

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

14 JULY 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, 23 June 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 **DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 **MAYORAL MINUTE**

Nil

6 **NOTICE OF MOTION**

Nil

OPEN COUNCIL REPORTS

7 **ENVIRONMENT AND PLANNING**

Nil

8 **INFRASTRUCTURE AND SERVICES**

8.1 **OPERATION OF CHAFFEY DAM PIPELINE AND ENVIRONMENTAL RELEASES FROM CHAFFEY DAM – FILE NO**

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Operation of Chaffey Dam Pipeline and Environmental Releases from Chaffey Dam”, Council:

- (i) receive and note the report; and*
 - (ii) write to the NSW Minister for Water, Property and Housing advocating Council’s view the new Chaffey Dam Pipeline should be free from any restrictions with*
-

respect to operating and that water no longer being “lost” during previous in stream delivery should be held in the Chaffey Dam storage to improve the security and reliability of Tamworth/Moonbi/Kootingal’s water supply.

SUMMARY

The purpose of this report is to update Council in relation to the operation of the Chaffey Dam pipeline and environmental releases from Chaffey Dam.

COMMENTARY

Operation of the Chaffey Dam Pump Station and Pipeline recommenced on Wednesday 17 June 2020. Council staff were very much involved in making sure the recommissioning process was appropriately planned and ran smoothly. Other points to note include:

- testing, before operation commenced indicated the quality of the water in the pipeline had deteriorated over the period the pipeline was shut down to the point where it was likely the water in the pipeline could not be treated;
- staff asked for the water in the pipeline to be ditched to the Peel River, however Water NSW advised it did not have environmental approval to allow this and also the pipeline has not been designed with any ditching points;
- Council does have an environment approval to release water, that meets certain criteria, from the Calala Water Treatment Plant into the Goonoo Goonoo Creek, so it was decided the only option was for the water to be delivered via the pipeline to the plant and then, if necessary, divert the water through the plant and release it to Goonoo Goonoo Creek, assuming the water met the criteria to do so;
- however, this meant that customers along the Dungowan Pipeline may be provided with water of an inferior quality until all of the low quality water in the pipeline had been delivered to the water plant;
- on Monday 15 June 2020, all of the customers along the effected length of the Dungowan pipeline were contacted, advised of the situation and asked to turn off their service, to avoid dirty water, and to advise Council if they wanted Council to turn off their service. A total of 60 notices went out using Council’s Whispir system and all but two received the message. None asked Council to turn off their service; and
- however, once the water started moving in the pipeline it was apparent the water quality wasn’t too bad and as a result the water was able to be treated. No water was ditched or wasted.

Operational issues since recommissioning have seen the automatic operation of the pipeline shut down almost every night in the first 10 days since it was recommissioned. Water NSW, as the operator of the pipeline, are investigating these issues, however each time the pipeline operation shuts down, Council staff have to attend the water plant to manage the delivery of water to the plant in manual operation mode. This is not sustainable. Water NSW has now committed to running the pipeline for a period of seven days without communication issues before handing the pipeline over to its operational staff for ongoing operation. At the time of preparing this report it is believed this handover is imminent.

In the absence of supply from the Scott Road Drift Wells, water for Tamworth/Moonbi/Kootingal is presently being sourced from Chaffey Dam via the new pipeline and from the Peel River Pump Station, whilst flows in the Peel River are such that a release from Chaffey Dam is not required to meet the volume of water being extracted. The

level of Council’s Dungowan Dam continues to rise and plans are in place to commence sourcing water from Dungowan once the level in the storage rises to the point where water laps against the automatic tipping gate at the dam and as a result water starts to be lost around the side of the gate. However, water cannot be sourced from Dungowan Dam whilst the Chaffey Dam pipeline is in operation. The operation of these two sources to prevent poor water quality in either, or both, pipelines in the future will require careful consideration.

Council has now been provided with the approval in relation to the operation of the Chaffey Dam pipeline, **ATTACHED**, refer **ANNEXURE 1**, and it includes the following:

- the Approval expires on 1 October 2020, although the relevant NSW Minister may extend the approval any number of times depending on certain conditions;
- the pipeline can only be used when the storage in Chaffey Dam is below 20%;
- environmental releases from the dam into the Peel River will cease when the dam falls below 20% - phase 2 in the table below;
- a new approach for environmental water will be implemented based on the following phases:

Table 1 Trigger levels in Chaffey Dam for pipeline operation

Description	Falling storage level trigger	Rising storage level trigger
Phase 1	20.0% and above	20.0% and above
Phase 2	15.0%-19.9%	phase 2 does not apply
Phase 3	10.0%-14.9%	15.0%-19.9%
Phase 4	Below 10.0%	Below 15.0%

- when the dam is in phase 2, 3 Megalitres per day will be accumulated in the dam storage, up to a maximum of 1,095 ML per annum, for possible release to address environmental issues in the Peel downstream of the dam;
- when the dam is in phase 3, 1.5 Megalitres per day will be accumulated in the dam storage, up to a maximum of 550 ML per annum, for possible release to address environmental issues in the Peel downstream of the dam;
- when the dam is in phase 4, no further water will be accumulated in the dam storage for possible environmental release;
- a Peel Environmental Water Technical Advisory Group will be established to advise about environmental releases;
- it is not known whether Council will be represented on this group, although it is assumed Council will be;
- environmental water that has not been used within a phase of operation will not be carried into the next phase regardless of whether the phase is an upward or downward movement. This means that the environmental water account will commence at 0 ML at the start of each phase. This would seem to encourage the use of the accumulated environmental water before the end of each phase, otherwise this water will be no longer be available for release to the environment;

- if a phase of operation spans across water years, the water accrued in the environmental water account within that phase is not forfeited at the end of the water year; and
- borrowing of water within a phase of operation can occur up to one week in advance. The maximum amount of borrow forward is therefore seven times the daily accrual rate for the relevant phase of operation.

As of 7 July 2020, the dam storage was at 15.2% which means the dam is in phase 2.

