

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 MARCH 2021

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day prior to the Meeting to address the Council Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit three speakers in support and three speakers in opposition to a recommendation contained in the Business Paper. If there are more than three speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- personnel matters concerning particular individuals (other than Councillors);
- personal hardship of any resident or ratepayer;
- information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it, or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
- information that would, if disclosed prejudice the maintenance of law;
- matters affecting the security of the Council, Councillors, Council staff or Council property;
- advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- on balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of the order and may be expelled.

Disclosure of Political Donations or Gifts

If you have made a relevant planning application to Council which is listed for determination on the Council Business Paper you must disclose any political donation or gift made to any councillor or employee of the Council within the period commencing two years before the application is made and ending when the application is determined (Section 147(4) Environmental Planning and Assessment Act 1979).

If you have made a relevant public submission to Council in relation to a relevant planning application which is listed for determination on the Council Business Paper you must disclose any political donation or gifts made to any councillor or employee of the Council by you as the person making the submission or any associate within the period commencing two years before the submission is made and ending when the application is determined (Section 147(5) Environmental Planning and Assessment Act 1979).

AGENDA

- 1 APOLOGIES AND LEAVE OF ABSENCE**
- 2 COMMUNITY CONSULTATION**
- 3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 23 February 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

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR GLENN INGLIS - TAMWORTH COUNTRY MUSIC FESTIVAL AND ASSOCIATED INTELLECTUAL PROPERTY RIGHTS

MOTION

That in relation to the Notice of Motion “Tamworth Country Music Festival and Associated Intellectual Property Rights”, Council:

- (i) receive and note the report;*
- (ii) on behalf of the community, undertake a thorough intellectual property asset audit; and*
- (iii) prepare a comprehensive Intellectual Property Rights Strategy for all Tamworth Country Music Festival including all associated country music assets.*

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 9 March 2021.

SUPPORTING INFORMATION

Tamworth is Australia’s genuine home of country music. The 50th Anniversary of the Tamworth Country Music Festival (TCMF) will be held from 14 to 23 January 2022, including the 50th

Country Music Awards of Australia, the Golden Guitar Awards to be held on 22 January 2022. A truly golden jubilee year for Australian country music and the City of Tamworth.

As we approach this landmark 50th year, it is a perfect time to reflect and take stock of the inventory of acquired business assets relating to country music.

On behalf of the community and the country music industry we need a comprehensive intellectual property rights audit and a resulting Intellectual Property Strategy for all Country Music Festival and associated country music assets. Intellectual property rights are valuable assets and can provide the community of Tamworth a competitive edge in an ever-growing contestable marketplace.

Whilst there are many types of intellectual property assets, the principal asset areas for the TCMF that require protection from commercialisation by others include inter alia:

- Trade Marks – registered trade marks provide exclusive rights to use, license and selling. Trade marks are valuable marketing tools;
- Patents – protects methods and processes and gives exclusive rights;
- Copyright – protects the communication of ideas and information; and
- Designs – protects product designs and provides exclusive rights to use and license.

We need to undertake an audit and accurately identify all community owned TCMF including all associated intellectual property assets and seek formal advice on the available options and advantages of each asset. In particular, it is important to ensure where possible that all assets generally remain for exclusive use in Tamworth.

Applying for an intellectual property right to protect the community's TCMF and associated assets will enable the community to build the TCMF business and secure our long-term priority position.

Intellectual property is now and will increasingly be a vital aspect of strategic economic development.

Subject to audit and confirmation of ownership status, the current TCMF and associated assets managed in part and in whole include (not limited to):

- Tamworth Country Music Festival (TCMF);
- Tamworth Country Music Festival 50th Anniversary logo;
- Golden Guitar Logo – Whilst there are a few in the market Council owns the one in the TCMF logo. Country Music Association of Australia (CMAA) also has one they use;
- Golden Guitar Award design and actual Golden Guitar Award Trophy;
- Country Music Capital News;
- Country Music Festival Official Guide;
- Festival FM;
- Star Maker;
- Various websites and URL's;
- FanZone;
- The Tamworth Country Music Festival Cavalcade;
- National Guitar Museum;

