



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

9 FEBRUARY 2021

**PAUL BENNETT
GENERAL MANAGER**

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day 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, 15 December 2020, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 **DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 **MAYORAL MINUTE**

Nil

6 **NOTICE OF MOTION**

Nil

OPEN COUNCIL REPORTS

7 **ENVIRONMENT AND PLANNING**

7.1 PROPOSED ROAD NAME - ACCESS TO TAMWORTH REGIONAL GYMNASTICS CENTRE

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Carolyn Tickle, Development Hub Supervisor

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Proposed Road Name - Access to the Tamworth Regional Gymnastics Centre, Council:

- (i) approve in principle the road access name to ‘Cartwheel’ Way;*
- (ii) place on exhibition the proposed road name for access to enable interested parties the opportunity to make comments; and*
- (iii) provided no submissions are made which object to the proposed road name, proceed to publish the adopted name in the Government Gazette and notify Australia Post, NSW Land and Property Information, the Chief Executive of the Ambulance Services of NSW, NSW Fire Brigades, NSW Rural Fire Service, NSW*

Police Force, State Emergency Services and NSW Volunteer Rescue Association Incorporated with sufficient particulars for identification of the road.

SUMMARY

The purpose of this report is to nominate a name for the unnamed access point to the entrance to the Tamworth Regional Gymnastics Centre off Longyard Drive, Hillvue. The Centre is within the Northern Inland Centre of Sporting Excellence (NICSE) Precinct with the legal description of Lot 102 in Deposited Plan 1262475.

COMMENTARY

Council has received a request to have the access to the gymnasium named, primarily for the purposes of identifying the location for emergency services and connection to utility services. The proposed road name 'Cartwheel Way' was submitted by the proponent and is considered an appropriate name on the basis that it meets the road name theme of 'Australiana'. The proposed name is also considered ideal as the definition of the word has a dual meaning being the older style wheel of a cart and also the form of a gymnastic manoeuvre.

The map **ATTACHED**, illustrates the location of the proposed road name, refer to **ANNEXURE 1**.

The proposed road name has been reviewed under the Geographical Names Board *Guidelines for the Naming of Roads* and found to be consistent with the Guidelines, therefore no objection is raised to the proposal. The proposed road will be a private road as it has not been dedicated as a public road, however, this is acceptable as outlined in the NSW Address Policy and User Manual.

Should Council support the proposed name it is then necessary to place the proposal on exhibition for public comment to enable interested parties the opportunity to make comment. Following this exhibition, and assuming no objections are received, Council may proceed to have the name gazetted.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The proposed name will be exhibited for public comment in accordance with the *Roads Act, 1993, 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.

7.2 TAMWORTH REGIONAL HERITAGE WORKING GROUP MEETING - MINUTES - 8 DECEMBER 2020

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

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Heritage Working Group Meeting – Minutes - 8 December 2020”, Council;

- (i) receive and note the minutes; and*
- (ii) adopt the revised Tamworth Regional Council Heritage Working Group Terms of Reference.*

SUMMARY

The purpose of this report is to provide an overview of the minutes of the Tamworth Regional Heritage Working Group meeting held on 8 December 2020, together with adoption of the revised Tamworth Regional Heritage Working Group Terms of Reference.

COMMENTARY

The minutes of the Tamworth Regional Heritage Working Group meeting held on 8 December 2020, are **ATTACHED**, refer **ANNEXURE 1**.

The main purpose of the meeting was to discuss planning of the 2021 Heritage Week to be held from 23 April to 2 May 2021. Discussions also took place in regard to the inclusion of additional members to the Working Group, with those members to come from the Tamworth Historical Society and the Local Aboriginal Lands Council. It was agreed that additional members would be beneficial to the effectiveness of this Working Group. An updated Terms of Reference is **ATTACHED**, refer **ANNEXURE 2**.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

7.3 STATE SIGNIFICANT DEVELOPMENT APPLICATION FOR THE PROPOSED HILLS OF GOLD WIND FARM, HANGING ROCK NSW

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “State Significant Development Application for the Proposed Hills of Gold Wind Farm, Hanging Rock NSW”, Council:

- (i) note that the Application will be determined by the Minister for Planning and Public Spaces or Independent Planning Commission; and*
- (ii) determine to make a submission to the Department of Planning, Industry and Environment in relation to the application.*

SUMMARY

The purpose of this report is to provide a brief overview of the State Significant Development Application for the Hills of Gold Wind Farm at Hanging Rock. The report includes a draft submission that is recommended to be made to the Department of Planning, Industry and Environment in relation to the application.

COMMENTARY:

The State Significant Development Application must be determined by the Minister for Planning and Public Spaces or the Independent Planning Commission; pursuant to Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011. The proposed development for the purpose of electricity generating works has a “capital investment value” of more than \$30 million hence the determination body.

Applicant: Hills of Gold Wind Farm Pty Limited
Proposal: Development of a wind farm with up to 70 turbines, battery energy storage system, transmission line, grid connection and associated infrastructure.
Location: Approximately 5 km south of Hanging Rock and 8 km south-east of Nundle, within the Tamworth Regional Council Local Government Area (LGA), Liverpool Plains Shire Council LGA and Upper Hunter Shire Council LGA.
Zone: RU1 Primary Production and RU3 Forestry

The Project involves the construction, operation and decommissioning of a wind farm with 70 wind turbine generators (WTG), together with associated and ancillary infrastructure. The proposed wind farm will have an approximate energy generating capacity of 420 megawatts (MW) and includes a 100MW/400MWh battery energy storage system (providing 4 hours of storage for 100MW).

Other temporary elements associated with the project during the construction period are:

- temporary site buildings and facilities for construction contractors/equipment, including site offices, car parking and amenities for the construction workforce; two temporary concrete batching plants to supply concrete for WTG footings and substation construction works; earthworks for access roads, WTG platforms and foundations, potentially including controlled blasting in certain areas; and

- potential rock crushing facilities for the generation of suitable aggregates for concrete batching and/or sized rock for access road and hardstand construction.

In accordance with the Tamworth Regional Local Environmental Plan 2010 (TRLEP), the subject site is zoned RU1 Primary Production and RU3 Forestry. The proposed use is defined as a 'electricity generating works', and is a permissible development with consent.

