

# TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**, commencing at **6:30pm**.

## ORDINARY COUNCIL AGENDA

**27 JULY 2021**

**PAUL BENNETT  
GENERAL MANAGER**

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## Order of Business

| ITEM | SUBJECT   | PAGE NO   |
|------|---|-----------|
| 1    | APOLOGIES AND LEAVE OF ABSENCE .....  | 5         |
| 2    | COMMUNITY CONSULTATION.....   | 5         |
| 3    | MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL.....   | 5         |
| 4    | DISCLOSURE OF INTEREST .....  | 5         |
| 5    | MAYORAL MINUTE .....  | 5         |
| 6    | NOTICE OF MOTION .....  | 5         |
|      | <b>OPEN COUNCIL REPORTS</b>   | <b>5</b>  |
| 7    | <b>ENVIRONMENT AND PLANNING</b> .....   | <b>5</b>  |
| 7.1  | EXHIBITION OF SITE-SPECIFIC DEVELOPMENT CONTROLS FOR TAMWORTH GLOBAL GATEWAY PARK, WESTDALE AND REVIEW OF TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN 2010 (AMENDMENT NO. 15)..... | 5         |
|      | <b>3 ANNEXURES ATTACHED</b>   |           |
|      | <b>1 CONFIDENTIAL ENCLOSURES ENCLOSED</b>   |           |
| 7.2  | EXHIBITION OF THE TAMWORTH REGIONAL COUNCIL DEVELOPMENT CONTROL PLAN 2010 - SITE-SPECIFIC ARCADIA PRECINCT, HILLVUE.....  | 9         |
|      | <b>1 ANNEXURES ATTACHED</b>   |           |
| 7.3  | REQUEST TO CHANGE 88B INSTRUMENT REGARDING RESTRICTION TO USE FOR LOT 142 DP 1252694 .....  | 12        |
|      | <b>1 ANNEXURES ATTACHED</b>   |           |
| 7.4  | PROPOSED RENAMING OF A SECTION OF COLE ROAD, WEST TAMWORTH.....   | 14        |
|      | <b>1 ANNEXURES ATTACHED</b>   |           |
| 7.5  | LOCALITY BOUNDARY ADJUSTMENT BETWEEN CALALA AND SOUTH TAMWORTH .....  | 16        |
|      | <b>1 ANNEXURES ATTACHED</b>   |           |
| 8    | <b>INFRASTRUCTURE AND SERVICES</b> .....  | <b>17</b> |
| 8.1  | ACTIVE TRANSPORT STRATEGY.....  | 17        |
|      | <b>1 ANNEXURES ATTACHED</b>   |           |
| 8.2  | NORTHERN INLAND CENTRE OF SPORTING EXCELLENCE 2021 MASTER PLAN.....   | 19        |
|      | <b>1 ANNEXURES ATTACHED</b>   |           |
| 8.3  | FRACTURED ROCK AQUIFER RESOURCE INVESTIGATION - T034/2021 .....   | 21        |
| 8.4  | POSSIBLE FUNDING FOR THE WATER SECURITY COOPERATIVE RESEARCH CENTRE (CRC) .....   | 26        |
|      | <b>1 ANNEXURES ATTACHED</b>   |           |
| 8.5  | FOREST ROAD LANDFILL ADDITIONAL SURFACE WATER INFRASTRUCTURE REQUIREMENTS.....  | 29        |
| 8.6  | GREEN CAFFEEN SWAP & GO CUP INITIATIVE .....  | 35        |

|           |   |                             |
|-----------|---|-----------------------------|
| <b>9</b>  | <b>GOVERNANCE, STRATEGY AND FINANCE</b> .....   | <b>42</b>                   |
| 9.1       | COUNCIL INVESTMENTS JUNE 2021 .....   | 42                          |
|           |   | <b>1 ANNEXURES ATTACHED</b> |
| 9.2       | ANNUAL OPERATIONAL PLAN 2020/2021 BUDGET VARIATION REPORT - JUNE 2021   | 44                          |
|           |   | <b>1 ANNEXURES ATTACHED</b> |
| <b>10</b> | <b>COMMUNITY SERVICES</b> .....   | <b>46</b>                   |
| 10.1      | TAMWORTH COUNTRY MUSIC ADVISORY GROUP.....  | 46                          |
| 10.2      | DISABILITY ACCESS WORKING GROUP MEETING - 13 JULY 2021 - MINUTES .....  | 48                          |
|           |   | <b>1 ANNEXURES ATTACHED</b> |
| <b>11</b> | <b>REPORTS TO BE CONSIDERED IN CLOSED COUNCIL</b> .....   | <b>49</b>                   |
| 11.1      | PROPOSED SURRENDER AND GRANT OF NEW LEASE OF TELECOMMUNICATION FACILITY - PART LOT 20 IN DP1010843.....   | 50                          |
| 11.2      | PROPOSAL FOR SALE OF COUNCIL LAND - NORTH TAMWORTH.....   | 50                          |
| 11.3      | TENDER T004/2022 - 2022 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY, INSTALLATION AND OPERATION OF AUDIO VISUAL PRODUCTION IN THE TAMWORTH CENTRAL BUSINESS DISTRICT (CBD) ..... | 51                          |
| 11.4      | TENDER T148/2021 – REHABILITATION OF SEWER MAINS BY IN-SITU RELINING .....  | 51                          |
| 11.5      | NEW TAMWORTH TOMORROW ECONOMIC DEVELOPMENT STRATEGY AND INVESTMENT PROSPECTUS .....   | 51                          |
| 11.6      | TAMWORTH REGION DESTINATION MANAGEMENT PLAN.....  | 52                          |
| 11.7      | RETAIL ELECTRICITY SUPPLY TO COUNCIL LARGE AND SMALL SITES INCLUDING STREET LIGHTING.....   | 52                          |

## 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*

|                            |                         |
|----------------------------|-------------------------|
| <b>Membership:</b>         | <b>All Councillors</b>  |
| <b>Quorum:</b>             | <b>Five members</b>     |
| <b>Chairperson:</b>        | <b>The Mayor</b>        |
| <b>Deputy Chairperson:</b> | <b>The Deputy Mayor</b> |

## 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, 13 July 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**

##### 7.1 **EXHIBITION OF SITE-SPECIFIC DEVELOPMENT CONTROLS FOR TAMWORTH GLOBAL GATEWAY PARK, WESTDALE AND REVIEW OF TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN 2010 (AMENDMENT No. 15)**

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

**Reference:** Item 7.2 to Ordinary Council 8 May 2018 - Minute No 147/18  
Item 7.1 to Ordinary Council 30 October 2018 - Minute No 237/18

**3 ANNEXURES ATTACHED**  
**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

### RECOMMENDATION

*That in relation to the report “Exhibition of Site-Specific Development Controls for Tamworth Global Gateway Park, Westdale and Review of Tamworth Regional Development Control Plan 2010 (Amendment No. 15)”, Council:*

- (i) *endorse the public exhibition of the draft Site-Specific development controls for Tamworth Global Gateway Park, Westdale for a period of not less than 28 days in accordance with Part 3 of the Environmental Planning and Assessment Regulations 2000;*
- (ii) *endorse the public exhibition of the Tamworth Regional Development Control Plan 2010 (Amendment No. 15) for a period of not less than 28 days in accordance with Part 3 of the Environmental Planning and Assessment Regulations 2000; and*
- (iii) *note that the outcomes of the public exhibition will be the subject of a subsequent report to a future Meeting of Council.*

## SUMMARY

The *Tamworth Regional Development Control Plan 2010 (TRDCP)* was adopted by Council on 12 October 2010, and became effective from the gazettal of the *Tamworth Regional Local Environmental Plan 2010 (TRLEP)* on 21 January 2011.

The TRDCP is reviewed regularly, both on an as-needs basis, and as a scheduled annual review, to ensure that the content remains consistent with the objectives defined by Council in response to consultation with the community and development industry.

This report seeks a resolution of Council to proceed to public exhibition of the draft site-specific development controls for the Tamworth Global Gateway Park Precinct (TGGP) which are intended to provide specific land-use development controls for the future development of the site.

Changes are also proposed to the TRDCP (Amendment No. 15) which includes the introduction of desired future character statements for all new site-specific areas and adding additional development types to the fast track application pathway. The fast track changes have been made to the TRDCP to ensure development applications across the Tamworth Local Government Area have the same opportunities to be a fast-tracked development.

## COMMENTARY

### ***Tamworth Regional Blueprint 100***

The basis for land use planning has been established by the Tamworth Regional Blueprint 100 process which includes Council's adopted Local Strategic Planning Statement (LSPS). The Tamworth Global Gateway Park (TGGP) Precinct is specifically referenced in Blueprint 100 as an area of opportunity to support new initiatives to expand industrial sectors. Tamworth's position in the region as a major supplier of services and manufacturing for agriculture, mining, trades, housing, commercial and industry is highlighted in Blueprint 100. The priority themes of Blueprint 100 have been considered as part of this planning proposal process and the TGGP aligns with the following actions:

- Action A.3 - Attract new businesses that support the Blueprint 100 vision;
- Action 3.4 - Substantially increase Tamworth's meat and food processing capacity;
- Action 3.5 - Ensure Tamworth's plans and policies appropriately enable new food processing plants;
- Action 3.7 - Establish a High Technology Agribusiness cluster; and
- Action PR2 - Develop and implement a structure plan and infrastructure strategy for the Tamworth Global Gateway Park to align with the Tamworth Regional Airport Master Plan.

### ***Tamworth Global Gateway Park - Locality***

The location of the TGGP Precinct is approximately 7km west of the Tamworth Central Business District (CBD) and is bounded by the Oxley Highway, Goddard Lane, Wallamore Road, and Marathon Street. The 246ha site was previously characterised by an existing rural land use and the Murroon Creek drainage line. In more recent times, development activity has occurred on the site in preparation for future industrial and commercial operations. The dominant adjoining land uses are Tamworth Regional Airport (to the south), Glen Artney heavy industrial area (west), Tamworth Wastewater Treatment Plant (north) and the residential suburb of Westdale (to the east).



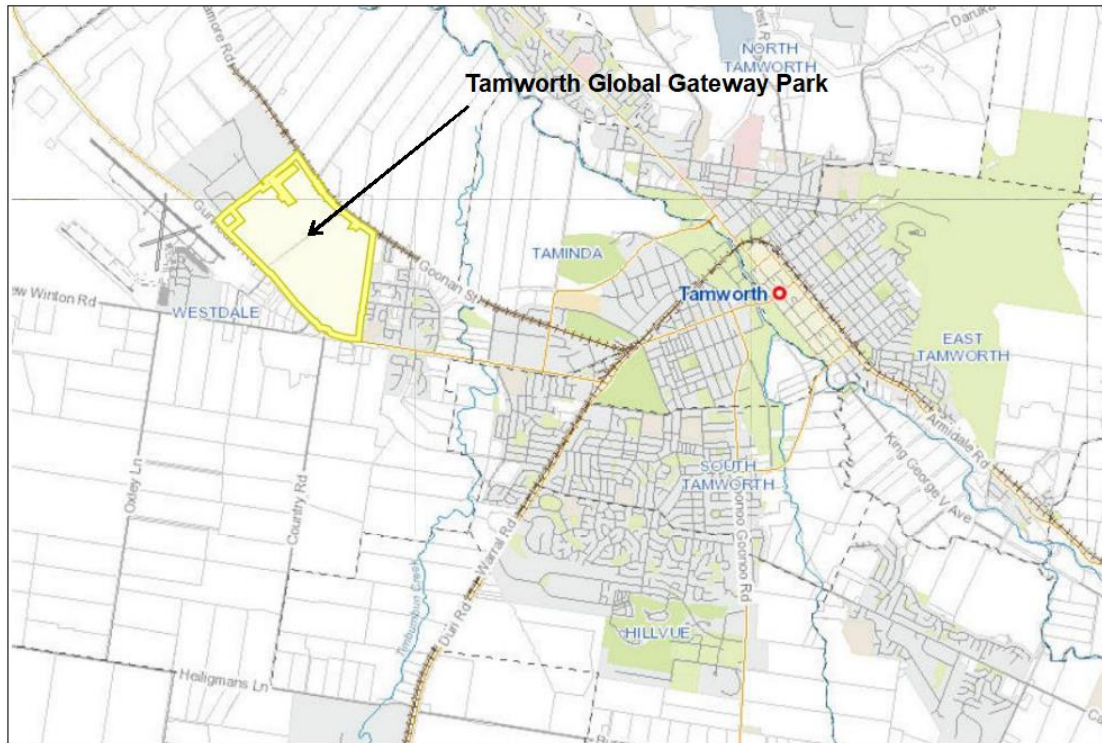


Figure 1: Tamworth Global Gateway Park Precinct

### **Tamworth Global Gateway Park - Background**

The subject site was formally rezoned for industrial and business purposes in September 2018, after a lengthy community consultation process. At its Ordinary Council Meeting of 30 October 2018, Council resolved to exhibit the draft Master Plan and Development Controls for the site (formerly known as the Tamworth Enterprise Area – Glen Artney, Westdale). A copy of the original exhibited draft Site-Specific development controls is **ATTACHED**, refer **ANNEXURE 1**. The public exhibition period from 19 November to 17 December 2018, attracted 14 submissions. The submissions received are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

### **Proposed Amendments to Site-Specific Development Controls**

The objective of the draft Site-Specific development controls is to promote a range of compatible land uses that support import/export freight and logistics, manufacturing and food production; high quality environmental design and landscape amenity; and consistent lot and building patterns throughout the precinct.

Since the original exhibition period, there have been changes to the Master Plan and development controls to the extent that a re-exhibition of the site-specific development controls is warranted. A summary of the draft changes is provided below:

- the name of the Precinct has changed from Tamworth Enterprise Area – Glen Artney to Tamworth Global Gateway Park;
- the introduction of Desired Future Character Statements designed to set the overall key objectives for the site;
- a revised precinct plan reflecting the current desired road layout and landscaping;
- the inclusion of draft structure plan documents and other supporting diagrams within the body of the controls to provide clear and concise information on how to apply the controls and to reduce ambiguity; and

- the latest draft controls have been amended to address submissions previously received during the original exhibition period.

A copy of the revised draft Site Specific development controls for Tamworth Global Gateway Park is **ATTACHED**, refer **ANNEXURE 2**.

