

# 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

**13 JULY 2021**

**PAUL BENNETT  
GENERAL MANAGER**

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## Council

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

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

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

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

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

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

## Community Consultation Policy

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

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

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

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day prior to 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, 29 June 2021, 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**

- 5 **MAYORAL MINUTE**

Nil

- 6 **NOTICE OF MOTION**

Nil

### **OPEN COUNCIL REPORTS**

- 7 **ENVIRONMENT AND PLANNING**

- 7.1 **DEALINGS WITH DEVELOPERS - TRANSPARENCY POLICY AND DIGITAL REGISTER**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Gina Vereker, Director Planning and Compliance  
**Reference:** Item 6.2 to Ordinary Council 9 March 2021 - Minute No 51/21

### **RECOMMENDATION**

*That in relation to the report “Dealings with Developers – Transparency Policy and Digital Register”, Council receive and note the report.*

### **SUMMARY**

At its Meeting held on 9 March 2021, Council adopted the following resolution:

*“That in relation to the Notice of Motion “Dealings with Developers – Transparency Policy and Digital Register”, Council:*

- (i) *receive and note the report; and*
- (ii) *request the Director of Planning and Compliance facilitate a Councillor Workshop to provide guidance on options to develop a policy framework that ensures public accountability and transparency of Councillor and Council staff interactions with developers and developer representatives”.*

## COMMENTARY

In accordance with Council's resolution, a Councillor Workshop was held on 25 May 2021, whereby Councillors were presented with a discussion paper outlining matters relevant to the resolution and importantly including comparative data.

A summary of the presentation delivered to the Councillor Workshop is provided in this report.

### Exploring the issues

In preparing a response to Council's resolution it was necessary to investigate a number of factors that would provide an indication of whether Tamworth Council has an issue with its transparency and accountability, particularly in its interactions with developers, as follows:

#### 1. Complaint Statistics

Research was undertaken to determine whether Tamworth Regional Council receives a significant level of complaints from its community and how its complaint statistics compare to other local governments across NSW.

##### Office of Local Government

The Office of Local Government (OLG) is the peak body for receipt, investigation and recording of complaints about local government. The OLG releases an annual report listing the number of complaints received about each local government allocated according to subject matter. The table below indicates complaint statistics for a range of subject matters that are relevant to transparency, good governance and public confidence. The table shows the total number of complaints received for each category of complaint, the council with the most complaints in each category and the number of complaints received in relation to Tamworth Council:

##### **Office of Local Government – Council Complaint Statistics – 2019/2020**

Type of Complaint	Total No. of Complaints	Highest No. of Complaints	TRC No. of Complaints
Governance	264	Coffs Harbour = 78	2
Customer Service	133	Clarence Valley = 7 Central Coast = 7	0
Enforcement & Regulation	107	Canada Bay = 8	0
Land use Planning & Development	176	Shoalhaven City = 21	0
Council Misconduct	308	Coffs Harbour = 19	1
Maladministration	114	Coffs Harbour = 22	0

It should be noted that the total number of complaints received by the OLG in the 2019/2020 financial year was 1,571. This total consisted of a range of complaint categories in excess of the categories outlined in the table below. Of the total 1,571 complaints, an overall six

complaints related to Tamworth Council with the three over and above those listed in the table relating to Engineering Services, Natural Resource Management and Structural Reform.

### NSW Ombudsman

In relation to Council's record in relation to complaints received by other external authorities, the NSW Ombudsman is a relevant authority. The NSW Ombudsman is an independent integrity agency that defines its purpose as holding "NSW government agencies and certain non-government organisations accountable to the people of NSW". As such the level of complaints made to the Ombudsman by the Tamworth community is a relevant factor in addressing Council's resolution.

The table below summarises the complaints lodged with the NSW Ombudsman in respect of Tamworth Council during the 2020/2021 financial year and for the year 2019/2020. It is relevant to note that none of these complaints were found to be proven.

Ombudsman Complaints for TRC (as a whole)

<b>Financial Year</b>	<b>Total No. of Complaints</b>
2020/21	1
2019/20	2

### Complaints to Council's General Manager

A review of Council's internal complaint statistics was also undertaken in relation to relevant complaint types. The tables below show statistics for staff complaints received for the 2020/2021 financial year to date as well as statistics for 2019-2020:

#### **TRC Internal Complaint Statistics**

2020/21 Financial Year

<b>Division of TRC</b>	<b>Total No. of Complaints</b>
Development	0
Compliance	4

2019/20 Financial Year

<b>Division of TRC</b>	<b>Total No. of Complaints</b>
Development	1
Compliance	11

## 2. Governing Legislation

Legislation specific to local government and/or town planning was reviewed in order to determine whether there is any legal requirement for Councils to adopt a policy and/or and implement a public register to manage and record Councillor and staff interactions with developers.

