



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 SEPTEMBER 2021

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

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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 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, 24 August 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**
- 6 **NOTICE OF MOTION**

OPEN COUNCIL REPORTS

- 7 **ENVIRONMENT AND PLANNING**

Nil

- 8 **INFRASTRUCTURE AND SERVICES**

8.1 **TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING 18 AUGUST 2021 - MINUTES**

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Angela Webb, Operations Engineer, Road Infrastructure
Murray Russell, Manager Infrastructure and Works - Regional Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting - 18 August 2021 - Minutes”, Council:

- (i) *approve the installation of yellow line marking on the corners of the Adam Street and Dean Street intersection North Tamworth, to reinforce the presence of default No Stopping zones; and*
- (ii) *approve the installation of a length limit (buses exempt) on Hyman Street, North Tamworth from North Street to Monterey Street, and on Monterey Street from Bligh Street to Hyman Street, subject to confirmation of the maximum vehicle length based on a turn-path check.*

SUMMARY

The purpose of this report is to advise Tamworth Regional Council of the two recommendations made by the Tamworth Regional Local Traffic Committee (the Committee) at the meeting held 18 August 2021.

COMMENTARY

78/2021 – Tamara Private Hospital – intersection concerns – Adam Street and Dean Street, North Tamworth

Tamara Private Hospital have asked that Tamworth Regional Council investigate options to address their egress concerns at the intersection of Adam Street and Dean Street.

Tamara Private Hospital's preferred option would be a No Parking zone near the intersection at Adam Street and Dean Street to allow traffic coming from Adam Street into Dean Street a clear line of sight of on-coming traffic.

There are no permanent obstructions to sight distance at this intersection for drivers exiting Adam Street. The existing default No Stopping area can be reinforced by the addition of yellow line marking at the intersection corners. Please see Figure 1 below.

Drivers have an alternative access route via Hunt Street.



Figure 1 – location of requested No Parking in yellow

COMMITTEE RECOMMENDATION: the Committee support the installation of yellow line marking on the corners of the Adam Street and Dean Street intersection North Tamworth to reinforce the presence of default No Stopping zones.

82/2021 - Hyman Street, North Tamworth – vehicle length limit

Vehicle left-turn movements at the intersection of Hyman Street and Johnston Street were reported to Council, as the movements were resulting in damage to kerb side gardens on this corner. There is evidence that heavy vehicles/longer vehicles are mounting the kerb during the left-turn movement.

The vehicle swing during the turn movement is limited by the existing centre median. The location and damage are shown in the figures below.

To mitigate ongoing damage to the kerb, it is proposed to prevent vehicles from making the manoeuvre by limiting access to Hyman Street, between Maloney Drive and North Street.



Figure 2 – location of damage



Figure 3 – indication of damage



Figure 4 – proposed route

COMMITTEE RECOMMENDATION: the Committee support the installation of a length limit (buses exempt) on Hyman Street, North Tamworth from North Street to Monterey Street, and on Monterey Street from Bligh Street to Hyman Street, subject to confirmation of the maximum vehicle length based on a turn-path check.

(a) Policy Implications

Nil

(b) Financial Implications

Item 78/2021 will be funded from the existing Infrastructure and Works line marking budget.

Item 82/2021 will be funded from the existing Infrastructure and Works signage budget.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.2 DRAFT URBAN STREET TREE MANAGEMENT PLAN

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

Reference: Item 8.1 to Ordinary Council 13 July 2021 - Minute No 193/21

1 ANNEXURES ATTACHED

RECOMMENDATION

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

- (i) accept the amendments to the Draft Urban Street Tree Management Plan; and*
- (ii) adopt the amended Draft Urban Street Tree Management Plan.*

SUMMARY

The Draft Urban Street Tree Management Plan (the Plan), has been in development in conjunction with the Street Tree Advisory Group (the Advisory Group) which is made up of local arborists, nurseryman and interested community members. The Advisory Group have helped to shape the way Tamworth Regional Council undertakes tree management.