**Review of Tamworth Regional Development Control Plan (Amendment No. 15)**

A copy of the TRDCP (Draft Amendment No. 15) with the proposed changes marked in red is **ATTACHED**, refer **ANNEXURE 3**. A summary of the draft changes is also provided below:

- Amend Item No. 1.2 - to include reference to desired future character statements for various forms of development and site-specific precincts;
- Amend Item No. 1.4 – to introduce industrial (general and light), commercial and retail development types that may be considered for fast track determination;
- Amend Item No. 1.4 – by updating the list of circumstances where fast track determinations do not apply; the additions include, heavy industrial uses, development that may impact on biodiversity and any application considered by senior staff to not be appropriate for fast track (i.e. not able to meet the timeline or do not comply with the development controls);
- Amend Item 1.4 – to remove reference to the TRC Online Development Hub and the Fast Track Submitter Registration process which is now redundant as a result of the NSW Government mandate for all Development Applications to be lodged via the NSW Planning Portal from 1 July 2021;
- Renumber Items 1.7A and 1.7B to Items 1.8 and 1.9 respectively;
- Add Item No. 2.0 – introducing Desired Future Character Statements that will be prepared for each new or updated site-specific area in Step 4 of this DCP.

The key objectives of the desired future character statements are:

- a) to protect and enhance the existing character that distinguishes the identity of each Site-Specific area; and
- b) to ensure specific development controls outlined in this DCP are met and to assist decision-making as to whether a proposed development is compatible with the desired future character of the Site-Specific area.

**(a) Policy Implications**

The proposed TGGP Site-Specific development controls and amendments to the TRDCP will guide future development and alter the current planning guidelines.

**(b) Financial Implications**

Nil

**(c) Legal Implications**

The draft Site-Specific Development Controls, once adopted and incorporated in the TRDCP will provide a statutory framework for consideration of future development applications in the TGGP.

**(d) Community Consultation**

A lengthy and extensive consultation process was undertaken in connection with the original rezoning and preparation of site-specific development controls for the subject lands.

Council will undertake further consultation to meet the requirements of the legislation and provide an additional opportunity for community input into the detailed controls for

the site. Consultation will be undertaken through public exhibition of the DCP changes for 28 days as required by the legislation.

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

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

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**7.2 EXHIBITION OF THE TAMWORTH REGIONAL COUNCIL DEVELOPMENT CONTROL PLAN 2010 - SITE-SPECIFIC ARCADIA PRECINCT, HILLVUE**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Mitchell Gillogly, Team Leader – Development Assessment

**Reference:** Item 7.2 to Ordinary Council 27 April 2021 - Minute No 96/21  
Item 7.1 to Ordinary Council 22 August 2017 - Minute No 257/17  
Item 7.1 to Ordinary Council 11 July 2017 - Minute No 213/17  
Item 7.1 to Ordinary Council 25 October 2016 - Minute No 311/16  
Item 7.1 to Ordinary Council 23 August 2016 - Minute No 244/16

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Exhibition of the Tamworth Regional Council Development Control Plan 2010 – Site-Specific Arcadia Precinct, Hillvue”, Council:*

- (i) endorse the public exhibition of the draft site-specific development controls for the Arcadia Precinct, Hillvue for a period of not less than 28 days in accordance with the Environmental Planning and Assessment Regulations 2000; and*
- (ii) note that the outcomes of the public exhibition will be the subject of a subsequent report to a future Meeting of Council.*

**SUMMARY**

The *Tamworth Regional Development Control Plan 2010, (TRDCP)* was adopted by Council on 12 October 2010, and became effective from the gazettal of the *Tamworth Regional Local Environmental Plan 2010 (TRLEP)* on 21 January 2011.

This report seeks a resolution of Council to proceed with public exhibition of the draft Site-Specific Development Controls for the Arcadia Precinct. The draft development controls provide specific land-use guidelines for the future development of the site and are underpinned by a structure plan which provides and encourages quality of design and housing diversity. The draft development controls will replace the current Site-Specific Development Controls for Arcadia and Bylong Road Precinct in the TRDCP.

**COMMENTARY**

***Tamworth Regional Blueprint 100***

The basis for land use planning of the Arcadia precinct has been established by the Blueprint 100 process which includes Council’s adopted Local Strategic Planning Statement (LSPS). Arcadia is specifically referenced in Blueprint 100 as a major site of residential accommodation for the growing population of Tamworth and the wider region. The priority themes of Blueprint 100 have been considered as part of the planning proposal process, and the precinct aligns with Blueprint 100 in the following manner:

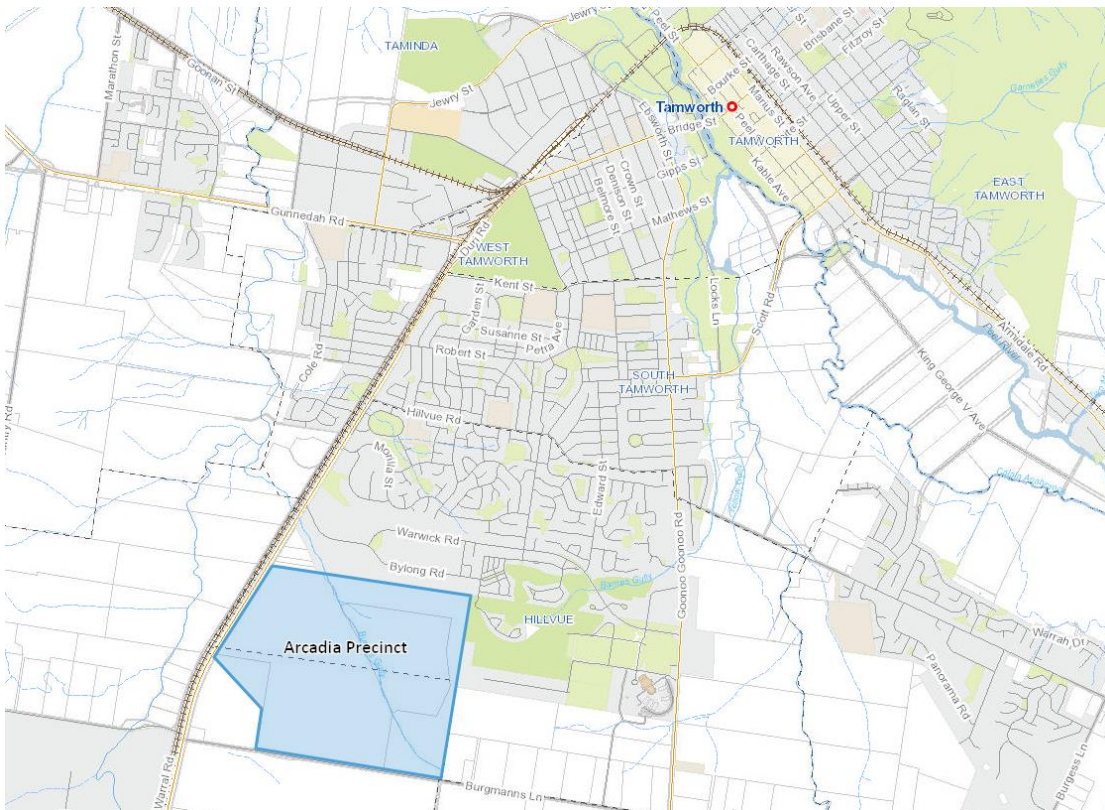


- providing a more diverse range of housing choices for varying demographics;
- increasing affordability by promoting a mixture of lot sizes and housing types;
- supporting residential expansion in Arcadia (Action 2.1.3);
- influencing developers at the early stages of their master planning (Action 6.2.3);
- including urban design measure that control and manage stormwater (Action 6.2.1);
- encouraging one and two bedroom units in nominated medium density areas (Compact Lots);
- protecting and supporting our natural environment and resources through responsive initiatives and development practices;
- promotion of walking and cycling paths throughout the Arcadia Precinct; and
- promoting a compact urban growth area to ensure easy access to essential facilities, efficient delivery of infrastructure and protection of environmental lands.

The planning proposal is consistent with the objectives of Blueprint 100 Part 1 and Blueprint 100 Part 2 – Tamworth Regional LSPS.

### *Background*

Extensive planning has been undertaken for the Arcadia Precinct and wider locality including studies that have underpinned earlier rezoning and site-specific development controls, as well as recent structure and infrastructure planning for the area. The land is currently zoned for residential and commercial purposes and is shown in Figure 1.



*Figure 1: Arcadia Precinct*

The site was originally rezoned by the publication of Amendment No.12 to the TRLEP on the NSW Legislation website on 27 October 2017. The Site-Specific Development Controls for Arcadia and Bylong Road Precinct were adopted by the publication of Amendment No. 11 of the TRDCP at the Ordinary Council Meeting on 22 August 2017. Extensive community

consultation has already been undertaken in association with the public exhibition of the rezoning and site-specific development controls prior to adoption by Council.

Council initiated additional investigations and “charrette” workshops with the land owners and stakeholders to develop a structure plan which addresses housing diversity, urban design, stormwater management, road and subdivision design and dwelling density targets.

Based on the development of the structure plan, a Planning Proposal for the Arcadia Precinct was reported to the Ordinary Council Meeting on 27 April 2021, with a resolution to obtain a ‘Gateway Determination’ from the Department of Planning, Industry and Environment (DPIE). The Planning Proposal seeks to amend the TRLEP to support the outcomes of the “charrette” workshops by enabling an increase in housing density and diversity, residential amenity and supporting the needs of future residents.

The subject site is identified as a key future residential release area in the New England North West Regional Plan (NENWRP) 2036, Blueprint 100 Part 1 and Blueprint 100 Part 2 which is the Tamworth Regional LSPS 2020. Council has moved forward from the LSPS process with the development of the draft ‘Tamworth Story’ which will inform future amendments to the TRLEP 2010 including at Arcadia.

As a result, the proposed site-specific development controls have strategic alignment with both Tamworth Regional Council’s principal land use planning strategies and the Regional Plan.

### ***Proposed Amendments to Site-Specific Development Controls***

The objectives of the draft development controls are to promote a mixture of lot sizes and housing types, incorporate high quality urban design principles, and improve the management of stormwater and natural amenity within Burkes Gully. Based on the objectives, the key amendments proposed to the current DCP are:

- introduction of *Desired Future Character Statements* which are designed to provide objectives for the future development of the Arcadia Precinct and to emphasise the importance of housing diversity, high quality urban design principles and enhancement of Burkes Gully;
- preparation of a structure plan that incorporates principles of high quality urban design as they relate to lot orientation, road layout, street amenity, design standards for buildings and linkages between the built form and quality public open space;
- requirement for a minimum net residential density of 10 dwellings per hectare to be implemented across the site. This dwelling density target aims to promote the development of a mixture of housing typology and lot sizes while ensuring lot yield is aligned with infrastructure provisioning. This will be enforced through the draft Development Controls and by a new clause and a dwelling density map in the TRLEP;
- Inclusion of specific controls relating to medium density development located in the identified “compact lots” area in the draft Structure Plan. These include the relaxation of some planning controls in order to facilitate the development of medium density development in these areas. Compact lots (300m<sup>2</sup> – 450m<sup>2</sup>) have specifically been identified around high amenity areas, such as the public open spaces, Burkes Gully corridor and the commercial centre;
- identification of the Burkes Gully corridor as the “green spine” of the precinct, thereby requiring inclusion of the principles of a living stream which enhance the natural features and contribute to the urban landscape and opportunity for passive recreation. Specific controls require the Burkes Gully corridor to have a minimum width of 100m for its entirety and all stormwater basins to be designed as offline structures;
- enabling a combination of 9m and 11m wide local roads within a 20m road reserve. Council’s Engineering Design Minimum Standards for Subdivision and Development

currently do not permit 9m wide local roads, however it is considered that allowing flexibility underpinned by the Structure Plan will contribute to the amenity of the developing neighbourhoods; and

- inclusion of the draft Structure Plan documents and other supporting diagrams to provide clear and concise information on how to apply the controls and to reduce ambiguity.

The draft Development Controls are **ATTACHED**, refer **ANNEXURE 1**, for the information of Councillors.

**(a) Policy Implications**

The amendment of the Site-Specific Arcadia and Bylong Road Precinct Chapter in the TRDCP will guide future development and alter current planning guidelines for the Arcadia Precinct.

**(b) Financial Implications**

Nil

**(c) Legal Implications**

The draft Site-Specific Development Controls, once adopted and incorporated in the *Tamworth Regional Development Control Plan 2010*, will provide a statutory framework for consideration of future development applications in the Arcadia Precinct.

**(d) Community Consultation**

A lengthy and extensive consultation process was undertaken in connection with the original rezoning and preparation of site-specific development controls for the subject lands.

Council will undertake further community consultation to meet the requirements of the legislation and provide an additional opportunity for community input into the detailed controls for the site. The site-specific development controls will be publicly exhibited concurrently with the Planning Proposal for the Arcadia Precinct.

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

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

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**7.3 REQUEST TO CHANGE 88B INSTRUMENT REGARDING RESTRICTION TO USE FOR LOT 142 DP 1252694**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Alex Manners, Senior Development Engineer  
**Reference:** Item 7.2 to Ordinary Council 23 February 2021 - Minute No 29/21

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Request to Change s88B Instrument Regarding Restriction as to Use for Lot 142 DP 1252694”, Council:*

- enter into a Deed of Agreement authorising the amendment to the Restriction as to Use, affecting the property as identified in Lot 142 DP 1252694;*
- execute the relevant Real Property Act Form to be registered at the New South Wales Land Registry Services (NSW LRS) to record that Council has exercised its discretion to vary the Restriction as to the Use of Land as described in the*

***Deed of Agreement; and***

- (iii) authorise the affixing of the Council Seal to the Deed of Agreement and the Real Property Act Form identified in resolutions (i) and (ii) above.***

**SUMMARY**

At its Meeting of 23 February 2021, Council considered a report requesting a change to a S88B Instrument regarding a Restriction as to Use for Lot 142 DP 1252694. During the Council Meeting discussion took place which led to the resolution being amended to reword the covenant to contain terms associated with a positive covenant rather than a negative (restrictive) covenant. The resolution stated as follows:

*“That in relation to the report “Request to Change 88B Instrument Regarding Restriction to Use for Lot 142 DP 1252694”, Council:*

- i) enter into a Deed of Agreement authorising the amendment to the Restriction as to Use, affecting the property as identified in Lot 142 DP 1252694;*
- (ii) with respect to that section of the S88B Instrument headed Terms of Restrictions with respect to that section of the S88B numbered 5 in the plan, replace the current wording which states “**No dwelling shall be erected or remain erected on the burdened lot unless an all-weather access-way is constructed to the dwelling.**” with “**An all-weather access way shall be provided to serve any future dwelling. The access way shall connect the dwelling to the existing road network.**”*
- (iii) execute the relevant Real Property Act Form to be registered at the New South Wales Land Registry Services (NSW LRS) to record that Council has exercised its discretion to vary the Restriction as to the Use of Land as described in the Deed of Agreement; and*
- (iv) affix the Council Seal to the Deed of Agreement and the Real Property Act Form identified in resolutions (i) and (iii) above.”*

This positive change to the original recommendation altered the nature of the associated legal documentation and unfortunately inadvertently rendered Council’s intentions unable to be actioned.

