/Strategy

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

8.9 DROUGHT MANAGEMENT PLAN AMENDMENT - DUNGOWAN DAM OPERATION – FILE No SF9442

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

Reference: **Item No 8.1 to Ordinary Council 22 August 2017 - Minute No 259/17**

RECOMMENDATION

That in relation to the report “Drought Management Plan Amendment – Dungowan Dam Operation”, Council approve the amendment to Council’s Drought Management Plan to aim to maintain the minimum storage volume of Dungowan Dam volume at/or above 50 percent.

SUMMARY

The purpose of this report is to seek Council approval to amend the minimum storage of Dungowan Dam from 60-65 percent as detailed in Council’s Drought Management Plan to 50 percent. The purpose of this reduction is to allow greater operational flexibility of the use of Dungowan Dam in conjunction with the new Chaffey Dam Pipeline.

COMMENTARY

In December 2015, Council adopted a revised Drought Management Plan for its water supplies. This plan outlines the various water demand and drought response actions that should be employed at various stages during an extended drought period. The Plan also outlines Council’s water restriction policy and documents various backup supply sources and emergency supply options.

One of the adjustments made, as part of the 2015 Drought Management Plan review, was to increase the minimum water volume held in storage in Dungowan Dam from 40 percent as per the 2009 Drought Management Plan to between 60 and 65 percent. This would mean that once this dam level was reached, the supply would not be used unless emergency water restrictions were in place or rainfall increases the dam level. The purpose of this change was to increase the available water held in emergency storage. The level between 60 and 65 percent was chosen as, at this level, Dungowan Dam’s sluice gate, which is part of the operation of the automatic spillway gate, ceases to operate i.e. uncontrolled flow from the dam does not occur.

In 2017, Council approved the temporary lowering of the Dungowan Dam level to 50 percent to allow maintenance works to occur on the automatic control gate. Following this report the storage was lowered by sourcing water for Tamworth, Kootingal and Moonbi and maintenance on the automatic gate was completed. Since this time drought conditions have persisted and with no inflows the Dungowan Dam level continued to reduce. Rainfall during early 2020, has seen the Dam level recover to above 50 percent.

As of 20 April 2020, the new Chaffey Dam Pipeline and associated pump station has been commissioned and operation has commenced. As a result, water for Tamworth, Kootingal and Moonbi will now be sourced directly from either Dungowan Dam or Chaffey Dam (but not both concurrently) to Council’s Water Treatment Facility at Calala. To allow greater flexibility of operation it is proposed Council amend its current Drought Management Plan which states that Dungowan Dam should be maintained at a level of between 60-65 percent. It is proposed instead that Dungowan Dam be maintained above 50 percent. This amendment would enable Council more operational flexibility as 10 percent represents 630 Megalitres of water supply or just over five weeks of water supply (at Level 5 water restrictions) for Tamworth, Kootingal and Moonbi. This change would allow greater flexibility in sourcing water and allow for changes in water source to be undertaken in the event of maintenance or water quality issues occurring at either Dungowan or Chaffey Dam.

(a) Policy Implications

If approved the amendment would be included in Council's Drought Management Plan (2015).

(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.

8.10 REGULAR UPDATE ON DROUGHT RESPONSE AND WATER SUSTAINABILITY – FILE No SF9442

DIRECTORATE: WATER AND WASTE
AUTHOR: Tracey Carr, Sustainability Coordinator
Reference: Item 8.5 to Ordinary Council 25 February 2020 - Minute No 39/20
 Item 8.5 to Ordinary Council 11 June 2019 - Minute No 188/19

RECOMMENDATION

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

SUMMARY

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

COMMENTARY

Current regional water supply situation

The latest update as of 17 April 2020 is provided below:

Area	Restrictions	Water Supply	Situation
Barraba	Moved to Permanent Water Conservation Measures on 6 April 2020	Split Rock Dam	Split Rock Dam level is currently sitting at 4.53%. Restrictions on releases from Split Rock Dam were lifted on 26 March 2020 which was the trigger for Council to return to reviewing

			Barraba and Manilla independently as per the Drought Management Plan.
Bendemeer	Permanent Water Conservation Measures	MacDonald River	Due to sustained flows in the MacDonald River, Bendemeer was moved to Permanent Water Conservation Measures from Monday 2 March 2020.
Nundle	Level 2 as of Monday 13 April 2020	Peel River/Nundle Bore/Crawney Road Bore	<p>The Peel River at Nundle has been flowing consistently since February, with slight increases in flow rates inline with ongoing rain events.</p> <p>The sustained flows in the Peel at Nundle are at approximately one Megalitre per day which meets the requirements to relax restrictions to Level 2.</p>
Manilla	Moved to Permanent Water Conservation Measures on 6 April 2020	Namoi River/Manilla River	<p>The Namoi River is flowing well due to recent rain and has sustained flows above the requirement to return to Permanent Water Conservation Measures.</p> <p>Restrictions on releases from Split Rock Dam were lifted on 26 March 2020, which was the trigger for Council to return to reviewing Barraba and Manilla independently as per the Drought Management Plan</p>
Attunga	Level 2	Attunga Bores	Bore levels are stable. The return of flow in the rivers and recent rain has provided more certainty around the ability of the Attunga bores and the levels are being monitored to determine if changes will be made into the future.
Tamworth/ Moonbi- Kootingal	Level 5	Chaffey Dam/Dungowan Dam – Moonbi-Kootingal via Nemingha Pipeline	<p>Chaffey Dam level is currently at 14.03%. On January 23 2020, Chaffey Dam reached its lowest point to date of 12.8% so it is encouraging to see an increase in the dam level.</p> <p>Storage level at 10% is the next</p>

			<p>trigger point under the Drought Marketing and Communications Plan to increase and update communications with business and residential users as well as introduce the 100 Litres per person per day residential target.</p> <p>Dungowan Dam is 52.42%, a slight increase. Under Council's Drought Management Plan water is not sourced from Dungowan until the dam reaches 65%. Also, the connection of the temporary weir to the Dungowan Pipeline at Dungowan precludes accessing water from Dungowan Dam at this time.</p>
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Water restrictions in Barraba and Manilla

At the Ordinary Council Meeting held on 25 February 2020, Council resolved to return to managing the Manilla and Barraba water supplies as separate supplies and in accordance with Councils Drought Management Plan when general security water releases resume from Split Rock Dam. Council received notice on 26 March 2020 that general security releases were to resume and so this change was enacted. Under the Drought Management Plan, both centres have had restrictions levels relaxed to Permanent Water Conservation Measures from Monday 6 April 2020.

Water Sustainability Awards

In January 2020, Council launched the Water Sustainability Awards. Nominations for the awards closed on Thursday 5 March 2020, and judging has been completed.

Following advice received from the Australian government in relation to the threat of COVID-19 the inaugural Tamworth Regional Council Water Sustainability Awards event was cancelled. In place of the awards Tamworth Regional Council Director of Water and Waste, Bruce Logan, formally announced the finalists and winners for each category on Wednesday 18 March 2020, at a media call.

The awards finalists and winners are as follows:

Excellence in Water Efficiency supported by Smart Approved WaterMark

- Finalists:
 - Boral
 - Holcim
 - Tamworth City Bowling Club
 - Austin Tourist Park
 - Powerhouse Hotel
- Winner – Holcim

- Holcim have made significant changes to various parts of their work site which have resulted in big water savings.

Commitment to Water Sustainability supported by Hunter H2O

- Finalists
 - Central Dry Cleaners
 - Tamworth Wizard Carwash
 - Tamworth City Toyota
- Winner – Tamworth Wizard Carwash
 - Despite increased use of the carwash during Level 4 and 5 water restrictions in Tamworth, Moonbi and Kootingal, Tamworth Wizard Carwash has been able to implement changes that have seen a minimal increase in overall water consumption.