Environmental releases to the river should have stopped on the date the NSW Minister signed the approval, 3 June 2020, or the date approval was granted to operate the pipeline by the Australian Government which, it is understood, occurred sometime ago. But releases of 3 Megalitres per day continued up to and including 30 June 2020. Advice from Water NSW was that there was a need for one further approval under the NSW Water Management Act from the NSW Natural Resource Access Regulator. It is understood this approval has now been provided and environmental releases have not occurred from 30 June.

It is important to recognise that whilst the actual environmental release to the river has stopped, the water that would have been released (or in phase 3, 50% of it) will still be accumulating in the storage and is available to address environmental issues. This is considered a sensible approach because rather than just releasing 3 ML per day into the river, whether or not it was required for environmental purposes, for the next four months and/or while the dam is lower than 20%, water is being stored for environmental use and will only be used as required.

Following the recommissioning of the pump station at Chaffey Dam, the temporary pump station at Dungowan Recreation Ground has been decommissioned and when the level in the Peel River allows, the temporary weir will also be removed.

Council has previously agreed to a position that the Chaffey Dam pipeline should be operated at all time and water will only be released into the Peel River from Chaffey Dam for Council's purposes when the demand for water in Tamworth/Moonbi/Kootingal is above the capacity of the pipeline to supply. The current approval includes the pipeline will be shut down when the storage level in Chaffey Dam reaches 20%. From that point, it is assumed, water for Council's purposes will be released into the Peel River for extraction at the Peel River Pump Station. From a staff perspective the reasons why shutting down the pipeline when the dam storage is above or equal to 20% should not be supported include:

- checking the historic Chaffey Dam levels indicate that since 1 January 2002, the level of the dam has been below 20% only 5.8% of the time. This would indicate, in the future, if the 20% limit is adopted long term, the pipeline would only operate around six days in 100. It is considered the expenditure to build the pipeline could not be justified on a cost benefit basis if the pipeline only operated six percent of the time;
- there seems to be a perception that if water for Council's use is delivered via the pipeline then there will be no further releases from Chaffey Dam into the Peel River. This is not true, releases will continue to be provided for:
 1. stock and domestic and basic landholder rights to property owners with frontage to the river;
 2. High Security entitlement holders along the Peel River;
 3. General Security entitlement holders along the Peel River; and
 4. the environment.

- whenever water is released into the river to be delivered to a downstream user (including Council) some of the water is lost, predominantly to the adjacent alluvium. In Council's case, this in stream loss reduces the security and reliability of Tamworth/Moonbi/Kootingal's water supply, assuming the water that would have been lost is retained in the storage for Council's future use;
- every time the pipeline is shut down for an extended period the quality of the water that sits in the pipeline deteriorates. What to do with this water when the pipeline is recommissioned is problematic, as witnessed during the most recent recommissioning. Additionally, in the absence of the ability to ditch water before the first customer connected to the pipeline, there is a very high possibility that pipeline customers will be delivered inferior quality water;
- alternatively, to avoid poor water quality, every time the pipeline stops operation for an extended period the pipeline should be drained, until operation starts again. At present there does not appear to be in place approvals to allow this to happen; and
- experience has shown stopping a pump station, pipeline and associated infrastructure for long periods of time does not mean that recommencing operation is as easy as the flick of a switch. Invariably maintenance is required before the infrastructure can be put back into service, the majority of which may not have been required if the pump station and pipeline operated for longer periods.

Ideally from a Council perspective it is considered the most appropriate operating regime for the pipeline, long term, is operation at all times and water will only be released into the Peel River from Chaffey Dam for Council's purposes when the demand for water in Tamworth/Moonbi/Kootingal is above the capacity of the pipeline to supply. Further, water that would otherwise have been lost during delivery of that water via the Peel River to the Peel River Pump Station should be stored in Chaffey Dam to increase the security of supply for Tamworth/Moonbi/Kootingal.

Assuming Council agrees with this operating regime then Council may like to consider whether it should approach the NSW Minister for Water, Housing and Property in relation to this matter.

Finally in relation to the long term ownership and operation of the Chaffey Dam and future Dungowan Dam pipelines, discussions have commenced with Water NSW staff. Whilst the ownership issue will not be resolved at staff level, there is the opportunity to discuss operation of the pipelines, by either Council or Water NSW including levels of service and cost. Council will be kept updated in relation to these discussions.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.2 LEVEL 5 COMMUNICATIONS ENGAGEMENT PLAN UPDATE – FILE NO

DIRECTORATE: WATER AND WASTE

AUTHOR: Tracey Carr, Sustainability Coordinator

Reference: Item 8.6 to Ordinary Council 27 August 2018 - Minute No 279/19

Item 8.11 to Ordinary Council 11 February 2020 - Minute No 14/20

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Level 5 Communications Engagement Plan Update”, Council:

- (i) receive and note the report; and*
- (ii) approve a revote of funds remaining in the Drought Management – Education/Community Resources to continue to implement the Drought Management Response – Water Restrictions Communication and Engagement Plan in the 2020-21 financial year.*

SUMMARY

To meet the key achievements identified in the *Drought Management Response: Water Restrictions Communication and Engagement Plan (CEP)*, a marketing plan was developed and implemented in August 2019, with a budget of \$164,393 approved for six months. At the Ordinary Council Meeting held 11 February 2020, Council approved a further six month budget of \$173,640.00 to continue with the implementation of the CEP and to prepare for the next identified trigger point in the CEP, i.e. 10% capacity in Chaffey Dam, should the Dam level continue to fall.

The purpose of this report is to update Council on the activities undertaken as part of the CEP and propose amendments and new activities identified to ensure water restrictions and water conservation messaging continues to have the required impact and appropriate follow up engagement activities are undertaken in areas of the region where water restrictions are no longer in place.

COMMENTARY

2020 has seen rainfall increase and a return to somewhat more normal water availability across much of the Region. Barraba, Manilla, Bendemeer, Nundle and Attunga have returned to Permanent Water Conservation Measures (PWCM) while Tamworth, Moonbi and Kootingal remain on Level 5 water restrictions. Throughout Autumn and into Winter Chaffey Dam's level, which is sitting at 15.2%, has been mostly constant with a slight increase in recent weeks. While ever Tamworth, Moonbi and Kootingal remain on Level 5 water restrictions Council staff continue to implement the CEP and appeal to residents and businesses to conserve remaining water supply as well as prepare for the potential to reach 10% capacity in the dam, the next trigger point for further reduction in residential and business water use.