The purpose of this report is to recommend that Council resolve to approve a variation to a Restriction on the Use of Land by amending the Section 88B Planning Instrument which currently applies to the property in accordance with the *original* recommendation to Council.

**COMMENTARY**

As part of Development Consent DA2018-0256, being for a subdivision to create two lots, Council required the application of covenants in an instrument pursuant to Section 88B of the *Conveyancing Act 1919* to facilitate an all-weather access to Lot 142 DP 1252694.

At its Ordinary Meeting held on 23 February 2021, Council considered a report requesting a change to the S88B Instrument with respect to the Restriction as to Use for Lot 142 DP 1252694.

Further commentary regarding the restriction can be found in the report considered by Council at the Ordinary Council meeting of 23 February 2021, see **ATTACHED**, refer **ANNEXURE 1**.

The current owners of the subject land have requested the removal or variation of the Restriction to enable the construction of an all-weather access-way that meets current industry standards providing access in up to a 20-year Average Recurrence Interval (ARI) (flood) event. The higher the ARI number, the greater the rainfall and intensity, and the rarer the rainfall event. A 20-year ARI has a recurrence interval of once in every 20 years.



It is considered that the requested variation is satisfactory from an engineering perspective as it specifically applies the design advice outlined in the Austroads Guide to Road Design.

In addition, it should be noted that any future applications relating to the subject land will need to take into consideration the requirements of the NSW Office of Environment and Heritage Floodplain Development Manual, which is a statutory document. What this means is that any future dwelling or structure proposed to be erected on the land will need to comply with the flood planning requirements of the Manual thereby protecting future development from flood risk.

Should Council resolve to support the variation, the following wording is proposed:

*No dwelling shall be erected or remain erected on the burdened lot unless an all-weather access-way is constructed to the dwelling.*

*If such access-way crosses any natural water course, that crossing shall be designed and constructed to convey a 20 Year ARI event in accordance with Austroads Guide to Road Design or the specifications current as at the time of construction and in accordance with any approval requirements from the NSW Natural Resource Access Regulator or such other body as has authority regarding the matters set out in this Restriction.*

**(a) Policy Implications**

Nil

**(b) Financial Implications**

All costs relating to the proposed amendment to the Restriction as to Use and Deed of Agreement will be borne by the property owner.

**(c) Legal Implications**

To give effect to the variation, Council must execute a Deed of Agreement confirming that it agrees to the change and it must also execute a document to be registered at New South Wales Land Registry Services (NSW LRS) to record the variation.

The Deed of Agreement requires 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 Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

**(d) Community Consultation**

Nil

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

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

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**7.4 PROPOSED RENAMING OF A SECTION OF COLE ROAD, WEST TAMWORTH**

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

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Proposed Renaming of a Section of Cole Road, West Tamworth”, Council:*

- (i) approve in principle, the renaming of a section of Cole Road created by the subdivision of Lot 21 in DP 237440 with consideration of the proposed new road name ‘Rodgers’ Road;*
-



- (ii) endorse the public exhibition of the proposed road rename as required by the Roads Act 1993, Section 12, Roads (General) Regulation 2008, Part 2, Division 2, to enable interested parties the opportunity to make comment; and*
- (iii) provided no submissions are received that object to the proposed road name, proceed to publish the adopted name in the Government Gazette; and notify Australia Post, the Registrar - General, the Surveyor - General, the Chief Executive of the Ambulance Service of NSW, Fire and Rescue NSW, the NSW Rural Fire Service, the NSW Police Force, the NSW State emergency Service and the NSW Volunteer Rescue Association with sufficient particulars for the identification of the road.*

## **SUMMARY**

The purpose of this report is to recommend that Council approve in principle the renaming of a section of Cole Road, West Tamworth created by the subdivision of Lot 21 in DP 238440 (Sub2019-0026). The subdivision approval was for the dedication of a new road which was proposed as an extension to the existing Cole Road, north of Green Street, West Tamworth.

The existing section of Cole Road, West Tamworth which is already numbered from Green Street to Gunnedah Road does not allow for continuity of numbering of the newly dedicated section of Cole Road.

This new road name is proposed south of Green Street to avoid renumbering the entire length of Cole Road which is an established residential area. The map **ATTACHED**, in **ANNEXURE 1**, shows the section of Cole Road to be renamed.

## **COMMENTARY**

Development consent for the dedication of the new road was granted on 20 December 2018, and Council has since received further subdivision proposals for this area. The section of Cole Road to be renamed extends south from Green Street through to Flemming Crescent. The name Rodgers Road has been proposed for Council's consideration.

The proposed name will be reviewed under the 'Geographical Names Board (GNB) Guidelines for the Naming of Roads' and pre-approval of the proposed name 'Rodgers' Road has been sought.

The street name theme for this area is 'Prominent Names' and the name 'Rodgers' refers to the late John Rodgers, the owner and operator of the former Rodgers Precision Brickworks factory which was once situated at this locality. The Rodgers name holds historical significance to the Tamworth City as a number of prominent local buildings were constructed using bricks sought from Rodgers Precision Brickworks. Some of the more prominent buildings in Tamworth which were built using Rodgers bricks, include:

- Nazareth House;
- Hillvue School;
- Joe White Maltings;
- Peel High School; and
- Tamworth Technical College (TAFE).

Renaming of this section of road would allow the street numbering to commence from Flemming Crescent, West Tamworth, through to Green Street, West Tamworth and allow for the already numbered section of Cole Road to remain unchanged.

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

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The proposal to rename the section of road will be exhibited for public comment in accordance with the *Road Act 193*, Section 12, *Roads (General) Regulation 2008*, Part 2, Division 2.

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

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

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**7.5 LOCALITY BOUNDARY ADJUSTMENT BETWEEN CALALA AND SOUTH TAMWORTH**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Sam Lobsey, Manager - Development**

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Locality Boundary Adjustment between Calala and South Tamworth”, Council approve the realignment of the locality boundary of Calala into the locality boundary of South Tamworth.*

**SUMMARY**

With the continuing growth of the staged Outlook Estate subdivision, the stages are now extending across two suburb localities, being Calala and South Tamworth. This has resulted in some lots in the Outlook Estate being addressed as Calala and some lots as South Tamworth.

In order to ensure accuracy of addresses, it is proposed that all new lots in the Outlook Estate be contained within the locality of Calala. This will ensure that emergency services, Australia Post and all utility and delivery services can access properties without the confusion of suburb boundaries dividing the estate into two separate localities.

**COMMENTARY**

Council has consulted with the Geographical Names Board (GNB) for approval of the boundary realignment. The GNB has advised that approval is required from *affected property owners*. It should be noted that Council is an *affected property owner* being the owner of Lot 2 in DP 1211619. One other affected landholder has been contacted and has provided approval to proceed with the locality adjustment.

This report seeks Council’s approval for the boundary realignment as the local authority and by that approval, confirmation of Council’s approval as an *affected property owner*.

Approval of the boundary adjustment will allow the consideration of future road naming proposals for the staged development. The Locality Boundary Plan and Proposed Realignment is **ATTACHED**, refer **ANNEXURE 1**.

**(a) Policy Implications**

Nil

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**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The affected landholders have been consulted during this process.

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

A Region for the Future - F11 Sound asset management planning

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 ACTIVE TRANSPORT STRATEGY**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Nicholas Smith, Transport and Assets Engineer**

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Active Transport Strategy”, Council adopt the updated Active Transport Strategy.*

#### **SUMMARY**

The purpose of this report is to seek Council’s endorsement of the Active Transport Strategy, which aims to ensure that walking and cycling within the local government area (LGA) continues to improve in terms of both the infrastructure provided and participation.

#### **COMMENTARY**

The Active Transport Strategy is **ATTACHED**, refer **ANNEXURE 1**, and outlines how Council plans to ensure that the Tamworth region is equipped to transform into a pedestrian and cycle-friendly region for the benefit of residents and visitors. This will be achieved through providing a safe, connected, inclusive and smart active transport environment.

The Active Transport Strategy sits under the Tamworth Regional Transport Master Plan in the suite of transport-related strategic documents. The connection between the Active Transport Strategy and the other transport strategies in the Tamworth Regional Transport Master Plan can be found on Page 7 of the Active Transport Strategy.

A Councillor Workshop was held on 10 June 2020, to discuss the draft Active Transport Strategy. It was discussed that implementation of the Active Transport Strategy would improve our active transport network and ensure that we provide a suitable range of transport options for the community.

The Active Transport Strategy sets a target that by 2031, around 1 in 10 journeys to work will be done so by either cycling or walking in Tamworth – currently only around 1 in 20 journeys are done so in this manner.

There is currently approximately 36km of shared pathways and 118km of footpaths across the LGA. In recent years, State and Federal Government funding programs have strongly aligned with improvement in infrastructure to support active transport initiatives. With

existing approved funding, Council will construct a further 7.7km of shared pathway and 2.2km of footpath by 2023 (at a minimum).

Since 2014, Council has been highly proactive in improving our active transport network, with the following notable achievements:

- 9.6km of new shared path;
- 4.4km of new footpath;
- new Tamworth Regional Cycling Centre featuring velodrome and criterium track;
- new Tamworth Regional Skate Park;
- significant upgrades to the Tamworth Mountain Bike Park;
- numerous water refill stations; and
- conversion of the Tamworth Central Business district to a High Pedestrian Activity Zone (HPAZ).

In order to achieve the vision of having more people walking and cycling within the community, the following themes are outlined within the Active Transport Strategy:

- Theme 1: Encouraging active transport;
- Theme 2: Providing a connected network;
- Theme 3: Providing a safe network;
- Theme 4: Ensuring an inclusive network and accepting culture;
- Theme 5: Pursuing a smart network;
- Theme 6: Ensuring an affordable network; and
- Theme 7: Maintaining a suitable network.

In the lead-up to the development of the Active Transport Strategy, engagement with the community was undertaken. Information from community surveys, meetings with key active transport stakeholders and adopting State, Federal and Local best-practices helped in shaping the strategy. Following the completion of the draft strategy, a period of community consultation was undertaken between 20 April 2021 and 18 May 2021, including a reach to 12,500 people and utilisation of pop-up information stands. The response to the Draft Strategy was very positive with 76 responses coming from the general public, which resulted in some minor changes to the draft being made.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The outlined priorities within the Active Transport Strategy will have financial implications as they are implemented (capital and renewal costs), although ongoing maintenance costs are limited. The exact project costs are unknown until further detailed planning for individual projects is carried out, however preliminary cost estimates for projects has been provided within the strategy.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

In the lead up to the Active Transport Strategy, community surveys and meetings with key active transport stakeholders were undertaken. This information along with the

adoption of State, Federal and Local best-practices helped in shaping the strategy. Following the completion of the draft strategy, a period of community consultation was undertaken between 20 April 2021 and 18 May 2021.

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

An Accessible Region – A11 Maintain and improve the region’s transport infrastructure in response to the community’s current and future needs.

A Spirit of Community – C1 Active Healthy Communities.

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**8.2 NORTHERN INLAND CENTRE OF SPORTING EXCELLENCE 2021 MASTER PLAN**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Paul Kelly, Manager Sports and Recreation**

**Sam Eriksson, Sports and Recreation Development Officer**

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Northern Inland Centre of Sporting Excellence 2021 Master Plan”, Council:*

- (i) adopt the Northern Inland Centre of Sporting Excellence 2021 Master Plan;*
- (ii) continue to work with State sporting organisations to ensure the Northern Inland Centre of Sporting Excellence is developed as the premier sporting hub for North West NSW; and*
- (iii) continue to explore opportunities to finance the identified future works in the Northern Inland Centre of Sporting Excellence 2021 Master Plan.*

**SUMMARY**

Tamworth Regional Council acknowledges the significant contribution sport and recreation brings to the community and places a high value on the benefits that passive and active recreation provides for the community. Currently, the Northern Inland Centre of Sporting Excellence (NICSE) encompasses a broad range of specialised sport and recreational facilities for community groups, sporting clubs, schools, organisations, business and the general public. The NICSE 2021 Master Plan identifies future infrastructure that will meet the identified needs of the community and will ensure NICSE is the sporting hub for New England and North West NSW. Importantly, the NICSE 2021 Master Plan aligns with key federal, state and regional strategic plans as well as Council’s Blueprint 100.

**COMMENTARY**

There is a demand for regional sporting and recreational infrastructure that exceeds the capacity of the existing facilities at NICSE. Further development of NICSE will transform the experience of current sports participants, attract new and more significant events, and act as the catalyst for existing sporting bodies to promote and expand their sports within the region. The NSW government is committed to developing Regional Sports Hubs, particularly those that are consistent with the overarching NSW government initiatives to create stronger regions and deliver strong economies, strong communities, and liveable and culturally vibrant cities and towns. NICSE is recognised by the State as a significant Regional Sports Hub.

The investment in infrastructure facilities proposed in the NICSE 2021 Master Plan encourages the growth of sporting events and delivers social, health and economic benefits for the region. The proposed investment will provide new opportunities for community segments including education, health, children, youth, families, indigenous communities and seniors, and will act as an attractor to the region and the state.

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NICSE currently encompasses specialised sport and recreational facilities for community groups, sporting clubs, schools, organisations, businesses and the general public in one location. NICSE has demonstrated its capacity to host and secure national, state and local sporting competitions that boost sport tourism, investment and liveability in the region, as well as enhancing opportunities for additional competitions, events, training and talent development.

The strategic direction for sport and recreation is influenced by a number of federal and state policies and plans. To ensure the success of the NICSE 2021 Master Plan, **ATTACHED**, refer **ANNEXURE 1**, future infrastructure has been planned to strategically align with these policies and plans. The key plans and policies include:

- Sport 2020, Federal Government;
- Premiers Priorities, NSW Government;
- Office of Sport Regional Sports Hub Model, NSW Government;
- Office of Sport Strategic Plan 2018-2022, NSW Government; and
- New England North West Regional Plan 2036, NSW Government.