- Coca-Cola Country – and includes Battle of the YoungStars, Bands, NewStars, and Bluegrass;
- Country Music Wax Museum;
- Australian Country Music Foundation (ACMF) / Walk a Country Mile - (ACMF in the process of being handed over);
- Big Golden Guitar – recent cultural gift from Tom Coulton Industries;
- Country Music Roll of Renown;
- Country Music Queen of Country Music;
- Slim Dusty and Joy McKean Bronze Statue – cultural gift from Country Music Industry;
- Smoky Dawson Bronze Statue – cultural gift from Country Music Industry;
- Country Music Pioneer Parade Bronze Busts – cultural gift from Country Music Industry;
- Country Music Winner’s Walkway (Plaques in Peel Street);
- Country Music Hands of Fame – currently organised and presented by ACMF;
- Hall of Fame;
- Australian Country Music Foundation (ACMF); and
- Walk a Country Mile.

Important assets not owned by the community include (not limited to):

- Tamworth Country Music Festival Country Music Awards of Australia – owned by CMAA; and
- Academy of Country Music – owned by CMAA.

Once the audit is completed the intellectual property can then be valued and protected. The emphasis in the first instance needs to be on the defensive aspect of protecting the intellectual property.

A quick reference to intellectual property rights and protection regimes follows:

Trade Marks

Registration	Subject matter	Infringement
<ul style="list-style-type: none"> • Statutory protection, except where rights arise under common law. 	<p>‘Signs’ that are used, or intended to be used, to ‘distinguish’ trader’s goods or services.</p>	<p>Use of a substantially identical or deceptively similar ‘sign’ as a trademark for relevant goods or services will generally be an infringement even if the sign has been independently created.</p>

Patents

Registration	Subject matter	Infringement
<ul style="list-style-type: none"> • Statutory protection. • Registration is required for rights to arise. 	<p>Must be a system, process or formula that is 'novel' (not previously within the public knowledge) and 'not obvious'.</p>	<p>Creation of an item or use of a process within the claims of a patent will be an infringement even if the item or process has been independently created.</p>

Copyright

Registration	Subject matter	Infringement
<ul style="list-style-type: none"> • Statutory protection. • No registration required for rights to arise. 	<ul style="list-style-type: none"> • Not copied from another source. • Expressed in a material form. • No copyright in ideas. 	<ul style="list-style-type: none"> • Unauthorised copying of works. • The creation of works that are substantially identical to copyright works is not an infringement where those works are independently created and not copied.

Designs

Registration	Subject matter	Infringement
<ul style="list-style-type: none"> • Statutory protection. • Registration is required for rights to arise. 	<p>Must be a design that is 'new' or 'distinct'. That is not previously registered, published or used in Australia.</p>	<p>Use of a design that is identical to or substantially similar in overall impression to the registered design will generally be an infringement.</p>

Cr Glenn Inglis

2 March 2021

2 ANNEXURES ATTACHED

MOTION

That in relation to the Notice of Motion “Dealings with Developers – Transparency Policy and Digital Register”, Council support to introduce a publicly viewable policy and digital register to record meeting details and discussions held between Council staff, Councillors, developers, their agents and consultants to ensure that ethical, open and transparent interactions occur between Council staff, Councillors and developers, their agents, consultants and lobbyists to promote good decision making and to enhance community confidence and democracy.

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 9 March 2021.

SUPPORTING INFORMATION

Recently when inquiring with staff about discussions they may have had with a developer about a potentially contentious issue, I was advised that “there is no specific registry of staff meetings with a developer” containing details of discussions and outcomes by staff and Councillors with the developer were kept. Since my time as a Councillor, I have often been asked by concerned residents about developments and their proponents but have not been in a position to answer their questions and was advised that to interrogate Council’s calendars, emails and diaries would take a lot of Council time and resources to investigate to receive an answer. I believe a policy and digital register that records contacts between members of the building industry and Council personnel including Councillors, would enhance the image of our Council and region as open, transparent and accountable.

I believe a policy and register of communications between Council personnel and developers or their agents would provide more confidence that our Council values competition and investment in the building industry, and that Council always acts in the utmost good faith with every proponent, stakeholder or ratepayer.