Whilst the improvements in water supplies and rainfall are encouraging, the easing of restrictions in some areas and the somewhat static Chaffey Dam level has presented new challenges that require a considered and flexible marketing response. Tamworth, Moonbi and Kootingal have been on Level 5 restrictions since 23 September 2020, more than nine months with little change. Council faces the possibility of advertising fatigue and the “Let’s Work Together” message losing its impact over time. Additionally, COVID-19 has meant that face-to-face engagement opportunities have been suspended until it is deemed safe to resume, removing the opportunity for Council staff to effectively participate in existing or stand alone community events to promote, and speak to residents about, water conservation.

The current consumption trends indicate residents and businesses are making a concerted effort to reduce their overall water use, however with the warmer months fast approaching and the burden of long term restrictions taking its toll, ongoing monitoring, review and tweaking of CEP activities is essential.

As per the CEP, updated advertising has been created in readiness for the 10% capacity trigger point, should the Dam reach that point. The ads include updated scripts and messages and the colour palette identified in the CEP for Level 5 10% trigger, red in place of orange, as well as updated imagery and background music to support the increased seriousness of the situation. The 10% television and radio content include the new message of “at work, at home and at play” encouraging all residents to be aware of their water use in all of their day to day activities. Whilst the new messaging will be engaged at the 10% trigger; there is currently an opportunity to rejuvenate the Let’s Work Together messaging while the dam is at 15.2%. This will be done by staff voicing new radio ads at the local radio stations. These ads will still sit in line with the Let’s Work Together theme but will focus on reminding residents that while there has been some rain we cannot become complacent.

Car air fresheners, one of the marketing elements of the CEP, had been identified as a cost-effective marketing tool to promote the need to conserve water under Level 5 water restrictions and had previously been included in the CEP budget to be rolled out when Chaffey Dam reached 10% capacity. Staff opted to move this forward and roll out in the short term to add a new element to the current 15% campaign.

The car air fresheners will be branded with the Let’s Work Together message and will be distributed at all Council offices, as well as local petrol stations. This marketing tool has been identified as a way of working in with the limitations presented by COVID-19, where face-to-face community engagement is still restricted. However, with more people getting in their cars and heading ‘bush’ thanks to the Love NSW tourism campaign, the car air fresheners are a novel way to keep the message in a location that most residents would see on a regular basis; hanging from the rear view mirror of the car. This marketing tool will also help promote the current water situation to visitors to the Tamworth region. The budget allocated for the car air fresheners is \$4,500.00

Other out of home advertising that was identified in the plan was advertising on bus backs, taxi or other public transport. Staff agreed the implementation of this element should be saved until we reach 10% as it will be a high impact piece which is what will be needed at that time.

Another activity identified in the CEP is a Values and Perception Survey to be rolled out when the drought breaks. The Survey content has been finalised and will be distributed to all communities now living on Permanent Water Conservation Measures.

The Survey has been created as a way to gauge what the community most values when it comes to water management and sustainable water practices. It will also provide valuable feedback on the effectiveness of the CEP and its role in informing and educating residents

during the higher levels of water restrictions. The survey aims to capture as much information in as minimal questions as possible. All ages are being encouraged to participate in the survey, with the questions tailored to suit respondents as young as nine years of age. This will assist Council in identifying where to focus community engagement in future water campaigns. Participants will be encouraged to complete the survey via an online portal; however a hard copy is being designed for those who do not have access to the internet.

The 20 question survey will go live in July and will be active for one month. It will be available to Attunga, Barraba, Bendemeer, Manilla and Nundle residents via an online portal and at Council offices in the participating towns and villages. With COVID-19 restrictions still impacting face-to-face community engagement, promoting the survey will be done through a number of channels, including a social media campaign, the weekly media water update, newspaper advertising and A5 strut card stands located across businesses and Council offices.

As an incentive to encourage participation, residents will go into the draw to win a water efficient dishwasher or washing machine of their choice, with Council paying up to \$1000.00 of the appliance cost.

This survey **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**, will also provide valuable information in preparation for the review of the Drought Management Plan, the timing for which is currently being determined. The budget allocated to the values and perception survey is \$6000.00, including the prize.

The current Communications Engagement Plan budget has sufficient funds remaining to proceed with the survey. This is due to savings made from both the reduction of face-to-face community engagement activities and minor inflows into Chaffey Dam bringing the level to 15.1%, delaying the 10% trigger slightly. To continue to implement the CEP it is recommended that Council revote the remaining funds for the 2020/21 financial year.

Should Chaffey Dam drop to 10%, a fresh suite of marketing tools will be created, incorporating the “at work, at home and at play” message. Changing the look of this step up in Level 5 restrictions is essential to avoid fatigue and encourage the community and stakeholders to actively participate in the new target of 100litres/person/day. A marketing plan and proposed additional budget, if required for any further activities, will be prepared and presented to Council at a future Council meeting.

(a) Policy Implications

The CEP marketing plan has been developed to support the implementation of water restrictions as identified in Council’s *Drought Management Plan 2015* and the *Drought Response – Water Restrictions Communication and Engagement Plan*.

(b) Financial Implications

The modifications to the CEP suggested above will be funded from the existing Water Restrictions Marketing and Communications budget should Council approve a revote of the remaining funds from the 2019-2020 financial year to the 2020-2021 financial year.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.3 EXTENSION OF RESIDENTIAL AND COMMERCIAL RAINWATER TANK, GREY WATER AND BORE WATER INSPECTIONS – FILE NO

DIRECTORATE: WATER AND WASTE

AUTHOR: Tracey Carr, Sustainability Coordinator

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

RECOMMENDATION

That in relation to the report “Extension of Residential and Commercial Rainwater Tank, Greywater and Bore Water Inspections”, Council:

- (i) receive and note the report; and*
- (ii) provide \$1,000.00 per month, on an ongoing basis, from the Water Reserve, to fund the continuation of inspections.*

SUMMARY

The promotion of Councils water saving rebate scheme has led to a steady rate of stand alone rainwater tank rebate applications. In order to approve the stand alone rainwater tank rebates an inspection must be completed to receive a Council issued sign. This paired with Tamworth, Moonbi and Kootingal residents living on level 5 water restrictions for over nine months, has also seen residents and businesses applying for signage for alternative water use, to avoid water restriction breach reports.