In addition to these external strategic plans, the NICSE 2021 Master Plan aligns with Council's plans and policies, including:

- Blueprint 100 – Identified infrastructure in the NICSE 2021 Master Plan are key actions within Blueprint;
- Key Change Community Strategic Plan, 2017/2027 – a key deliverable for Council is the provision of high quality specialised sporting facilities to drive sporting excellence for the region and State; and
- Sport and Recreation Strategic Plan – identifies Council's need to strategically plan for the continued development of NICSE with the provision of regional, state and national level facilities which cater for the local community, elite sport pathways, competitions and events.

Alignment with these policies and plans will steer the direction of future stages of NICSE ensuring it meets the demands and expectations of the broader community.

Identified future works in the NICSE 2021 Master Plan have been placed into three categories: Sport, Australian Equine and Livestock Events Centre (AELEC), and Support Infrastructure.

The identified future sport works are:

- Tamworth Regional Aquatics and Leisure Centre;
- Tamworth Regional Oval, Part 1, Oval;
- Tamworth Regional Oval, Part 2, Grandstand;
- Sports, Education and Health Hub;
- Gymnastics Centre Extension;
- Outdoor Gym; and
- Future Sport Development Space

The identified future AELEC works are:

- quarantine veterinary centre;
- dressage arena and polocrosse field;
- compound;
- cattle yards and loading ramp;
- equine commercial zone and service road;



- temporary campsite;
- storage; and
- bulk storage

The identified future support infrastructure is:

- open green space;
- detention basin;
- seating and shade;
- playground;
- carparking; and
- overflow carparking.

The NICSE 2021 Master Plan is a holistic document and does not identify stages or an order of projects. In recent years, sport infrastructure funding has seen a trend toward being tailored to address specific needs and this Master Plan will ensure Council is able to maximise these funding opportunities.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil cost to adopt the NICSE 2021 Master Plan, but no funds are currently identified for any future infrastructure works.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The future works identified in the NICSE Master Plan are identified actions in the Sport and Recreation Strategic Plan and Blueprint 100. Both of these projects included extensive community consultation. Furthermore, through regular sport operational meetings held by Council, local Sporting Associations and State Sport Development Officers have provided input to the development of the NICSE 2021 Master Plan.

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

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

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### **8.3 FRACTURED ROCK AQUIFER RESOURCE INVESTIGATION - T034/2021**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Jeremy Back, Water Engineer (Strategy)

**Reference:** Item 12.5 to Ordinary Council 14 July 2020 - Minute No 197/20

#### **RECOMMENDATION**

*That in relation to the report “Fractured Rock Aquifer Resource Investigation – T034/2021”, Council:*

- note advice from SMEC, including locations with high potential likelihood of fractured rock water and results from geophysical testing around the AELEC;*
  - agree to drill two bores to confirm water location, quality, flowrates, recharge rates and aquifer impact at the AELEC;*
-

*(iii) fund the cost of drilling bores from the Water Reserve; and*

*(iv) request the Director Water and Waste provide a further report to Council with the results from the drilling of production bores.*

## **SUMMARY**

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

Council at its Ordinary Meeting of 14 July 2020, endorsed proceeding with an Expression of Interest for external parties to undertake fractured rock aquifer investigations. On 27 October 2021, Council decided to engage SMEC to conduct a desktop study and field geophysical survey to identify location where the potential groundwater yields from fractured rock aquifers might be sufficient to meet 10 ML/day supply.

SMEC have completed this work and identified parts of the AELEC as having good groundwater potential. The quality and yields from this aquifer can only be confirmed with bore drilling.

The purpose of this report is to seek direction from Council in relation to next steps for fractured rock groundwater exploration.

## **COMMENTARY**

There are two main sources of groundwater. The first is groundwater found in the alluvium usually associated with nearby river or streams, similar to Council's Scott Road Drift Wells. The alluvial aquifer is typically shallow and the water source is, to a lesser or greater extent, directly connected to the adjacent surface flow in the river or creek. In the Peel Valley, alluvial groundwater bores are very common and the source is highly over allocated.

The second groundwater source is fractured rock. This is groundwater which occupies the fractures and fissures found in rock formations underground. Council's James Street bores at Barraba is an example of bores extracting water from fractured rock. Fractured rock bores are typically deeper than alluvial bores and usually not as closely linked to adjacent stream flows as alluvial bores. However, fractured rock bores do have to source water to regenerate and the volume of water available in a fractured rock source is dependent on the level of connectivity between fractures and the extent of the fractures.

In the New England/North West of New South Wales, fractured rock bores are relatively uncommon and as a result there is the possibility of fractured rock bores being approved and significant allocations of water being attached. However, there are risks associated with fractured rock including:

- hit and miss – you have to hit on a fracture to strike water;
- as with all groundwater investigation:
  - may get relatively high flows initially but are they sustainable – can do flow tests similar to other bores;
  - may not find any water;
  - may not find sufficient water; and
  - may not find water of sufficient quality; and
- because of high depth drilling, cost is relatively high, as is commissioning and operation.

Council's recently adopted Emergency Water Supply Plan for Tamworth, Moonbi and Kootingal recommended that Council consider fractured rock as a water source to augment current supply to Tamworth/Moonbi and Kootingal. As reported to Council at its Ordinary Meeting of 14 July 2020, two companies had approached staff regarding opportunities for



fractured rock aquifer water investigations. Council subsequently resolved the following approach in relation to proceeding with fractured rock water investigations:

*That in relation to the report “Fractured Rock Water as a Means to Augment Tamworth / Moonbi / Kootingal’s Water Supply”, Council:*

- (i) engage Jacobs to prepare Expression of Interest documents seeking parties interested in identifying and developing potential sites for Fractured Rock water supply to augment existing supplies to Tamworth/Moonbi and Kootingal; and*
- (ii) allocate \$20,000 from the Water Reserve to fund the development of the documentation and administration of the process.*

Jacobs was subsequently engaged to prepare the Expression of Interest (EOI) documentation and to administer the EOI process. The EOI objective was to identify sites close to Tamworth’s existing potable water supply network infrastructure where sustainable groundwater yields of >10 L/s/bore of groundwater may be available from the fractured rock aquifer/s. The ultimate goal, should water of suitable quality and yield be located, would be to improve the security of Tamworth’s Water Supply.

The EOI was separated into the following two stages with Council able to cease the process prior to either stage:

Stage 1 - undertake assessments (desktop and field) to determine sites in proximity to Council’s existing infrastructure which may provide a total of 10 ML/day of groundwater supply from the local fractured rock aquifers. The EOI requested the study area to focus on the following locations to allow potential future water connection to the Calala Water Treatment Plant:

- within five kilometres of the Calala Water Treatment Plant (31 Calala Lane, Tamworth, NSW 2340); and
- along the routes of the Dungowan and Chaffey Dam supply pipelines (Peel River and Dungowan Creek valleys, NSW).

Stage 2 – undertake test bore drilling at potential fractured rock aquifer sites.

The EOI was publicly advertised via Tenderlink and closed on 29 September 2020, with six responses being received. With Jacobs’ assistance and following an assessment, the work was awarded to SMEC who subcontracted Fender to assist with the geophysical investigations.

The scope was extended to include West Tamworth as any water found there may be able to be used to supply industry in the area and Attunga and Kootingal, as raw water sourced there could be of assistance in case of a severe drought.

Whilst all investigations have been completed the final report from SMEC was not available at the time of drafting this report, however staff have been in discussion with SMEC and have been provided with and discussed the results of the investigation completed, with the details as follows:

The desktop study identified 24 promising locations, as shown in the following table.

Table 1: Locations Identified with Fractured Water Potential

| Prospective Site | Location                  | Description  | Geophysical Score | Infrastructure Score |
|------------------|---------------------------|--|-------------------|----------------------|
| 1                | North Attunga             | Beside Attunga Fault. Limestone rock, lineaments of multiple orientations converge.  | Medium            | Medium               |
| 2                | West Attunga              | Beside Attunga alluvial bore in syncline structure. Noumea beds formation containing sandstones, conglomerates and argillites.               | Low               | High                 |
| 3                | Central Attunga           | Eastern side of Attunga Fault. High lineament density.   | Medium            | Medium               |
| 4                | Central Attunga           | Western side of Attunga Fault. Some lineaments and Noumea Bed formations.  | Medium            | High                 |
| 5                | South Attunga             | Very close to Attunga Fault.   | Low               | Low                  |
| 6                | Bective                   | Syncline structure of Keepit Conglomerate, overlain with Mandowa Mustone.  | Low               | Low                  |
| 7                | Gidley                    | Converging lineaments and anticline structure of Keepit Conglomerate.  | Medium            | Low                  |
| 8                | Hallsville                | In Baldwin Formation, west of Attunga Fault. Some high yielding bore in this vicinity.   | Medium            | Low                  |
| 9                | Wallamore                 | On anticline between two synclines. Beside perennial Boltons' creek. Deep fractures unlikely to be connected with alluvial discharge.        | High              | Medium               |
| 10               | Oxley Vales               | High density of local bores, but this may reflect density of small - medium land blocks. Risk of contamination from landfill.                | Low               | High                 |
| 11               | Westdale                  | Anticline of Keepit Conglomerate. Close to developed areas. On intersection of two geophysical lineaments.                                   | Low               | Medium               |
| 12               | Winton / Wallamore        | Further down limb of anticline, closer to syncline. Close to fault structure. On road verge.   | Low               | Low                  |
| 13               | AELEC                     | Beside north/south fault running to west of Goonoo Goonoo Creek. Some nearby high yielding bores.  | High              | High                 |
| 14               | Loomberah / Dungowan Line | Close to fault line and high yielding private bores. Located in Yarrimie Formation with limestone, greywacke, arenite, breccia and mudstone. | High              | Medium               |
| 14a              | Loomberah / Dungowan Line | Large road corridor beside Location 14.  | Low               | Medium               |
| 15               | Piallamore                | Structurally complex, with Woolloom beds running through Spring Fault.   | Low               | Low                  |
| 16               | Kootingal                 | Close to Moonbi intrusion. Good lineament density.   | Medium            | Low                  |
| 17               | Kootingal                 | Good lineament density   | Medium            | Low                  |
| 18               | Chaffey Dam               | Good lineament density. Sharp bend of river.   | Low               | Low                  |
| 19               | Chaffey Dam               | Close to location 18. Beside Chaffey pipeline.   | Low               | Low                  |
| 20               | Chaffey Dam               | High lineament density. Large upgradient recharge zone.  | Medium            | Medium               |
| 20a              | Chaffey Dam               | Close to Location 20.  | Medium            | Medium               |
| 20b              | Chaffey Dam               | Close to Location 20.  | Medium            | Medium               |
| 21               | Chaffey Dam               | Close to blind buried pluton. Good local private bores.  | High              | Low                  |

These sites were narrowed down based on the following criteria:

- infrastructure requirements to connect into the existing reticulation system;
- potential for groundwater contamination or heavy metal presence;

- performance during the most recent drought;
- Council or Crown owned land; and
- budget considerations; investigating more sites would have meant a significant project cost increase.

Based on the above, the AELEC site was selected for geophysical testing. This site is advantageous because there is a fault line directly below the New England Highway and because water found here could supply the AELEC directly, thereby offsetting existing recycled water demand, which in turn means more backwash water from the Calala WTP can be returned to the head of the plant for further treatment, reducing the demand on raw water. Alternatively, if groundwater flows are significant water sourced here could be returned to Calala WTP to augment the town raw water supply.

The investigation methods used were Electrical Resistivity Imaging (ERI) and Time Domain ElectroMagnetics (TEM). These are complementary methods with good depth penetration.

The results were described by SMEC as very promising, showing a region of likely basalt rock which should provide a good water source. Yields between 3 to 10 L/s could be expected, but this can only be verified with the drilling of a bore/s.

Chemical testing of water from nearby bores was also conducted which showed water quality is likely to be of a high standard. Again, this requires bore drilling to confirm.

The next step would be construction of two bores. One, drilled at approximate 200 mm diameter, would be used to measure the maximum sustainable flow whilst the second bore (drilled at 125 mm diameter) would monitor the impact of the first bore on the local aquifer. Both would confirm water quality and recharge rates. If the results of the flow test led to Council agreeing to install a full production bore than the 200 mm diameter bore would be used for this purpose.

A review of the recycled water supply at the AELEC is currently being undertaken as part of the review of Council's Drought Management Plan/Water Management Plan. The results of the bore drilling and subsequent flow and quality tests will inform this review.

There are also other promising sites, most notably Bolton's Creek, Wallamore, with a high potential for finding fractured rock groundwater. Geophysical investigations would be required first to increase confidence in this location, before considering bore drilling. This geophysical investigation would cost approximately \$70,000.

It is considered Council has the following options:

- 1) receive and note the report and do nothing further;
- 2) drill two bores at the AELEC, one as a production bore the other for monitoring. This would allow confirmation of water quality, flowrates and recharge rates. This would cost approximately \$170,000;
- 3) undertake further geophysical investigations in the area around Bolton's Creek, as a potential supply of industrial water to the Tamworth Global Gateway Park (TGGP). This work is expected to cost \$70,000; or
- 4) undertake options 2 and 3.

If the final report from SMEC is available it will be tabled at the Council Meeting.

If the test bores are drilled and found to be able to provide a significant flow at suitable quality, then Council would be able to consider this when the draft Drought Management/Water Management Plan is considered later this calendar year. Alternatively, if there is insufficient groundwater found, then this too informs the Drought Management/Water Management Plan. If Council is agreeable to drilling the two bores then any delay would mean the results are not likely to be available for some time and this will delay the review of the Drought/Water Management Plan.

As a result, it is recommended Council proceed with the drilling of two bores to verify the presence of groundwater at the AELEC, including volume and quality.

In relation to Bolton's Creek it is recommended Council delay further investigation at this time until further clarity is available around options for the supply of industrial water at the TGGP.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Council has expended approximately \$20,000 getting the two original unsolicited proposals to the point where there is sufficient detail for Council to consider deciding on whether to advance one, or both, options. Council has also expended approximately \$20,000 preparing and evaluating the EOI.

Council has expended \$80,000 having the fractured rock study completed, including desktop and geophysical analysis.