Council staff and Councillors participate in many meetings with local and non-local developers or their agents about several issues relating to local development applications. These discussions can include, but are not limited to, issues relating to a building’s location, size, design, landscaping, road access etc. A digital register recording the details of discussions held including the subject and any agreed outcomes would provide the public with confidence that decisions relating to developments are made in an open, transparent and accountable manner. This may reduce any concerns by the public that Council decisions are made behind closed doors without public oversight or comment. A developer’s transparency policy and digital register is intended to enhance local democracy, transparency and accountability within our Local Government Area when development applications and amendments to development applications are brought before Council or approved under delegation by the staff.

Applicants to building applications are already required to declare any political donations or conflicts as well as details of a development application. This digital register would bolster similar declarations and provide evidence to the public that when development applications are approved, they are approved in an open, transparent and accountable manner with a register detailing all discussions and agreed outcomes. Other Councils have such a policy, as there is also a relevant policy issued by the Independent Commission Against Corruption titled

“Lobbying Local Government Councillors” details are **ATTACHED**, refer **ANNEXURE 1** and **ANNEXURE 2**. This Motion will enhance local democracy, transparency and accountability.

Cr Mark Rodda

2 March 2021

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH GLOBAL GATEWAY PARK - EASEMENT CREATION AND THE TAMWORTH INTERMODAL FREIGHT FACILITY LEASE AREA

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 11 August 2020 - Minute No 227/20

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Global Gateway Park – Easement Creation and the Tamworth Intermodal Freight Facility Lease Area”, Council:

- (i) approve the consolidation of the existing Lot 21 and 22 DP 1236205 and Lot 60 DP 1264509 into the proposed Lot 82 and 83 DP 1271568, encompassing the full Tamworth Global Gateway Park precinct;*
- (ii) authorise the General Manager to act as the landowner and approve the creation, adjustment, or removal of current, proposed, and future easements within the current Lot 21 and 22 DP 1236205 and Lot 60 DP 1264509, the proposed Lot 82 and 83 DP 1271568, and future subdivided lots for the installation of services infrastructure for the Tamworth Global Gateway Park;*
- (iii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council’s resolution; and*
- (iv) note the lease area for the proposed Tamworth Intermodal Freight Facility.*

SUMMARY

The purpose of this report is to seek Council’s approval to consolidate Lot 21 and 22 DP 1236205 and Lot 60 DP 1264509 into the proposed Lot 82 and 83 DP 1271568, and to

authorise the General Manager to approve the creation, adjustment, or removal of current, proposed, and future easements within the Tamworth Global Gateway Park on land owned by Tamworth Regional Council, including lots subdivided within the proposed Lot 82 and 83 DP 1271568 prior to the sale of these lots for the installation of services infrastructure. The report also provides advice on the lease area for the proposed Tamworth Intermodal Freight Facility.

COMMENTARY

Background

The Tamworth Global Gateway Park (TGGP) is an area adjacent to the Tamworth Regional Airport and the Glen Artney Industrial Estate, proposed to be developed as industrial and commercial land by Council. The land is also the site of the proposed Tamworth Intermodal Freight Facility.

TGGP Lots

Three lots, Lot 21 and 22 DP 1236205 and Lot 60 DP 1264509, currently cover the full extent of the TGGP development. In order to simplify the subdivision and sale of lots within the development, amendments to the existing lots are required. These amendments are **ATTACHED**, refer **ANNEXURE 1** and include:

- consolidation of Lot 22 DP 1236205 and Lot 60 DP 1264509 to create the proposed Lot 83 DP 1271568; and
- size and shape adjustment to Lot 21 DP 1236205 to create the proposed Lot 82 DP 1271568.

Easements for Service Infrastructure

The development of the TGGP requires the installation of infrastructure to service the industrial and commercial lots within the precinct. This infrastructure is being designed by the TGGP project management team, utilising both internal and external consultants. The type and location of the infrastructure is being selected based on project requirements in order to achieve a 'best-for-project' result. Where this infrastructure is located within private property, easements are required to be created over sections of the lot to protect the integrity and operation of the infrastructure.

Infrastructure within the TGGP that may require easements to be created are:

- underground electrical conduits, pits, pillars, and cables;
- overhead electrical cables and poles;
- electrical pad-mounted kiosk substations and switching stations;
- underground communications conduits, pits and cables;
- underground trunk stormwater and inter-allotment stormwater drainage including pipes, box culverts, pits, and channels;
- underground trunk sewer and inter-allotment sewer drainage including pipes, manholes, and junctions;
- underground distribution, reticulation, and recycled water mains including pipes, valves, and pits;
- underground gas mains, anode protection infrastructure, and pits; and

- accessways to the above infrastructure.