To manage the inspection request frequency in a timely manner, additional funds of \$1,000 per month is requested on an ongoing basis to extend the inspections for the foreseeable future.

COMMENTARY

On 11 June 2019, Council approved funding for a suitably experienced contractor to undertake inspections at properties requesting signage for the use of an alternative water source to the town water supply. This service is available to residents and businesses that have existing stand alone rainwater tanks, greywater treatment or reuse systems or on site bore water, and to those looking to access water saving rebate scheme items for stand alone tanks. As part of the Terms and Conditions for the residential and commercial water saving rebate scheme, tank inspections and council issued signs are a requirement for some application approvals. Engaging a tank inspector ensures the timely approval of rebate applications, as other qualified Council staff members are not always readily available to complete the task. The inspector also aids in the accurate reporting of water restriction breaches as residents and businesses can readily prove they are using an alternative water supply by displaying the Council issued signage. The prior expertise of the inspector also minimises human error when approving stand alone rainwater tank rebate applications.

Demand for tank inspections has exceeded expectations. Since the new Council request management system for tank inspections came on line in March 2019, 1,420 tank

inspections have been completed. This figure highlights the high demand for inspections during the extended dry times.

	System Type		
	Bore Water	Grey Water	Rainwater
Compliant	75	51	1111
Not Eligible	3	4	117
Not Required	8	19	13
NA	-	3	16
Sub Total	86	77	1257
Total	1420		

The weekly promotion of Council's water saving rebate scheme has also seen more than 272 rebates approved since early March 2020. This includes rebates for stand alone rainwater tanks to the value of \$8,700.00, which amounts to a conservative estimated water saving to Council of 2.75ML/year. It is expected with Level 5 water restrictions still in place, warmer months approaching and the continued promotion of the water saving rebates; this figure will continue to rise.

As part of the June 2019 approval of the engagement of the tank inspector, Council agreed to the provision of \$18,000.00 per month on an ongoing basis to undertake work as follows:

- \$3,800.00 per month for an additional casual staff member to undertake tank inspections;
- \$5,000.00 per month to continue out of hours compliance patrols of water restrictions breaches; and
- \$10,000.00 per month to second a member of Council's Communications unit to the Water and Waste Directorate.

As of 30 June 2020, compliance patrols ceased, due to Tamworth, Moonbi and Kootingal currently being in a traditionally low consumption period and a reduction in water restriction breach reports. The secondment of a Council communications staff member will finish in December 2020. A report will be prepared for Council should a budget be required to extend or reinstate the patrols and the secondment.

Requests for tank inspections, however, occur on a constant basis. Considering this, and to ensure the continuation of the timely and accurate completion of stand alone rainwater tank rebate application approvals and the reduction in avoidable water restriction breach reports, a budget of \$1000 per month, ongoing, is requested. This budget will enable the inspector to work one day a week to complete tank inspections requests which, based on current demand for the service, is sufficient.

As summer approaches, request numbers will be closely monitored and if there is a considerable increase or decrease in demand, a report will be prepared for Council to consider amending the monthly budget as required.

(a) Policy Implications

Nil

(b) Financial Implications

Funds of \$1,000 per month are considered sufficient to engage a contractor to undertake the inspections given current demand. If approved, these funds will be required from the Water Reserve.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.4 DROUGHT ASSISTANCE AND INITIATIVES UPDATE – FILE NO

DIRECTORATE: WATER AND WASTE
AUTHOR: Tracey Carr, Sustainability Coordinator
Reference: Item 12.1 to Ordinary Council 10 July 2018
Item 9.3 to Ordinary Council 14 August 2018 - Minute No 142/18
Item 8.6 to Ordinary Council 28 April 2020 - Minute No 102/20

RECOMMENDATION

That in relation to the report “Drought Assistance and Initiatives Update” Council:

- (i) receive and note the report;*
- (ii) formally adopt the trigger to cease access to free treated water for eligible primary producers when 50% or more of the Region is either listed as recovering or non drought on the NSW Department of Primary Industries Drought Map;*
- (iii) formally adopt the trigger to cease access to silage wrap and wastage wrap disposal at no cost when 50% or more of the region is either listed as recovering or non drought on the NSW Department of Primary Industries Drought Map; and*
- (iv) note access to amenities ceased when the initiative was no longer being accessed by residents following the introduction of free treated water at Bulk Water Refill Stations.*

SUMMARY

At the Council Meeting held 10 July 2018, Council requested, in response to severe drought conditions existing at that time, the General Manager explore strategies or mechanisms that will provide practical or direct assistance from within Council functions, to primary producers in our region who are experiencing financial difficulties as a result of the drought.

A further report was presented to Council at the Ordinary Council Meeting held on 14 August 2018, where Council endorsed the following measures to provide assistance to primary producers during times of drought:

- make bulk water available through hydrant metered standpipes in towns and villages at
-