If Council agrees with the recommendation then drilling of two bores at the AELEC, would cost an estimated \$170,000. There are no funds available in the present annual operating plan to fund this work so, should Council agree, funding would have to be provided from the Water Reserve.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Some consultation was conducted with local landowners who had deep bores with excellent recorded yields. This was to verify yield quantities and water quality.

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

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

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**8.4 POSSIBLE FUNDING FOR THE WATER SECURITY COOPERATIVE RESEARCH CENTRE (CRC)**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Louise Cadell, Sustainability Officer - Water  
**Reference:** Item 8.3 to Ordinary Council 22 September 2020 - Minute No 285/20

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report "Possible funding for the Water Security Cooperative Research Centre (CRC)", Council:*

- (i) provide \$10,000 per year to the Water Security CRC:
    - a) if the funding bid for the CRC is approved;*
    - b) funding to commence in the 2022/2023 financial year; and*
    - c) \$10,000 to be provided per year for a maximum of 10 years or until the program is complete, whichever occurs first; and**
  - (ii) fund the expenditure 50% from the Water Reserve and 50% from the Wastewater Reserve.*
-

## **SUMMARY**

Council has been approached to gauge its interest in supporting a collective bid by the Water Security Cooperative Research Centre (CRC) for funding under Round 23 of the Commonwealth Governments CRC Grants. This is the second bid by the Water Security CRC.

## **COMMENTARY**

Round 23 of the Federal Government's CRC grants is open. The CRC program supports industry-led collaborations between industry, researchers and the community. The aim of the program is to link researchers with industry, focussing on research and development.

In 2020, Council was approached by two groups who lodged separate Stage One applications under the CRC grant program. Both applications were in relation to water. At its Ordinary Council Meeting of 22 September 2020, Council agreed to support the Water Security CRC only. However, this bid was unsuccessful under Round 22, and no funds were expended.

Council has this year once again been contacted by the Water Security CRC to support their second bid under Round 23 of the CRC grant program. This round opened on 30 June 2021. Stage One will close on 24 August 2021. The Stage One applications will be assessed and then if successful, will move to Stage Two which opens in December 2021, and closes in February 2022. The outcomes will be announced in May 2022, with funding to start in the second half of 2022.

The Water Security CRC is comprised of the following universities: Griffith University, Curtin University, La Trobe University, University of Technology Sydney and The University of Queensland.

This CRC is proposing four broad research areas:

### **Safe and reliable water systems**

- aims to address future uncertainty and disruption by keeping all options on the table.

### **Optimising investment in blue / green infrastructure**

- supports a transformational shift to informing and de-risking blue, green and grey infrastructure investment decisions across catchment areas.

### **Harnessing the value of water and catchment information**

- real time data harnessing around the value of water and catchment information.

### **Enabling sector transformation**

- facilitates the pathway to impact with a focus on social and ecological sustainability.

It is proposed that in creating this new Water CRC, a more holistic 'whole of catchment' approach is going to be taken when it comes to the national focus on water security challenges. The bid team has emphasised that the projects undertaken in one program may contribute to outcomes in another, and projects and activities in each program are to be co-designed with industry and key end-user involvement.

It is suggested that if the bid is successful, funding is in place for 10 years. Should Council agree to provide a financial contribution to this Water Security CRC bid, it is understood that the payment will be made per year for 10 years. Council may choose to leave the CRC during the course of the program however 12 months' notice must be given.

Declaring support for the CRC is not representative of a contractual funding commitment and Council can choose to increase or decrease its financial contribution to the CRC right up until a contract is formally signed, which is expected to be towards the end of calendar year 2022, should the bid be successful.

Due to the initial flexibility regarding financial commitment, it is recommended Council declare its support for a minimum of \$10,000 per year resulting in \$100,000 over the lifetime of the CRC. This would place Council in the Bronze partner tier.

It is important to note that the ability of Council to influence the CRC is dependent on the financial contribution, and given the level of funding Council may contribute compared to others and the Federal Government, it is expected this influence will be minimal.

For example, if \$100,000 is contributed over 10 years, this would give access to a roughly \$200,000 sized project, when considered with the Commonwealth's matching finance.

A brochure in relation to this CRC bid is **ATTACHED**, refer **ANNEXURE 1**.

The Water Security CRC is in line with Council's goal to improve water security and build sustainability in communities across the Tamworth region. The Water Security CRC has indicated that all options around water security will be considered.

The benefits of joining this national CRC place Tamworth at the table when it comes to research and development surrounding water security. Through the recent drought, and beyond, the spotlight has been on Tamworth however, this region is not alone when it comes to exploring water sustainability and security. It is anticipated that the potential benefits of Council joining the CRC will spread further than our own region, with the bid team ensuring:

- a multi-million-dollar funding pool to undertake research and development, with every dollar committed by partners matched by the federal government;
- a CRC program that provides access to high quality impactful research and translation including around 30 Higher Degree by Research candidates and 60 coursework Masters graduates;
- allows the opportunity to build valuable networks as well as having access to the collection of Australia's world-leading researchers;
- a collaboration that develops whole of water policy and planning mechanisms; and
- ability to influence the direction of these resources and be at the forefront of development in the sector.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

There are no rules, guidelines, minimum or maximum amounts governing funding contributions should Council wish to contribute. Given that any funding Council provides will be on a per annum basis and for the suggested 10 years of the program, it is suggested Council consider contributing \$10,000 per annum funded equally by the Water Reserve and Wastewater Reserve.

**(c) Legal Implications**

A Funding Agreement would be required.

**(d) Community Consultation**

Nil

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

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



## **8.5 FOREST ROAD LANDFILL ADDITIONAL SURFACE WATER INFRASTRUCTURE REQUIREMENTS**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Morne Hattingh, Manager - Waste and Resource Recovery  
**Reference:** Item No 8.7 to Ordinary Council 13 October 2020 - Minute No 311/20

### **RECOMMENDATION**

*That in relation to the report “Forest Road Landfill Additional Surface Water Infrastructure Requirements”, Council:*

- (i) receive and note the report; and*
- (ii) agree to a transfer of \$600,000 from the Waste Reserve into the 2021/2022 Financial year Waste Division Capital and Non-recurrent Projects budget for the design and construction of Surface Water Pond No. 2.*

### **SUMMARY**

Forest Road Landfill (FRL) site has two storage dams able to collect stormwater during rain events. The ability to retain all stormwater on site, without discharging to surrounding areas, is an EPA (Environmental Protection Agency) licence requirement. Previous study into the dams on site showed the detention basin dam has a capacity of 2.8ML, while during a design storm event (5% Annual Exceedance Probability AEP) a total of 16.8ML is required. This lack of storage capacity could result in a large discharge of potentially contaminated stormwater off-site, during storm events, potentially in breach of Council’s licence for Forest Road Landfill.

Two discharge events occurred in late December 2020, due to excessive rain fall in the area and were reported to the EPA. Over the last six months, Council officers have been working with the EPA to develop a Pollution Response Program (PRP) issued under Council’s license for the facility aimed at improving stormwater management on site.

The purpose of this report is to seek direction from Council in relation to bringing forward the design and construction of a new stormwater storage pond to improve storage capacity.

### **COMMENTARY**

Council is the holder of the Environmental Protection Licence (EPL) No. 5921. In December 2020, Council notified the NSW EPA of two discharge events that occurred at Licence Discharge Point 1 (*Image :1*). Both events were reported in accordance with the licence reporting requirements. Both occasions reported exceedances above the concentration limit of 50mg/L of total suspended solids (TSS). Concentration limits specified for licence discharge from Point 1 may only be exceeded under Condition L2.5 and L2.6 during a wet weather event greater than or equal to a 1 in 20-year (5% AEP), 24-hour duration storm event. Reported rainfall totals recorded on the 22 and 29 December 2020, did not exceed the 1 in 20-year, 24-hour duration storm event.

Image 1:1 EPA Licence Discharge Point #1



At its Ordinary Council Meeting of 13 October 2020, Council agreed to adopt the Forest Road Landfill Site Master Plan. Surface water management was listed as a priority improvement recommendation for the site due to current stormwater storage capabilities not meeting the total storage space required onsite. As a result, the adopted Master Plan recommended further investigation of stormwater issues, the allocation of funding to undertake this investigation and funding to address the issues identified in the future.

Following the second discharge from the landfill, Council staff and representatives of the EPA have been discussing a path forward. Initially, Council staff advised the EPA that Council had a path forward to address, which would see the issues identified and addressed within the next 3-5 years.

However, following some consideration, the EPA has decided to require a more formal commitment from Council, including timelines, in relation to stormwater management on the site. To this end, Council has now been issued with a licence variation, which includes reference to a Pollution Reduction Program (PRP) on the licence to prevent further stormwater releases from the site, in breach of the licence.

The PRP lists the following amendments U1.3 and U1.4, now included into the facility licence.



Table 1:1 – Pollution Response Program (PRP) Amendments Summary

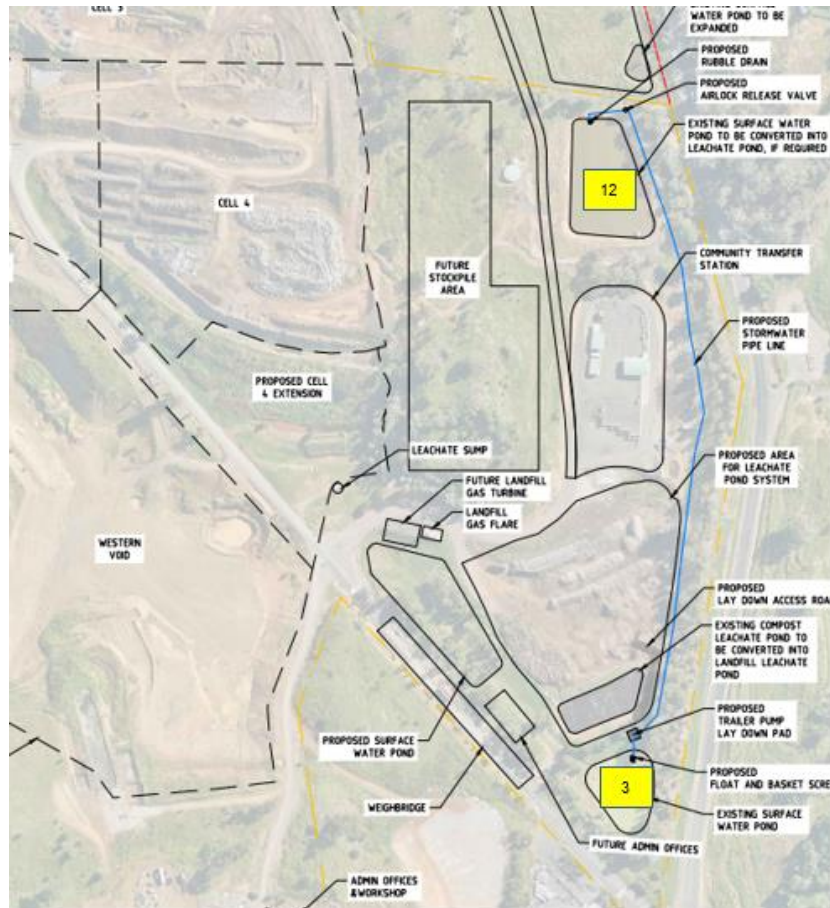
| Licence Condition | Description  | TRC Action   |
|-------------------|--|--|
| U1.3              | <p>By no later than <b>5pm 31 August 2021</b>, the licensee must complete the following actions as outlined in correspondence from the Tamworth Regional Council to the EPA on 02 March 2021:</p> <ul style="list-style-type: none"> <li>a) procure and install an additional emergency pump to increase capacity to transfer water from the 3ML surface water dam to the 12ML surface water dam and minimise potential overflows at EPA Monitoring and Discharge Point 1;</li> <li>b) identify and apply suitable erosion controls to exposed areas of the site where operationally feasible to reduce sediment loading of waters reporting to EPA Monitoring and Discharge Point 2;</li> <li>c) review, maintain and install sediment controls to address residual erosion risks and reduce sediment loading of waters reporting to EPA Monitoring and Discharge Point 2;</li> <li>d) investigate and trial options to flocculate captured surface waters to reduce sediment loading of waters discharged from EPA Monitoring and Discharge Point 1; and</li> <li>e) desilt the 3ML dam (EPA Monitoring and Discharge Point 2).</li> </ul> | <p><b>Underway</b></p> <p><b>Completed</b></p> <p><b>Completed</b></p> <p><b>Underway</b></p> <p><b>Underway</b></p> |
| U1.4              | <p>By no later than <b>5pm 30 June 2021</b>, the licensee must prepare and submit a Design Study Report summarising the outcomes of the design study for surface water management and leachate collection systems per correspondence sent to the EPA on 02 March 2021. The Design Study report must address:</p> <ul style="list-style-type: none"> <li>a) assessment of the current design capacity of surface water and leachate management systems at the premises;</li> <li>b) proposed corrective actions to ensure surface water management systems can retain the 24-hour storm events referenced by L2.5 of the licence;</li> <li>c) proposed corrective actions to ensure leachate collection systems can retain the 24-hour storm events referenced by L2.6 of the licence;</li> <li>d) detailed design for proposed surface water management and leachate collection systems, to demonstrate that infrastructure capacity is in accordance with licence requirements; and</li> <li>e) the dates by which each of the identified corrective actions required by paragraph b and c are proposed to be implemented.</li> </ul>       | <p><b>Completed</b></p>  |

Further details of the works completed/underway under the PRP are shown below:

**Condition U1.3**

- Emergency Pump Works:
  - 200mm diameter high flow water pipe installed;
  - high flow pump ordered, expected delivery first week of August,2021; and
  - high flow pump lay down area constructed and completed.

Image 1:2 – High Flow Pipe from 3Meg dam to 12 Meg Dam



- Flocculation trial:
  - trial underway, to be completed by 11 August 2021; and
  - works being completed by Council Laboratory team;
- Desilt the 3 ML dam:
  - works scheduled for second week in August, when transfer pump arrives on site in order to drain the 3-meg dam; and
  - desilt works booked in with Cleanaway using a KingVac sludge vacuum truck.