As an example of required easements, four electrical pad-mounted kiosk substation easements are proposed to be created as part of the consolidation of lots and the dedication of public roads for Stage 1 (Goddard Lane) and Stage 2 (Intermodal Access Road) of the TGGP. The plan showing the location of these easements is **ATTACHED**, refer **ANNEXURE 1**. The dedication of public roads has previously been approved by Council as per Item 8.3 to Ordinary Council 11 August 2020, Minute No 227/20.

This report only relates to the creation of easements within the TGGP on land owned by Council, including lots subdivided within the current Lot 21 and 22 DP 1236205 and Lot 60 DP 1264509 and proposed Lot 82 and 83 DP 1271568 prior to the sale of these lots.

Lease Area for the Tamworth Intermodal Freight Facility

In order to progress lease agreements in relation to the Tamworth Intermodal Freight Facility, a lease area is required to be defined. This area fronts onto the internal road network within Stage 2 of the TGGP and is approximately 9.774 hectares in size. A plan identifying the lease area is **ATTACHED**, refer **ANNEXURE 1**.

The proposed lease agreement for the Tamworth Intermodal Freight Facility will be the subject of a future Council report, however the lease area needs to be defined in order to progress the lease agreement.

Subdivision of TGGP Lots

The subdivision of Council owned land as part of the TGGP development will be the subject of future development applications. The first application will seek consent for the creation of six heavy industrial lots fronting Goddard Lane as well as the Lot for the proposed Tamworth Intermodal Freight Facility. This lot will be in line with the lease area identified within this report.

(a) Policy Implications

Nil

(b) Financial Implications

Survey, legal and land registry costs and fees associated with the creation of easements will be funded from the existing budgets established for the construction of TGGP development. These budgets have previously been approved as per Item 9.1 to Ordinary Council 8 September 2020, Minute No 275/20.

(c) Legal Implications

Landowner's consent for the consolidation of lots and the creation, adjustment, or removal of easements require the General Manager's approval, and in some instances may require the affixing of the Seal of Council.

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

(d) Community Consultation

Blueprint 100 notes the TGGP as the key employment growth area for the region. The document was on public exhibition from 2 March 2020 to 9 April 2020, in conjunction with print media, social media, and media releases with community consultation sessions held in Tamworth, Manilla, Barraba, Nundle, and Kootingal.

(e) Delivery Program Objective/Strategy

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

8.2 TAMWORTH STRATEGIC TRAFFIC MODELLING PARTNERSHIP WITH TRANSPORT FOR NSW

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Manager, Project Management and Engineering Services

RECOMMENDATION

That in relation to the report “Tamworth Strategic Traffic Modelling Partnership with Transport for NSW”, Council:

- (i) request the Director Regional Services to continue to work with Transport for NSW staff to develop a brief to select a suitable consultant to undertake the strategic traffic modelling for Tamworth; and*
- (ii) approve an amount of \$175,000 from the Civil Construction Reserve to fund Council’s 50% contribution to the partnership with Transport for NSW to undertake the modelling.*

SUMMARY

Council has greatly benefitted from the development of a citywide traffic model. The traffic model has allowed identification, prioritisation and delivery of infrastructure projects on a strategic basis.

Council partnered with Transport for NSW in 2012 for the development of the current traffic model. Transport for NSW is keen to partner with Council again to update and calibrate the model to prepare for the next decade of infrastructure planning, development and delivery.

The preliminary estimate for the development of the model is \$350,000 which is proposed to be funded on a 50:50 basis by Council and Transport for NSW.

COMMENTARY

Transport for NSW (TfNSW) and Council partnered in 2012 to have the Tamworth traffic model prepared by traffic consultants, GTA Consultants.

This model and subsequent reports have allowed identification, prioritisation and delivery of a number of major traffic related infrastructure projects. These include:

- Manilla Road upgrade - Stages 1, 2 and 3 - Johnston Street to Glen Garvin Drive;
- Dampier Street and Gunnedah Road intersection upgrade;
- Gunnedah Road upgrade - Edith Street to Cole Road;
- Manilla Road upgrade - Jewry Street to Tribe Street including roundabout at Marius Street; and
- Peel Street and Jewry Street intersection upgrade including the Jewry Street bridge duplication.