Adaption to Change supported by Tamworth Regional Council

- Winner – Quest Apartments
 - Quest have been able to implement a number of changes which has reduced their water consumption by 50%.

Innovation in Water Sustainability supported by GHD

- Finalists
 - Waterless Carwash
 - Dynamic Fire
 - McCarthy College
 - Tamworth Rural Referral Hospital
- Winner – Tamworth Rural Referral Hospital
 - The Tamworth Rural Referral Hospital has invested \$15,000 into a system that collects 50,000 litres of clean water, which is a by-product of the renal dialysis water filtration process, and uses it to flush 44 toilets in the outpatient centre. This initiative will save 2.5 million litres of water per year.

Creative Water Sustainability (High School) supported by NBN News, prize sponsor WaterNSW

- Finalists
 - Breanna Rhodes (Calrossy Anglican School)
 - McCarthy Catholic College Environmental Council
- Winner – Breanna Rhodes (Calrossy Anglican School)
 - Breanna's piece gave 12 practical ways to conserve water and be more sustainable in a succinct yet creative format.

Creative Water Sustainability (Primary School) supported by 92.9FM, prize sponsor WaterNSW

- Finalists
 - Brandee Young (Nemingha Public School)
 - Tegan Rhodes (Tamworth Public School)
- Winner – Brandee Young (Nemingha Public School)
 - Brandee’s simple, yet attention-grabbing message through art. The judges also loved that Brandee got creative by cutting some of her horse's tail to use as hair and adding google eyes. Ian's (Tamworth Regional Council’s Water Sustainability Officer) visit clearly impacted her and she has taken to heart the message of water conservation and her piece shows that it is not just adults who need to be taking this seriously, but kids have a part to play too.

Finalists will receive a recognition certificate in the mail and the winners trophies will be presented directly to each award winner as soon as possible. Council has thanked all nominees, finalists and winners via email or phone and acknowledged the great work being done within the community to conserve the remaining water supply under trying times.

Given the level of interest the Sustainability Unit is looking to conduct the Water Sustainability Awards annually and will request Council’s support for this at a future Meeting.

Communications Engagement Plan Level 5

Rain in January and February lead to an approximate 1% increase in Chaffey Dam however the level is falling again with no follow up rain and the Dam currently sits at 13.78%. Tamworth, Moonbi and Kootingal remain on Level 5 water restrictions and Council staff continue to prepare for the potential to reach 10% capacity in the dam. Under the Drought Management Plan - Communication and Engagement Plan (CEP), 10% of Chaffey Dam is the next trigger point for further reduction in residential and business water use. Should the dam reach this trigger point the residential target will reduce from 150 Litres per person per day to 100 Litres per person per day.

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

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

Since the introduction of additional hygiene and safety requirements by the Federal Government, Council staff have received a number of enquiries about additional hand washing and the impacts that has on per person water consumption. While we acknowledge this will make the targets harder to achieve, staff are consistently telling all residents that they should not, under any circumstance, risk the health and hygiene of themselves or others and to wash their hands as frequently as required. Any small increase in water use during the pandemic crisis should be of no concern to residents as long as they are making all other efforts to reduce their water use.

Tamworth Business Seminars

As part of the ongoing activities under the CEP, Council and the Tamworth Business Chamber have partnered to deliver a series of seminars for businesses to discuss the challenges and initiatives they have identified in relation to water conservation. With the Federal Government requirement to avoiding non-essential gatherings, the face to face seminars have been called off and investigations are underway to determine if there is the potential and interest from the business community to present the seminars electronically.

Council staff will also consider inviting guest speakers to these events to ensure new ideas and information are new and of benefit to as wide a range of businesses as possible.

A further update will be provided to Council in the next water sustainability update report.

Water saving rebates

On Wednesday 4 March, the new online water rebates system went live on both Councils' website and within the Request Management (RM) system, incorporating all of the new and existing rebates available to both businesses and residents. The online system makes the process of applying for, reviewing, determining an outcome and payment and communication with the applicant much more streamlined and easy to manage. Business Improvement, Water and Waste Business Support, Sustainability Staff, Customer Service and Finance staff have all played a vital role in making these changes and improving the way Council can accept and track all rebate applications received.

Since coming online, there have been some minor issues and changes that have been made to fine tune the process which is now running smoothly and rebates are now being processed as they are received. The final reporting method and layout are being tested and reviewed and once finalised the rebate application numbers, cost and projected water savings will be reported in the next water sustainability update to Council.

NRMA Bright Futures Centenary Event

The NRMA recently invited Council to participate in their Bright Futures Centenary Event to be held in Bicentennial Park on Saturday 14 and Sunday 15 March 2020. Unfortunately on Friday 13 March, the decision was made to cancel the event due to limitations placed on public gatherings by the Federal Government. NRMA expressed disappointment at the cancellation and have indicated that they will look to hold another, similar event when it is allowable in the future.

Emergency Water Supply Plan

Council staff and the consultant engaged to prepare the Emergency Water Supply Plan (EWSP) continue to work towards delivering the plan prior to Chaffey Dam reaching 10% of capacity. Council are also undertaking further groundwater investigation which will be factored into the EWSP. The timing for the delivery of this information could impact on the final delivery date of the EWSP but will be vital in ensuring the EWSP fully considers all options available to Council and the most sustainable, deliverable and cost effective outcomes are identified in the plan.

Council will be fully briefed via a Councillor Workshop once the draft EWSP is completed.

Water Restrictions Compliance Patrols

At the Ordinary Council Meeting held 11 June 2020, Council resolved to fund additional water restrictions patrols, outside of hours, by Council Compliance Officers at a cost of \$5000 per month. On February 13, following discussion with Council Senior Ranger, it was decided to suspend the additional patrols due to a decrease in the number of breaches being

witnessed during the patrols as well as the number of restrictions being reported to Council by members of the public. A weekly review of restrictions breaches reports and consumption is being undertaken to determine if or when the patrols may need to be reinstated.

(a) Policy Implications

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

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SECTION 355 COMMITTEE MINUTES – FILE NO SF2256

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

1 ANNEXURES ATTACHED

RECOMMENDATION

(i) That in relation to the report “Section 355 Committee Minutes”, Council receive and note the Minutes of the following Committees:

Woolomin Recreation Reserve Committee	14 August 2019
Limbri Public Hall and Recreation Reserve Local Committee - AGM	25 August 2019
Manilla Showground Committee - AGM	12 September 2019
Woolomin Recreation Reserve Committee - AGM	2 October 2019
Moore Creek Hall and Reserve Committee - AGM	29 October 2019;

(ii) accept the recommendation of the Woolomin Recreation Reserve Committee’s General Meeting held 14 August 2019, to appoint Nigel Hoad as a committee member;

(iii) accept the recommendation of the Limbri Public Hall and Recreation Reserve Local Committee’s Annual General Meeting held 25 August 2019, to appoint the following as executive members:

Chairperson	Jane Daly
Vice Chairperson	Ross Doak
Secretary	Lisa Nies

- Treasurer** **Jane Daly;**
- (iv) **accept the recommendation of the Manilla Showground Committee’s Annual General Meeting held 12 September 2019, to appoint the following as executive members:**
- | | |
|---------------------------|--------------------------|
| Chairperson | Jim Maxwell |
| Deputy Chairperson | Chris Lake |
| Secretary | Lou Ellen Overton |
| Publicity Officer | Jane Martin; |
- (v) **accept the recommendation of the Woolomin Recreation Reserve Committee’s Annual General Meeting held 2 October 2019, to appoint the following as executive members and members:**
- | | |
|---|----------------------|
| Chairperson | Tiane Wilson |
| Deputy Chairperson | Wayne Olive |
| Secretary | Terrie Walton |
| Treasurer | Council |
| Publicity Officer | Terrie Walton |
| Booking Officer | Kylie Douglas |
| User Group Bush Cricket Representative | Wayne Olive |
- Members: Emma Douglas, George Olive, Quinton Bluett, Vicki McDonald, John McDonald, John Goodhew and Dawn Gallagher;**
- (vi) **accept the recommendation of the Moore Creek Hall and Reserve Committee’s Annual General Meeting held 29 October 2019, to appoint the following as executive members and members:**
- | | |
|---------------------------|--|
| Chairperson | Steve Hawkins |
| Deputy Chairperson | Peter Bell |
| Secretary | Phil Hetherington |
| Treasurer | Peter Judd |
| Booking Officer | Marty Russell and Robyn Russell |
- Tennis Committee: Graham Denniss, Marty Russell, Peter Tape, Gordon Redgwell, David Darlington and Steve Lynch;**
- (vii) **accept the amendment to the delegated function of the Watson’s Creek Public Hall and Recreation Reserve Committee to the management and operation of the Watson’s Creek Public Hall and Recreation Reserve;**
- (viii) **accept the amendment of Section 355 Committee name from Moonbi Hall and Reserve Local Committee to Moonbi War Memorial Hall and Recreation Reserve Committee; and**
- (ix) **accept the amendment to the delegated function of the Kootingal Recreation Reserve to the management and operation of the Kootingal Recreation Reserve.**

SUMMARY

The purpose of this report is to present the Minutes of the Section 355 Committee meetings and consider the items for adoption, as recommended by the Committees.

COMMENTARY

Tamworth Regional Council’s (Council) Section 355 Committees each have delegated functions which may include the management of a facility, the coordination of an event or an

advisory function to submit recommendations and advice to Council in regard to a specific community facility.

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

Watson's Creek Hall Committee:

The existing delegated function of the Watson's Creek Hall Committee is the management and operation of the Watson's Creek Public Hall and Recreation Reserve and to control the opening and closing of the Watson's Creek Waste Disposal Facility. It is noted that the opening and closing of the Watson's Creek Waste Disposal Facility is no longer a required item under the Section 355 Committee as Council staff now manage access to the waste disposal facility. This arrangement has been in place for some time. It is recommended that the delegated function of the Watson's Creek Public Hall and Recreation Reserve Committee be amended to the management and operation of the Watson's Creek Public Hall and Recreation Reserve.

Moonbi War Memorial Hall and Recreation Reserve Committee also known as Moonbi Hall and Reserve Local Committee:

References throughout Council documentation note two Section 355 Committee names referring to the same committee being:

- 1) Moonbi War Memorial Hall and Recreation Reserve Committee; and
- 2) Moonbi Hall and Reserve Local Committee.

The second committee name mentioned is the current name on Council's Section 355 Committee Register; however the active committee operate by the first name and have done so since amalgamation. To formally rectify the committee name it is recommended to amend Council records to the first name being Moonbi War Memorial Hall and Recreation Reserve Committee.

Kootingal Recreation Reserve Committee:

The existing delegated function of the Kootingal Recreation Reserve Committee is the management and operation of the Recreation Reserve and Kootingal Amphitheatre including the collection of income from users; management and operation of the Kootingal Tennis Courts including the collection of income from users; maintenance of Sandy Creek Parkland and ANZAC Park; plan and co-ordinate the Camping on Kootingal Oval during the Country Music Festival; and plan, organise and conduct the Kootingal Country Fair.

With consideration to the ongoing maintenance requirements and volunteer availability the committee has resolved to hand back to Council the maintenance responsibility of Sandy Creek Parkland and ANZAC Park and retain the Kootingal Recreation Reserve inclusive of all facilities and infrastructure within. With consideration to this required amendment to the Committee's delegated function it is recommended that Council review and amend the entire existing delegation.

The Kootingal Amphitheatre no longer exists at its former site within Sandy Creek Reserve. The Committee is constructing a new amphitheatre within the grounds of the Kootingal Recreation Reserve with the financial assistance of secured grant funding. The Kootingal Tennis Courts are within the boundary of the Kootingal Reserve delegated to the Committee. Both camping on the reserve oval during the Country Music Festival and delivery of the Kootingal Country Fair are fundraising activities under the committee. Existing Section 355 Committee governance procedures cover the approval and compliance requirements to

deliver both events. Under Section 355 Committee delegations all income and expenditure must be specific to the delegation resolved.

It is recommended that the delegated function of the Kootingal Recreation Reserve Committee be amended to the management and operation of the Kootingal Recreation Reserve.

(a) Policy Implications

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

(b) Financial Implications

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

(c) Legal Implications

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

(d) Community Consultation

The Moonbi War Memorial Hall and Recreation Reserve Committee is in agreement with the recommended name determination. Both the Kootingal Recreation Reserve Committee and the Watsons Creek Committee are in agreement with the recommended amendments to their individual delegated functions.

(e) Delivery Program Objective/Strategy

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

9.2 COUNCILLOR SUPERANNUATION DISCUSSION PAPER – FILE NO SF828

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Councillor Superannuation Discussion Paper”, Council:

- (i) receive and note the report; and*
 - (ii) determine to make a submission supporting the compulsory payment of superannuation of Councillors in addition to their fee (Option 4 in the body of the report); and*
 - (iii) acknowledge in the submission the support for the option for voluntarily payment of superannuation of Councillors in addition to their fee allowing a Council to take into account their resources and their communities’ views (Option 3 in the body of the report).*
-

SUMMARY

The purpose of this report is to advise Council of the discussion paper from the Office of Local Government in relation to superannuation for Councillors and to determine if a submission should be made.

COMMENTARY

Under the *Commonwealth Superannuation Guarantee (Administration) Act 1993*, Councils are not required to make superannuation contributions in relation to the fees paid to Mayors and Councillors. This is because Mayors and Councillors are elected to a civic office in a Council and are not employees of Council.

The Office of Local Government has issued a discussion paper **ATTACHED**, refer **ANNEXURE 1**, to seek the views of Councils, Councillor and staff on whether Councillors should receive superannuation payments. Members of the public are also encouraged to make submissions to olg@olg.nsw.gov.au labelled “Councillor Superannuation Consultation” and marked to the attention of OLG’s Governance Team. Submissions must be made before close of business Friday 8 May 2020.

This has been prompted by concerns from Mayors and Councillors that the ineligibility of Councillors to receive superannuation payments is inequitable and is a deterrent to more women and younger people standing as candidates at Council elections.

The discussion paper seeks views on the following four options:

1. maintaining the status quo – Mayors and Councillors can continue to voluntarily contribute a portion of their fees to a complying superannuation fund of their choice;
2. mandate the current voluntary situation and amend the Local Government Act 1993, to make it compulsory for Councils to pay a portion of the Mayors’ and Councillors’ fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the Mayor and Councillors;
3. amend the Local Government Act 1993, to allow Councils to voluntarily pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the Mayor and Councillors in addition to the Mayors’ and Councillors fees – this would mean that the payment of Councillor superannuation is in addition to their fee and would be at each Council’s discretion, allowing a Council to take into account the Council’s resources and the local community’s views; or
4. amend the Local Government Act 1993, to make it compulsory for Councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominate by the Mayor and Councillors in addition to the Mayor’s and Councillors fees.

Whatever option is decided by the State Government, all Councils will be required to abide by the decision. If made available it would be the Tamworth Regional Council’s senior staff recommendation that Councillors are paid superannuation to reflect the level of importance of the positions and therefore Tamworth Regional Council would make a submission recommending option four.

Tamworth Regional Council also recognise different Councils are in different positions and as part of the submission would also support option three that supports voluntary contributions above the Councillors fees and provides flexibility for all Councils in NSW to accommodate a solution based on their resources and community views.