**Condition U1.4**

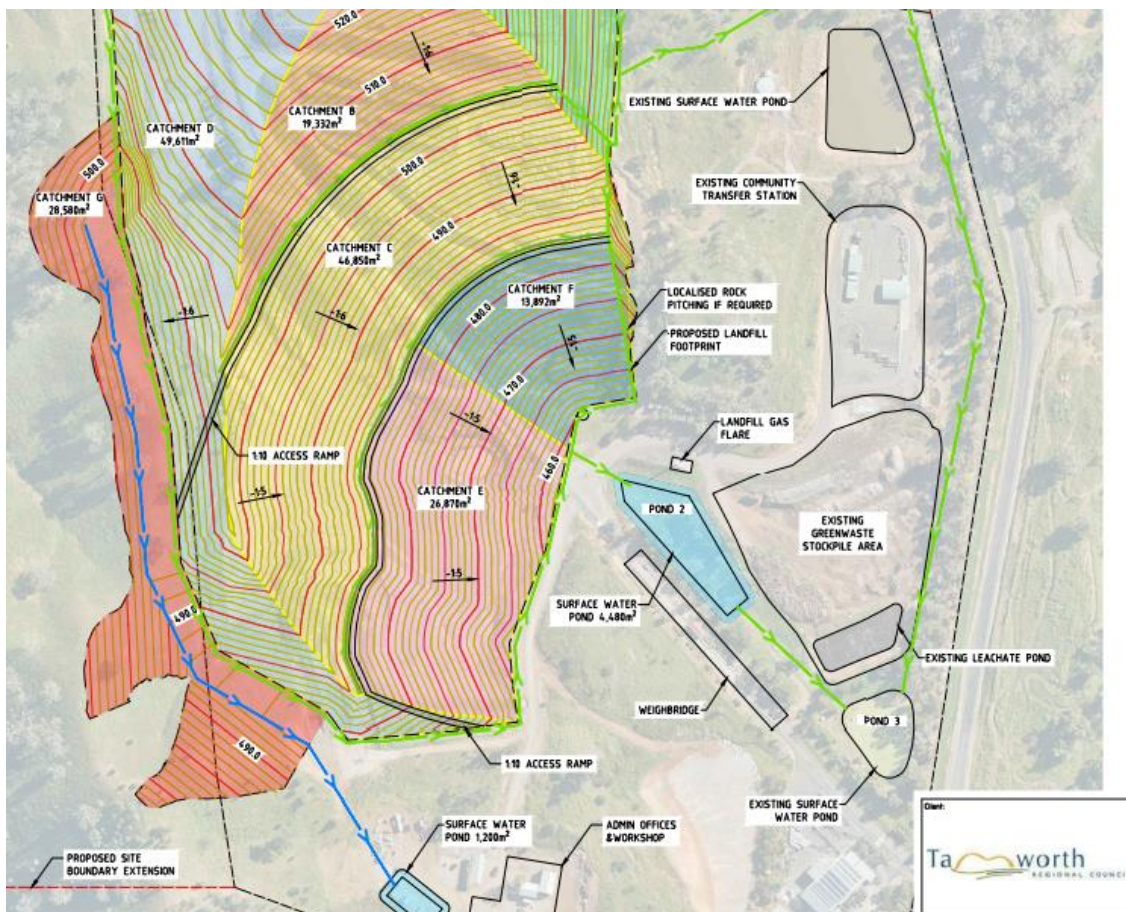
A Design Study Report has been completed and includes:

- concept design illustrating proposed location and holding capacity of additional surface water holding infrastructure (Surface Water Pond #2);

- identifies and references where these existing conceptual designs met legislative Licence requirements;
- a copy of a draft Surface Water Management Plan (SWMP); and
- identifies a timeline with target dates to address immediate corrective actions and detailed designs.

Work continues and should be completed as scheduled in the PRP before the 30 August 2021 deadline. The next step is proceeding to the detail design phase for proposed surface water infrastructure and to procure a contractor to construct and deliver the infrastructure as per the EPA approved concept design. The extract below is an illustration of proposed location of new Surface Water Pond #2 on site.

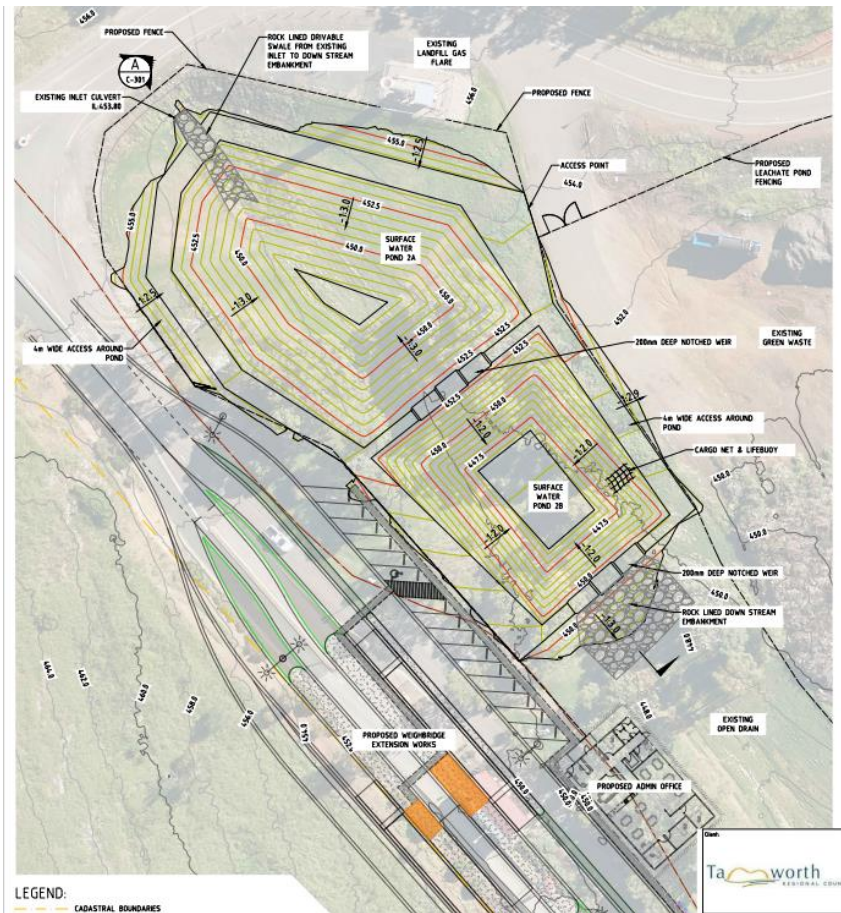
Image 1:3 Location of Surface Water Pond #2 (Stormwater Pond) - FRL



Below is an extract of the concept design provided to the EPA which was deemed to satisfy the EPA's concerns in relation to increasing the holding capacity of surface water on site.



Image 1:4 Concept Surface Water Pond #2 (Stormwater Pond) - FRL



Work which will have the largest long-term effect on surface water at the Site will be the closure and capping of the large number of active cells, resulting in reduced leachate generation and favourable pathways for surface water shedding. The Capping of landfill cells 2 and 3 is scheduled for this financial year and is already included in Council's 2021/2022 financial year. Until such time as the final profile is reached, interim steps will be aimed at improving the management systems by constructing additional capacity and implementing and maintaining temporary solutions. These measures include the installation of a pumping system between the 3ML dam and the 12ML dam and installation of erosion and sediment control measures such as coir logs, straw bales and rock spillways.

Notwithstanding capping works, there is a requirement to immediately improve stormwater management by the installation of Surface Water Pond #2. The proposed Surface Water Pond #2 will add significant retention capacity to the FRL surface water system, reducing the risk of discharge during storm events below the licence threshold.

The location for Surface Water Pond #2 has had to be carefully considered against the overall site Master Plan and will become an integral piece of infrastructure to ensure day to day waste operations can continue at the facility, meeting the expectations of facility users and the EPA license conditions.

Should Council agree with the recommendation to construct Surface Water Pond #2, then the Master Plan will be updated to include the infrastructure as per the concept design listed in this report. The Master Plan lists all final infrastructure placement at FRL and from this, a list of renewal, repair and maintenance programs can be derived.

Given the discussion between staff and the EPA in relation to this matter to date and the issuing of the PRP under Council's existing license, it is considered Council has little option

other than to continue with the detailed design and subsequent construction of the proposed stormwater Surface Water Pond #2.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The estimated cost of finalising the detailed design and then the construction of the new Surface Water Pond #2 is \$600,000. There is no funding within the current annual operating budget to fund this work. As a result, should Council agree with the recommendation these funds would have to be sourced from the Waste Reserve.

**(c) Legal Implications**

Failure to comply with requirements of Council's license at the Forest Road landfill, issued by the EPA, may see the EPA act against Council which could include the issuing of fines and/or prosecution.

**(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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## **8.6 GREEN CAFFEEN SWAP & GO CUP INITIATIVE**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Angela Dodson, Sustainability Officer

### **RECOMMENDATION**

*That in relation to the report "Green Caffein Swap & Go Cup Initiative", Council:*

- (i) support the implementation of the Green Caffein Swap & Go Cup Initiative within the Tamworth Regional Council area for businesses that wish to be a part of the wider reusable cup swap & go network in Australia; and*
- (ii) provide funding for this initiative via the Waste Reserve for the implementation year and subsequent three years program reporting period.*

### **SUMMARY**

The purpose of this report is to seek Council's direction in relation to Council's support of the Green Caffein Reusable Swap & Go Cup initiative in the region and join the wider national program, making it available for local residents and visitors to the region alike.

### **COMMENTARY**

Council's Sustainability Unit became aware of the Green Caffein Initiative through waste industry networks and investigated further what the established program involved and the costs associated. Green Caffein is a Swap and Go Reusable Cup program in Australia with over 650 cafés participating in the scheme. It is like a library system for takeaway coffee or tea cups and it's free, as long as customers bring the cups back.

First time customers who want to access the program will download the Green Caffein app for free, sign up with a few details, then 'ask, tap and scan'. Immediately, they've got access to a network of reusable cups and can find cafés all over Australia using the Café finder feature.

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Next time, they simply return their cup (or cups) to any participating café and swap it for a fresh one. If they're out without a reusable cup, Green Caffein cups are waiting at the café for them. Plus, they're allowed to have two cups checked out at once. If they can't return the cup within 30 days, they'll incur a late cup fee of \$12.99. This motivates customers to keep the cups in the system so there's enough to go around.

Green Caffein don't like to charge people the fee, so reminder emails are sent out at 14 days and 28 days to help prevent the charges occurring. Consumers don't need to wash their cups either, they simply drop them back at a participating café.

The aim of the program is to generate awareness, and promote a culture of reuse by reducing the dependency on single-use coffee cups and the reduction of single-use waste to landfill.

The program provides reusable cups to participating café outlets. Cafés need to register for the program and it is free for registered businesses to participate. They receive the dirty cups from participating customers and wash them along with their dine-in mugs or cups or operational equipment. This is cheaper than buying and supplying single-use cups to their customers.

For those cafés that register to participate they are provided with a toolkit of items and resources such as an instructional video, posters, social media tools, website listing, banners and scan codes. They are also included in the café finder information and searchable maps of participating venues.

The Tamworth region has a strong takeaway beverage culture and this program provides an opportunity for waste reduction and to build an exchange culture. The program utilises Australian made from 100% recycled food grade plastic cups which have a life span of 3-5 years. The cups are a 12-ounce cup (large) cups but can accommodate 8-ounce (medium) beverages. The following is what the co-branded cup for the Tamworth region might look like, assuming Council became an official supporter.



If Council agrees to endorsing the implementation of the program in the region, there would be a financial commitment involved. To allow Council to make a more informed decision before it made any commitment, Green Caffein was requested to undertake some initial market research and direct café engagement in the region to ascertain the interest and appetite for potential program participants.

Green Caffein has completed this research and a commitment to the program has been received from seven local businesses – six from Tamworth and one from Nundle. It is expected this list would grow with Council's confirmed support and further promotion prior to launching.

There were two other takeaway beverage providers (one in Tamworth and one in Kootingal) that did express an interest and sought further information about participating in the program from Green Caffein, but opted to wait to potentially register for the program at a later date, or take some time to evaluate how it could work logistically for their business. These

businesses have been advised that if the program does proceed in the region, they or any other venue not yet registered, are welcome to join the program at any time.

Green Caffein is the only type of swap & go program operating at this point in time. There are a number of chain food and/or beverage providers that sell their own reusable cups in store, but generally don't provide an exchange cup service as the cups must be clean before refill. Green Caffein is not limited to a particular chain store or brand as it is up to the individual cafés to register to participate in this neutral brand or business initiative. Chain stores are more than welcome to join the Green Caffein program as per its' operational guidelines.

Green Caffein suggested the benefits of the program for beverage drinkers are as follows:

- an easy way to break the habit of single-use cups by having reusable cups readily available;
- enjoy the convenience of not having to remember a BYO reusable cup or have options in case you forget on an occasion;
- have access to 2 x reusable cups at a time 'checked' out to you;
- form 'Green Groups' and actively grab, swap or drop cups on behalf of that group, making coffee shouts more sustainable;
- Green Caffein app can be used at any participating café within Australia;
- receive congratulatory messages from the app for milestones reached and see how many cups have been diverted from landfill, individually and across the network;
- be part of a growing movement of eco-conscious people determined to reduce waste; and
- kudos for drinking a beverage from a recognisable cup which demonstrates their eco-credentials.

Further, Green Caffein suggests the benefits of the program for registered participants are:

- join the network free of charge;
- feature on the Green Caffein app, which includes café opening hours, location and social media links;
- feature on the café finder, which links directly to Google Maps to drive consumer behaviour to supporting cafés;
- save costs by reducing dependency on single-use cups and lids;
- no cash handling, deposit or reimbursements;
- be the solution to pollution, stopping single-use cups at the source;
- be ahead of the game and make the transition to reusables, as more single-use plastic policies are introduced; and
- promote sustainable choices and build a 'green' reusable culture within the business and community.

Finally, Green Caffein suggests the benefits of Council assisting the implementation of the program across the region are:

- assists Council to achieve waste reduction plans and emissions targets through upstream elimination and greater reuse culture;
- achieves reduction in waste to landfill targets through single-use elimination;
- reduction of single use beverage cup litter in public spaces and environment;



- reduction in associated litter clean-up and prevention expenditures;
- positive public education around reusables and behaviour change practices;
- proactive support and guidance of local businesses in their transition as single-use plastic policies are implemented across Australia;
- supported with social media content to easily and effectively promote the campaign;
- receive data and an annual report, tracking the movement and impact of reusable cups circulating in the Local Government Area (LGA) and wider participating businesses across Australia; and
- Green Caffein Cups made with locally sourced recycled plastic with a circular lifespan.

