

# 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, Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6:30pm**.

## ORDINARY COUNCIL AGENDA

**14 MAY 2024**

**PAUL BENNETT**  
**GENERAL MANAGER**

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## Order of Business

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE .....	5
2	COMMUNITY CONSULTATION.....	5
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL.....	5
4	DISCLOSURE OF INTEREST .....	5
5	MAYORAL MINUTE .....	5
6	NOTICE OF MOTION .....	6
6.1	MURRAY DARLING ASSOCIATION - NOMINATION OF CHAIRPERSON FOR MURRAY DARLING REGION 11.....	6
	<b>OPEN COUNCIL REPORTS</b>	<b>8</b>
7	<b>ENVIRONMENT AND PLANNING</b> .....	<b>8</b>
8	<b>INFRASTRUCTURE AND SERVICES</b> .....	<b>8</b>
8.1	TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH - STAGE 1 DEVELOPMENT APPLICATION AND CONCEPT DESIGN .....	8
	<b>1 ANNEXURES ATTACHED</b>	
8.2	2024 JUNE LONG WEEKEND BASEBALL CARNIVAL FEE WAIVER REQUEST – TAMWORTH BASEBALL INCORPORATED.....	16
8.3	TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 10 APRIL 2024.....	19
	<b>4 ANNEXURES ATTACHED</b>	
	<b>1 ENCLOSURES ENCLOSED</b>	
9	<b>GOVERNANCE, STRATEGY AND FINANCE</b> .....	<b>25</b>
9.1	INTEGRATED PLANNING AND REPORTING - EXHIBITION OF DRAFT OUR ANNUAL PLAN AND BUDGET 2024/2025 .....	25
	<b>6 ANNEXURES ATTACHED</b>	
9.2	AMENDMENT TO ORDINARY COUNCIL MEETING SCHEDULE .....	31
10	<b>COMMUNITY SERVICES</b> .....	<b>33</b>
10.1	TAMWORTH REGIONAL COMMUNITY SAFETY WORKING GROUP MEETING - 22 FEBRUARY 2024 - MINUTES .....	33
	<b>1 ANNEXURES ATTACHED</b>	
10.2	TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 4 APRIL 2024 .....	35
	<b>1 ANNEXURES ATTACHED</b>	
10.3	TAMWORTH REGION PUBLIC ART STRATEGY AND PUBLIC ART POLICY .....	37
	<b>2 ANNEXURES ATTACHED</b>	
	<b>1 CONFIDENTIAL ENCLOSURES ENCLOSED</b>	

**11    REPORTS TO BE CONSIDERED IN CLOSED COUNCIL..... 41**

    PROPOSED LICENCE OF COUNCIL OWNED LAND - PART LOT 2 DEPOSITED PLAN 125595641

    PROPOSED CENTRE-BASED CHILDCARE CENTRE DEVELOPMENT - NSW LAND AND

        ENVIRONMENT COURT CLASS 1 PROCEEDINGS - SECTION 34 AGREEMENT - 7-9

        GORMAN STREET, NORTH TAMWORTH..... 41

    TENDER T054/2024 - FOREST ROAD WASTE MANAGEMENT FACILITY - LEACHATE

        TREATMENT PLANT..... 42

## Council

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

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

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

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

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

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

## Community Consultation Policy

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

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

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

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

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

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

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

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

### Disclosure of Political Donations or Gifts

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

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

## **AGENDA**

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

### **RECOMMENDATION**

*That the Minutes of the Ordinary Meeting held on Tuesday, 23 April 2024, 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 RUSSELL WEBB - MURRAY DARLING ASSOCIATION - NOMINATION OF CHAIRPERSON FOR MURRAY DARLING REGION 11**

#### **MOTION**

##### **That Council:**

- (i) endorses the nomination of Mayor, Cr Russell Webb for the position of Region 11 Chair of the Murray Darling Association; and**
- (ii) acknowledges its obligations under Part 5 Section 16 (5) of the Constitution of the Murray Darling Association in the event of the successful election of Cr Webb as Region 11 Chair.**

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 14 May 2024.

#### **SUPPORTING INFORMATION**

##### **PURPOSE**

The purpose of this Notice of Motion is for Council to endorse the nomination of Mayor, Cr Russell Webb for the position of Region 11 Chair of the Murray Darling Association. Tamworth Regional Council is heavily reliant on the health of the Murray Darling Basin. To this end, it is important for Council to be actively engaged in the management of the Basin.