(a) Policy Implications

Nil

(b) Financial Implications

The current superannuation guarantee rate is 9.5%, the current fees payable to the Mayor is \$64,530.00, and per Councillor is \$20,280.00. The amount of superannuation payable for the Mayor would be \$6,130.35 and per Councillor would be \$1,926.60 if this amount was in addition to the current fees payable. (\$21,538 increase in costs based on current fees)

(c) Legal Implications

Changes to the Local Government Act 1993 would need to be made for options 2, 3 and 4 above.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.3 COUNCIL INVESTMENTS MARCH 2020 – FILE NO SF9655

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

1 ANNEXURES ATTACHED

RECOMMENDATION

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

SUMMARY

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

COMMENTARY

In accordance with Section 212 of the Local Government (General) Regulation 2005, the details of all money Council has invested as at 31 March 2020, is **ATTACHED**, refer **ANNEXURE 1**.

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

Institution	Cash at bank	Financial Assets Amortised Cost	Financial Assets at Fair Value	Total	% of Total
NAB	13,001,746	49,000,000	0	62,001,746	41.64%

ANZ	0	19,000,000	0	19,000,000	12.76%
BOQ	0	5,000,000	0	5,000,000	3.36%
CBA	0	3,000,000		3,000,000	2.01%
St George	0	20,500,000	0	20,500,000	13.77%
TCorp	0	0	1,340,561	1,340,561	0.90%
Westpac	0	38,067,684	0	38,067,684	25.56%
TOTAL	13,001,746	134,567,684	1,340,561	148,909,991	

The amount invested at 31 March 2020, has increased by \$150,049.00 compared to funds held at 29 February 2020.

Finance have decreased the amount of funds held in TCorp and transferred them to the National Australia Bank Professional Account due to its liquid nature, this is because due to the current closure of Council facilities there will be a decrease in income and a resultant decline in cash flows. Over the next few months there may be an increase in term deposits redeemed to ensure sufficient cash is available to meet Councils obligations.

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

Fund	Restriction	Amount	%
General	Unrestricted	6,144,372	4.13%
General	Internally Restricted	23,182,074	15.57%
General	Externally Restricted	12,621,369	8.47%
General Fund Total		41,947,815	28.17%
Water	Unrestricted	2,040,303	1.37%
Water	Internally Restricted	26,783,993	17.98%
Water	Externally Restricted	20,944,902	14.07%
Water Fund Total		49,769,198	33.42%
Sewer	Unrestricted	2,081,979	1.40%
Sewer	Internally Restricted	40,305,944	27.07%
Sewer	Externally Restricted	14,805,055	9.94%

Sewer Fund Total

57,192,978

38.41%

Total Investments

148,909,991

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

Unrestricted:

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

Internally Restricted:

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

Externally Restricted:

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

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

(a) Policy Implications

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

(b) Financial Implications

The second quarterly budget review indicates Council's return on investments will be below budget by \$200,000. This is due to a combination of reduced investments and declining interest rates.

(c) Legal Implications

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

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.4 ANNUAL OPERATIONAL PLAN 2019/2020 BUDGET VARIATION REPORT - MARCH 2020 – FILE NO SF9146

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

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

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2019/2020 Budget Variation Report – March 2020”, Council note and approve the variations to the existing budget included in the attached Annexure.

SUMMARY

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

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

COMMENTARY

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

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

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

General variations identified during March 2020

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Cultural Services	0	-90,000	90,000	0	0
Entertainment Venues	145,974	104,500	41,474	0	0
Integrated Planning	0	0	0	-519,055	519,055

Sports & Recreation Services	131,828	0	0	0	131,828
Project Costing & Infrastructure Projects	60,000	-400,000	400,000	-540,000	600,000
Waste Management	11,000	0	11,000	0	0
Water & Wastewater	-5,292,291	0	0	0	-5,292,291
GRAND TOTAL	-4,943,489	-385,500	542,474	-1,059,055	-4,041,408

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:

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	348,802	-385,500	542,474	-1,059,055	1,250,883
Water	-3,746,165	0	0	0	-3,746,165
Sewer	-1,546,126	0	0	0	-1,546,126
Grand Total	-4,943,489	-385,500	542,474	-1,059,055	-4,041,408

(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.

9.5 INTEGRATED PLANNING AND REPORTING - EXHIBITION OF DRAFT 2020/21 DELIVERY PROGRAM AND ANNUAL OPERATIONAL PLAN – FILE NO SF9955

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

Reference: Item 9.2 to Ordinary Council 24 March 2020 - Minute No 74/20
3 ANNEXURES ATTACHED

RECOMMENDATION

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

- (i) place the proposed Draft 2020/21 Delivery Program and Annual Operational Plan, on public exhibition for a period of 28 days in accordance with section 402 (6), 404 (4) and 405 (3) of the Local Government Act 1993; and*
- (ii) require a further report to be submitted at the completion of the formal exhibition period detailing any submissions received during exhibition for Council’s consideration and final adoption.*

SUMMARY

The purpose of this report is to present the Draft 2020/21 Delivery Program and Annual Operational Plan to Council to obtain a resolution for public exhibition of each of the related documents. The related documents **ATTACHED**, refer **ANNEXURES 1, 2 and 3** include the:

- Draft - Delivery Program and Annual Operational Plan 2020/21;
- Draft – Revenue Policy 2020/21; and
- Draft – Fees and Charges 2020/21.

COMMENTARY

Under the Integrated Planning and Reporting Framework, Council is required to prepare a number of documents to facilitate integration of long-term planning and implementation of Council activities. Core documents include the 10-year Community Strategic Plan, Delivery Program that aligns to the term of office for each elected Council, and an Annual Operational Plan for each year of the prevailing Delivery Program.

Normally the Delivery Program aligns to the term of office for each elected Council, however due to the impact of COVID-19 the Minister for Local Government has announced that the September 2020 local government elections will be postponed to address the risks posed by the COVID-19 virus. The Local Government Act 1993 has been amended to confer on the Minister a time-limited power to postpone council elections.

The postponement of the elections will have implications for Council with regards to its current and next integrated planning and reporting (IP&R) cycles. The Office of Local Government (OLG) will extend the current IP&R cycle for twelve months, converting it into a five year cycle, with the next cycle to be truncated to three years. The OLG will be providing further detailed guidance on this and other changes to statutory timeframes that may become necessary as a result of deferring elections.

- (i) The 2017-2027 Community Strategic Plan, and corresponding Delivery Program, were endorsed by Council on 27 June 2017. Council must now produce the Annual Operational Plan (AOP) for 2020/21, being the fourth year of the current five year Delivery Program (DP).

Council produces a combined DP/AOP each year to ensure the DP is kept up to date with any required changes. Tamworth Regional Council's DP/AOP 2020/21 is made up of three Annexures, as **ATTACHED**, refer:

- (ii) **ANNEXURE 1: Tamworth Regional Council - Delivery Program and Annual Operational Plan - Draft Plan**: contains the proposed program of services and works that Council has prioritised for the next 12 months and aligns to the 2017-2022 Delivery Program;
- (iii) **ANNEXURE 2: Tamworth Regional Council - Draft 2020/2021 Revenue Policy**: contains the proposed Revenue Policy which includes the schedule of rates; and
- (iv) **ANNEXURE 3: Tamworth Regional Council 2020/21 - Draft Fees and Charges**: contains the proposed Schedule of Fees and Charges.
- (v) In regard to the Draft Fees and Charges, the following adjustment was made to the list that was put to council on 24 March 2020 for adoption in principle.
 - *Removal of duplicated inspection charge for Class 1 and 10 Buildings Exceeding \$400,000 but not \$500,000*

The following points are also noted in relation to the enquiries received regarding the fees as presented to Council on 24 March 2020:

Question	Response
Increase in pools fees of 16%	Pool fees are increased in a manner that allows them to be increased to a round number rather than by a number of cents each year. They aren't increased on a yearly basis and as a result when they do increase the % increase is higher than most other fees and charges. The approach is the same logic as used with CBD car parking
No increase in airport security charges	Airport charges are calculated based on a cost divided by the passenger numbers and reassessed during the year and updated based on the passenger numbers as they occur. Whilst there is no change at this time this may change through the year subject to the costs and volume of passenger numbers
Oztag Seniors fees reduced by 18 %	The Oztag seniors (Seasonal Preparation Fee) fee was reduced to be in alignment with the fees currently charged for touch football seasonal preparation fee. Previously, the Oztag Seniors (Seasonal Preparation Fee) was set at the same fee for a senior Rugby league field but an Oztag field is much smaller and does not have as many field markings as a rugby league field. Oztag and touch both have the same size fields and very similar markings and the Oztag fees were aligned to match the touch football fees rather than rugby league, hence a reduction in the Oztag fee. On a similar note (but in reverse) the Oztag Mini Field preparation fee was increased by 22% in this years proposed fees so it aligned with the exact same size rugby league Mini field preparation fee. In both instances it was just a correction that was required to align the preparation charges to more accurately reflect

Question	Response
	the requirements undertaken by staff preparing the fields.
Barraba Showground fees removed	<p>The Barraba Showground S355 Committee set their proposed annual fees at their AGM and present their meeting minutes to council for endorsement as required. Their delegated function defines that all income raised from the Barraba Showground must be generated back into the maintenance operations at the Showground. The past fees and charges that were shown in the TRC document were the fees that were presented to Council by the S355 Committee. The amendment for this Draft document is aligning the S355 managed sites to the same as halls and sporting fields.</p>
Visitor Information Centre increase for pensioner entry fees from zero to \$7 and the general entry from \$7 to \$10, a 42% increase.	<p>This increase relates to the National Guitar Museum and the Galaxy of Stars Wax Museum. Previously entry was only to the Wax museum but with the addition of the National Guitar Museum the fees have been adjusted accordingly and feedback from visitors to date has been that the pricing is very good.</p>
Query regarding the increased fees at the Youthie.	<p>The previous charges were inconsistent. The education rooms are in considerable demand and there had been an increase in income from hire of education rooms this year prior to COVID-19. Previous charges allowed for the rooms to be booked for weeks on end “just in case” which made the rooms unavailable for other education providers and/or activities. The charge was well below cost recovery. The charges are now all relatively consistent and:</p> <ul style="list-style-type: none"> • hourly rates have not changed; • daily rates are capped at approx. five hours (with some rounding); and • weekly rates are capped at three days. <p>These rates are still affordable and should allow more appropriate use of the facility.</p>

The requirements for the Delivery Program Annual Operational Plan are outlined in the local government Act and Regulations, which have been complied with as follows:

1. principal activities have been identified for each strategy and the plan directly relates to the themes and objectives of the Community Strategic Plan;
2. performance indicators and measures of success have been identified for each program, and are focused on the general outcomes sought from the strategies;
3. the Revenue Policy includes all of the following requirements:
 - a statement detailing income estimates;
 - Council’s Ordinary Rate Policy;
 - Council’s Charges Policy;
 - Council’s Fees for Services;

- Council's Pricing Methodology; and
 - proposed borrowings;
4. Council's Ordinary Rate Policy for 2020/21, included in the Revenue Policy meets legislative requirements and best practice guidelines and includes for each rating category and sub-category:
 - the ad valorem amount (the amount in the dollar) of the rate;
 - advice on whether the rate has a base amount; the value of the base rate, and the percentage and yield of the total amount payable by the levying of the rate; and
 - maps demonstrating the parts of Council's local government area categorised into each of the different ordinary rate category and sub-categories;
 5. Council's Charges Policy included in the Revenue Policy, meets legislative requirements and best practice guidelines and includes the amount or rate per unit of the charge, differing amounts for the charge (where applicable) and the estimated yield of the charge; and
 6. financial information included in the Delivery Program/Annual Operational Plan includes: the forecast operating results for each fund, the forecast cash results for each fund; budget allocations linked to the CSP; and details of capital works for 2020/21. The Revenue Policy also includes a detailed budget by Council Directorates and functions, as well as forecast Income Statements by type and function and external borrowings proposed.

This report confirms that Council has addressed the Integrated Planning and Reporting legislative requirements of sections 402, 404, 405 and 406, and legislative requirements associated with Council's Revenue Policy, Charges, Rating and Public Notice requirements of sections 532, 610B-F and 706(2) of the *Local Government Act 1993*. As such, it recommends the public exhibition of the Draft 2020/21 Delivery Program and Annual Operational Plan.

A further report, at the completion of the exhibition period, will be presented to Council outlining submissions received and recommendations for response, to allow Council to consider community feedback prior to final adoption of the plan.

(a) Policy Implications

The Draft Delivery Program and Draft Annual Operational Plan will update Council's Integrated Planning and Reporting suite of documents. The documents form the basis for all Council's decision-making and operational activity.

(b) Financial Implications

As per the Draft 2020/21 Delivery Program and Annual Operational Plan **ATTACHED**, refer **ANNEXURE 2**.

(c) Legal Implications

The public exhibition and adoption of an Annual Operational Plan and Revenue Policy is required under sections 404 and 405 of the local government act to; legitimise budgets, set rates, charges and fees; and create performance reporting actions.

(d) Community Consultation

The Act requires Council, as a minimum, to place the Draft Delivery Program and Annual Operational Plan on public exhibition for a period of at least 28 days. Adopting the recommendation of this report will meet the requirement for community consultation.

Copies of the draft documents will be made available for download from Council's website.

(e) Delivery Program Objective/Strategy

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

9.6 COVID-19 RELIEF PACKAGE - UPDATE APRIL 2020 – FILE NO SF10194

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Chris Weber, Director Corporate and Governance
Reference: Item 4.1 to Extraordinary Council 6 April 2020 - Minute No 90/20

RECOMMENDATION

That in relation to the report “COVID-19 Relief Package – Update April 2020”, Council:

- (i) receive and note the report; and*
- (ii) will reimburse the water and sewer headworks charges that have been paid for any parcel of land developed and with a linen release date after 1 March 2018 that was submitted for release prior to 31 March 2020 (dates inclusive) that currently remains unsold. The reimbursed amount will be subject to legal agreement and will become a charge due or payable pursuant to section 603 of the Local Government Act 1993 as a charge against the land, payable upon settlement for the sale of the land.*

SUMMARY

On 6 April 2020, Council approved a series of measures to provide relief to residents and businesses in the Tamworth Regional Council area. The measures were designed to assist with those placed into a difficult situation as a result of the COVID-19 pandemic.

The purpose of this report is to provide a brief update on the feedback to date regarding these measures and to extend the intent of one of the items to cover a scenario that has been brought to Council's attention following the Meeting on 6 April 2020.