A review of the relevant legislation, being the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 was undertaken. The results were as follows:

### **Local Government Act 1993 (LGA)**

- No requirement for councils to adopt a policy to manage interactions between Councillors and developers or staff and developers;
- No public register of councillor/staff/developer interactions required;
- Appropriate standards of behaviour addressed in the Model Code of Conduct.

### **Environmental Planning and Assessment Act 1979 (EP&AA)**

- No requirement for councils to adopt a policy to manage interactions between Councillors and developers or staff and developers;
- No public register of staff/developer meetings required.

It is noted that both the LGA and the EP&AA provide direction in relation to the types of information that should be publicly accessible, however, neither Act makes reference to interactions (meetings) between developers and Councillors or developers and staff, being an example of the types of information that should be publicly available.

Importantly the LGA mandates that each local government must adopt a Code of Conduct, with the Model Code of Conduct setting clear direction regarding Councillor roles and responsibilities, and clear standards regarding Councillor behaviour. In the case of TRC, the staff Code of Conduct mirrors the Councillor Code, particularly in respect of ethics and behaviour.

### **Lobbying of Government Officials Act 2011 (LOGO)**

Subsequent to the Councillor Workshop on 25 May 2021, the Independent Commission Against Corruption (ICAC) released a report titled "*Investigation into the regulation of lobbying, access and influence in NSW*". The report concluded that:

*"new legislation, or significant reform of the current LOGO Act, is required to safeguard the public interest against the inherent lobbying risks of corruption and undue influence"*.

The ICAC made a number of key findings in its investigation, including the following in regard to local government:

*"The local government sector faces considerable risk of undue influence and should be regulated by the LOGO Act"*.

However, it is relevant to note that local government officials are *not* "government officials" as defined by, and for the purposes of, the current LOGO Act. Therefore, the requirements of the LOGO Act do not apply to local government and are specifically directed to the operation of the NSW State Government and interactions between State Government officials and lobbyists (as defined by the Act).



The ICAC report also acknowledged that the Model Code of Conduct for Local Councils in NSW already contains a range of obligations in relation to ethical and honest conduct, as well as more detailed material covering improper and undue influence; inappropriate interactions and record keeping.

In concluding its report, the ICAC made 29 recommendations to better regulate lobbying in NSW. The recommendations did not include any reference to local government. Should the Act be changed in the future to extend its provisions to incorporate local government, Council would comply with those provisions.

### 3. Existing Policies

A survey of local governments across NSW was undertaken to determine whether (despite not being mandatory), other councils have adopted policies and/or implemented a public register to manage and record Councillor and staff interactions with developers.

The review included a number of Councils of varying size (population) across NSW. The table below indicates the results of the survey:

<b>Council</b>	<b>Population</b>	<b>Policy – Yes/No</b>
Armidale Regional Council	30,000	No
Bathurst Regional Council	44,000	No
Coffs Harbour City Council	73,000	No
Dubbo Regional Council	53,000	No
Gunnedah Shire Council	12,000	No
Liverpool Plains Shire Council	7,600	No
Narrabri Shire Council	13,000	No
Newcastle City Council	155,000	No
Port Macquarie-Hastings Council	78,000	No
Tamworth Regional Council	60,000	No
Upper Hunter Shire Council	14,000	No
Wagga Wagga Shire Council	65,000	No

Research was also undertaken to gauge the existence of relevant policy and or public registers among local government across Australia. The results are outlined in the table below:

<b>Council</b>	<b>Population</b>	<b>Policy – Yes/No</b>
Alice Springs Town Council	25,000	No
City of Bunbury Council	32,000	No
Cairns Regional Council	165,000	No
District Council of Coober Pedy	1,800	No
City of Darwin Council	78,000	No
City of Greater Geelong Council	233,000	No
City of Kalgoorlie Boulder	30,000	No
Port Augusta City Council	13,000	No
Town of Port Hedland Council	14,500	No
Townsville City Council	194,000	No
Wodonga City Council	40,000	No

In researching Councils across Australia, it is relevant to note that it was common across Queensland councils to have an adopted policy addressing the management of interactions with developers, however these policies were all limited to *Councillor* interactions with developers. There were no policies found to exist that addressed staff interactions with developers. This can be explained by the fact that Queensland has specific legislation that was introduced to strengthen the transparency, accountability and integrity measures that apply to the system of local government.

#### **4. Potential to Develop an effective policy**

While the survey of other councils failed to find any policy or public register that could be used as a model for a similar policy for Tamworth Regional Council, a further investigation was undertaken to determine whether an effective policy and register could be developed that would address Council's resolution.