An Environmental Impact Statement (EIS) has been prepared and submitted with the Application. This is in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 to address the Secretary's Environment Assessment Requirements (SEARS). The EIS and accompanying documentation is available at the following website: <https://www.planningportal.nsw.gov.au/major-projects/project/9701>

The project exhibition period was from 2 December 2020 until 29 January 2021. Council staff requested an extension to the exhibition period until the matter could be heard at the next available Ordinary Council Meeting in 2021, being 9 February 2021. Council was granted an extension by the DPIE until 15 February 2021, to lodge a submission.

While Council supports renewable energy initiatives, a draft submission has been prepared which advises that Council is unable to support the proposal in its current form and it is recommended that the submission be made to the Department of Planning, Industry and Environment. The draft submission is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Nil

(b) Financial Implications

A Community Enhancement Fund (CEF) is proposed as part of the development application which has been designed to benefit the local residents around Hanging Rock, Nundle and communities close to the Project.

The draft charter for the fund proposes a \$5,000 administration allowance to assist with the management of the CEF. It seems likely that the burden on the three council resources would exceed \$5,000 per year. The draft submission requests further consultation between all stakeholders to ensure the most appropriate CEF is established.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region for the Future – F21 Protect our natural environment.

8 INFRASTRUCTURE AND SERVICES

8.1 PREPARATION OF AN INTEGRATED WATER CYCLE MANAGEMENT STRATEGY

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Preparation of an Integrated Water Cycle Management (IWCM) Strategy”, Council:

- (i) agree to provide funding in the amount of \$180,664 for the completion of an IWCM Issues Paper with funding to be provided, 50% from the Water Reserve and 50% from the Wastewater Reserve;*
- (ii) make available \$86,384 of the funding identified in (i) above to Namoi Unlimited to fund Council’s share of the joint work being completed by consultants; and*
- (iii) request the Director Water and Waste provide a further report to Council once the IWCM Issues Paper has been completed with the required steps and associated cost to complete the IWCM Strategy.*

SUMMARY

The purpose of this report is to seek Council’s agreement to fund two bodies of work to be performed concurrently, and lead ultimately to the adoption of an Integrated Water Cycle Management Strategy for Tamworth Regional Council.

COMMENTARY

The NSW Government, through the Department of Planning, Industry and Environment (DPIE) require Local Water Utilities to prepare an Integrated Water Cycle Management Strategy (IWCM). DPIE state on their website.

A 30-year IWCM Strategy addresses the complex linkages between elements of the urban water cycle (water supply, sewage and stormwater) and community expectations. This is done within the urban area and between its water related physical and legislative operating environment. This multi-level approach enables cost-effective integration of these urban water systems in consultation with the local community.

Integrated systems often rely less on limited natural water sources, produce less pollutant loads to the environment, have strong pricing signals and demand management measures. They encourage water conservation and efficient water use, enable the implementation of cost-effective recycling of treated effluent and urban stormwater use options and satisfy the water-sensitive urban design and 'liveable cities and towns' objectives.

The 30-year IWCM Strategy ensures that any necessary capital works projects are appropriately sized and is essential for the provision of appropriate, affordable, cost-effective urban water services that meet community needs and protect public health and the environment.

A water utility's 30-year IWCM Strategy, developed using a transparent evidence based analysis in accordance with the IWCM Check List , identifies the integrated water supply, sewerage and stormwater scenario that provides the best value for money on the triple bottom line (TBL) basis of social, environmental and economic considerations.

NSW Government subsidised funding for water and wastewater related projects can be withheld if Council does not have an up to date IWCM. Council does have an IWCM, but is it out of date and does not comply with the latest DPIE requirements.

The check list released by DPIE dealing with the preparation of an IWCM is **ATTACHED**, refer **ANNEXURE 1**.

Whilst it cannot be argued an IWCM is an important step in considering the risk of drought in particular centres and all viable options available to reduce that risk. Where required it is considered the process for preparing the strategy is below:

- overly prescriptive and not outcomes focused;
- applies the same one size fits all approach to large urban centres and smaller towns and villages including those with zero or declining population growth;
- concentrates on surface water as the primary source of water and hasn't adequately considered communities that are:
 - reliant on groundwater;
 - reliant on a mix of groundwater and other sources; and
 - like Tamworth, only one customer of a state-owned dam where water not used by the centre is made available for other uses.
- so detailed that it makes preparation of the IWCM very expensive and takes a long time.

Council staff and other groups, such as the NSW Water Directorate, have long raised these matters with DPIE and called for changes but DPIE has, to date, resisted. However, DPIE has made available subsidised funding for the development of IWCM's. This funding is made available under the same rules as those relating to the NSW Safe and Secure Water Program which ties the level of subsidy to the level of annual revenue received by a Council from its water and sewerage undertakings. For Tamworth Regional Council this means subsidy is capped at 25%.

With reference to the checklist attached items 1-8 see the completion of an IWCM Issues Paper which essentially provides a summary of the outcome of the first seven steps in the process. The Issues Paper must be sent to DPIE for review and concurrence before the remaining items 9 to 15 can be completed, which finalises the IWCM Strategy. The final Strategy document must also be sent to DPIE for review and concurrence.

Member Councils of the Namoi Water Alliance, which is a working group of Namoi Unlimited, have been discussing with DPIE the possibility of Namoi Unlimited applying for subsidised funding to prepare IWCM's for member Councils. Whilst DPIE balked at this idea, it has agreed to subsidise some aspects of the work that is required to prepare an IWCM Issues Paper for individual member Councils and which can be completed jointly.

Consultant Hunter H2O, member Councils and representatives from DPIE have agreed a scope of works estimated to cost \$865,817 and DPIE has formally agreed to provide 75% subsidy for this work. The work will be completed by Hunter H2O.

Member Councils will have to fund the remaining 25% of this work, and the Alliance has agreed to the following contributions based on Hunter H2O's estimate of the amount of work that has to be completed at each member Council.

Funding body	Value of work	25% funding
Namoi Unlimited	\$40,320	\$10,080

Gunnedah Shire Council	\$138,531	\$34,633
Gwydir Shire Council	\$73,896	\$18,474
Liverpool Plains Shire Council	\$262,904	\$65,726
Tamworth Regional Council	\$345,535	\$86,384
Walcha Council	\$4,631	\$1,158
Total	\$865,817	\$216,455

Given the work approved by DPIE does not cover all of the items 1-8, Hunter H2O has also been asked to prepare a scope of works to complete those remaining parts of items 1-8 on the checklist before an IWCM Issues Paper for Tamworth Regional Council could be completed.