All traffic models should be updated on a regular basis to take account for changes in land use, traffic generation and driver behaviour. The Tamworth traffic model is due for an upgrade and calibration to test the model against current traffic data.

In addition, with the adoption of Blueprint 100, a current validated traffic model will allow scenario testing to model varied growth rates and likely timelines for the required infrastructure upgrades.

TfNSW are recommending that the updated model be a four-step model that allows for a split of transport modes. This will be useful to predict likely changes across the different modes of transport, being freight transport, private vehicle, public transport and active transport. The updated model will also allow strategic development, based on TfNSW's new Movement and Place criteria, across the entire network.

For the purpose of preliminary planning, TfNSW have indicated that based on recent experience in a regional city similar to Tamworth, the consulting fees to undertake the modelling are likely to be of the order of \$350,000. The proposal is that this will be shared on a 50:50 basis between TfNSW and Council.

The linkage between undertaking the strategic modelling, identification and prioritisation of projects and getting the projects delivered is clearly established. This approach should be adopted on an ongoing basis to ensure Council has a clearly developed and documented strategy, based on up-to-date modelling data, to ensure infrastructure upgrades are planned and delivered prior to elements of the network reaching unsatisfactory performance levels.

An additional benefit of modelling the city's traffic generation, congestion and levels of service is that it makes it easier to get everyone (the community, Council staff, government agencies and politicians) on the same page with respect to what is needed now and for the future. This has been a significant benefit in the delivery of the major infrastructure projects listed above.

It is proposed that Council's contribution be funded from the Civil Construction Reserve.

(a) Policy Implications

Nil

(b) Financial Implications

To undertake the traffic modelling it is proposed that Council's contribution will be \$175,000, sourced from the Civil Construction Reserve and funded in the 2021/2022 financial year.

(c) Legal Implications

Nil

(d) Community Consultation

The development of the model requires community consultation to better understand traffic demand and trip generation, and is inherently built into the model development work of the consultant.

(e) Delivery Program Objective/Strategy

An accessible region – A11 To maintain the current levels of service across the regions transport infrastructure.

8.3 TAMWORTH CRICKET INCORPORATED – VETERANS STATE OF ORIGIN 2021 FEE WAIVER REQUEST

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

RECOMMENDATION

That in relation to the report “Tamworth Cricket Incorporated – Veterans State of Origin 2021 Fee Waiver Request”, Council approve a complete fee waiver to the value of \$4,114.79.

SUMMARY

Tamworth Cricket Incorporated has chosen Tamworth as the preferred location to host the Veterans Cricket State of Origin 2021.

Given the substantial benefit to the community, and an opportunity to showcase Tamworth’s local sporting facilities, Council has been asked to support this event through a fee waiver.

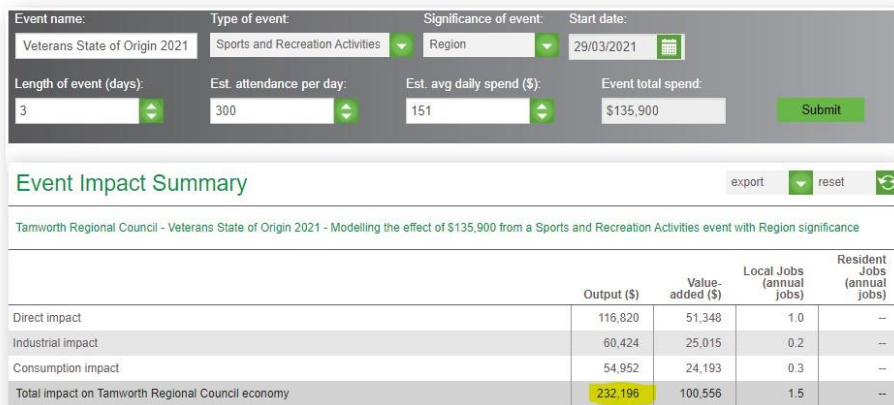
COMMENTARY

Tamworth Cricket Incorporated has elected Tamworth as the preferred location to host the Veterans Cricket State of Origin 2021.