The investigation explored the constraints that might affect Council's ability to implement a policy and publicly available register which would record Councillor/staff interactions with developers.

It was concluded that the following constraints would impact the effectiveness of the policy and public register:

- Legislative compliance
  - The Government Information (Public Access) Act 2009 (GIPA) – lists the release of “*commercial-in-confidence*” information as a consideration against disclosure. What this means is that any “*commercial-in-confidence*” information provided by a developer during an interaction should not be made public and therefore would be redacted if the interaction was to be recorded for the purposes of a public register.
  - The Privacy and Personal Information Protection Act 1998 (PPIPA) – prohibits release of “*personal information*”. This prohibition may also impact the range of information that could be released as part of a public register, particularly as the definition of “*personal information*” as defined in the PPIPA is quite broad.
  - The Copyright Act - prohibits access to documents that have been declared copyright without the prior consent of the copyright owner. This legislation would have implications in terms of potentially restricting the ability to include plans or other documents discussed as part of a meeting with a developer within the public register.
- Adverse developer/investor reaction – it is anticipated that developers and potential investors would be concerned with any policy that requires the release of confidential information regarding future development/major projects/land acquisition to the general public. There is the potential that this could result in certain developments not being discussed with Council or in the extreme being lost to the Tamworth Region, due to concerns those confidential proposals would become publicly available, particularly to competitors

## 5. **Current Tamworth Regional Council’s Record-keeping procedures**

In the absence of an adopted policy and a publicly accessible register that records interactions between Councillors/staff and developers, it is relevant to consider Council’s current procedures for record keeping of staff interactions with developers and whether these procedures are adequate for the purposes of transparency, accountability and public confidence.

Council’s current practice and procedures are as follows:

- Councillor Workshops with applicants/proponents/objectors
  - Notes are taken by individual staff and retained in Council’s records system. Public access to such notes is subject to *Government Information (Public Access) Act 2009* (“GIPA”) and *Privacy and Personal Information Protection Act 1998* (“PPIPA”) restrictions.
- Formal Pre-DA Meetings
  - Minutes are taken by a Development Support Officer, with a copy provided to applicant and filed in Council’s records system. Public access is subject to GIPA and PPIPA restrictions.
- Development Hub interactions
  - Phone inquirers are encouraged to forward an email to the Development Hub. Both the incoming email and the reply are kept on file as a record. Public access is subject to GIPA and PPIPA restrictions.

- Over the counter enquiries – an email address is obtained and advice provided by email with a copy retained on file as record. Public access is subject to GIPA and PPIPA restrictions.
- Individual record-keeping
  - The majority of Council staff use a Council issued diary/calendar to record meetings/discussions/phone conversations etc. with developers, applicants and members of the public. The diaries are the property of Council and are retained in Council's record system should future reference be required. Public access is subject to GIPA and PPIPA restrictions.

**(a) Policy Implications**

The investigation concluded that in the *absence* of:

- Significant levels of public complaint; or
- A legislative requirement requiring a policy; or
- Examples of any existing policies and/or registers across Australian local government;

there is no necessity for Council to adopt a policy or implement a public register to manage interactions between Councillors and staff with developers.

In addition, the research revealed the existence of a number of legislative constraints that would impact the effectiveness of a policy and/or public register, should Council determine to proceed with the concept.

**(b) Financial Implications**

Determination of any potential financial implications would be subject to an assessment of the complexity and detail of the records required in establishing and implementing a public register.

**(c) Legal Implications**

Any policy that Council might consider for adoption would need to comply with the prohibitions for release of information outlined in both the GIPA and PPIPA.

**(d) Community Consultation**

If Council was to determine to adopt a policy to manage interactions between Councillors/staff and developers it would be appropriate to undertake community consultation. In particular the comments of the development industry, investors and applicants should be sought prior to any public register being implemented.

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

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

## 7.2 TAMWORTH REGIONAL HERITAGE WORKING GROUP MEETING - 4 JUNE 2021 - MINUTES

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Sam Lobsey, Manager - Development

**1 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Heritage Working Group Meeting – 4 June 2021 - Minutes”, Council:*

- (i) receive and note the Minutes; and*
- (ii) adopt the recommendation from the Working Group that Council write to Transport for NSW and ULG (replacement for John Holland) seeking advice in relation to the next steps in regards to the West Tamworth Railway Station and Railway Station Master’s House following the recent site inspection.*

### **SUMMARY**

The purpose of this report is to present the Minutes of the Tamworth Regional Heritage Working Group (TRHWG) meeting held on 4 June 2021, and to present for Council’s consideration a recommendation from the meeting.