The upper limit fee for this work is \$93,830 excluding GST.

It is considered Council should fund both aspects of the required works so that it can be completed in parallel and lead to a completed Issues Paper for Tamworth Regional Council by the targeted date of July 2021.

Assuming the Issues Paper is approved by DPIE, the next step will be to complete the remaining tasks in the checklist and finalise the IWCM Strategy. The cost to undertake this work will be estimated once the Issues Paper has been completed and a further report will be presented to Council at the time requesting direction from Council on completion of the IWCM Strategy.

(a) Policy Implications

Nil

(b) Financial Implications

The NSW Government has the authority to withhold subsidy for water and wastewater related infrastructure from a Council that does not have an up to date IWCM Strategy.

Should Council agree to the recommendation, then essentially Council will be receiving work to the value of \$439,365 for a Council contribution of \$180,664 – an effective subsidy of almost 59%. Without the Namoi Water Alliance subsidy, the same work would have cost Council \$329,524, assuming DPIE would have agreed to a 25% subsidy.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.2 SPORTS AND RECREATION STRATEGY FOR THE LEASE AND/OR LICENCE OF OPERATIONAL LAND USED FOR A RECREATION PURPOSE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

RECOMMENDATION

That in relation to the report “Sports and Recreation Strategy for the Lease and/or Licence of Operational Land Used for a Recreation Purpose”, Council endorse the proposed uniform approach.

SUMMARY

This report provides Council with information relating to a proposed uniform approach to the entering of lease and licences for Council land that is zoned for recreation.

Council currently has a number of lease and licences that have expired or are about to, or a community group is seeking to enter into one. The Sports and Recreation division technical staff are proposing a consistent approach to facilitate this process and ensure equity to the community.

COMMENTARY

Council has numerous parcels of operational land used for recreation purposes that are currently under a lease or licence agreement with a third party. Council has also been approached by a number of organisations with the request to enter into such an agreement.

To ensure that there is a standardised and equitable approach to either renegotiating with an existing tenant at the end of their lease, or entering into a new lease, the Sport and Recreation division staff are proposing the following approach:

- If Council has a parcel of operational land used for a recreation purpose that has an existing legal agreement with a third party (lease/licence), Council can re-negotiate a new agreement with the existing tenant without undertaking a public expression of interest. Examples of this include Pirates Rugby Club and North Tamworth Bears, etc.
- If Council has a parcel of operational land used for a recreation purpose that has a unique single purpose (such as synthetic hockey fields), then Council can enter into negotiations with a respective user group relevant to its use, without undertaking a public expression of interest for the land.
- If Council has a parcel of operational land used for recreation purposes that has never had a legal agreement (lease/licence) with a third party, then Council would undertake a public expression of interest prior to entering into a lease/licence.

The above proposal provides a practical and balanced approach that gives the community an equitable opportunity to enter into a legal agreement of operational land used for recreation purposes, as well as giving existing tenants confidence to invest in infrastructure and improvements.

Whilst no public expression of interest process would take place in relation to the first two scenarios listed above, a report would be presented to Council prior to entering into a new lease/licence to ensure transparency in relation to these scenarios and to request the Seal of Council if required.

It is therefore recommended that this approach be endorsed for legal agreements for all operational land used for recreation purposes.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.3 REGULAR UPDATE ON DROUGHT RESPONSE AND WATER SUSTAINABILITY

DIRECTORATE: WATER AND WASTE

AUTHOR: Louise Cadell, Sustainability Officer - Water

RECOMMENDATION

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

- (i) receive and note the report; and*
- (ii) provide additional funding of \$5,000 per month, from the Water Reserve to fund out of hours water restriction patrols until such time that water restrictions in Tamworth, Moonbi and Kootingal are moved to Permanent Water Conservation Measures or 30 June 2021, which occurs sooner.*

SUMMARY

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

COMMENTARY

Current Regional Water Supply Situation

The latest update as of 28 January 2021, is provided below:

Area	Restrictions	Water Supply	Situation
Barraba	Permanent Water Conservation Measures	Split Rock Dam	Split Rock Dam level is currently sitting at 12.7%. The supply is considered secure for the next 24 months.

Bendemeer	Permanent Water Conservation Measures	MacDonald River	<p>The Macdonald River is still flowing well above the trigger point for increasing restrictions in Bendemeer.</p> <p>The supply is considered secure for the next 24 months.</p>
Nundle	Permanent Water Conservation Measures	Peel River / Nundle Bore / Crawney Road Bore	<p>The Peel River at Nundle has been flowing consistently since the last significant rain event in December 2020.</p> <p>Monitoring of the river will occur weekly however, with the river's flow dropping off significantly in the month of January with the trigger point for Nundle to move to Level 1 water restrictions of <60 ML/month or 2 ML/day as per the Drought Management Plan.</p>
Manilla	Permanent Water Conservation Measures	Namoi River / Manilla River	<p>The Namoi River has sustained flows, and Manilla was returned to Permanent Water Conservation Measures on 4 January 2021.</p>
Attunga	Permanent Water Conservation Measures	Attunga Bores	<p>The groundwater level is consistent and bores are meeting maximum pumping rates.</p>
Tamworth/ Moonbi- Kootingal	Level 1	Chaffey Dam / Dungowan Dam / Moonbi-Kootingal via Nemingha Pipeline	<p>Regular rainfall events in the catchment area over the start of Summer 2020/2021 led to significant inflows into Chaffey Dam. The dam is now at 41.9%. Dungowan Dam is at 97%.</p> <p>The supply for Tamworth, Moonbi and Kootingal is considered secure for the next 24 months. Water is being sourced from Dungowan Dam and the Peel River.</p> <p>With a lack of rainfall in the catchment, the flow in the Peel River has dropped off, and releases from Chaffey Dam to supply demand are expected to commence shortly.</p> <p>Finally, WaterNSW released its water allocation statement on 14</p>

			January 2021, with amongst other allocations, General Security Licence holders allocated 16%.
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Regular Out of Hours Water Restrictions Patrols

At the Ordinary Meeting of 13 October 2020, Council agreed to reinstate regular out of hours water restriction patrols and engage a budget of \$5,000 per month from the Water Reserve to fund this activity. This approval was made in preparation for the summer months where historically consumption rises significantly and breach reports are plentiful. However, due to welcome rainfall in the catchment throughout the months of November and December, these funds were not required.