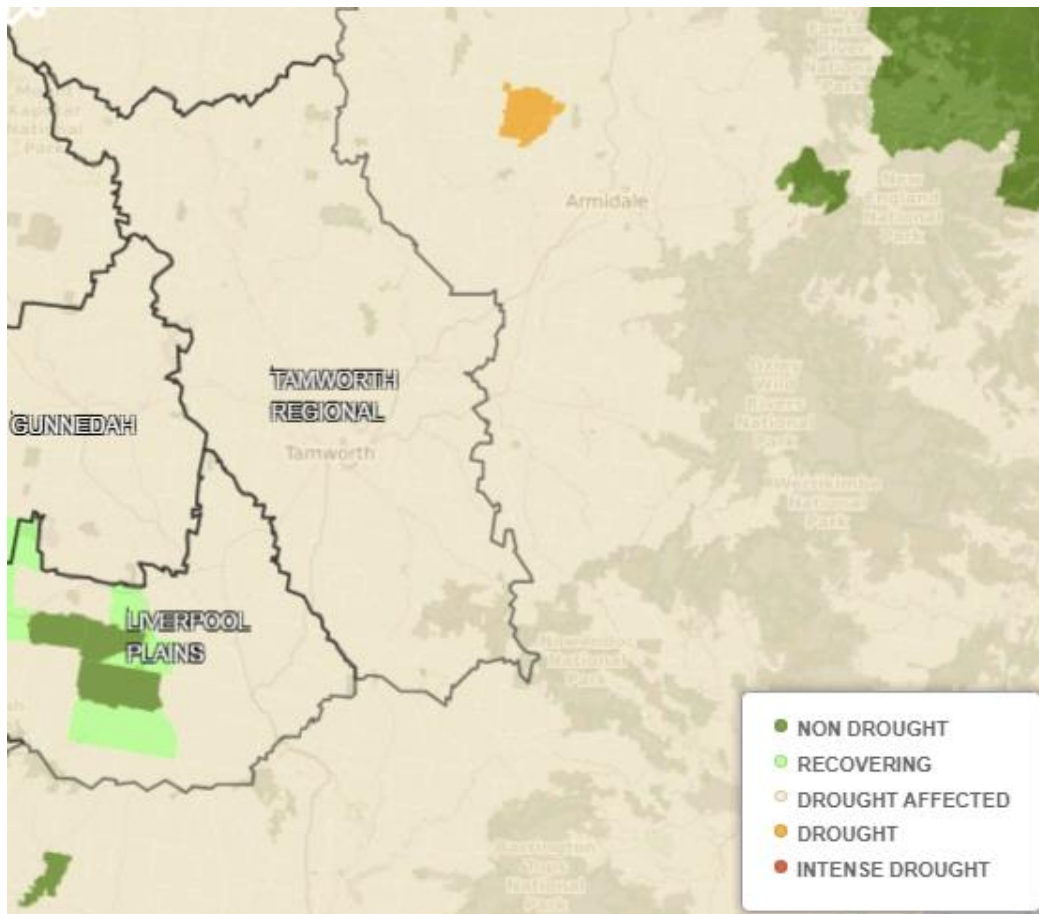
no cost;

- provide waste services for the disposal of silage wrap and wastage wrap at no cost; and
- provide access to amenities initiatives contained within the report.

The purpose of this report is to provide an update on the assistance accessed to date, review current levels of drought affecting the region and seek guidance from Council regarding if or when assistance measures should cease.

COMMENTARY

In 2018 and 2019, the Tamworth region experienced the worst drought conditions on record. The beginning of 2020 has seen a slight easing of drought conditions across large areas of the state and a return to more normal rainfall, however, the entire Tamworth region remains drought affected as seen in the current drought map taken from the NSW Department of Primary Industries website.



NSW Department of Primary Industries Drought Map as at 29 June 2020.

Access to bulk water

Following the Council decision of 14 August 2018, to make bulk water available to primary producers at towns and villages at no charge, Council installed nine Bulk Water Refill Stations (BWRS) across the region allowing access to treated water. Initially the BWRS were able to be accessed by anyone with water able to be purchased by credit card at the stations. A Council issued card was made available as an alternative means of accessing

water from the BWRS's. The cards were made available to licenced water carters and eligible primary producers with the intention of monitoring how much treated water was being accessed and for what purpose. Any resident of the region that had a Local Land Services rates notice was deemed to be an eligible primary producer and able to apply for a Council issued card which allowed them to access up to three Megalitres of treated water per week while ever 50% or more of the region was drought affected.

Since the installation of the BWRS approximately 2,509 Kilolitres, or 15% of water accessed, has been at no charge for eligible Council issued card holders.

Totals of treated water accessed via BWRS to 30 June 2020

Location	Free water accessed (Kilolitres)	Other water accessed (Kilolitres)	Total water accessed (Kilolitres)
Tamworth – Lockheed Street	38.188	3,936.648	3,974.836
Tamworth – Goonoo Goonoo Road	24.451	4,158.069	4,182.52
Nundle	1.5	26.019	27.519
Bendemeer	745.295	444.005	1,189.3
Oxley Anchor	0	1,482.168	1,482.168
Barraba	1,004.529	0	1,004.529
Kootingal	6	1,453.833	1,459.833
Manilla	369.674	1,041.009	1,410.683
Attunga	319.401	1,099.52	1,418.921
TOTAL	2,509.038	13,641.27	16,150.309

As of 20 January 2020, as the drought continued and water supplies declined it became necessary to further restrict access to the BWRS's and 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.

At the Ordinary Council Meeting held 28 April 2020, Council resolved to apply the following rules to the Bulk Refill Stations:

- 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.

It is not considered necessary to amend Council card access to BWRS at this time. However, eligible landholders are still able to access water from BWRS free of charge.

Assuming Council is happy with the tightening and easing of restrictions at BWRS Council may like to consider whether some criteria needs to be approved to stop access to free water for eligible primary producers in line with water restrictions levels throughout the region. The fact that the increase in rain and improvement in surface water availability across the region has meant water restrictions have been able to be eased back to Permanent Water Conservation Measures (PWCM) in all towns and villages with the exception of Tamworth, Moonbi and Kootingal, and rivers and streams are running, on farm tanks etc are full may be considered a reason for ceasing access to free treated water.

Things to consider in relation to changing the trigger point for free water access to align with restrictions levels include:

- restrictions levels can vary significantly across the region at any one time;
- eligible primary producers in genuine need of free water may be forced to travel long distances to access free water depending on the restriction level at their closest BWRS location;
- alternatively they may have to pay for access to treated water at BWRS if distance to free access is too great; and
- other impacts from drought, such as lowered production, poor soil moisture and financial stress associated with the drought are still a consideration in the decision to stop access to free water.