The draft Plan was placed on public exhibition for a period of 33 days between 14 July 2021 and 15 August 2021. A total of 25 respondents commented on the Plan.

After reviewing the community feedback, a number of amendments are proposed to improve the Plan which is now recommended for adoption.

COMMENTARY

The Plan has been developed over a period of 18 months using an Advisory Group comprised of local arborists, nurseryman, interested community members, Councillors and staff. The Plan is made up of a number of sections covering different areas relating to urban tree management.

The Plan is designed to guide Council staff and the community in the effective management of street trees in the urban area in an effort to cool and green the region. The plan is comprised of the following sections:

- 1) Street Tree Hierarchy;
- 2) Street Tree Selection Criteria;
- 3) Street Tree Removal Policy;
- 4) Street Tree Planting Plan and Establishment;
- 5) Open Space Tree Planting Plan;
- 6) Minimum Standards for Street Tree Landscaping;
- 7) Main Street Tree Replacement Plan;
- 8) Notification Plan; and
- 9) Tree Risk Management Plan:
 - Appendix A - Recommended Street Tree Species List;
 - Appendix B - Feature and Park Tree Species List;
 - Appendix C – Tree Risk Assessment Form; and
 - Appendix D – Tree Pruning and Removal Communication Form.

A public exhibition period for the Plan was conducted between 14 July 2021 to 15 August 2021, encompassing 33 days. A total of 25 respondents commented on the Plan. This feedback has been summarised and the proposed recommended amendments are detailed in the **ATTACHED**, refer **ANNEXURE 1**.

In addition to the above recommended minor amendments, there is also one further significant change that is proposed. During the public exhibition period, a Councillor workshop was conducted to discuss the street tree component of Council's Engineering Design Minimum Standards for Subdivision and Development (Minimum Standards). This was due to the fact that the current Minimum Standards did not align with the Plan and there was confusion among the development industry regarding street tree planting.

It was discussed at this workshop that Council's Development Engineering division rewrite the appropriate section of the Minimum Standards to align with the Plan and submit the updated document to Council for the adoption in the near future. Proposed changes will include revising the preference of planting small trees as opposed to advanced trees and encouraging the development industry to pay a contribution to Council to plant the new street trees instead of the developer.

Rather than having the exact same information being displayed in two separate documents within Council, it is recommended that Section 6 of The Draft Urban Street Tree Management Plan (Minimum Standards for Street Tree Landscaping) be removed and replaced with a reference/link to Council's Engineering Design Minimum Standards for Subdivision and Development.

Following the public exhibition period, the changes proposed in this report have been made to the Plan, see **ATTACHED**, refer **ANNEXURE 2**, and is recommended to Council for adoption.

(a) Policy Implications

The existing policy 'Urban Tree Removal and Replacement Policy' is to be superseded by the Urban Street Tree Management Plan.

(b) Financial Implications

Nil to adopt plan. Future funding will be required to enact the spring and autumn planting strategies.

(c) Legal Implications

Nil

(d) Community Consultation

The draft Urban Street Tree Management Plan was placed on public exhibition for a total of 33 days between 14 July 2021 to 15 August 2021. A total of 25 respondents formally commented on the Plan.

The Plan was put together with the assistance of a working group comprised of local arborists, nurseryman and community volunteers.

(e) Delivery Program Objective/Strategy

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

8.3 WATER SUSTAINABILITY SIX MONTHLY REPORT

DIRECTORATE: WATER AND WASTE
AUTHOR: Louise Cadell, Sustainability Officer - Water

RECOMMENDATION

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

SUMMARY

The following report is presented to update Council on the continuing water sustainability response.

COMMENTARY

Current regional water supply situation

The Tamworth region has seen a significant change in the water supply situation in the past 12 months. This time last year, Dungowan Dam sat at 99%, and the WaterNSW owned and operated Chaffey Dam had just hit 25%. Split Rock Dam sat just under 5%. Flash forward to the same time in 2021, all communities are living on Permanent Water Conservation Measures (PWCM), and the supply systems are thriving.