The wet weather led to a significant increase in Chaffey Dam, with the trigger point for Level 2 surpassed and the trigger for Level 1 met, and the dam level hitting 40% on 25 December 2020. Level 1 Water Restrictions were introduced on 4 January 2021, for the first time since January 2019.

While the ground remained sodden for the majority of January 2021, a return to dry weather started to see the moisture evaporate and residents returning to more frequent outdoor water use.

Due to an increased flexibility in outdoor water use, it is recommended that in order to maintain and encourage the communities water saving attitude, regular out of hours water restrictions patrols are reinstated. This will help limit the number of residents tempted to become complacent in their outdoor water use during Level 1 Water Restrictions.

A budget of \$5,000 per month from February 2021 to 30 June 2021, is requested from the Water Reserve to fund these patrols. A review of the patrols will be completed if Tamworth, Moonbi and Kootingal move to Permanent Water Conservation Measures or June 2021 – whichever comes first.

Drought Management Plan Review

A review of the current Drought Management Plan is underway. Phase 1 of the review process officially began on 6 January 2021, with a consultant engaged to complete a phone survey. 500 responses will be captured covering a broad demographic to ensure it is statistically significant. These responses will be collated and a report will be produced for Council. To complement this phone survey, Council is also giving residents the opportunity to complete the same survey online.

Phase 2 of the review process will involve engaging a consultant to undertake the process of reviewing the current Drought Management Plan and creating a new draft plan for Council comment. This initial draft will include the feedback gathered in the phone survey.

Phase 3 involves Councillors endorsing the Draft Plan to go on Public Exhibition. This gives the community another opportunity to have their say. Community meetings will be held in all six centres who are connected to a town water supply.

All feedback and comments submitted by the community during the Public Exhibition period will be collated and considered during the adoption of the final plan. This is Phase 4, which involves the Councillors adopting and endorsing the final Plan.

The community is also being kept informed of the reasons behind the review throughout this process via regular interactive social media posts and local media news stories.

Sustainable Summer Campaign

The roll out of the Sustainable Summer campaign, in partnership with country music star Troy Cassar-Daley was a success. The campaign was run across a number of local media outlets including three commercial and community radio networks, a colouring in competition in the Northern Daily Leader, and informative videos on social media. The campaign aimed to target a variety of age groups and encourage them to be sustainable in their water, waste and energy use.

The campaign also reintroduced Sonny the Sustainability Scout to the Tamworth region, following his official launch in late 2020. A large banner above the Tamworth Olympic Pool also promoted the campaign to local traffic. The Sustainable Summer campaign saw prize packs valued at around \$300 awarded to a number of residents.



Sustainable Summer December colouring in competition prize winner Charlotte with Sonny the Sustainability Scout.

Internal Water Saving Initiative

Council's internal water saving initiatives continue to be popular with many directorates taking advantage of the \$50,000 spend on water saving initiatives.

The 2020/2021 financial year will see five projects completed across three Council areas. All service delivery agreements have been finalised and work on three of the five projects has begun.

All projects have been chosen for their direct water saving benefits to Council. These projects are all in highly visible community locations and will help in education programs by providing a good example of how water efficiency can be achieved day to day.

The details of the upgrade projects are below:

Project	Cost (Ex GST)	Savings Per Annum
Installation of 42 metres of synthetic turf at the Regional Playground at Bicentennial Park	\$4,900.00	Reduction of irrigated greenspace and high visibility area. Estimated water saving of 84 kL per year
Installation of 17 sensor taps throughout all bathrooms the AELEC main arena.	\$16,635.04	183.60 kL
Installation of 13 sensor taps throughout all bathrooms in the AELEC TAFE and toilet blocks	\$13,494.28	140.40 kL
Installation of 17 sensor taps throughout all bathrooms in the Town Hall and Community Centre	\$12,526.88	183.60 kL
Part funding the installation of synthetic turf at the Community Centre	\$2,443.80	Reduction of irrigated greenspace in a high visibility area.
Total	\$50,000	591.60 kL

Communications Engagement Plan – Level 1 Water Restrictions

Level 1 water restrictions were introduced on 4 January 2021.

In preparation for this, Council's Marketing and Communications team and Sustainability Unit prepared a number of TV advertisements for Level 2, 1 and Permanent Water Conservation Measures. The tone of these ads is upbeat and reflect the significant improvement in the water supply situation for Tamworth, Moonbi and Kootingal residents.

This turnaround in water restrictions has also meant water rates notice information has been updated to reflect the 'Let's Thrive' campaign, encouraging waterwise gardens. It also promotes the residential water saving rebate scheme.

Radio advertising on 88.9 FM, FM92.9 and 2TM has also been updated, voiced by a staff member. These ads are accompanied by a regular morning radio segment to discuss water sustainability initiatives and updates.

The daily average consumption for Tamworth, Moonbi and Kootingal residents is consistently sitting below the target amount of 23.5 ML. This continues to be monitored on a weekly basis and while there is no indication this figure will rise significantly for the remainder of summer, there is always the opportunity to ramp up the communications within the community to encourage good water use behaviour should the need arise.

Water Saving Rebates

The residential water saving rebate scheme continues to be popular with residents. So far this financial year, 743 rebates have been approved at a one-off cost to Council of \$96,701. The estimated water savings so far has been calculated to 6,377kL of water per year.

Rebate type	Approved	Cost (\$)	Yearly total savings (kL)
Ceiling fan	85	4,422.00	-
Low Flow or Sensor Tap *	5	250.00	55
Dual Flush Toilet *	28	3,450.45	1,092
Toilet with Cistern Sink	4	450.00	-
Evaporative Air Conditioner Servicing and Maintenance	445	38,276.15	-
Showerhead *	15	280.00	975
Oxijet *	5	84.00	130
Swimming Pool Cover *	25	2,498.50	1,200
Large Rainwater Tank *	10	9,898.00	2,400
Medium Rainwater Tank *	6	3,296.50	
Small Rainwater Tank*	6	1,100.00	525
Large Rainwater Tank (stand alone)	31	15,500.00	-
Medium Rainwater Tank (stand alone)	31	12,700.00	-
Small Rainwater Tank (stand alone)	27	3,300.00	-
Plumbers Audit	19	1,045.10	-
TOTAL (Number)			743
TOTAL (\$)			96,701
TOTAL SAVINGS (kL) *			6,377

* Conservative estimated water saving to Council calculated for these rebate items only

(a) Policy Implications

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

(b) Financial Implications

The additional funding request for water restriction patrols in response to the easing of water restrictions is \$5,000 per month. There is no funding available for this drought response and therefore should Council agree, funding will be required from the Water Reserve.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.4 TAMWORTH REGIONAL AVIATION STRATEGIC DEVELOPMENT WORKING GROUP MEETING - MINUTES - 9 DECEMBER 2020

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: John Sommerlad, Commercial Director - Airport and Aviation Development

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Aviation Strategic Development Working Group Meeting – Minutes – 9 December 2020”, Council receive and note the minutes.