COMMENTARY

On 6 April 2020, Council held an Extraordinary Meeting of Council where a Mayoral Minute was presented to Council. The purpose of the Mayoral Minute was to request approval for a series of measures to provide relief to residents and businesses in the Tamworth Regional Council area. The measures were designed to assist with those placed into a difficult situation as a result of the COVID-19 pandemic. At that Meeting Council resolved:

That in relation to the report “COVID-19 Relief Package”, Council:

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

- (ii) acknowledge the work already undertaken;*
- (iii) approve the waiving of footpath advertising fees to 30 June 2020;*
- (iv) approve that no additional fees will be charged for the use of additional public space to provide take-away food services to 30 June 2020;*
- (v) approve that CBD Car Parking Fees will be removed to 30 June 2020, and that time restrictions will remain in place;*
- (vi) authorise the full refund of fees to any Development Application (DA) applicants wanting to withdraw applications currently under assessment;*
- (vii) endorse the flexible approach to enforcement and compliance as outlined in the body of the report;*
- (viii) endorse the work with Local, State and Federal agencies to maximise employment opportunities;*
- (ix) acknowledge no new debt recovery action for overdue rates and charges during the COVID-19 crisis to 23 June 2020;*
- (x) approve the writing off of any interest in accordance with section 567 of the Local Government Act 1993 to any overdue rates from the fourth quarter 2020 rates instalments;*
- (xi) approve the pausing/suspension of rent for commercial properties on application from the lessee to 30 June 2020;*
- (xii) seek the same consideration from all commercial landlords to the level of assistance they are able to receive from the State and Federal governments;*
- (xiii) request a future report to the Ordinary Meeting scheduled for 23 June 2020, for an update on the items listed to end on 30 June 2020;*
- (xiv) request a further report on the further options being reviewed outlined in the body of this report; and*
- (xv) will reimburse the water and sewer headworks charges that have been paid for any parcel of land developed and with a linen release date of between 1 March 2018 and 31 March 2020 (dates inclusive) that currently remains unsold. The reimbursed amount will be subject to legal agreement and will become a charge due or payable pursuant to section 603 of the Local Government Act 1993 as a charge against the land, payable upon settlement for the sale of the land with the General Manager to present a further detailed report in the future to consider making this a permanent measure.*

The measures commenced being implemented immediately following the Meeting and in the days after the Meeting, Council began to receive formal and informal feedback and correspondence from members of the public, tenants and businesses seeking to obtain relief where possible.

Whilst some of the correspondence has sought greater relief than Council is currently able to provide, the overall feedback has been positive in that those contacted have understood Council's position and appreciated the assistance, time and approach that is relieving pressure now while noting Council is open to discussions for how businesses may need to operate to trade out of this difficult situation into the future.

One such request was in relation to the item 4.1 (xv) of the resolution from 6 April 2020. The correspondence outlined that an applicant had a linen plan released on 2 April 2020, which is after the 31 March 2020 date stipulated in the resolution, but had submitted the application well prior to the impacts of COVID-19 being known.

The intent behind this point in the resolution was to provide assistance to those applicants who lodged applications within a reasonable timeframe but prior to the impacts of COVID-19 being known. The intent was also to have any new submissions excluded from this assistance on the basis that anyone making a submission after 31 March 2020, is fully aware of the impacts of COVID-19 and has built this into their commercial decision making process.

Noting this, it would be reasonable to offer this same assistance to applicants who have had linens released after 31 March 2020, but had lodged the submission prior to 31 March 2020, given that the processing time associated with linen releases is usually a number of weeks and would be prior to the impacts of COVID-19 being known.

As a result, this report seeks to address this matter by extending the intent of the original resolution with the following:

Council will reimburse the water and sewer headworks charges that have been paid for any parcel of land developed and with a linen release date after 1 March 2018, that was submitted for release prior to 31 March 2020, (dates inclusive) that currently remains unsold. The reimbursed amount will be subject to legal agreement and will become a charge due or payable pursuant to section 603 of the Local Government Act 1993 as a charge against the land, payable upon settlement for the sale of the land.

A further report is scheduled to be presented to Council on 23 June 2020, outlining more details regarding this relief package and proposing the next stage of the relief measures associated with the COVID-19 pandemic.

(a) Policy Implications

Nil

(b) Financial Implications

Loss of interest on funds returned to applicants and impact on cash position.

(c) Legal Implications

Legal agreements will be required for associated reimbursements.

(d) Community Consultation

Media briefings and press releases have been made regarding the COVID-19 release package along with resident and business feedback.

(e) Delivery Program Objective/Strategy

A Region of Progressive leadership – L12 Represent and advocate community needs.

10 COMMUNITY SERVICES

10.1 ACQUISITIONS TO THE TAMWORTH REGIONAL GALLERY COLLECTION 2019 – FILE No SF820

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: **Bridget Guthrie, Director Tamworth Regional Gallery and Museums**

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Acquisitions to the Tamworth Regional Gallery Collection 2019”, Council formally accept the identified artworks into the visual art collection.

SUMMARY

During the 2019 calendar year, a number of new acquisitions to the Tamworth Regional Gallery collection were acquired through a variety of options including purchase, donation, bequest and cultural gifts. The new acquisitions focus on the existing strengths of the visual arts collection, such as textile art and landscapes. There are also artworks that have been acquired that support Council’s Public Art Policy and Public Art Engagement Strategy **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

COMMENTARY

Details and information regarding the new 2019 acquisitions are as follows:

2019.01

Barbara McKay

Outback, 2014

Acrylic on canvas

1720cm x 2740cm

Outback is one of Barbara McKay’s largest works. As suggested by the title, it represents a vast, dry, desert-like landscape, rendered in ochre hues. McKay has not depicted the landscape in a realistic style; rather, the work conveys, in abstract form, her experiential response to the place, which she invites the viewer to share.

Outback joins a small number of other landscape works by regional artist Barbara McKay that already reside in the Tamworth Regional Gallery Collection. This artwork is donated by the artist.



2019.02

Michelle Hungerford

Faraday's Wheel, 2018

Acrylic and charcoal on canvas

155cm x 137cm

Michelle Hungerford lives in Tamworth, where she is a full-time working artist. Hungerford was inspired to create this painting, which reflects on the abstract nature of electricity, when she saw a demonstration of Faraday's wheel in motion at the Tamworth Powerstation Museum.

The work took Hungerford, predominantly a landscape painter, in a new direction, making use of tones and techniques she didn't typically employ. The stark, contrasting colours and sharp, impulsive application of the paint inject the work with great energy. Donated by the artist through the Australian Government's Cultural Gifts Program.



2019.03

Emma Walker

Prima Vera, 2010

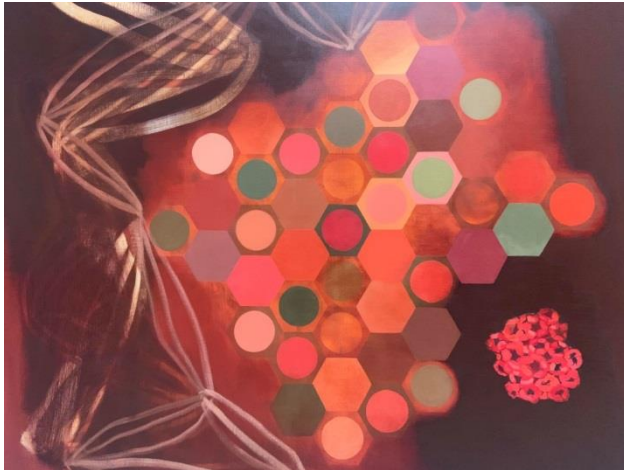
Oil on canvas

132cm x 150cm

Emma Walker graduated from the National Art School, in Sydney, in 2000 with a Bachelor of Fine Arts. She is represented by Sydney's ArtHouse Gallery. Her work is represented in many major public collections, including Macquarie Bank, The Australian Club, Grafton Regional Gallery, Tweed Regional Gallery, Lismore Regional Gallery, Bond University and many more, as well as private collections in Australia and overseas.

Walker's practice is informed by the natural world, and is often a multilayered response to poetry, philosophy and music. Her work is constantly evolving, and has gained the artist high praise and respect within the art world.

True to Walker's consistent engagement with the natural world, hexagonal shapes within *Prima Vera* evoke a beehive. The work was part of a larger body of work exhibited at Flinders Street Gallery in 2010 called 'Pollination'. Organic marks surrounding the hexagonal shapes suggest the movement of bees. Donated by the artist through the Australian Government's Cultural Gifts Program.