### **COMMENTARY**

#### **Summary of Working Group Meeting Outcomes**

The following is a summary of the main items discussed at the TRHWG meeting held on 4 June 2021, as reported in the **ATTACHED** Minutes, refer **ANNEXURE 1**:

- the 2021/2022 Heritage Assistance Fund will open early (mid July 2021) with applications to be received by end August for assessment;
- Council has been successful in obtaining a grant of up to \$50,000 (ex GST) with matching funding required for the preparation of a Register of Significant Cultural Heritage Sites;
- an Expression of Interest will be advertised to fill the vacancy for a third community member on the Working Group;
- Council is currently reviewing its 2010 Local Environment Plan (LEP) and part of that review includes the schedule of heritage properties within the Tamworth LGA; and
- that Council write to Transport for NSW and ULG (replacement for John Holland) seeking advice in relation to the next steps in regards to the West Tamworth Railway Station and Railway Station Master’s House following the recent site inspection.

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

Nil

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

The funds required to match the Heritage Grant received for preparation of the Register of Significant Cultural Heritage Sites will be sourced from existing operational budgets.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Any community consultation is reported to the group at each meeting on all matters relating to Heritage.

The Register of Significant Cultural Heritage Sites will be the subject of extensive community engagement throughout the project.

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

A Spirit of Community – C21 Preserve and celebrate the character, heritage and culture of our city, towns and villages.

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 DRAFT URBAN STREET TREE MANAGEMENT PLAN**

**DIRECTORATE:**

**REGIONAL SERVICES**

**AUTHOR:**

**Paul Kelly, Manager Sports and Recreation**

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Draft Urban Street Tree Management Plan”, Council:*

- (i) endorse the Draft Urban Street Tree Management Plan;*
- (ii) authorise the public exhibition of the Draft Urban Street Tree Management Plan; and*
- (iii) request a further report to be submitted at the completion of the formal exhibition period detailing any submissions received, or alternatively, if no submissions are received, adopt the Draft Urban Street Tree Management Plan.*

#### **SUMMARY**

The Urban Street Tree Management Plan (the Plan) is a comprehensive management guide for Council staff to manage trees within the public areas across the urban environment of the Tamworth region.

The Plan has been developed in consultation with an advisory group comprising of industry experts, interested community members, Councillors and Council staff. The Plan is the cumulative efforts of the advisory group in directing Council to manage our existing urban forest along with pushing for an increase in tree planting across the region in a sustainable way.

#### **COMMENTARY**

The Plan has been developed over the past 18 months with direction and guidance from an advisory group to produce a sustainable and proactive approach to the way Council manages and increases the urban forest for the urban areas of the Tamworth region.

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The Plan is a comprehensive document comprising the following sections:

- Street Tree Hierarchy;
- Street Tree Selection Criteria;
- Street Tree Removal Policy;
- Street Tree Planting Plan;
- Open Space Tree Planting Plan;
- Minimum Standards for Street Tree Landscaping;
- Main Street Tree Replacement Plan;
- Notification Plan;
- Tree Risk Management;
- Street Tree Species List; and
- Park Tree Species List.

The Street Tree Hierarchy provides guidance into why different types of streets will be themed and those that will be a mixture of trees. It also discusses the different service levels that have been developed to assist with prioritising tree works across the urban environment.

The Street Tree Selection Criteria provides a methodology for the selection of trees from the Street Tree Species List and Park Tree Species Lists along with how new trees can be added to the current lists.

The Street Tree Removal Policy clearly defines the reasons why a tree will be removed along with a list of insufficient reasons for the removal of trees.

The Street Tree Planting Plan and Open Space Tree Planting Plan provide guidance into how Council will take a leading role to increase the number of trees within the urban environment. Council will partner with residents and community groups to establish new trees and maintain existing trees.

The Minimum Standards for Street Tree Landscaping provides a detailed requirement for developers who are constructing new housing estates, such as the number of trees which will be planted according to the size of the properties. It will also provide guidance on the landscaping of roundabouts.

The Main Street Tree Replacement Plan provides a methodology which Council will use when it comes time to replace trees within the main streets across the region. This plan discusses several different methods for the replacement of trees within avenues as well as providing different types of methods to plant trees within areas of infrastructure intensive.

The Notification Plan provides a framework for how Council will notify residents of the proposed removal of trees.

The Tree Risk Management plan provides a framework for how Council will manage the risk of trees within the urban environment. It provides an inspection regime and timeframe, a new tree risk hazard inspection form and establishes minimum qualifications required to undertake inspections of public trees across the region.