Green Caffein advises, since the program commenced in 2018, the following overall benefits the program has achieved for the participating communities and environment:

- 822,138 cups have been saved from landfill;
- 33 tonnes of carbon have been offset;
- 8,265 bins have been diverted from landfill;
- 341 trees are still standing;
- 650+ venues participating across Australian state and territories; and
- 23,792 people have downloaded the app and have made a conscious decision to live more sustainably and play their part in a much larger mission to protect our environment.

Initiative partnerships have been established with the following Councils and local government areas:

- Hunter Joint Organisation (HJ)
  - Central Coast Council
  - Cessnock City Council
  - Dungog Shire Council
  - Lake Macquarie City Council
  - Maitland City Council
  - Port Stephens Council
  - Singleton Council
  - Upper Hunter Shire Council
- Western Sydney Regional Organisation of Councils (WSROC)
  - Blacktown City Council
  - Fairfield City Council
  - Hawkesbury City Council
  - Liverpool City Council
  - Parramatta City Council
  - Penrith City Council
  - The Hills Shire Council
- ACT Government
- Barrington Coast
- Bellingen Shire Council
- Cairns Regional Council
- City of Greater Bendigo
- Inner West Council
- Kiama Municipal Council
- Northern Beaches Council
- Port Macquarie – Hastings Council
- Snowy Monaro Regional Council
- Willoughby City Council
- Wollongong City Council



Council staff will reach out to Namoi Unlimited and Northern Inland Regional Waste (NIRW) to determine if there is an opportunity to form a group partnership with Green Caffein. However, advice from Green Caffein is that, whilst the annual charge for participating Councils in a group may fall, the upfront cost will not. This is because the upfront costs are calculated based on the number of cups that need to be supplied in a particular Council area.

To compare other recent Council partnership launches to the Tamworth Regional Council area, the following information has been provided:

### **The City of Greater Bendigo**

- launched on the 16 April 2021 with 15 cafés;
- as of 9 July 2021 (2 months operation) - 26 registered cafés;
- active Customers – 733; and
- cups checked out/exchanged (diverted single-use cups from landfill) = 9,671.

### **Central Coast Council**

- launched on 18 June 2021 with 19 cafés;
- as of 9 July 2021 (3 weeks operation) - 33 registered cafés;
- active Customers – 716; and
- cups checked out/exchanged (diverted single-use cups from landfill) = 4,045.

In relation to the current and ongoing COVID-19 situation there have been some challenges in this space, as there was little known about the potential impacts to the program and management of the reusable cups which saw a massive increase in the single use beverage cups.

However, since 1 March 2020, there have been 291 cafés that have joined the program as Green Caffein has changed processes to accommodate a contactless cup exchange and help registered participants by providing processes for staff to follow.

Should Council agree to support the implementation of the program, the following is a plan of activities and scope of work that will occur through Green Caffein:

### **Planning & Prelaunch**

- finalise logo/branding design on cup;
- organisation production of 2,500 cups with approved branding;
- create and design a toolkit for selected cafés. This includes an instructional video, social media (pre-designed location specific social media for cafés to post), website listing, banners, posters and scan codes;
- conduct co-branded media and photo opportunities leading up to the launch date with Local Government members, Project Managers, Green Caffein and selected cafés; and
- promote the rollout of Green Caffein in the LGA through internal and external channels.

### **Café Setup**

- ensure Cafés have completed the participation agreements and entered details into café profile;
- communicate and engage directly with cafés to prepare them for launch;
- assist with distribution of cups, scan codes, toolkit and promotional material; and

- day before launch date, Green Caffein may be available for on the ground visits to cafés to ensure they are ready for launch (additional travel costs apply).

### **Launch**

- make all participating cafés live within the Green Caffein app;
- activation day. The Green Caffein team attend selected cafés and shout 'free' coffee for any customer who downloads the app and orders a coffee in a Green Caffein cup;
- Council staff and representatives are encouraged to attend, to collect customer and café feedback, to take photos and to have an overall presence; and
- social media and local media are engaged to promote the Activation Day.

### **Post Launch**

- Green Caffein continue to promote the Council and participating local cafés through social media;
- provide follow up support to Council and cafés, such as distribution of additional cups and maintaining relationships with existing, and new cafés, throughout the program; and
- provide Council with a 12 and 24 month breakdown report of data in the form of an annual report that includes waste diverted from landfill, the off set of carbon, number of local cafés participating, number of users, users per postcode, consumer activity within postcodes, local hot spots, peak periods, cup movements (checked out, swapped and returned).

In the event Council does not choose to endorse or contribute to the program, the program can still go ahead, however, Green Caffein prioritise areas that have Council partnerships and the program has greater success and growth in these areas.

If Council opts not to support the program, this means the cafés will only be recognised as an individual café, not part of a Tamworth region initiative. Green Caffein would issue participating businesses with plain cups with no branding. There would be minimal promotion of the café joining and Green Caffein would not hold an 'activation day' (free coffee) and no major launch event.

Not having Council's support in this initiative would likely mean the community would not be as engaged and the cafés would have a relatively slow uptake from customers. They would also be waiting some time to get started as we have other LGAs and partnerships that would take priority.

Green Caffein has found that areas that launch through a Council partnership have a much higher engagement rate for both customers and cafés. Because of the strong promotion and activation launch day, more awareness of the program circulates around the community. Residents are more likely to get on board with something they know their local Council is supporting.

Council endorsement to implement Green Caffein, is beneficial as it aligns with the UN Development Goals 11, 12, 14, 15 and 17 and with the overarching goals of the NSW Government Waste and Sustainable Materials Strategy 2041. It is intended to review this program after three years to review how it is performing in the region and what other changes in the waste and single use product space has evolved.

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

Nil

**(b) Financial Implications**

The financial contribution funded through the Waste Reserve for Council to implement Green Caffein as an endorsed Council program for a three year reporting period is outlined below:

| Financial Year | Financial Commitment (GST Inclusive) | Details   |
|----------------|--------------------------------------|---|
| 2021/2022      | \$23,100                             | This facilitates the seeding of participating venues with 2,500 co-branded reusable cups, venue engagement, an activation event (free coffee day), an on the ground presence by Green Caffein on launch day and a 12- and 24-month report on the program data.          |
|                | \$5,000                              | ‘Success Clause’ may apply if additional cups are required within the first 12 months due to uptake from both cafés / customers, Green Caffein will notify Tamworth Regional Council when/if additional branded cups to be added into the system in increments of 1000. |
| 2022/2023      | \$3,000                              | Annual program reporting fee and going Council promotion to encourage ongoing residential and business participation  |
| 2023/2024      | \$3,000                              | Annual program reporting fee and going Council promotion to encourage ongoing residential and business participation  |

Council staff will contact both Namoi Unlimited and Northern Inland Regional Waste (NIRW) to determine if there may be an opportunity to participate in Green Caffein as part of a larger group of Councils and, by so doing, reduce the annual cost to member Councils.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

As requested, Green Caffein undertook consultation through market research and direct engagement with the regional takeaway beverage providers to ascertain interest for the program. Council promoted the potential initiative may come to the region directly with the relevant business community and via social media. Green Caffein also engaged with local media, via an interview with ABC Radio and via an article with an interested registered business by The Northern Daily Leader.

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

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

## 9 GOVERNANCE, STRATEGY AND FINANCE

### 9.1 COUNCIL INVESTMENTS JUNE 2021

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

**1 ANNEXURES ATTACHED**

#### RECOMMENDATION

*That in relation to the report “Council Investments June 2021”, Council receive and note the report.*

#### SUMMARY

The purpose of this report is to provide an overview of Council Investments for the month of June 2021, and highlight the continued impact of low interest rates on Council’s budget.

#### COMMENTARY

At its meeting in July, the Reserve Bank once again left interest rates on hold. The hymn sheet from which the Reserve Bank sings remains the same with the Australian economy continuing to grow but low inflation and wage growth impeding any increase in interest rates.

The following extract from the Reserve Banks media release on 6 July shows that for now the road ahead is stagnant.

“The Board remains committed to maintaining highly supportive monetary conditions to support a return to full employment in Australia and inflation consistent with the target. It will not increase the cash rate until actual inflation is sustainably within the 2 to 3 per cent target range. The Bank’s central scenario for the economy is that this condition will not be met before 2024.”

In accordance with Section 212 of the Local Government (General) Regulation 2005, the details of all money Council have invested as at 30 June 2021, is **ATTACHED**, refer **ANNEXURE 1**.

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

| Institution  | Cash at Bank      | Financial Assets Amortised Cost | Financial Assets at Fair Value | Total              | % of Total  |
|--------------|-------------------|---------------------------------|--------------------------------|--------------------|-------------|
| NAB          | 13,241,664        | 42,000,000                      | 0                              | 55,241,664         | 30.38%      |
| BOQ          | 0                 | 14,900,000                      | 0                              | 14,900,000         | 8.19%       |
| CBA          | 0                 | 57,500,000                      | 0                              | 57,500,000         | 31.62%      |
| St George    | 0                 | 7,000,000                       | 0                              | 7,000,000          | 3.85%       |
| TCorp        | 0                 | 0                               | 2,878,080                      | 2,878,080          | 1.58%       |
| Westpac      | 0                 | 44,312,174                      | 0                              | 44,312,174         | 24.38%      |
| <b>TOTAL</b> | <b>13,241,664</b> | <b>165,712,174</b>              | <b>2,878,080</b>               | <b>181,831,918</b> | <b>100%</b> |

The amount invested at 30 June 2021, has increased by \$11,043,303.14 compared to funds held at 31 May 2021.

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

| <b>Fund</b> | <b>Restriction</b>        | <b>Amount</b>      | <b>%</b>      |
|-------------|---------------------------|--------------------|---------------|
| General     | Unrestricted              | 6,085,098          | 3.35%         |
| General     | Internally Restricted     | 51,149,062         | 28.13%        |
| General     | Externally Restricted     | 11,416,349         | 6.27%         |
|             | <b>General Fund Total</b> | <b>68,650,509</b>  | <b>37.75%</b> |
| Water       | Unrestricted              | 2,211,934          | 1.22%         |
| Water       | Internally Restricted     | 23,145,700         | 12.73%        |
| Water       | Externally Restricted     | 25,261,589         | 13.89%        |
|             | <b>Water Fund Total</b>   | <b>50,619,223</b>  | <b>27.84%</b> |
| Sewer       | Unrestricted              | 2,244,467          | 1.23%         |
| Sewer       | Internally Restricted     | 44,761,907         | 24.62%        |
| Sewer       | Externally Restricted     | 15,555,812         | 8.56%         |
|             | <b>Sewer Fund Total</b>   | <b>62,562,186</b>  | <b>34.41%</b> |
|             | <b>Total Investments</b>  | <b>181,831,918</b> |               |

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

**Unrestricted**

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

**Internally Restricted**

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

**Externally Restricted**

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

The use of restricted funds is largely controlled by 10-20 year Asset Management Plans which are included in the Resourcing Strategy of Council’s Community Strategic Plan.

**(a) Policy Implications**

All of Council’s investments are held in accordance with the Tamworth Regional Council Investment Policy.

**(b) Financial Implications**

Interest rates on borrowings remain low but conversely returns on investment are negligible.

**(c) Legal Implications**

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

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

**(d) Community Consultation**

Nil

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

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

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**9.2 ANNUAL OPERATIONAL PLAN 2020/2021 BUDGET VARIATION REPORT - JUNE 2021**

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** Sherrill Young, Manager Financial Services

**Reference:** Item 9.3 to Ordinary Council 23 June 2020 - Minute No 173/20

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Annual Operational Plan 2020/2021 Budget Variation Report – June 2021”, Council note and approve the variations to the existing budget processed in June and included in the attached Annexure.*

**SUMMARY**

This report is to advise the main items of note for budget variations for the month of June 2021.

**COMMENTARY**

Council adopted the original budget included in the Annual Operational Plan for 2020/2021 at the Ordinary Meeting of Council held 23 June 2020. Any changes to the budget must be approved by Council at a later Ordinary Meeting.

This report seeks Council approval for any required budget variations identified during the month of June 2021, for which there has been no previous specific report or approval.

Readers of the report are reminded that the contents of this report should not be viewed in isolation. The budget adjustments listed are budget adjustments processed in June, they do not incorporate previous budget adjustments processed throughout the year.

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Council’s audited financial reports for the year ending June 30, 2021 will, when completed, provide detail on any material budget variations to the original budget adopted on 23 June 2020.

A summary of general budget variations is provided below with a detailed list **ATTACHED**, refer **ANNEXURE 1**.

**Variations identified June 2021**

| <i>Description</i>                    | <i>Budget Variation</i> | <i>Operating Income</i> | <i>Operating Expenses</i> | <i>Capital Income</i> | <i>Capital Expenses</i> |
|---------------------------------------|-------------------------|-------------------------|---------------------------|-----------------------|-------------------------|
| Cultural Services                     | 1,614                   | (8,985)                 | 10,599                    | 0                     | 0                       |
| Airport & Aviation Development        | (11,975)                | (128,875)               | 116,900                   | 3,310                 | (3,310)                 |
| Pilot Training Facility               | (104,200)               | (31,500)                | (97,000)                  | 0                     | 24,300                  |
| Corp & Gov – Management & Finance     | 21,484                  | 0                       | 21,484                    | 0                     | 0                       |
| Integrated Planning                   | (1,229)                 | 0                       | 0                         | 0                     | (1,229)                 |
| Infrastructure & Projects             | 164,365                 | 0                       | 4,365                     | 0                     | 160,000                 |
| Waste Management                      | 101,334                 | (55,773)                | (58,000)                  | 0                     | 215,107                 |
| Water & Wastewater                    | (330,205)               | (152,234)               | 181,714                   | 6,025                 | (365,710)               |
| Water & Waste General Fund Activities | (59,330)                | (90,000)                | 30,670                    | 0                     | 0                       |
| <b>TOTAL</b>                          | <b>(218,142)</b>        | <b>(467,367)</b>        | <b>210,732</b>            | <b>9,335</b>          | <b>29,158</b>           |

**Material differences between budget and actual income or expenditure**

Nothing material to report in this period.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The variations included in the report have the following impact on forecast results for 2020-2021 by fund of:

| Fund         | Operating Income | Operating Expenses | Capital Income | Capital Expenses |
|--------------|------------------|--------------------|----------------|------------------|
| General      | (315,133)        | 29,018             | 3,310          | 394,868          |
| Water        | (6,000)          | 10,000             | 10,547         | (295,185)        |
| Sewer        | (146,234)        | 171,714            | (4,522)        | (70,525)         |
| <b>Total</b> | <b>(467,367)</b> | <b>210,732</b>     | <b>9,335</b>   | <b>29,158</b>    |

**(c) Legal Implications**

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

- 211 Authorisation of expenditure; and
- 202 Responsible Accounting Officer to maintain system for budgetary control.