SUMMARY

The purpose of this report is to present the minutes of the Tamworth Regional Aviation Strategic Development Working Group meeting held on 9 December 2020, and to provide Council with an overview of the meeting outcomes. The minutes are **ATTACHED**, refer **ANNEXURE 1**.

COMMENTARY

The Tamworth Regional Aviation Strategic Development Working Group held its third meeting and considered the details in an Airport Opportunities Report prepared by Avistra Aviation Consulting. The report recommended Council focus on seven distinct areas and they are as follows:

- 1) RPT – Passenger Business
 - 2) Aviation Activity
 - 3) Airside Tenants
 - 4) Non-Airside Tenants
 - 5) Positioning the Airport
 - 6) Governance Framework
-

7) Adequate Capital to Fund Initiatives

Some of the actions included to support restoration of capacity and attract another carrier to the Sydney route to support recovery and growth through competition. Create a new Airport Business Plan and an Airport Development Plan. Prioritise attraction of a large aviation training provider. Target specific industry sectors to generate opportunities for Tamworth Regional Airport. Improve the visual appeal of the Airport and its surrounds. Develop a new set of strategic directions for the Airport. Identify the required budget to carry out activities prioritised for the Airport's ongoing development.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The Tamworth Regional Aviation Strategic Development Working Group provides the opportunity for Council to engage with and consult the aviation sector while reviewing activity at the Tamworth Regional Airport.

(e) Delivery Program Objective/Strategy

A Prosperous Region – P1 Support and facilitate economic development and employment opportunities.

8.5 ROAD DEDICATION FOR THE NAMOI RIVER CROSSING PROJECT

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

Reference: Item 12.1 to Ordinary Council 25 June 2019 - Minute No 213/19
Item 11.4 to Ordinary Council 27 August 2019 - Minute No 289/19

Item 12.3 to Ordinary Council 26 May 2020 - Minute No 146/20

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Road Dedication for the Namoi River Crossing Project", Council:

- (i) approve the dedication of a portion of Council owned land - Lot 1 DP 865827 for the purpose of road dedication;*
 - (ii) approve the dedication of a portion of Council owned land - Lot 3/12 DP 758644 for the purpose of road dedication; and*
-

- (iii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council's resolution.**

SUMMARY

This report seeks Council approval for dedication of new roads within land owned by Council as part of the Namoi River Crossing Project.

COMMENTARY

Background

The existing vehicular access across the Namoi River in Manilla, is via the Manilla Bridge. The bridge was constructed in 1886 and is very narrow, 300 metres in length and has weight limitations for heavy vehicles. Road user safety is a major concern as there is no ability to pass a heavy vehicle once it enters the bridge.

The Namoi River Crossing Project will create a new crossing (bridge) over the Namoi River parallel to, and upstream of, the existing Manilla Bridge in Arthur Street from Market Street to Charles Street. The crossing is proposed to be gazetted as the new Main Road 63 and will increase safety and benefit for approximately 120,000 vehicles and almost one million tonnes of freight annually, saving almost 50,000 kilometres and over 6,800 hours of travel per year.

Road Dedication

In order to construct the public access roads connecting the new road alignment between Arthur Street and Rowan Street as part of the Namoi River Crossing Project, new public road reserves are required to be created through the dedication of a portion of Council owned land totalling approximately 12,000 square metres within Lot 1 DP 865827 and 7,500 sqm within Lot 3/12 DP 758644. A plan indicatively identifying the extent of road dedication required for this infrastructure is **ATTACHED**, refer **ANNEXURE 1**.

Sections north of the new road alignment will be included as part of the new road reserve as they are not appropriate for inclusion within the residual land as noted in the following section. These areas are prone to nuisance flooding and will be used for tree plantings to reduce the environmental impact of the project and to increase the amenity of the area.

Residual Council Owned Land

The purchase of Lot 1 DP 865827, as approved in Item 11.4 to Ordinary Council 27 August 2019 – Minute No 289/19, included a residential dwelling. This dwelling was occupied by the previous owner up until 5 January 2021. The project team will use this dwelling for the purposes of providing the Namoi River Crossing Project bridge contractor Tobco, with additional site compound facilities and worker accommodation under an informal agreement. Tobco will be responsible for the upkeep and maintenance of the property for the duration of the project, with their occupation of the dwelling minimising the risk of the property being subjected to squatting or vandalism. Tobco will be providing a reduction to their bridge contract sum under Tender T028/2020 for the value of \$100 per week as compensation for their use of the property. The tender was approved previously without this variation reduction and is noted here for information only, refer Item 12.3 to Ordinary Council 26 May 2020 – Minute No 146/20. This amount is considered reasonable noting that Tobco will be paying for all services and will provide all necessary furniture. Tobco is required to maintain the property, and access to the property is currently limited by construction activities. Tobco will be permitted use of the property until 1 September 2021 or earlier if mutually agreed.

Council may wish to rent this property under a formal lease agreement at the completion of the project, or sell the residual lots along with the now redundant sections of Rowan Street and Northbrook Lane. This will be the subject of a future Council report.

(a) Policy Implications

Nil

(b) Financial Implications

Survey costs and fees associated with the road dedication and plan preparation will be funded from the current Namoi River Crossing Project budget.

Property costs and rental income relating to the occupation of Lot 1 DP 865827 will be managed within the current Namoi River Crossing Project budget.

(c) Legal Implications

The Seal of Council is required to be affixed to the plan of road dedication.