The estimated fees for the use of Council’s sport and recreation facilities for the carnival totals \$4,114.79 (including GST). This is based on the 2020/2021 sport fields fees and charges.

Tamworth Cricket Incorporated has advised that the carnival will attract 300 players and spectators per day from across both Queensland and New South Wales for a total of three nights. Based on sport tourism industry standards, this event will bring an economic benefit to the city of \$232,196, as displayed in Figure 1 below.

Figure 1



Given this financial benefit to the Tamworth community, at a time when sport as a whole has been affected due to the COVID-19 pandemic, it is recommended that Council support this fee waiver request in alignment with the sport events subsidisation procedures.

(a) Policy Implications

Nil

(b) Financial Implications

Sports and Recreation has an annual budget allocation for events subsidised under the Sports Events Subsidisation Policy (SESP). The total fee for this event, \$4,114.79 (including GST), will be deducted from this budget allocation.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Spirit of Community – C12 Provide high-quality sporting facilities to meet the diverse needs of the community.

8.4 ROTARY CLUB OF TAMWORTH FIRST LIGHT – PEDAL THE PEEL 2021 FEE WAIVER REQUEST

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

RECOMMENDATION

That in relation to the report “Rotary Club of First Light – Pedal the Peel 2021 Fee Waiver Request”, Council approve a complete fee waiver to the value of \$600.

SUMMARY

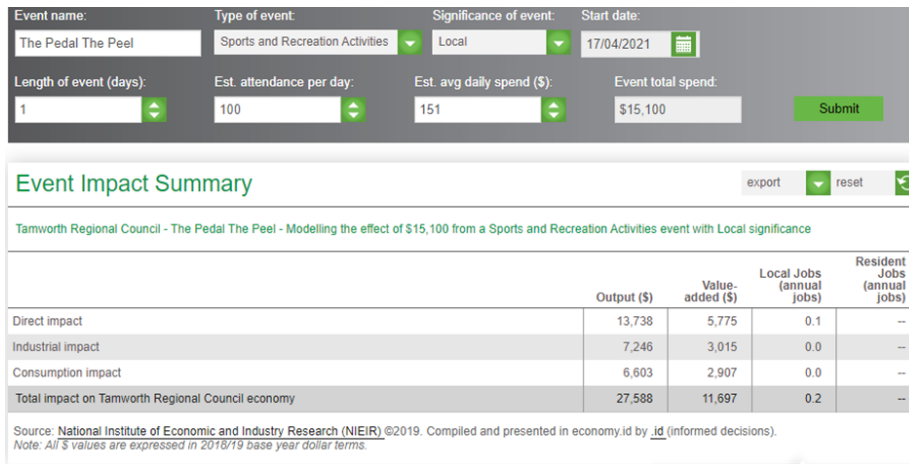
The Rotary Club of Tamworth First Light has selected the Tamworth Velodrome/Criterium track as the preferred location to host the Pedal the Peel cycling challenge.

Given the benefit to the community, and the opportunity to showcase Tamworth’s high-quality sporting facilities, Council has been asked to support this event through a fee waiver.

COMMENTARY

The Rotary Club of Tamworth First Light has selected the Tamworth Velodrome/Criterium as the preferred location to host the Pedal the Peel cycling challenge. The Rotary Club of Tamworth First Light has advised that for the duration of the event there will be 100 participants attending. As this is a fundraising event, it will bring considerable benefit to local charities within the community. Figure 1 below specifies the local economic benefit of the event.

Figure 1



Given this benefit to the community and local charity organisations, it is recommended that Council support this fee waiver request in alignment with its significant sport event subsidisation procedures.

(a) Policy Implications

Nil

(b) Financial Implications

Sports and Recreation has an annual budget allocation for events subsidised under the Sport Events Subsidisation Policy (SESP). The total fee for this event is \$600 (including GST), will be deducted from the budget allocation.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

Nil

10 COMMUNITY SERVICES

10.1 ANNUAL DONATIONS PROGRAM - REQUEST FOR STANDING DONATION - NORTH AND NORTH WEST COMMUNITY LEGAL SERVICE INC

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

RECOMMENDATION

That in relation to the report “Annual Donations Program – Request for Standing Donation – North and North West Community Legal Service Inc”, Council:

- (i) allocate \$480 to North and North West Community Legal Service Inc for the 2020/2021 financial year; and*
- (ii) establish a recurring budget item of \$1,000 for North and North West Community Legal Service Inc in 2021/2022 financial year and beyond.*

SUMMARY

The purpose of this report is to seek Council's approval of the establishment of North and North West Community Legal Service Inc as a recurring recipient under the Annual Donations Program.