**(d) Community Consultation**

Nil

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

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

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## **10 COMMUNITY SERVICES**

### **10.1 TAMWORTH COUNTRY MUSIC ADVISORY GROUP**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Jacqueline O'Neill, Director Growth and Prosperity**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Country Music Advisory Group”, Council:*

- (i) approve the establishment of the Group;*
- (ii) appoint the Mayor of the day as its’ chair and one other Councillor, the Director in charge of the Festival and other relevant Council staff to be the nucleus of the Group;*
- (iii) permit this body to appoint and co-opt willing and suitably qualified individuals to the Group from across relevant organisations such as the Country Music Association of Australia, and the community, which reflect the diversity of the City’s country music assets and events; and*
- (iv) determine that the group’s charter is to advise, comment and make recommendations to Council to protect, preserve and grow the City’s country music festival, country music assets and to explore other opportunities to enhance the City’s music credentials.*

#### **SUMMARY**

The 50<sup>th</sup> anniversary of the Tamworth Country Music Festival in January 2022, is a momentous milestone. Few major events in Australia, particularly music festivals, have endured as long as the Country Music Capital’s home-grown event. Despite its longevity and evolution, there is a continuous need to grow and defend what the City of Tamworth has developed. While Tamworth is famous for country music and its annual Festival, not only throughout Australia but around the world, there is a lot at stake to ensure the event maintains its hallmark status on the national events calendar and continues to prosper well into the future. The Festival, however, is only one element of the rich country music history which resonates in Tamworth’s DNA. Over the past 50 years there has been significant progress to develop a country music brand which is more than one festival. It is all these other assets too, and all they bring to the City which must be protected and cultivated. Therefore, Council and the City need to plan for an ever-changing landscape beyond this historic birthday to ensure the “goose that laid the golden egg” remains relevant, vibrant and generates further assets and opportunities for surrogate events across the yearly calendar.

This report encourages Council to consider the formation of an Advisory Group which will not only help safeguard what we have, but to contribute in a meaningful way to ensure the Festival remains Australia’s biggest and foremost music festival and the cultural and historic elements which have defined Tamworth as the Country Music Capital are not lost or allowed

to wither.

## **COMMENTARY**

Over the years there has been many people, groups and organisations which have had input into the Festival and contributed to its growth and development. They have also helped, many of them through their own financial investment, in developing the City's country music brand and expanding its country music assets beyond just one event in January each year. Progressively, Council has played a bigger role in the Festival's staging, marketing and its expansion and also the protection of the many established country music assets which are spread across the City. While Council has been willing to fulfil this role and will continue to do so, there is a need for additional involvement to ensure all the Festival represents and has achieved, is protected and a roadmap for its ongoing prosperity and advancement is forged. The historical characteristics and DNA of the Festival are important, as are the many assets which have emerged from its humble-beginnings half a century ago. There is a dedicated group of people who have contributed to, and guided the Festival over its first 50 years and who have played intricate roles in establishing and developing other events, structures and country music collateral. It is important the vigour which progressed the Festival and the City's country music brand is not lost, as those people look to another generation of advocates to commit to the task of ensuring there is a bright future for this signature event and the components which define the Country Music Capital.

It is for this reason this report recommends Council approve the establishment of a Tamworth Country Music Advisory Group which not only includes elected Councillors and Council staff, but music industry envoys, passionate connected community members, and business representatives who understand the historical significance of this event and all that is associated with it, and also its financial importance to the local economy.

A core assembly of Council staff will drive the group and recommend appropriate people to be enlisted from outside the Council ranks. This group is not designed to be strangled by protocol and procedure, hence a more informal approach.

Progressively over the years Council has not only taken on more responsibility to stage the annual Festival and its many associated events, but also has inherited the control and ownership of the many unique assets which make up the City's country music inventory. Country music is also an important element to Tamworth's visitor economy offering and across each year this contributes handsomely to its economic wellbeing.

There is now in excess of 140 country music festivals – large and small – across Australia each year. The country music genre is represented more than any other music category. Despite its longevity and stature, there are other events with the support of government which aspire to eclipse Tamworth's offering. Queensland in particular has an active and well-resourced agenda.

Council is currently auditing its country music intellectual property rights and will move to ensure they are legally protected.

Over the years there have been many interest groups which have played important and significant roles in the development and maintenance of a long list of activities and properties. These include, but not all, the Country Music Festival, the Golden Guitar Awards, Tamworth Country Music Capital News, The Official Guide, the Hats Off Festival, Buskers, Star Maker Quest, National Guitar Museum, the Big Golden Guitar, the Country Music Hall of Fame, Walk A Country Mile, Roll of Renown, Hands of Fame, Pioneers Parade, Bronze Statues and much more.

All of these components have been created and shaped by members of the wider community including stakeholders, companies, and music industry and radio representatives. These components have huge cultural and historical relevance and importance.

Council currently has within its ranks a list of people who understand the Festival and the importance of all that is included in the City's country music portfolio. They continue to contribute to the catalogue's development and protection. However, all the intimate knowledge which has been accumulated in the City over many years which has been a guiding light will not remain illuminated in the years to come without a new generation of believers and contributors.

The Advisory Group, as its name suggests, would be a group of passionate and qualified people who would offer counsel, comment, advise and recommendations to Council for its consideration. The Group would be a sounding board, an advisory panel and be encouraged to contribute ideas to create and develop further assets including new precincts and activities. It would not be the decision-making authority and it would have no budget.

**(a) Policy Implications**

The Country Music Advisory Group would be added to Council's Committees and Working Groups Register.

**(b) Financial Implications**

Nil. The Group would have no authority to allocate Council funds.

**(c) Legal Implications**

Nil.

**(d) Community Consultation**

The Group will comprise of community, industry and organisational representatives.

**(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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## **10.2 DISABILITY ACCESS WORKING GROUP MEETING - 13 JULY 2021 - MINUTES**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Kay Delahunt, Manager - Cultural and Community Services**

**1 ANNEXURES ATTACHED**

### **RECOMMENDATION**

***That in relation to the report "Disability Access Working Group Meeting – 13 July 2021 - Minutes", Council:***

- (i) pursue funding opportunities and investigate solutions to ensure improved pedestrian, mobility scooter and wheelchair access on the Southern side of Oakenville Road from Jenkins to Gill Street, Kootingal; and***
- (ii) receive and note the Minutes.***

### **SUMMARY**

The purpose of this report is to present the Minutes of the Disability Access Working Group Meeting - 13 July 2021, and provide Council with an overview of the outcomes.

### **COMMENTARY**

The main topics discussed at the meeting are detailed in the minutes **ATTACHED**, refer **ANNEXURE 1**.

The group received the following updates:

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- Victoria Park shared path, Piper Street to the Astronomy Centre;
- Bulimbal interpretative signage;
- Nundle and Kootingal - access report;
- Disability services sector report;
- approved disability bays list; and
- funded shared pathways list.

In relation to the Nundle Kootingal Access Report the working group recommended that Council:

*“pursue funding opportunities and investigate solutions to ensure improved pedestrian, mobility scooter and wheelchair access on the Southern side of Oakenville Road from Jenkins to Gill Street, Kootingal”.*

The working group also raised the issue of pedestrian safety around the Tamworth Regional Skate Park. In relation to this the working group recommended:

*“that a 40km speed zone be extended:*

- *along Peel Street, from Darling Street to O’Connell Street, then*
- *from O’Connell Street/ Peel Street Corner to Marius Street roundabout, and*
- *from the Marius Street roundabout along Macquarie Street to Peel Street”*

This recommendation will be presented to the Traffic Committee for consideration.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

The activities of the Disability Access Working Group assist Council in meeting legislative requirements under the *Disability Inclusion Act 2014, Australian Government NDIS Act 2013, the NSW Anti-discrimination Act 1977, Disability Discrimination Act 1992* and the *Local Government Act 1993*, which requires Council to provide adequate, equitable, and appropriate services and facilities for the community.

**(d) Community Consultation**

The Disability Access Working Group includes representatives from the aged and disability services to consult and advise Council on access issues.

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

A Spirit of Community – C14 Meet social justice principles through the provision of accessible and inclusive high-quality, integrated community services that meet current and emerging needs

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## **11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL**

### **RECOMMENDATION**

*That the confidential reports as listed be considered in a Meeting closed to the public*

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*in accordance with Section 10A(2) of the Local Government Act 1993.*

### **11.1 PROPOSED SURRENDER AND GRANT OF NEW LEASE OF TELECOMMUNICATION FACILITY - PART LOT 20 IN DP1010843**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Kirrilee Ringland, Manager Property and Legal Services  
**Reference:** Item 8.2 to Ordinary Council 28 June 2016 - Minute No 177/16  
Item 12.4 to Ordinary Council 12 November 2019 - Minute No 415/19  
Item 16.2 to Ordinary Council 24 September 2019 - Minute No 333/19  
Item 16.3 to Ordinary Council 11 February 2020 - Minute No 25/20

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **SUMMARY**

The purpose of this report is to advise Council of a further approach by Vodafone to surrender the balance of their leases of part of the Murroon Reservoir at Country Road Westdale as outlined in the body of this report.

### **11.2 PROPOSAL FOR SALE OF COUNCIL LAND - NORTH TAMWORTH**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Kirrilee Ringland, Manager Property and Legal Services  
**Reference:** Item 7.8 to Ordinary Council 24 April 2012 - Minute No 126/12  
Item 12.3 to Ordinary Council 9 October 2012 - Minute No 312/12  
Item 12.4 to Ordinary Council 11 May 2021 - Minute No 133/21

**2 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 update Council regarding various matters relating to the proposal for the sale of land owned by Council in North Tamworth.

### **11.3 TENDER T004/2022 - 2022 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY, INSTALLATION AND OPERATION OF AUDIO VISUAL PRODUCTION IN THE TAMWORTH CENTRAL BUSINESS DISTRICT (CBD)**

**DIRECTORATE: GROWTH AND PROSPERITY**  
**AUTHOR: Barry Harley, Manager Events**

**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)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 recommend to Council the acceptance of the Tender for the 2022 Tamworth Country Music Festival - Supply, Installation and Operation of Audio-Visual Production in the Tamworth Central Business District (CBD). This recommendation follows the assessment of Tender T004/2022. The contract is for one year with an option to extend for a further two years.

### **11.4 TENDER T148/2021 – REHABILITATION OF SEWER MAINS BY IN-SITU RELINING**

**DIRECTORATE: WATER AND WASTE**  
**AUTHOR: Daniel Coe, Manager - Water Operations**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **SUMMARY**

The purpose of this report is to recommend the acceptance of a tender for the rehabilitation of sewer mains within Tamworth and Manilla by in-situ relining. This report discusses the merits of tenders received and recommends a preferred tenderer.

### **11.5 NEW TAMWORTH TOMORROW ECONOMIC DEVELOPMENT STRATEGY AND INVESTMENT PROSPECTUS**

**DIRECTORATE: GROWTH AND PROSPERITY**  
**AUTHOR: Jacqueline O'Neill, Director Growth and Prosperity**

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **SUMMARY**

The purpose of this report is to seek Council's approval to appoint a specialist company to undertake the preparation and delivery of a new Tamworth Tomorrow Economic Development Strategy, and in addition, an Investment Prospectus. The current strategy – Tamworth Tomorrow, Driving the Tamworth Region's Economic Growth 2016-2021 now needs to be updated and revised as it was only intended to be a five-year strategy. Over the

last five years a lot has been achieved and a lot has changed within the Tamworth region's economy and it was always intended a new strategy would need to be drafted to serve as a guiding document for Council and business and industry for a further five years. The Expression of Interest for the strategy also includes the production of an Investment Prospectus which was not included in the previous strategy. The report also seeks approval for an allocation of funds for this project and also the establishment of a Tamworth Tomorrow website which will feature the strategy, prospectus and other related elements. These elements are those which support the strategy and provide an effective platform to promote the Prospectus and engage with external parties more efficiently.

## **11.6 TAMWORTH REGION DESTINATION MANAGEMENT PLAN**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Jacqueline O'Neill, Director Growth and Prosperity**

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

### **SUMMARY**

This purpose of this report is to seek Council's approval to appoint a specialist company to undertake the preparation and delivery of a Tamworth Region Destination Management Plan (DMP). The report also seeks approval for an allocation of funds for this important project. This plan is required to guide sustainable growth in developing the visitor economy, the tourism marketplace and help ensure the viability of the tourism industry and its economic contribution to the region. It will assist the tourism sector and broader visitor economy to become more resilient to external shocks such as those which COVID-19 have delivered and changes in a dynamic and competitive market. The Tamworth Region currently does not have a Destination Management Plan. A competitive Expression of Interest process was undertaken asking suitably qualified companies to provide quotations for the work.

## **11.7 RETAIL ELECTRICITY SUPPLY TO COUNCIL LARGE AND SMALL SITES INCLUDING STREET LIGHTING**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Tracey Carr, Sustainability Coordinator**

**Reference: Item 12.1 to Ordinary Council 27 April 2021 - Minute No 120/21**

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**

Council is currently participating in the Program for Energy and Environmental Risk Solutions (PEERS 3) for electricity procurement at Council's small and large sites, including street lighting. PEERS 3 is an initiative by the Southern Sydney Regional Organisation of Councils (SSROC) to assist Councils in achieving optimal electricity pricing and contractual terms while securing better environmental outcomes and managing market price risks. SSROC has commissioned Sourced Energy to negotiate the timing of the contract as well as a two-stage tender process to secure pricing.

Request for Tenders for Stage 1 of PEERS 3 has been completed on 7 July, and indicative

electricity prices are provided. This report shares the details of indicative prices and seeks Council's direction on whether to proceed to the second stage and request for best and final offers (BAFO) from the short-listed retailers. The report also seeks Council's direction on nominating a percentage of renewable or green electricity and also whether to LRET surrender or voluntarily surrender Large-scale Generation Certificates (LGCs) to the electricity retailer.

## **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.