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 the Council and the Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

(d) Community Consultation

Consultation with the community has been ongoing since the commencement of the project in 2019, with the following formal actions having been completed:

- media announcement, 18 January 2019, conducted in Manilla with a subsequent article in the Northern Daily Leader announcing that NSW Government funding had been approved for the project;
- letter, 31 January 2019, sent to all Manilla residents providing notification of the award of funding for the project including background information to the project, concept route options, and information about the next stages in the project;
- community information session, 6 March 2019, held in Manilla and open to the public to present the project information and field questions from the attendees;
- emails, March to October 2019, sent to members of the Community whom had previously requested communications updates providing updates to the assessments of the concept routes;
- website, March to October 2019, created to provide the wider community with information on the project, including a frequently asked questions section and a comment and response section;
- letter, 16 October 2019, sent to members of the community whom had previously requested communications updates as well as residents with direct frontage on the proposed route, identifying the proposed route and directing further feedback through the My TRC Online Community website;
- posters, October 2019, created showing the preferred route and hung on noticeboards around Manilla accompanied by small flyers for distribution to local shops and cafes;

- letter, 20 February 2020, sent to residents with direct frontage to the route, offering a face to face meeting to discuss the impacts of the project;
- meetings, 14 and 19 March 2020, held in Manilla with residents with direct frontage to the route, to discuss the impacts of the project (construction, noise, aesthetics, devaluation, pollution, safety, environmental, and traffic) and to capture concerns raised by the residents;
- letter, 22 April 2020, sent to residents identified as requiring noise mitigation measures outlining the Noise Mitigation Program measures and the process moving forward. These property owners have since approved noise mitigation work and this work is about to commence;
- media opportunity, 20 October 2020, held on site in Manilla and attended by the NSW Member of Parliament, Kevin Anderson, and Council Mayor, Cr Col Murray to announce the commencement of construction works;
- meeting, 19 January 2021, high level meetings with landowner representatives for two properties adjacent to the Arthur Street alignment; and
- emails sent throughout the project to both members of the community whom had previously requested communications updates and others, providing status updates and responding to queries.

(e) Delivery Program Objective/Strategy

An Accessible Region – A11 To maintain the current levels of service across the regions transport infrastructure.

8.6 TAMWORTH REGIONAL COUNCIL TENDER T093/2019 – PART A WASTE COLLECTION CONTRACT – COUNCIL SEAL AUTHORISATION REQUEST

DIRECTORATE: WATER AND WASTE
AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery
Reference: Item 15.2 to Ordinary Council 22 May 2018 - Minute No 181/18
Item 15.2 to Ordinary Council 26 February 2019 - Minute No 37/18
Item 12.8 to Ordinary Council 26 May 2020 - Minute Number 151/20

RECOMMENDATION

That in relation to the report “Tamworth Regional Council Tender T093/2019 – Part A Waste Collection Contract – Council Seal Authorisation Request”, Council authorise the affixing of the Seal of Council to Part A of the Waste Collection Services Contract and the Formal Instrument of Agreement documentation and any associated copies of these documents.

SUMMARY

The purpose of the report is to seek Council approval to execute Part A of Waste Collection Services Contract T093/2019 with Council’s nominated contractor Cleanaway Pty Ltd.

COMMENTARY

On the 26 May 2020, Council considered a report on tender outcomes for Request for Tender (RFT) T093/2019 – Tamworth Regional Council Waste Management Services and resolved as follows:

That in relation to the report “Tamworth Regional Council Waste Management Services”, Council:

- (i) receive and note the Report and associated Tender Evaluation Report for Tender T093/2019;*
- (ii) in accordance with S. 178 (1) of the Local Government (General) Regulation 2005 (NSW), Council accepts the Conforming Tender from Cleanaway Pty Ltd for Part A Waste Collection Services, including:*
 - a. the contract term for seven years commencing on 1 July 2021;*
 - b. the suite of kerbside services for the first contract year to remain unchanged from Council’s current collections configuration, with the alteration to Council’s suite of collection services to commence on 1 July 2022;*
 - c. Option A kerbside collection services;*
 - d. the Conforming Tender schedule of prices including the rates provided by Cleanaway Pty Ltd for the first contract year;*
- (iii) in accordance with s. 178 (1) of the Local Government (General) Regulation 2005 (NSW), Council reject the tender from Cleanaway for Part B Recyclables Processing Services on the basis the tender is considered non-conforming;*
- (iv) having rejected the non-conforming tender from Cleanaway for Part B Recyclables Processing Services and in accordance with s. 178 (3) of the Local Government (General) Regulation 2005 (NSW), Council negotiate with interested parties with a view to entering into a contract in relation to the subject matter of the Part B tender, to commence on 1 July 2021;*
- (v) request the Director Water and Waste provide a further report to Council regarding the negotiations for the Recyclables Processing Services as soon as the negotiations are complete; and*
- (vi) request the Director Water and Waste complete the finalisation of the contract for Part A.*

In order to execute Part A of the Waste Management Services contract, the Seal of Council needs to be affixed to the contract documents. The recommendation and subsequent resolution by Council, from the meeting of 26 May 2020, did not include authorisation to affix the Seal of Council.

This report seeks this authorisation.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

The Seal of Council is required to be affixed to the Contract T093/2019 Waste Collection Services.

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS DECEMBER 2020

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

1 ANNEXURES ATTACHED

RECOMMENDATION

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

SUMMARY

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

COMMENTARY

At its December Meeting, the Reserve Bank of Australia Board elected to maintain the cash rate. In the media release issued by the Reserve Bank on 1 December 2020, the prediction is that given the economic outlook, the cash rate is not expected to increase for at least three years.

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

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

Institution	Cash at Bank	Financial Assets Amortised Cost	Financial Assets at Fair Value	Total	% of Total
NAB	7,106,643	46,000,000	0	53,106,643	31.02%
ANZ	0	5,000,000	0	5,000,000	2.92%
BOQ	0	8,000,000	0	8,000,000	4.67%
CBA	0	14,000,000	0	14,000,000	8.18%
St George	0	29,500,000	0	29,500,000	17.23%
TCorp	0	0	11,376,738	11,376,738	6.64%
Westpac	0	50,233,036	0	50,233,036	29.34%
TOTAL	7,106,643	152,733,036	11,376,738	171,216,417	100%

The amount invested at 31 December 2020, has decreased by \$7,611,118.24 compared to funds held at 30 November 2020.