**(a) Policy Implications**

If adopted, the Plan will be implemented and provide guidance for Council staff to manage street trees within the Tamworth Regional Council area.

**(b) Financial Implications**

Nil

**(c) Legal Implications**

The Plan will provide a framework for how Council manages trees throughout the urban environment.

**(d) Community Consultation**

The Plan is to be placed on public exhibition for a period of 28 days. Adopting the recommendation of this report will meet the requirement for community consultation.

Copies of the draft document will be made available for download from Council's website.

At the completion of the formal exhibition period, a further report detailing any submissions received during the public exhibition will be presented for Council's consideration and adoption of the Plan.

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

A Spirit of Community – C21 Preserve and celebrate the character, heritage and culture of our city, towns and villages.

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**8.2 INVESTIGATION INTO THE FEASIBILITY OF A WEIR ACROSS THE PEEL RIVER IN TAMWORTH**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager - Water Operations  
**Reference:** Item 8.3 to Ordinary Council 1 December 2020 - Minute No 372/20

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report "Investigation into the Feasibility of a Weir Across the Peel River in Tamworth", Council:*

- (i) receive and note the report; and*
- (ii) not proceed with any further investigation or other work at this time on the construction of a weir in the Peel River in Tamworth.*

**SUMMARY**

The purpose of this report is to provide Council with an update on the completed feasibility study in relation to constructing a weir across the Peel River in Tamworth.

**COMMENTARY**

At its Ordinary Council Meeting of 1 December 2020, Council considered a report recommending engaging a consultant to prepare a feasibility study in relation to constructing a weir across the Peel River in Tamworth.

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The purpose of the proposed feasibility study was to determine the following:

- if a weir was constructed what, if any, effect would that have on the security and reliability of Tamworth/Moonbi/Kootingal's water supply;
- where would it be best to locate the weir to enhance the Scott Road drift wells, as well as the aesthetics of the Peel River through the Tamworth CBD;
- how high would a weir be at the preferred location;
- how much would it cost;
- what approvals would be required, and the likelihood of gaining these approvals; and
- overview and estimated cost of changes to existing Scott Road Pump Station and delivery line to Calala Water Treatment Plant or other arrangement.

After considering the report, Council resolved as follows:

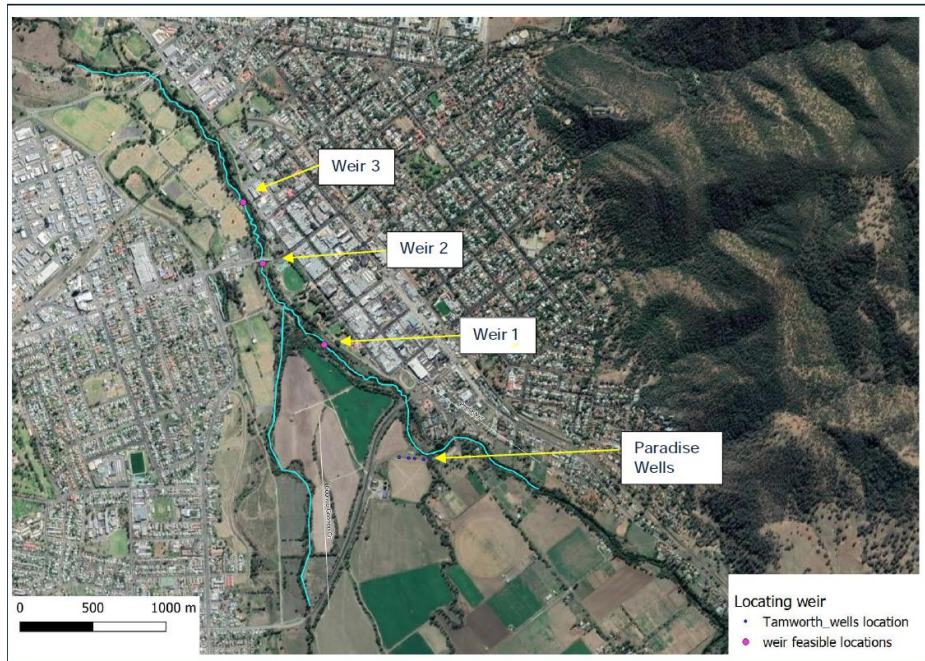
*That in relation to the report "Investigation into the Feasibility of a Weir Across the Peel River in Tamworth", Council:*

- agree to engage Hunter H2O and subconsultant SMEC to undertake a high-level investigation; and*
- agree to provide funding of \$50,000 from the Water Reserve to fund this work.*

The final report prepared by SMEC is **ATTACHED**, refer **ANNEXURE 1**. The report provides the results of the desktop study undertaken which includes the following:

- weir location options, considering factors such as flooding impacts, aesthetics, achieved storage volume and aquifer recharge;
- fishway options;
- environmental approvals
- effect on water security; and
- high level weir construction cost estimate.