For these reasons, it is not recommended that the trigger to stop access to free water for primary producers be amended to align with water restrictions levels but remain available while ever at least 50% or more of the region remains drought affected or worse according to the NSW Department of Primary Industries Drought Map.

Provide waste services at no cost

Following the decision from Council to provide waste services for the disposal of silage wrap and wastage wrap at no cost, Waste Management Facilities implemented this initiative at all sites throughout the region.

Silage wrap and wastage wrap from primary producers was recorded at the sites as “commercial non-recyclable” material, an identifier used for a number of waste stream at Council’s facilities. For this reason the volumes of this kind of waste accepted is not able to be accurately reported.

Discussion with Waste staff has confirmed that this service has been accessed by a small number of primary producers, predominantly at the rural Waste Management Facilities and generally in small quantities. With the recent rain and increase in feed availability in recent

months, there has been a decline in the volume of silage wrap and wastage wrap being received across all sites.

Due to the low uptake of this service initially and the continued decline in volumes of silage wrap and wastage wrap being received at waste facilities, this initiative is considered to have minimal impact and cost to Council. It is considered that Council has two potential options moving forward:

- cease to offer free disposal of silage wrap and wastage wrap immediately following a brief communications campaign advising of the change; or
- allow the initiative to continue while ever 50% or more of the Region is drought affected.

It is recommended that Council continue to offer free disposal for silage wrap and wastage wrap while ever 50% or more of the Region is drought affected. This allows Council to align the end date of drought related initiatives and gives a definite and relevant trigger point to stop these initiatives that is linked to the drought and resulting pressures likely being experienced by primary producers.

Provide access to amenities

In relation to allowing access to Council's amenities blocks for washing clothes and showering, the following locations were identified as accessible and centrally located for primary producers in need of this assistance:

- Barraba Showground;
- Manilla Showground;
- Attunga Recreation Ground;
- Kootingal Recreation Reserve; and
- Woolomin Recreation Reserve.

These sites were made available to the farming community, who may have no or limited access to water for domestic purposes, for a number of months and were accessed in small numbers.

With the introduction of the Bulk Water Refill Stations and the availability of free water for primary producers with the Council issued access card, the number of people accessing Councils amenities decreased or stopped in these locations and access to these facilities for this purpose has ceased.

(a) Policy Implications

Nil

(b) Financial Implications

Loss of income from waste disposal fees, which is considered to be a minimal amount. An accurate figure is not provided as the waste disposed of under the initiative has not been accurately recorded. Loss of income from water to date, based on 2,509.038 Kilolitres of free water accessed by eligible primary producers which would normally be charged at \$10.26 per Kilolitre (2020-2021 financial year) is \$25,742.72.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L12 Represent and advocate for community needs.

8.5 UPDATE ON THE ORGANIC RECYCLING FACILITY AND PROPOSED EXPRESSION OF INTEREST – FILE NO

DIRECTORATE: WATER AND WASTE
AUTHOR: Megan Mather, Environmental Officer

RECOMMENDATION

That in relation to the report “Update on the Organic Recycling Facility and Proposed Expression of Interest”, Council:

- (i) receive and note the report; and*
- (ii) agree to prepare and advertise an Expression of Interest seeking submissions from suitably qualified and experienced contractors for the design, construction and operation of the proposed facility.*

SUMMARY

The purpose of this report is to update Council in relation to the proposed Organics Recycling Facility (ORF) and to seek approval for the release of an Expression of Interest (EOI) to experienced companies to assist Council with the detailed design, construction and operation of the ORF project based on each entities specific operating model suggestions and recommendations.

COMMENTARY

Councillors may recall in February 2020, the proposed Tamworth Organic Recycling Facility development application was considered by the determining authority, the Northern Regional Planning Panel (the NRPP) and the NRPP noted four initial findings as follows:

- sees in principle benefit of an Organic Recycling Facility;
- proposal is a permissible development in the subject zone and the proposed use - properly characterised ‘Resource Recovery Facility’;
- believes the site is capable of accommodating a Resource Recovery Facility; and
- believes that stronger regulatory measures and commission of an independent external review of the DA should be completed. The review would be made public.

The NRPP had some key concerns as follows:

- the effects and acceptability of leachate discharges on neighbouring land uses and receiving water bodies;
 - certainty about water sources to meet the operational needs of the proposal and evidence that the proposed sources would be acceptable to Water NSW;
-

- the effectiveness of contaminant identification and handling procedures, including work, health and safety aspects;
- safety issues on those roads that function as both school bus and truck routes for the proposal;
- the need, if any, for intersection upgrades to ensure safe and efficient traffic flows when traffic from the proposal is added to base traffic;
- clarification as to whether management according to AS4454 is appropriate for liquid wastes and, if not, what alternative system is proposed;
- clarification of the implications of the NSW Environment Protection Authority's proposed prohibition of heat in processing operations, particularly whether pasteurising could occur; and
- provision of adequate specifications of the contents of the required management plans, including the environmental, construction and operational plans.

As a result the Panel made the following determination:

“The Panel agreed to defer determination of the matter until all of the aforementioned information is provided in an updated assessment report. After the assessment report is received a public meeting will be held to enable consideration and determination of the application”.

To address these concerns Council commissioned its consultant Pitt & Sherry to undertake a review of the key aspects and prepare additional information including:

- review of leachate management aspects of design and guideline criteria, potential leachate characteristics, monitoring requirements and identification of potential monitoring points, and identification of expected overflow pathways;
 - further discussions with the Natural Resource Access Regulator and Water NSW;
 - preparation of a letter report summarising the anticipated effectiveness of procedures for contamination identification and handling procedures;
 - review of the Traffic Impact Assessment (dated 23 September 2020) based on comments provided by Council's Planning and Compliance division and the Roads and Maritime Services;
 - further discussions with the NSW EPA and inclusion of stronger conditions of consent nominating Council's requirement to meet all requirements identified under AS4454 and/or any other legislative approvals including Resource Recovery Orders and Exemptions;
 - clarification from the NSW EPA that the 'prohibition of heat in processing operations' refers to the use of supplementary or artificially generated heating beyond that of the heat generated naturally during the composting process;
 - creation of Templates to support the development and guidance of the Construction Environmental Management and Operational Environmental Management Plans; and
 - the NRPP believed that stronger regulatory measures would be needed, which have been addressed through reissued draft General Terms of Approval by the NSW EPA and review and inclusion of additional conditions of consent.
-

In addition, Tallis Consultants were commissioned to review the external agencies referral responses to ensure that any further response is adequately addressed in the resubmission. In addition, Tallis also performed a technical analysis of the facility design, feedstock, technology and practicality of any stronger regulatory measures identified by the NRPP.