The report also seeks Council's approval to allocate to North and North West Community Legal Service Inc \$480 by way of internal journal transfer for the hire of the Tamworth Community Centre for the second half of the current financial year.

COMMENTARY

North and North West Community Legal Service Inc (The Legal Service) is a not-for-profit organisation that provide free legal assistance to everyone living in the north and north west of New South Wales. It is not a means tested service, legal assistance is available for everyone.

The Legal Service is based in Armidale and have outreach clinics in 13 towns – one of which is in Tamworth. The Tamworth clinic operates twice per month, operating from the Tamworth Community Centre in the morning and the Coledale Community Centre in the afternoon. All other outreach clinics throughout the catchment area operate once per month however, Tamworth has an increased legal need requiring two clinics per month.

The Legal Service has previously received partial waiving of fees through Council's fee waiver process, however due to their funding being decreased by 20% from the Attorney General's Department, and the increasing demand for legal services in Tamworth, it is recommended that the fees associated with the hire of the Tamworth Community Centre be formally recognised as a recurring annual donation. This would allow The Legal Service to continue providing free legal assistance to the Tamworth community.

Due to the COVID-19 pandemic, community groups have not been able to hire our venues to the same extent as previous years. This has resulted in \$754.50 being expended from the Waiving of Fees budget for the six month period from 1 July 2020 to 31 December 2020. An amount of \$15,000 is provided in the annual Waiving of Fees Program budget with a further \$11,949 provided in the 2020/2021 budget as unexpended funds from the 2019/2020 financial year. Therefore, the total amount available for the 2020/2021 financial year is \$26,949.

It is proposed to transfer \$480 from the current Waiving of Fees budget to fund the cost of hiring the Tamworth Community Centre for the remainder of the 2020/2021 financial year and increase the future Annual Donations Program budget by \$1,000 to include a recurring budget item for this donation.

During the last 12 months, North and North West Community Legal Service Inc has provided the Tamworth community with 58 representation services and 32 legal advice services. Of these services, 38% were Family Law, 60% were Civil Law, and 2% were Criminal Law.

Of the clients seen:

- 86% were new clients;
- 28% were Aboriginal and Torres Strait Islander;
- 27% were at risk or experiencing family/domestic violence;
- 100% were experiencing financial disadvantage;
- 27% reported a disability or mental illness; and
- 36% were aged 65 and older.

(a) Policy Implications

The current policy provides for recurrent funding for specific organisations. The policy also limits them from applying to the Annual Donations Program or providing an Acquittal. It is now proposed the Policy add North and North West Community Legal Service Inc as a recurring funding recipient.

(b) Financial Implications

It is proposed to transfer unexpended funds from the Waiving of Fees Program budget to the Annual Donations Program budget to cover the hire cost for the remainder of the 2020/2021 financial year and to increase the future Annual Donations Program budget to include a recurring budget item for this donation.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L12 Represent and advocate community 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 EXPRESSION OF INTEREST E081/2021 - TAMWORTH REGIONAL AIRPORT - LEASE OF HANGAR 8

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

Reference: Item 14.1 to Ordinary Council 22 March 2016 - Minute No 71/16
Item 13.7 to Ordinary Council 24 March 2020 - Minute No 88/20
Item 12.3 to Ordinary Council 22 September 2020 - Minute No 297/20

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is for Council to consider the Expressions of Interest received for the lease of Hangar 8, 18-20 Shand Circuit, Westdale, Lot 27, DP826112 (Tamworth Regional Airport), and to authorise the execution of a Lease to the successful applicant.

11.2 TAMWORTH REGIONAL AIRPORT RUNWAY AND TAXIWAY LIGHTING UPGRADE

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

Reference: Item 14.2 to Ordinary Council 14 August 2018 - Minute No 148/18

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

The purpose of this report is to update Council on the Tamworth Regional Airport Runway and Taxiway Lighting Upgrade project which began in 2018. Assistance from the Australian Government through grant funding has now enabled this project to be completed.

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