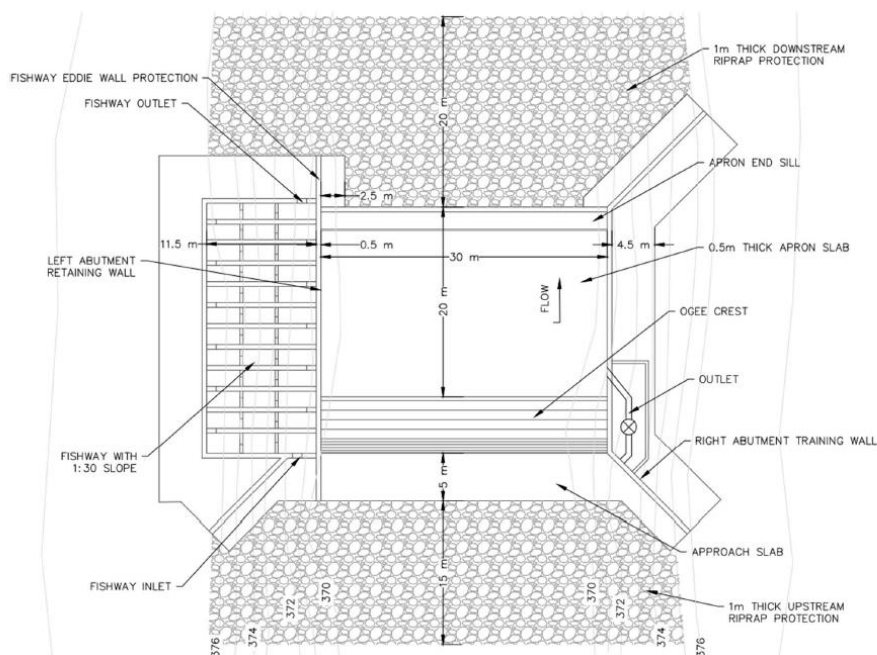
In summary, the study identified and investigated three potential weir locations as shown below. Weir location 1 is adjacent to Kable Avenue upstream of the Goonoo Goonoo Creek junction. Weir location 2 is upstream of the Oxley Highway crossing, whilst Weir location 3 is adjacent to Darling Street. Weirs 2 and 3 are located downstream of the Goonoo Goonoo Creek junction.



Two weir construction configurations were considered for the proposed weir, namely:

- Fixed Spillway – concrete structure with a fixed concrete spillway; and
- Gated Spillway – concrete structure with gates.

The benefit of the gated structure is it offers the potential to store more water behind the weir. The water stored, however, would need to be released prior to flood events to pass flood flows without causing further flooding impacts. In addition, a gated weir would have significantly higher construction, operational and maintenance costs. For this reason, a fixed concrete spillway weir was used for the purposes of the feasibility study. The general arrangement of the proposed weir structure is provided below.



Hydraulic modelling found that all the possible weir locations produced minor increases in flood levels, but concluded that should a weir be constructed, it would have a negligible impact on the flood extent and no residential or commercial properties would be affected.

In terms of water storage, the following volumes of water would be stored by each of the potential weir locations:

- Weir 1 – 68.1ML;
- Weir 2 – 72.2ML; and
- Weir 3 – 50.6ML.

The benefits to water security for Tamworth were minor. For surface flow and with an average daily demand of 25 Megalitres per day, the storage size of the weirs reflects a capacity to store approximately two to three days at average demand and all of the weirs would not be able to provide a reliable supply when there is almost no flow in the Peel River. The report notes that the Peel River has a large flow relative to the demand, with flow exceeding the average daily demand on 77% of days, further suggesting, the installation of weirs is not warranted in terms of improvement to water security.

From the report, it can be concluded that the weirs have relatively little storage and would be emptied within days during drought periods even if demand fell to 20 Megalitres per day or less.

With respect to aquifer recharge, Weir 1 was found to have the greatest benefit to the Scott Road wells given its closer proximity to the water extraction point. However, all wells have negligible yield improvements during extended period of no-flow river conditions and therefore negligible improvement to groundwater water security.

Based on available data, the estimated construction costs for a weir was found to be in the order of \$11,000,000, and all weir locations would have a similar construction cost. This estimate does not include environmental and heritage offsets (if required), diversion works, procurement, additional design work, contractor profit and any land purchase costs.