The Tallis peer review highlighted 39 recommendations relating to the project as a whole. Initial focus is on the references that directly related to the NRPP deferral with the aim to implement the remaining recommendations through the conditions of consent and detailed design phase of the project, assuming development consent is granted and Council agrees to proceed with the project. The key aspects addressed in the formal NRPP resubmission were the project water balance and strengthening details surrounding the reuse and control of leachate within the operational functions of the facility. Some inconsistencies in relation to the data used within the DA application have also been reviewed.

One of the key considerations from the peer review was for Council to reconsider the upfront inclusion of difficult feedstock materials (i.e. Class III Organics), proposed to be accepted and processed at the facility and stage the incorporation of these feedstocks over time. This is primarily due to the fact that the biochemical process that takes place relies on a consistent and cohesive feedstock. The greater the variance in feedstock, the greater the difficulties in maintaining an efficient composting process. This approach will allow the successful operator of the plant to ensure successful operation of the plant before and during the introduction of Class III organics into the feedstock.

The final DA response will be submitted to Council's Planning and Compliance staff by Monday 13 July 2020, and the matter should be tabled at the next NRPP meeting scheduled for either the 19 or 20 August 2020, for determination.

Assuming development consent is granted then Council will, sometime thereafter, be asked to make a final decision about whether to proceed with the project. Key inputs into this decision will include information such as final construction and operating costs of the facility. One way Council can make a better informed decision is to seek input from the market about specific information in regards to determining available markets, confirmation of the type of operating model industry would prefer to operate under and the finer details of operating a tunnel composting facility. This will ensure Council does not construct a facility that the industry does not want to, or has difficulty operating. The operating requirements will also inform construction and operating costs.

One way to invite this industry/market input is through a call for Expressions of Interest (EOI).

The invitation for EOI is potentially the first stage of a multi-stage tender process being undertaken in accordance with the Local Government regulations. Following the evaluation of the EOI's received, Council may determine a list of acceptable respondents, as being those respondents considered by the Council as capable of successfully undertaking the scope of the proposed contract. Council may then proceed to the second stage of the process by issuing a request for tender to each of the acceptable respondents. The issuing of an EOI does not commit Council to proceed with a formal tender if it so chooses, and the submission of an EOI does not commit Council to include any organisation on the shortlist in the event that the project proceeds.

As Council, would be aware the waste collection contract for Tamworth Regional Council was recently awarded. The new contract commences 1 July 2021, however, the introduction of a Food and Garden Organic collection service will not commence until 1 July 2022, to allow the construction and commissioning of the Organics Recycling Facility should Council decide to proceed with this facility. Indications are that the timeline to have a Council

decision to proceed and then complete the tender process, award the contract and complete construction, even with a deadline of 1 July 2022, will be tight.

Whilst a preliminary financial assessment has been completed on the ORF and presented to Council, the EOI process will also inform a further financial assessment of the project and the possible impacts on waste fees and charges, as part of Council's decision to proceed.

The proposed EOI will be focused around key attributes for Council to consider including:

- brief detail regarding existing markets and product demand and/or potential known markets and/or areas of product demand;
- company details including contact person/s, list of key personnel and sub-contractors proposed for each component of the project;
- evidence of insurances and management systems as appropriate;
- details of financial capability to complete a project of this size;
- list of previous projects of a similar scope, including details of the project and project budget and reference contact details;
- availability and build program based on proposed structure option/s;
- nominate preferred duration of operational contract;
- propose an operating model that Council could consider and proposed cost associated with the recommended option; and
- durability/life expectancy of proposed building and any special maintenance requirements.

The following broad evaluation methodology is proposed to evaluate EOI's received:

- submissions would be checked for completeness and compliance;
- submissions that did not contain all information requested (e.g. completed submission form and attachments) will be excluded from further evaluation;
- submissions from respondents that did not demonstrate a capability to establish an ORF and provide the services in accordance with the EOI will also be excluded from further evaluation; and
- Submissions that were determined to be complete and compliant will be assessed against the selection criteria including:
 - relevant experience;
 - respondents resourcing capacity;
 - methodology;
 - demonstrated understanding; and
 - cost.

(a) Policy Implications

Nil

(b) Financial Implications

There is sufficient funding in current budgets for the Organics Recycling Facility to prepare the documents and administer the Expression of Interest process.

(c) Legal Implications

Council is not bound to proceed with the Organics Recycling Facility if it chooses to undertake an EOI process, nor will there be any issues in the event the development application for the facility is rejected and the EOI process has commenced.

(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 COUNCIL ORDINARY MEETINGS FOR SEPTEMBER, OCTOBER, NOVEMBER AND DECEMBER 2020 – FILE NO

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Karen Litchfield, Manager Governance

Reference: Item 9.8 to Ordinary Council 26 November 2019 - Minute No 433/19

RECOMMENDATION

That in relation to the report “Ordinary Council Meetings for September, October, November and December 2020”, Council:

- (i) schedule an Ordinary Council Meeting for Tuesday 22 September 2020;*
- (ii) move the Ordinary Council Meeting scheduled on Tuesday 6 October 2020 to Tuesday 13 October 2020;*
- (iii) move the Ordinary Council Meeting scheduled on Tuesday 10 November 2020 to Tuesday 17 November 2020;*
- (iv) cancel to Ordinary Council Meeting scheduled on Tuesday 24 November 2020; and*
- (v) schedule an Ordinary Council Meeting for Tuesday 1 December 2020.*

SUMMARY

The purpose of this report is to advise Council that due to the NSW Local Government Elections not being held in September and the Local Government NSW Conference now being held in November that the schedule of Ordinary Council Meetings for September, October, November and December will need to be changed.