The latest update as of 31 August 2021, is below:

Area	Restrictions	Water Supply	Situation
Barraba	Permanent Water Conservation Measures	Split Rock Dam	Split Rock Dam has continued to receive healthy inflows throughout 2021, with the level sitting at 41%. The supply is considered secure for the foreseeable future.
Bendemeer	Permanent Water Conservation Measures	MacDonald River	The Macdonald River is still flowing well above the trigger point for increasing restrictions in Bendemeer. The supply is considered secure for the foreseeable future.
Nundle	Permanent Water Conservation Measures	Peel River/Nundle Bore/Crawney Road Bore	The Peel River at Nundle continues to flow well above the trigger point for increasing restrictions for Nundle. This is monitored weekly, with the trigger to move Nundle to Level 1 water restrictions <60ML/month or 2ML/day as per the Drought Management Plan. The supply is considered secure for the foreseeable future.
Manilla	Permanent Water	Namoi River/Manilla	The Namoi River continues to flow well above the trigger to

	Conservation Measures	River	increase water restrictions for Manilla. The supply is considered secure for the foreseeable future.
Attunga	Permanent Water Conservation Measures	Attunga Bores	The groundwater level is consistent and bores are meeting maximum pumping rates. The supply is considered secure for the foreseeable future.
Tamworth/ Moonbi- Kootingal	Permanent Water Conservation Measures	Chaffey Dam/Dungowan Dam – Moonbi-Kootingal via Nemingha Pipeline	The natural flows in the Peel River continue to supply Tamworth/Moonbi-Kootingal. Dungowan Dam is sitting at 100%, and has been at that level consistently since June. For the first time since 2016, Chaffey Dam reached 100% on 31 July and continues to spill. The supply for Tamworth, Moonbi and Kootingal is considered secure for the next 24 months at least.

Let's Thrive

Following the drought, and the effective roll out of the Communications Engagement Plan and campaign 'Let's Work Together', the region is being reintroduced to 'Let's Thrive'.

Let's Thrive is an initiative that focusses on smart planning to create waterwise gardens, no matter the space or budget. This initiative was first launched in 2017, however with the onset of the worst drought on record, it did not gain the traction it deserved.

To introduce this campaign back into the community, Let's Thrive has undergone an update. Firstly, the move for Tamworth, Moonbi and Kootingal residents to PWCM after more than two years, meant softly reintroducing them to the rules around outdoor water use. Residents lived on Level 5 emergency water conservation measures for just under 12 months, so the idea was not to inundate them with information on rules, rather it was to reiterate the happy occasion that moving back to PWCM is. This includes reminding them of the water saving rebate scheme, the benefits of prepping your outdoor areas ahead of the warmer months, but most importantly enjoying the benefits of being waterwise in the garden. A half page wrap of the Northern Daily Leader and updated Water Notice information was created to help with this.



Half page wrap which appeared in the Northern Daily Leader

The next step in the relaunch is to work with local businesses. Council has reached out to a number of local businesses to participate in promoting the initiative, with display sections, promotional material and giveaways. A number of resources have been designed by Councils Communications team to aid in the roll-out of this campaign. These resources are in the gardening theme, and are eye-catching ways to encourage residents to explore what Let's Thrive is all about. The overall aim is to positively promote the benefits of being water efficient and to promote supporting local businesses off the back of the drought and the impacts of COVID-19.

Examples of the Let's Thrive promotional resources





Additionally, an education opportunity has been identified to help promote the 'Let's Thrive' initiative to some of our youngest residents. This project is in the early planning phase, and will include three Council directorates pooling resources and skills to create a waterwise garden as an education and engagement tool for students.

Evaporative Air Conditioner Campaign

The change in seasons signals the time for a targeted communications campaign around evaporative air conditioner (EAC) servicing, maintenance and usage.

Working with Council's Communication team, a plan has been created to ensure residents who live in homes with EAC units have access to information on how to run them as efficiently as possible through the warmer months of the year.