Given the limited improvements in, water security including aquifer yield and the high construction cost of a weir in the Peel River in Tamworth, the report from SMEC did not consider any changes to the existing Scott Road Pump Station and associated water delivery line to the Calala Water Treatment Plant. Further investigation work on this aspect can be completed by Council staff, should Council wish to further investigate. Based on the limited water yield improvements and high construction costs of the weir, it is recommended that Council not proceed with any further work on a possible weir in the Peel River at this time.

**(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

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

### **9.1 CAREERS NETWORK EVENT - FEE WAIVER REQUEST**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Leesa Bryant, Acting Manager - People and Culture

#### **RECOMMENDATION**

*That in relation to the report “Careers Network Event – Fee Waiver Request”, Council approve a complete fee waiver for the hire of the Event space in Tamworth Town Hall amounting to \$1,890.*

#### **SUMMARY**

Careers Network will be holding an event called **Live, Train and Work in Tamworth** at the Tamworth Town Hall on 31 August 2021, to promote the Tamworth Region as providing significant opportunities for education, training, employment and a lifestyle in a vibrant, growing region.

In 2012, when Careers Network last held this event, over 80 participating employers and educators attended the event and more than 500 attendees took part. As such, Careers Network is seeking Council’s support of this event by waiving the facility hire fee for the Tamworth Town Hall.

#### **COMMENTARY**

Careers Network will be holding an event at the Tamworth Town Hall on Tuesday, 31 August 2021, to promote the Tamworth Region as providing significant opportunities for education, training, employment and a lifestyle in a vibrant, growing region.

This organisation will promote the following:

- planning transition pathways;
- exploring careers futures;
- building connections and networks;
- strengthening student outcomes through vocational learning; and
- the importance of ways to attract and retain our young people to prevent the talent and skills drain to large urban areas.

This event will provide an avenue for local industries and businesses to directly engage with people in exploring their future careers. Event stakeholders are as follows:

- University of New England (UNE);
- Department of Education Skills and Employment (DESE);
- NSW Department of Education;

- TAFE;
- Job Active Providers;
- NSW Apprenticeship and Traineeships; and
- Training Services NSW.

The estimated quote for hiring the Tamworth Town Hall for this event is \$1,890.00. Careers Network has requested that Council consider the waiving of this fee to keep the costs of hosting this event as low as possible.



### Estimated Quote

<b>Event Name:</b>	Careers Network Live, Train, Work	<b>Booking #:</b>	1015
<b>Event Status:</b>	First Pencil	<b>Contact:</b>	Ryan-Garnett, Mary
<b>Client Name:</b>	Careers Network Inc	<b>Phone #:</b>	
<b>Job Number:</b>		<b>Email:</b>	events@careersnetwork.org.au
<b>ABN No.:</b>	74 922 834 772	<b>Address:</b>	15C White Street Tamworth, NSW 2340
<b>Event Cat.:</b>	Commerical	<b>Ev SubCat:</b>	Exhibition

**Tuesday, August 31, 2021**

**Location: TOWN HALL - INC GALLERY**

From - To	Description	Attendance	Status	Charge
9:00 AM-8:00 PM	Live, Train, Work Theatre	0	First Pencil	\$1890.00

ESTIMATED QUOTE SUMMARY	
Venue Hire:	<b>\$1,890.00</b>
Expenses Total (incl GST):	<b>\$1,890.00</b>
GST:	<b>\$171.82</b>
Payments/ Credits:	<b>\$0.00</b>
<b>ESTIMATED QUOTE TOTAL:</b>	<b>\$1,890.00</b>

Please Note: All charges are variable and dependent on final requirements for the event.

Quote Estimate Date: 18/06/2021

Effective Until: 16/09/2021

Planning for future education, training and employment is a positive and purposeful activity for our community and aligns closely with numerous priorities and actions under Blueprint 100.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The total hire cost of \$1,890.00 can be absorbed by the General Expenses budget within the People & Culture Division.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

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

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

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## **10 COMMUNITY SERVICES**

### **10.1 TAMWORTH REGION ARTS ADVISORY COMMITTEE MEETING - 27 MAY 2021 – MINUTES**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Bridget Guthrie, Director Tamworth Regional Gallery and Museums

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Region Arts Advisory Committee Meeting - 27 May 2021 - Minutes”, Council receives and notes the Minutes.*

#### **SUMMARY**

The purpose of this report is to present the Minutes of the Tamworth Region Arts Advisory Committee (TRAAC) Meeting held on 27 May 2021, and to provide Council with an overview of the meeting outcomes.

#### **COMMENTARY**

The appointed TRAAC members attended and had a number of guest speakers present as part of the meeting. The Minutes of the meeting are **ATTACHED**, refer **ANNEXURE 1**.