2019.04

Emma Walker

Sunset Hill, 2014

Oil on linen

130cm x 150cm

Sunset Hill has similarities to works Emma Walker produced for an exhibition at Melbourne's Flinders Lane Gallery in 2013. Those works were inspired by a series of walks the artist undertook around the Lake George and Bungendore area, near Canberra. Walker's works often explore the space and relationship between landscape, memory and the subconscious, and that is exactly what Walker has conceived here. The abstract work evokes the landscape, while also exploring the internal narrative relating to that time and place. Donated by the artist through the Australian Government's Cultural Gifts Program.



2019.05

Bob Baird

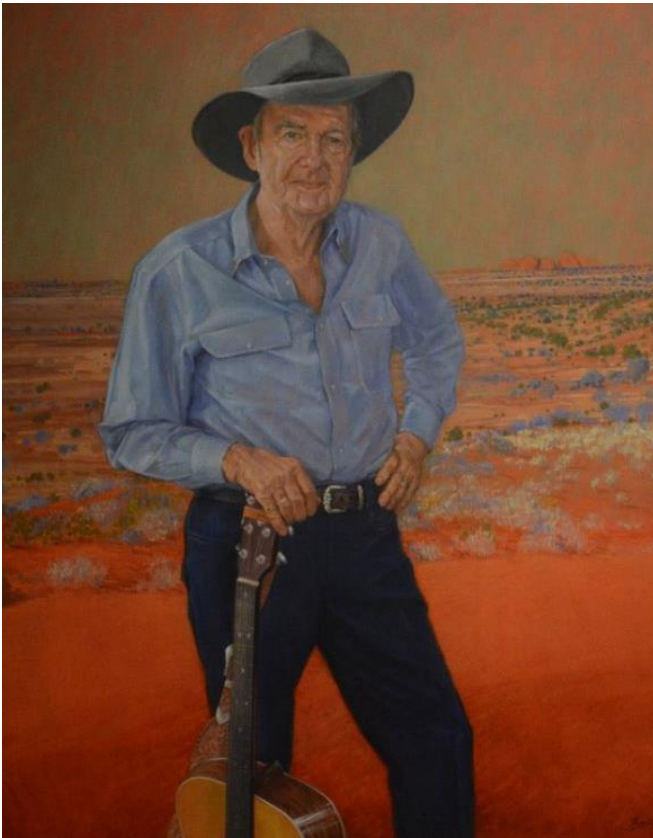
Portrait of 'Slim', Historian of the Bush (Slim Dusty), 2000

Oil on Belgian linen

155cm x 125cm

The work is a portrait of the legendary Australian performer Slim Dusty. Tamworth is the home of Australian country music, and Slim Dusty and his wife Joy McKean have a deity-like presence in the history of Australian song. The work was included in the exhibition 'Portraits 2001: An Australian Odyssey' at Tweed Regional Art Gallery and is a work that fits thematically with Tamworth and our association with country music.

Bob Baird was born in Sydney in 1948. From 1980 to 2008, he was a full-time Fine Art Educator with TAFE School of Art and Design. Donated by the artist's son through the Australian Government's Cultural Gifts Program.



2019.06 – 2019.73

Judy Cassab

Below: *Climbing the Sandstone Caves, Coonabarabran, 2000*

Oil on canvas on board

86 cm x 90 cm.

Cultural Gift donations from John Seed and Peter Kampfner

Judy Cassab was born in Vienna, Austria, in 1920. Her art studies in Prague were disrupted when Germany invaded Czechoslovakia in 1939. She arrived in Australia in 1951 with her Hungarian husband, who had survived persecution by the Nazis during the war, and their two sons. The family settled in Woollahra, and Cassab quite quickly established herself as a successful portrait artist. During her career, she gained recognition for being the only female artist to win the Archibald Prize twice – in 1960 for her portrait of Stan Rapotec, and in 1967 for her portrait of Margo Lavers.

Striving to extend her knowledge and experience, the artist travelled to Alice Springs in 1959. The journey inspired in her a love of the landscape, which she explored in abstract works, though she remained prolific in portraiture. This donation includes a series of works capturing landscapes of our region in various mediums including oil on canvas, watercolours, pastels and charcoals.

Cassab was a vocal advocate for the arts. She became a trustee of the Art Gallery of New South Wales in 1980, and donated hundreds of her works to small galleries around Australia.

This series of works are donated by the artist's family through the Australian Government's Cultural Gifts Program.



2019.74

David Darcy

Charlotte, 2018

Oil on canvas

200cm x 150cm

'Charlotte Drake-Brockman is a charismatic 84-year-old artist who resides in the small rural township of Murrurundi, New South Wales. Locally Charlotte has a reputation as a firebrand, who isn't afraid to speak her mind. But the tough persona belies a kind, generous woman,' says David Darcy.

'When I moved to Murrurundi 18 months ago,' he says, 'Charlotte was the first local to invite me over for a beer. Her zest for life, defiant attitude towards authority, generous spirit and the fact that she still mows her own lawn inspired me. Being the new artist in town, I felt painting a portrait of this local character would help connect me to my new community.'

'Charlotte recently lost her partner of 42 years and it's evident from our conversations he is greatly missed. But life goes on. I wanted the painting to portray a woman who is strong, unconventional, comfortable in her aged skin, flamboyant and still formidable 'A woman who has lived a full life and commands her own space'.

David Darcy is a regional, self-taught artist who took up full-time painting only 18 months before this painting was conceived. The work was included in the 2018 Archibald Prize and toured to Tamworth. Purchased by Tamworth Regional Council with support from private donations.



2019.75

Joy Ivill

Billy Bumps, 2013

Cotton embroidery on linen

51cm x 52cm

Joy Ivill uses embroidery as a powerful feminist statement. She takes ownership of a medium that was once forced upon women as part of their domestic duties, and uses the needle and thread to create outrageous and controversial autobiographies. The artist shares with the viewer, at times confronting honesty and humorous anecdotes from her life.

Billy Bumps is hand-stitched embroidery featuring a crab, fish, house, rainbow, heart and flowers. Stitched words pertain to the artist's relationship with Billy Bumps, including dates and places they have visited. It is colourful and purposely naïve in style. Donated by a private collector through the Australian Government's Cultural Gifts Program.



2019.76

Joy Ivill

Kosta, 2013

Cotton embroidery on linen

52cm x 51cm framed

Kosta is a hand-stitched embroidery containing images including a dragon's head, shark, heart and flowers. It also contains stitched words pertaining to the character Kosta and their experiences. Her stitched words and images create charming mind maps with a pop art aesthetic. Donated by a private collector through the Australian Government's Cultural Gifts Program.



2019.77

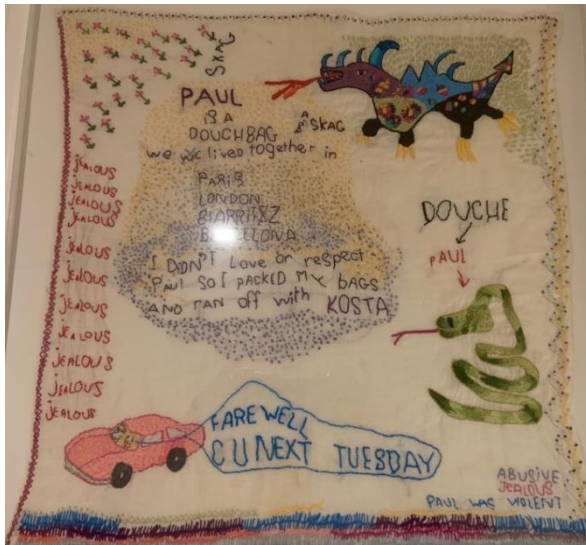
Joy Ivill

Paul, 2013

Cotton embroidery on linen

52cm x 51cm framed

This work is hand-stitched embroidery showing a dragon, snake, car and flowers, as well as stitched words describing the artist's relationship with Paul and the places they visited together. All three artworks by Joy Ivill align with the Tamworth Regional Gallery's collection focus on textiles. She currently has work in the *Open House: 3rd Tamworth Textile Triennial* national tour. Donated by a private collector through the Australian Government's Cultural Gifts Program.