In the Tamworth, Moonbi and Kootingal it is estimated that EAC units use up to 4 million litres of water per day. Often, EAC units are using more water than they need to. This is why Council offers a water saving rebate on the servicing and maintenance of EAC units, to try and ensure they are running as efficiently as possible.

The targeted campaign will relay this information, plus tips on how to use an EAC unit effectively through regular radio talk spots, radio and newspaper advertising, an updated water rates notice, factsheet and social media campaign.

This campaign will begin in September and continue throughout Spring and Summer.

Drought Management Plan Review

The Drought Management Plan Review and drafting of the new look Water Management Plan is progressing.

Due to the movement of Local Government Elections, the timeline in which to complete the review was revised.

The first draft of the Water Management Plan is expected to be ready for Council staff to review by October. The Local Government Elections are scheduled to be held on the 4th December 2021. Following the election, a draft of the Water Management Plan will be

presented to Councillors in a workshop, and any amendments will be made before presenting the draft formally to Council seeking permission to present it to the community.

A six week public consultation period will allow the entire Tamworth region opportunity to consider the contents of the new plan and submit their comments to Council for review. The public consultation period will also entail community meetings in all centres connected to a town water supply, however how these will run will be COVID-19 dependent.

Water Night

In 2020, the Water Sustainability Unit signed up to take part in the inaugural Water Night. This event is the brainchild of Smart Approved WaterMark (SAWM). Water Night, which is held during National Water Week, is a great way to bring the water saving message into the homes of all residents, whether they're connected to a town water supply or not. The event is about practicing water mindfulness with most of us on auto-pilot when it comes to reaching for the taps.

Council will once again join SAWM is rolling out this event locally. Water Night challenges us to go without taps, showers and running water from 12pm to 12am on 21 October, COVID-19 safe and religious reasons exempt. A communications campaign is being developed to incorporate the Sustainability Mascot in helping to promote Water Night. The campaign will also explore how school holiday, weekend and before and after school care can participate.

Locally, the goal is to continue to increase the Tamworth region registrations to the event. As part of the sponsorship package, a raft of co-branded resources has been provided to Council and this will start to be shared with the community in September to encourage them to sign up to take part.

School and Community Education

The past six months saw a rise in Water education enquiries, in particular in the early learning cohort.

More than 200 community members participated in a water sustainability talk. This included four early learning centres, one high school group and two community groups. It is great to see interest in water remaining even after the drought. This continued interest has also allowed the continued introduction of Sonny the Sustainability Scout to the community.

The onset of COVID-19 restrictions in regional NSW has now put a pause on face-to-face education sessions, however this has allowed the Sustainability Unit to continue to create online resources which can be readily available for teaching staff.

The Water Sustainability Officer continues to work closely with the Energy and Waste Sustainability Officers in further developing the Sustainability Unit mascot which was launched in November 2020. Sonny the Sustainability Scout has made two guest appearances at early learning centres in Tamworth in the past six months.

Phase three of the mascot project is underway, which will focus on increasing the local sustainability presence in all primary schools across the Tamworth region. An exciting program is in the process of being developed, and the Sustainability Unit looks forward to rolling it out in early 2022.

50K Internal Water Saving Initiative

Last financial year a number of great internal water saving initiatives were completed. This included the installation of sensor taps in the Town Hall, Community Centre and AELEC, and artificial turf at the Regional Playground and Community Centre. An ongoing saving of around 750kL per year will be achieved by completing these projects.

Projects are starting to come together for the current financial year, with three different areas of Council already indicating interest in improving water efficiency on site.



Regional Playground artificial turf installation in a high traffic area



*Installation of sensor taps in multiple AELEC bathrooms.
This rollout will continue this financial year*

(a) Policy Implications

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

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.4 DUNGOWAN DAM COMMUNICATIONS LINK

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 8.2 to Ordinary Council 23 July 2019 - Minute No 240/19

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Dungowan Dam Communications Link”, Council:

- (i) authorise the Mayor and General Manager to enter into a Deed on the terms outlined in the body of the report; and*
- (ii) authorise the affixing of the Seal of Council to the Deed and any associated documents.*

SUMMARY

The purpose of this report is to provide an update to Council in relation to the construction of a high bandwidth communication link from Dungowan Dam to Tamworth to further enhance the monitoring capability of Dungowan Dam. The report also requests Council’s consideration in relation to a Deed of Transfer for a 24 metre high tower constructed as part of the project on Lot 101 DP1872614, Nowendoc Road, Niangala which is a property owned by NSW Police.