COMMENTARY

At the Ordinary Council Meeting held on Tuesday 26 November 2019, Council adopted the Council Meeting schedule for 2020. This schedule was as follows:

	TIME	JAN 2020	FEB 2020	MAR 2020	APR 2020	MAY 2020	JUNE 2020	JULY 2020	AUG 2020	SEPT 2020	OCT 2020	Nov 2020	DEC 2020
Ordinary Council	6:30 pm		11 th	10 th	14 th	12 th	9 th	14 th	11 th	8 th	6 th	10 th	15 th
			25 th	24 th	28 th	26 th	23 rd	28 th	25 th		27 th	24 th	

Section 365 of the Local Government Act 1993, states that Council is required to meet at least 10 times each year, each time in a different month.

Tamworth Regional Council's Code of Meeting Practice 3.1 allows for changes to dates and times for meetings:

"Council shall, by resolution, set the frequency, time, date and place of its Ordinary Meetings. However, Ordinary Meetings of Council will generally be held on the 2nd and 4th Tuesday Tamworth Regional Council – Ordinary Council – 26 November 2019 Page 45 of each Month, commencing at 6.30pm at the Tamworth Regional Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, NSW Tamworth".

There are no Meetings held in January and only one Meeting held in December. The month of January is a traditional holiday period and acknowledging the significant work load occurring, coupled with the number of civic activities held during the month of January associated with the annual Tamworth Country Music Festival, Council will not hold an Ordinary Meeting of the Council in January, unless otherwise determined by the Mayor and General Manager that a Meeting is required to attend to Council business of an urgent nature

Due to COVID-19 the NSW Local Government Elections were postponed until 4 September 2021, therefore the meeting that would normally be scheduled for the 4th Tuesday of the month in September can now be held. The first Meeting in October was moved forward a week to first Tuesday of the month to accommodate starting the new Council and not to interfere with the LGNSW Annual Conference that was scheduled for the second week in October. The Annual Conference has now been moved to November and therefore the Meeting for October can return to the 2nd and 4th Tuesday of the month.

The LGNSW Conference is now scheduled for 22-24 November 2020, at the Hunter Valley. There is no advice at this stage whether it will be proceeding or in what format however given that it is due to fall on a Council Meeting date, cancelling the Meeting scheduled for the 24 November 2020, and moving the Meeting scheduled for 10 November 2020, back a week to accommodate this cancellation is recommended.

As there is now only one Meeting in November, an additional Meeting can be organised for December being 1 December 2020. The new recommended Ordinary Council Meeting Schedule will be:

	TIME	JAN 2020	FEB 2020	MAR 2020	APR 2020	MAY 2020	JUNE 2020	JULY 2020	AUG 2020	SEPT 2020	OCT 2020	Nov 2020	DEC 2020
Ordinary Council	6:30 pm		11 th	10 th				14 th	11 th	8 th	13 th	17 th	1 st
			25 th	24 th	28 th	26 th	23 rd	28 th	25 th	22 nd	27 th		15 th

(a) Policy Implications

Council may, by resolution, vary the time, date and place of Ordinary Meetings should extenuating circumstances exist which would prevent the Ordinary Meetings of the Council being held.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Public Notices advising of the dates and times of the Council will be placed in the (and/or Extraordinary) Meetings are placed on our Website.

(e) Delivery Program Objective/Strategy

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

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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

11.1 PROPOSED LICENCE OF COUNCIL OWNED LAND AT WESTDALE TO NEW SOUTH WALES RURAL FIRE SERVICE – FILE NO

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Reference: Item 13.2 to Ordinary Council 9 September 2014 - Minute No 282/14
Item 8.7 to Ordinary Council 26 May 2015 - Minute No 123/15

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

SUMMARY

This report seeks Council's authorisation to enter into a licence agreement with the New South Wales Rural Fire Service for the use of 38 Murroon Road, Westdale as a training facility on the terms detailed in the body of this report.

11.2 TENDER T139/2020 – CCTV INVESTIGATION, CLEAN AND CONDITION ASSESSMENT OF SEWER MAINS AND ACCESS CHAMBERS – FILE NO

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste
1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (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 recommend the acceptance of a tender for the cleaning, closed circuit television (CCTV) and condition assessment of approximately 48 kilometres of various diameter sewers within Tamworth. This report discusses the merits of the tenders received; analysis based on selection criteria and recommends a preferred Tenderer.

11.3 APPLICATION TO APPLY A REDUCTION IN SEWER DISCHARGE FACTOR RETROSPECTIVELY - BAIADA'S OAKBURN RENDERING FACILITY - LF13650 – FILE NO

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste
1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (d)ii of the Local Government Act 1993, on the grounds that the matter and

information is information that would, if disclosed, confer a commercial advantage on a competitor of Council.

SUMMARY

The purpose of this report is to seek Council direction in relation to a request from Baiada Pty Ltd to have a variation to their Sewer Discharge Factor (SDF) at their Oakburn Rendering Plant applied retrospectively, which is not in accordance with Council's Policy.

11.4 TENDER T129/2020 - WESTDALE WASTEWATER TREATMENT PLANT SLUDGE LAGOON DEWATERING – FILE NO

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

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to consider the Tender Submissions received and to recommend acceptance of a Tender for dewatering of two of the sludge lagoons at Westdale Wastewater Treatment Plant (WWTP).

11.5 FRACTURED ROCK WATER AS A MEANS TO AUGMENT TAMWORTH/MOONBI/KOOTINGAL'S WATER SUPPLY – FILE NO

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

2 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (d)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

Council's recently adopted Emergency Water Supply Plan for Tamworth, Moonbi and Kootingal recommends, in the next six months, Council consider fractured rock as a water source to augment current supply to Tamworth/Moonbi and Kootingal.

In addition Council has recently received unsolicited proposals from two different entities seeking to assist Council with fractured rock investigations.

The purpose of this report is to seek direction from Council in relation to this matter.

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.