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

Fund	Restriction	Amount	%
General	Unrestricted	7,318,145	4.27%
General	Internally Restricted	39,300,514	22.95%
General	Externally Restricted	11,416,349	6.67%
	General Fund Total	58,035,008	33.90%
Water	Unrestricted	2,211,934	1.29%
Water	Internally Restricted	23,145,700	13.52%
Water	Externally Restricted	25,261,589	14.75%
	Water Fund Total	50,619,223	29.56%
Sewer	Unrestricted	2,244,467	1.31%
Sewer	Internally Restricted	44,761,907	26.14%
Sewer	Externally Restricted	15,555,812	9.09%
	Sewer Fund Total	62,562,186	36.54%
	Total Investments	171,216,417	

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

The low rate of return on investments continues to thwart interest earnings which in turn has a negative impact on funding availability for future projects.

(c) Legal Implications

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

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.2 2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicole Hunter, Coordinator Executive Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “2021 National General Assembly of Local Government”, Council:

- (i) nominate Councillor representatives to attend this conference as appropriate; and*
- (ii) determine whether any motions will be submitted for inclusion in the conference business paper.*

SUMMARY

The purpose of this report is to advise Council of the 2021 National General Assembly of Local Government Conference to be held at the National Convention Centre, Canberra over 20-23 June 2021.

COMMENTARY

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year. The Assembly provides a unique opportunity for Local Government to engage directly with Federal Government, to develop national policy and to influence the future direction of our councils and our communities.

The 2021 NGA will be held at the National Convention Centre in Canberra over 20- 23 June 2021. While the Assembly is not until June, accommodation is reserved with registration and can book out early, therefore to secure rooms close to the National Convention Centre it is recommended that Councillors nominate to attend as soon as possible.

The 2020 NGA “Working Together for Our Communities” was unfortunately cancelled due to COVID-19 but the ALGA Board has decided to retain the theme and emphasise the importance of partnerships to building and maintaining resilience in our councils and our communities.

To assist Council to identify motions that address the theme of the 2021 NGA, the ALGA Secretariat has prepared a short discussion paper, a copy of which is **ATTACHED**, refer **ANNEXURE 1**. To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

- 1) be relevant to the work of local government nationally;
- 2) not be focused on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference;
- 3) be consistent with the themes of the NGA;
- 4) complement or build on the policy objectives of your state and territory local government association;

- 5) be submitted by a council which is a financial member of their state or territory local government association;
- 6) propose a clear action and outcome, i.e. call on the Australian Government to do something;
- 7) be a new motion that has not already been debated at an NGA in the preceding two years; and
- 8) not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions are due by 11:59pm on 26 March 2021, electronically in the prescribed format.

(a) Policy Implications

In accordance with Council's Payment of Expenses and Provision of Facilities to Councillors Policy, authorisation of attendance of Councillors to the NGA must be by way of a resolution of Council.

(b) Financial Implications

The estimated cost per delegate will be in the vicinity of \$1,850, which includes registration fees of \$989, accommodation at \$180-\$250 per night, and air travel at \$600. There is sufficient operational budget within the Councillor's conferences and seminars budget to fund Councillor attendance at the NGA.

(c) Legal Implications

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.3 COUNCILLOR TRAINING AND PROFESSIONAL DEVELOPMENT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicole Hunter, Coordinator Executive Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Councillor Training and Professional Development", Council:

- (i) receive and note the report; and***
 - (ii) approve Councillor Inglis to attend the Australian Governance Summit (virtually) on 1 and 2 March 2021.***
-

SUMMARY

The purpose of this report is to seek approval for Councillor Glenn Inglis to attend (virtually) the Australian Governance Summit 2021, being held in Sydney at the International Convention Centre on 1 and 2 March 2021.

COMMENTARY

Council has invested in the professional development of a number of Councillors through the Company Directors Course conducted by the Australian Institute of Company Directors (AICD). The course was excellent and the quality of the research papers and instruction was of a high order. Councillor Inglis, as a member and Graduate of the AICD, undertakes its structured comprehensive professional development program to meet his local government obligations for ongoing professional development.

The AICD supports its members in developing and maintaining the director skills and capabilities identified in the Company Directors Corporate Governance Framework. This framework has specific application to Council.

Members of AICD are required to accrue and maintain 60 DPD units over a rolling three-year cycle. Members can accrue DPD units for both formal and informal learning that are undertaken to improve skills and capabilities, and in some cases, where members contribute to the learning of others.

The annual Australian Governance Summit is a major event for the director community. It is an opportunity to join with business leaders from across many sectors and industries and develop a greater understanding of the critical issues facing organisations and their boards. The Australian Governance Summit 2021 will be held in Sydney at the International Convention Centre on 1 and 2 March 2021, with the option to attend virtually. A full program is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

In accordance with Council's Payment of Expenses and Provision of Facilities to Councillors Policy, Council provides funds for a wide range of Councillor professional development activities. Council has an obligation to identify the training needs of Councillors and ensure they have access to ongoing training and professional development throughout their tenure in public office. The Office of Local Government (OLG) has issued guidelines to support Councillor professional development strategies.

(b) Financial Implications

Event registration for virtual attendance is \$1,249. There is sufficient operational budget within the Councillor's professional development budget to fund Councillor Inglis' attendance at this summit.

(c) Legal Implications

Amendments made to the Local Government Act 1993 (the Act) by the Local Government Amendment (Governance and Planning) Act 2016 in August 2016, saw the inclusion in the prescribed role of Councillors under section 232 a responsibility "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor".

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L22 To be a leader in best practice for local government.

10 COMMUNITY SERVICES

10.1 DISABILITY ACCESS WORKING GROUP MEETING - MINUTES - 15 DECEMBER 2020

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Kay Delahunt, Manager - Cultural and Community Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Disability Access Working Group Meeting – Minutes - 15 December 2020”, Council receive and note the minutes.

SUMMARY

The purpose of this report is to present the minutes of the Disability Access Working Group (DAWG) Meeting held on 15 December 2020, 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 updates on:

- Bullimbal School Interpretative Signage;
- CBD Disability Parking;
- Hearing Loops; and
- Master Locksmiths Access Keys (MLAK).

The 2020 Tamworth Regional Council Access Awards event was also discussed. The event took place on 4 December 2020, at the Tamworth Community Centre.

The Business and Community Access Award went to The Tamworth Mountain Bikers for the design and construction of 5 kilometres of Mountain Bike trails that meet Adaptive Mountain Bike Guidelines.