COMMENTARY

At its Ordinary Council Meeting of 23 July 2019, Council considered a report in relation to the construction of a high bandwidth communications link to Dungowan Dam. As presented to Council, the primary purpose of the communications link was to allow large bandwidth equipment such as CCTV cameras to be used to assist with dam operational monitoring. In addition, the link will provide remote access to other critical dam infrastructure such as the seismograph installed for monitoring any earthquake event at the dam site and solar arrays installed for offsetting network electricity use on site. The link will also further assist with implementing Council’s Dungowan Dam Safety Emergency Plan during emergency events such as extreme flooding.

One of the key components of the communications link required the construction of a 24 metre high tower at Mount Fairview on land owned and operated by NSW Police. From this location, the link connects infrastructure installed in the vicinity of Dungowan Dam back to Tamworth and to Council’s existing IT communication network and Water Operations real time monitoring system. The tower and all associated infrastructure required for the high bandwidth communication link has now been constructed and the link is operational.

At its Ordinary Council Meeting of 23 July 2019, Council resolved to:

Agree to enter into an agreement with NSW Police for the construction of a communications tower at Lot 101 DP1872614, Nowendoc Road, Niangala as per details provided in the report.

The Mount Fairview site is owned by NSW Police and is used as part of the emergency services radio communication network. Following construction of the tower, NSW Police has now transferred some of their equipment to the new Council built tower.

In addition to the previous agreement related to the construction of the new tower, NSW Police has now requested Council execute a Deed of Transfer for the tower to their ownership. This document is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. Under the terms of the Agreement and associated Deed, Council can access the tower in accordance with the Agreement rent free for the term of the Agreement, i.e. 10 years. The preparation of the final Agreement and associated Deed of Transfer has taken a significant amount of time, primarily due to restructures within the NSW Police and changes within the NSW Police Communications Division. The requirement to enter in to a Deed of Transfer has arisen since the report to Council on 23 July 2019. As previously reported to Council, the tower construction costs have been funded by Council. It is considered that the Deed of Transfer of this asset to NSW Police as now requested, is the best outcome for Council as this allows Council rent free access to the tower. The alternative, should Council retain ownership of the tower, and the NSW Police agree to this, would require land adjustments and/or lease arrangements to be paid by Council.

The Mount Fairview site has been used for Council's existing Dungowan Dam radio telemetry network for more than 15 years. It is believed the above agreement and associated Deed of Transfer will be beneficial to Council, NSW Police, and the broader community by improving emergency communication infrastructure for both Dungowan Dam and emergency services.

(a) Policy Implications

Nil

(b) Financial Implications

The communications link project has been completed at a cost of \$194,000. The tower construction was approximately \$59,000, not including Council infrastructure installed on the tower and preliminary works such as design and preliminary investigations.

(c) Legal Implications

The Deed provided by NSW Police will require the affixing of the Seal of Council.

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

(d) Community Consultation

Consultation was completed as per requirements of the Development Application process for the tower.

(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 2021 LOCAL GOVERNMENT NEW SOUTH WALES ANNUAL CONFERENCE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

RECOMMENDATION

That in relation to the report “2021 Local Government New South Wales annual Conference”, Council:

- (i) receive and note the report;*
- (ii) authorise the Mayor and Deputy Mayor and two Councillors to nominate as Voting Delegates at the Local Government NSW Annual Conference together with the General Manager; and*
- (iii) nominate other interested Councillors to register to attend the one hour online update to be held on 29 November 2021.*

SUMMARY

The Local Government New South Wales (LGNSW) Annual Conference was to be held 28-30 November 2021. With the postponement of Local Government elections, as well as COVID-19 restraints, LGNSW has redesigned the delivery of its Annual Conference to be presented over two dates.