A presentation and discussion with Luke Oldknow from Electric Light Films highlighted the opportunity for Tamworth to advance film making in the region. In particular there is the opportunity for Tamworth to offer its location/s for filming. Tamworth is in a prime position, close to major cities and coastal regions and has beautiful diverse landscapes, including stunning sunsets. Additionally, the region has the infrastructure such as accommodation and catering services to support large film crews.

Wendy Wood from the Tamworth Songwriters Association also spoke to the Committee about the songwriters 2021 competition. While orientated to Country music; the Association recognises other genres and welcomes writers of all music styles. The competition opens 1 August 2021 through to 30 September 2021. There are 16 sections in the competition.

A presentation was provided by artist Karen Balsar for a public artwork to be located at Nundle. The sculpture, “The Strength Within” took inspiration from the delicate “Chinese

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Lantern” flower as it fades, symbolising life within death. This work also has an immediate connection to Nundle through the town’s Chinese heritage. The Committee agreed in principle to proceed with the artwork with a final location to be determined after seeking engineering advice and approvals.

Artist Lucy Irvine has progressed the design and development of her public artwork with planned installation for late August or September depending on the progress during her June “artist in residency” at Andromeda Industries.

The dates for the *Skywhales: Every Heart Sings* (Patricia Piccinini’s Skywhale and Skywhalepapa) ephemeral public art tour to Tamworth through the National Gallery of Australia were confirmed as 22 to 24 April 2022.

The Tamworth Short Film festival was discussed to encourage film making and audience development for the region and the committee viewed the Creative Industries Film promo by Paul Singh.

An annual arts festival for the region was also discussed. This would be a dedicated arts weekend. A suggested model is a community committee (eg not-for-profit) comprised of a cross section of the arts community working in partnership with Council to organise and run the weekend. This would also support the recovery of the local Arts and Cultural Sector from COVID-19.

The Committee discussed its current processes and the following reports were also received and noted:

- Tamworth Regional Gallery and Museums Report; and
- Entertainment Venues Report.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The TRAAC includes six community members who represent a broad range of art disciplines. The Committee provides strategic advice to the Council in relation to ‘Arts’ matters within the region and make recommendations regarding priority areas for development.

**(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 PROPOSED LEASE TO TAMWORTH HOCKEY ASSOCIATION INCORPORATED OF PART LOT 102 IN DEPOSITED PLAN 1262475**

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

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

#### **SUMMARY**

The purpose of this report is to advise Council of the matters regarding the Tamworth Hockey Association and a proposed new lease for the Tamworth Regional Hockey Centre.

### **11.2 PROPOSED SALE OF LAND AT TAMWORTH GLOBAL GATEWAY PARK**

**DIRECTORATE: CORPORATE AND GOVERNANCE**  
**AUTHOR: Luke Stevenson, Commercial Property Officer**

**Reference: Item 12.11 to Ordinary Council 15 December 2020 - Minute No 412/20**

**4 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **SUMMARY**

The purpose of this report is to seek authorisation for the Mayor and General Manager to negotiate the sale of land in what is identified as Stage 1 of the Tamworth Global Gateway Park (TGGP), provided that the anticipated use of the land is consistent with the strategic planning for TGGP.



### **11.3 TENDER T137/2021 - CONSTRUCTION OF KENT STREET SHARED PATH DURI ROAD TO GOONOO GOONOO ROAD, SOUTH TAMWORTH**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Lachlan Mackiewicz, Infrastructure and Projects Engineer

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

#### **SUMMARY**

The purpose of this report is to seek Council's acceptance of tender T137/2021 to award a lump sum contract for the construction of the Kent Street shared path.

### **11.4 PROJECT BUDGET MANAGEMENT FOR THE TAMWORTH GLOBAL GATEWAY PARK AND THE SUBDIVISION OF STAGE 3**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer

**Reference:** Item 9.1 to Ordinary Council 8 September 2020 – Minute No 275/20

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **SUMMARY**

This report seeks to formalise the matters discussed at the Councillor workshop held on 8 June 2021. At this workshop it was proposed that unspent funds within the Tamworth Global Gateway Park budget be reallocated to fund future TGGP development stages and other related projects. This report also seeks to obtain Council approval for the General Manager to act as the landowner in relation to the subdivision of Stage 3.

### **11.5 T089/2021 - ESTABLISHMENT AND OPERATION OF THE TAMWORTH ORGANICS RECYCLING FACILITY**

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

**Reference:** Item 8.6 to Ordinary Council 1 Decmeber 2020 - Minute No 375/20

**4 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

**SUMMARY**

The purpose of this report is to seek direction from Council in relation to the Tenders received for the construction and operation of the proposed Organics Recycling Facility.

## **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.