Nundle Country Women’s Association was awarded ‘Highly Commended’ for the extensive works to improve vehicular and wheelchair access to the Nundle Community Health Service.

The Individual Access Award went to Mr John Tucker, who as a volunteer has co-ordinated transport for people living with a disability and has taken them on outings to destinations in the region.

Kira-Jane Chidgzey was awarded ‘Highly Commended’ for her support of the 2020 Links for Life Disability Expo.

The Disability Access Working Group indicated they are pleased with the way the 2020 event had been organised.

(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 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.

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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

11.1 SUPPLY AND DELIVERY OF TWO MOTOR GRADERS T085/2020

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager Plant, Fleet and Building Services
Reference: T085/2020

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

This tender is for the replacement of two existing motor graders. These replacements are scheduled in accordance with Tamworth Regional Council's Plant and Fleet Asset Management Plan. The new motor graders will primarily be utilised for grading Council's extensive network of unsealed roads and occasionally may be utilised for specific civil construction projects.

11.2 SUPPLY AND DELIVERY OF EIGHT BACKHOE LOADERS T076/2020

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager Plant, Fleet and Building Services

Reference: T076/2020

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

This tender is for the replacement of eight existing backhoe loaders. These replacements are scheduled in accordance with Tamworth Regional Council's Plant and Fleet Asset Management Plan. The new backhoe loaders will be utilised for a variety of works and projects across Council.

11.3 SUPPLY AND DELIVERY OF ONE ARTICULATED DUMP TRUCK - T037/2021

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager Plant, Fleet and Building Services

Reference: T037/2021

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

This tender is for the acquisition of one articulated dump truck. This acquisition is an addition to Council's current fleet however, it is able to be accommodated within budget and subsequently placed within Tamworth Regional Council's Plant and Fleet Asset Management Plan.

This new articulated dump truck will be utilised at Council's Forest Road Landfill site. It will primarily be utilised for hauling weathered shale and loose materials along with compacted materials to provide coverage over both waste and asbestos cells. It will haul these materials for the purpose of providing a foundation for constructing haul roads and hard stand areas and occasionally it will transport large quantities of mulch.

11.4 TENDER T019/2021 - TAMWORTH GLOBAL GATEWAY PARK - STAGE 2 - INTERMODAL ACCESS ROAD

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 9.1 to Ordinary Council 8 September 2020 - Minute No 275/20
Item 8.3 to Ordinary Council 28 July 2020 - Minute No 206/20
Item 12.4 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) of the Local Government Act 1993, on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

SUMMARY

The purpose of this report is to seek Council's acceptance of Tender T019/2021 to award a lump sum contract for the Intermodal Access Road civil construction associated with Stage 2 of the Tamworth Global Gateway Park.

11.5 TENDER T075/2021 - SUPPLY AND INSTALLATION OF SECURITY FENCING AND GATES AT THE TAMWORTH REGIONAL AIRPORT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: John Sommerlad, Commercial Director - Airport and Aviation Development

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)ii of the Local Government Act 1993, on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

SUMMARY

The purpose of this report is to recommend to Council the acceptance of a Tender for the Supply and Installation of Security Fencing and Gates at the Tamworth Regional Airport. The security fence is needed for two purposes.

- 1) to enhance security of the airside precinct of Tamworth Regional Airport; and
- 2) as a wildlife mitigation measure to prevent kangaroos entering the airside precinct.

11.6 EVAPORATIVE AIR CONDITIONER WATER CONSUMPTION STUDY EXPRESSION OF INTEREST OUTCOMES

DIRECTORATE: WATER AND WASTE

AUTHOR: Louise Cadell, Sustainability Officer - Water

1 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

In the summer of 2019 - at the height of the worst drought since records began, Tamworth, Moonbi and Kootingal residents were on Level 5 water restrictions and Chaffey Dam dropped to 12.8%.

During this time, residents were restricted to 150L per person per day and consumption figures indicated that Evaporative Air Conditioning (EAC) use accounted for a considerable amount of residential water use.

Council staff undertook an Expression of Interest (EOI) process to identify suitably qualified consultants that may then be invited to submit a Tender to conduct a study to better understand how much water EAC units use, with any findings informing decisions for future droughts.

This report is to update Council on the outcome of the EOI responses and to discuss options moving forward.

11.7 SALE OF COUNCIL OWNED LAND - KABLE AVENUE TAMWORTH

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Melissa Lasker, Executive Assistant Legal Services
Leanne James, Business Support Officer

Reference: Item 14.1 to Ordinary Council 25 August 2015 - Minute No. 223/15

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

This report seeks Council's authorisation to call for Expressions of Interest (EOI) from the public for the purchase of the Ray Walsh House Car Park on the northern side of Ray Walsh House being Lot 12 in DP 253033 ("the Car Park").

11.8 LICENCE AGREEMENT FOR COMMUNITY SPORTING GROUP

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
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

This report seeks Council's authorisation to enter into a Licence Agreement of the building and curtilage known as Barraba Sports Ground, being the land comprised in part Lot 186 in Deposited Plan 41679.

11.9 FOREST ROAD WASTE MANAGEMENT FACILITY - LANDFILL GAS CONTRACTUAL MATTERS

DIRECTORATE: WATER AND WASTE
AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

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

SUMMARY

Council currently manages three separate contracts in relation to landfill gas generation and flaring at Forest Road Landfill:

- 1) Run Energy (T031/2017) – manage flare and gas infrastructure including gas flow rates (ending 2024);
- 2) LMS Energy (T127/2019) – to install an electricity generation system (20-year contract); and
- 3) Clean Energy Regulator (CER) – Council has a contract to delivery Australian Carbon Credit Units (ACCU) from flaring of landfill gas (ending 2023)

A number of issues have arisen with the administration of these contracts and the landfill gas scheme in general. The purpose of this report is to seek direction in relation to these matters.

11.10 MANAGEMENT AGREEMENT, VIADUCT PARK YOUTH RECREATION HUB CAFÉ OPERATOR

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

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) of the Local Government Act 1993, on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

SUMMARY

The purpose of this report is to seek Council's approval to enter into a management agreement with Joblink Plus Limited and Controlled Entities (ABN: 12 499 095 112) in the soon to be constructed café at Viaduct Park, for a term of five years with an option of five years thereafter.

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

CONFIDENTIAL