The purpose of this report is to update Council on the revised dates and seek Councillor registrations as well as nominations for four voting delegates for the one hour online conference, where the annual report and financial report will be presented on 29 November 2021.

COMMENTARY

The LGNSW Annual Conference was proposed to go ahead on 28-30 November 2021. The postponement of Local Government elections to 4 December 2021, has led to the decision to split the LGNSW Annual Conference into two events, the first being the LGNSW Annual Conference, to be held online, 29 November 2021 from 9:30am to 10:30am.

The 29 November Annual Conference is required to meet the Associations Rules and provides an opportunity to report back to members on LGNSW’s financial results and achievements for the 2020/2021 financial year. Online registrations are currently open for this event and Councillors are asked to nominate if they wish to attend so that registrations can be completed.

Separate from the conference attendance registration, Council is required to nominate four voting delegates for both the Annual Conference and LGNSW Board election. Voting on Standing Orders and the Treasurers Report will be undertaken at the Annual Conference, as will the Board election. Usual practice for Council is to nominate the Mayor and Deputy Mayor as voting delegates and take nominations for the remaining two positions. Should the

Mayor and/or Deputy Mayor decline to nominate, Councillors can nominate as voting delegates in their place.

Nominations for voting delegates closes on 5 October 2021.

The Annual Conference Business Paper is expected to be available two weeks prior to the Conference on the LGNSW website and via email for members.

The second event, a Special Conference, will be held from 28 February to 2 March 2022. This event will be held in person in Sydney and will include the debate and resolution of motions setting LGNSW's advocacy agenda for 2022.

Policy motions submitted by member Councils will be presented and debated at the Special Conference with the resulting resolutions proceeding to help LGNSW's advocacy priorities for the year ahead. The deadline for inclusion of motions in the Business Paper has been extended to midnight on 30 January 2022, to allow sufficient time for newly elected councils to finalise their submissions. A further report to Council will be presented requesting motions for inclusion in the Special Conference following the December election.

(a) Policy Implications

In relation to the LGNSW Special Conference to be held 28 February to 2 March 2022, Councillor(s) are authorised to attend the Local Government NSW Annual Conference in accordance with Council's policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

A further report in relation to the LGNSW Special Conference will be prepared and presented to Council in January 2022, following the Local Government Election.

(b) Financial Implications

Nil

(c) Legal Implications

Council's formal resolution for the attendance of any Delegate is required for insurance purposes whilst the Representatives are performing bona fide Council duties.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

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 LAND ALLOCATION AND PROPOSED LICENCE AGREEMENT TO TAMWORTH AND DISTRICT MODEL ENGINEERS OF LOT 7300 IN DEPOSITED PLAN 1152789

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation
Blake Mammarella, Sports Venue - Program Officer

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 a proposal by a current licensee at the Oxley Reserve for a surrender and re-grant of their current licence agreement.

11.2 TENDER T014/2022 CONCRETE SLABS FOR TANGARATTA CREEK CAUSEWAY RENEWAL ON WALLAMORE ROAD

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Angela Webb, Operations Engineer, Road Infrastructure
Murray Russell, Manager Infrastructure and Works - Regional Services

Reference: Item 12.2 to Ordinary Council 08 June 2021 - Minute No 168/21

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(d)iii 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, reveal a trade secret.

SUMMARY

The purpose of this report is to provide a recommendation to Council regarding Tender T014/2022 – concrete slabs for Tangaratta Creek Causeway renewal on Wallamore Road.

11.3 TENDER T162/2021 2021 TAMWORTH LGA DISASTER REHABILITATION WORKS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works - Regional Services

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(d)iii 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, reveal a trade secret.

SUMMARY

The purpose of this report is to seek Council's approval to award a contract for Tender T162/2021 2021 Tamworth Local Government area (LGA) Disaster Rehabilitation Works, which is funded by Resilience NSW, NSW Storms and Floods and announced under the AGRN 960 storm and flood event.

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.