2019.78

Big Golden Guitar, 1988

Fibreglass and steel

1200cm x 426cm x 94cm

The *Big Golden Guitar* stands prominently on the New England Highway on the southern approach to Tamworth, Australia's home of country music. Twelve metres high, the sculpture weighs half a tonne and is made of fibreglass over a steel frame.

A striking tribute to Tamworth's country music reputation, the *Big Golden Guitar* is a replica of the famous golden guitar statuette used for the annual Country Music Awards of Australia (the Golden Guitars). The sculpture was unveiled by Australia's 'King of Country Music', Slim Dusty, in 1988 (Australia's Bicentennial year). Slim Dusty has won more 'Golden Guitar' awards than any other Australian country music recording artist.

The *Big Golden Guitar* was designed by artist Harry Frost and produced by Len Surtees. The artwork has strong local history significance, as it links back to Tamworth's country music history and the inception of the Australian Country Music Festival.

The work is seen as an 'icon' and is one of the most visited and photographed sites in Australia. There wouldn't be many tourists and country music fans who pass through Tamworth without having their photo taken in front of the *Big Golden Guitar*.

Known throughout the world, the sculpture identifies Tamworth as the Country Music Capital of Australia, and host to one of the largest festivals in the southern hemisphere in January each year.

The *Big Golden Guitar* will be an important and prominent addition to the city's growing public art collection. It aligns with Tamworth Regional Gallery's Collection Policy 1.1.7 Works by Regional Artists, including paintings, photographs, works on paper, ceramics and sculpture. This work will also complement the existing public art collection and Council's Australian Country Music social history collections. The strong significance of this artwork for Tamworth

and its natural fit thematically make it an important donation to the collection. Donated by the Coultan family through the Australian Government's Cultural Gifts Program.



(a) Policy Implications

All new acquisitions have been acquired in accordance with the Tamworth Regional Gallery Collection Policy.

(b) Financial Implications

Artwork values will be added to Council's Assets Register and recorded for insurance documentation.

(c) Legal Implications

Artwork will be exhibited in accordance with copyright law.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

10.2 KING GEORGE V AVENUE WORKING GROUP - MINUTES 12 FEBRUARY 2020 – FILE No SF8127

DIRECTORATE:

REGIONAL SERVICES

AUTHOR:

Paul Kelly, Manager Sports and Recreation

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “King George V Avenue Working Group – Minutes 12 February 2020”, Council receive and note the Minutes of the meeting.

SUMMARY

The purpose of this report is to provide information on the operation and activities of the King George V Avenue Working Group as at 12 February 2020.

COMMENTARY

The King George V Avenue Working Group (KGVAWG) held a meeting on 12 February 2020. The Minutes of the meeting are **ENCLOSED**, refer **ENCLOSURE 1**.

The KGVAWG have been discussing the current and future maintenance of both the main avenue together with the secondary avenue. Council is using R U Volunteering to generate some interest in the community by holding a community day to help undertake some maintenance work within the main avenue.

The KGVAWG are keen to see work begin in the secondary avenue with an initial clean up of the avenue prior to any future plantings of new trees. Council will be scheduling a clean up of the secondary avenue to remove any dead or fallen trees along with the removal of the metal tree guards placed to prevent stock from damaging the trees.

Discussions are ongoing with Essential Energy regarding their maintenance schedule and timing of this work. The KGVAWG have asked that all works be undertaken in the winter period so as not to stress the trees during the growing period.

The KGVAWG are interested in getting a sign installed at the commencement of the avenue detailing the history of the oak trees. It is proposed that this sign will be installed in the redeveloped pump station park.

Council will be undertaking the removal of a further 10 English Oak trees as per the approval of the Office of Heritage. This work has been scheduled to be completed in May 2020. Planting of some new English Oak trees is expected to be carried out in late July 2020 to fill any gaps in the main avenue.

(a) Policy Implications

Nil

(b) Financial Implications

All work will be completed using current budget allocations.

(c) Legal Implications

Nil

(d) Community Consultation

The KGVAWG consists of a number of community members who have an interest in preserving the avenue for the future.

(e) Delivery Program Objective/Strategy

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

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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

11.1 RENEWAL OF LEASE TO CAPITAL 4WD CENTRE PTY LIMITED - 30-32 BRIDGE STREET, WEST TAMWORTH – FILE NO LF698

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 14.4 to Ordinary Council 14 June 2016 - Minute No 171/16

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 authorise Council to enter into negotiations with Capital 4WD Centre Pty Limited for a renewal of the Lease of 30-32 Bridge Street, West Tamworth.

11.2 OUTCOME OF T055/2020 - NICSE STAGE 2 - HOCKEY CENTRE POWER SUPPLY UPGRADE – FILE NO T055/2020

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Claire Turnor, Projects Engineer

Reference: Item 12.5 to Ordinary Council 12 November 2019 - Minute No 416/19

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

SUMMARY

The purpose of this report is to advise Council of the contract and tender evaluation details for tender “T055/2020 – NICSE Stage 2 – Hockey Centre Power Supply Upgrade”.

11.3 T062/2020 - TAMWORTH REGIONAL ASTRONOMY AND SCIENCE CENTRE – BUILDINGS AND SERVICES WORKS – FILE NO T062/2020

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Angela Webb, Operations Engineer, Road Infrastructure

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council's approval to award Tender T062/2020 – Tamworth Regional Astronomy and Science Centre – Buildings and Services Works as part of the Tamworth Regional Astronomy and Science Centre Project at Victoria Park, Tamworth.

11.4 EXPRESSION OF INTEREST FOR THE SALE OF THE FORMER SALEYARDS SITE AT GLEN ARTNEY – FILE NO SF8884

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Reference: Item 14.1 to Ordinary Council 13 June 2017 - Minute No 175/17
Item 14.9 to Ordinary Council 12 June 2018 - Minute No 206/18
Item 14.5 to Ordinary Council 30 October 2018 - Minute No 265/18
Item 16.4 to Ordinary Council 17 December 2019 - Minute No 476/19

1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c)&(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

Council resolved at its Ordinary Meeting held on 30 October 2018, to sell the former saleyards site. The purpose of this report is to authorise the Mayor and General Manager to further negotiate with the Purchaser in relation to its further request.

11.5 COUNCIL'S ENERGY SAVING CERTIFICATES NOMINATION – FILE NO SF219

DIRECTORATE: WATER AND WASTE
AUTHOR: Tim Hurcum, Sustainability Officer
Reference: Item 8.9 to Ordinary Council 14 February 2017 - Minute No 14/17
Item 14.3 to Ordinary Council 9 May 2017 - Minute No 135/17

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

Essential Energy's public lighting strategy has been updated to proactively upgrade existing streetlights to LED, with opportunity to offset the cost of upgrades through the creation of Energy Saving Certificates (ESC's) via the NSW Energy Savings Scheme (ESS).

The report outlines the ESS and presents Council's options to create ESCs for street lighting upgrades via the ESS.

11.6 TENDER FOR THE SUPPLY AND INSTALLATION OF CLOSED CIRCUIT TELEVISION (CCTV) INFRASTRUCTURE - STAGE 3 - – FILE NO T104/2020

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Tracey Rolls, Manager Business Systems and Solutions

4 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to provide Council with a summary of the tender submissions received in relation to the Safer Communities Fund – Infrastructure Grant outlining the preferred vendors to supply and install the Closed Circuit Television (CCTV) Infrastructure – Stage 3 as outlined in the tender document.

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.