##### **BACKGROUND**

Murray Darling Association – Region 11 is made up of the following Member Financial Councils:

- Armidale Regional Council
- Brewarrina Shire Council
- Coonamble Shire Council
- Gunnedah Shire Council
- Gwydir Shire Council
- Inverell Shire Council
- Liverpool Plains Shire Council
- Moree Plains Shire Council
- Narrabri Shire Council
- Tamworth Regional Council
- Tenterfield Shire Council
- Walgett Shire Council

Murray Darling Association – Region 11 has the following eligible Councils who are not current financial members:

- Glen Innes Severn Council
- Walcha Council
- Uralla Shire Council

In relation to Recommendation Item (ii), the relevant section of the Murray Darling Association Inc. Constitution is provided:

- (5) The chair of the Region Executive is the chair of the Region, provided further:**
  - (a) the chair must demonstrate both the initial and ongoing capacity to provide secretariat support for the activities of the Region;**

- (b) *when the position of the chair becomes vacant for any reason, the Region Executive may appoint a temporary chair and a new chair must be appointed at the next Region Meeting; and*
- (c) *the chair must ensure minutes and other necessary records of Region Executive and Region Meetings are taken, kept and provided regularly to the MDA Board.*

#### **COMMENTARY**

The current Chair, Mayor Cr Jamie Chaffey has vacated the Chair role.

According to the Association's 2016 Constitution, a Region is required to meet at least four times per year. Each Region must also hold an Annual General Meeting. A key aspect of the Chair role includes provision of secretariat support for the Region. The secretariat support will be carried out by Council's Water and Waste Directorate

Meetings of the Board, which includes attendance of Region Chairs, meets eight times per year and two of these meetings must be face to face.

The Murray Darling Association Region 11 Annual General Meeting will be held on Thursday, 16 May 2024 in Tamworth.

#### **CONCLUSION**

Water is critical to the future of the Tamworth Regional Council, its businesses, industries and rate payers. Taking a leadership role in the Murray Darling Association will enable Council to be well placed to advocate for its water users and communities.

Cr Russell Webb  
9 May 2024

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## **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

Nil

### **8 INFRASTRUCTURE AND SERVICES**

#### **8.1 TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH - STAGE 1 DEVELOPMENT APPLICATION AND CONCEPT DESIGN**

**DIRECTORATE:** REGIONAL SERVICES

**AUTHOR:** Callum Fletcher, Senior Project Engineer

**Reference:** Item 8.1 to Ordinary Council 8 August 2023 - Minute No 188/23  
Item 12.6 to Ordinary Council 12 December 2023 - Minute No 355/23

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health - Stage 1 Development Application and Concept Design”, Council:*

- (i) authorise the General Manager to act as the landowner for the submission of a development application in relation to the project;*
- (ii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council's resolution;*
- (iii) approve in principle the proposed concept design; and*
- (iv) allocate \$200,000 from the Regional Development fund to enable the detailed design to continue.*

#### **SUMMARY**

This report relates to the current proposal for the Tamworth Regional Aquatic Centre (TRAC) and Northern Inland Centre of Sport and Health (NICSH) facility with approval sought to submit a development application for the provided concept design.

#### **COMMENTARY**

##### **Background**

Tamworth Regional Council (Council) is proposing to develop a major aquatic and sports health centre with a total project budget of \$45 million. This is Stage 1 of a potential three stage ultimate facility. This facility includes the TRAC and the NICSH.

##### **Planning Approval**

The development requires approval under Part 4 of the Environmental Planning and Assessment Act. This involves the submission of a development application to the planning authority with the project team currently working to prepare and finalise the relevant reports and documentation. The development is considered Regionally Significant Development

based on the capital investment value and will require determination by the Northern Regional Planning Panel.

Landowner consent is required to make an application. This report seeks to obtain Council approval to make the application and for the General Manager to act as landowner in relation to this development.

### Concept Design

In late 2023, CO.OP Studio were engaged as the lead designer to undertake Phase 1 of the design to progress the facility to a concept design stage, refer to Item 12.6 to Ordinary Council 12 December 2023 – Minute No 355/23. Subsequent phases were identified as being optional based on the allocation of additional funding. This report seeks to allocate additional funding to engage CO.OP Studio to follow on with Phase 2 to progress the design to a detailed concept design stage in order to continue working towards current funding deadlines for the project. Further details of this additional funding contribution are provided in the financial implications section of this report.

The concept design developed for the facility is **ATTACHED**, refer **ANNEXURE 1**. This design is still in development and includes the following key elements:

- Main aquatics halls:
  - 50m indoor pool in main aquatics hall with 1.2m fixed shallow end, moveable floor in the deep end to provide 1.2-2m of depth, and a central swim wall to allow the pool to be setup as a 50m pool, 25m pool, or a combination of both;
  - spectator seating within the main aquatics hall;
  - group facility entry and group change village for use during school carnivals;
  - pool office; and
  - first aid room.
- Separate aquatics hall:
  - indoor warm water pool in separate aquatics hall with spa and ramped entry;
  - sauna; and
  - accessible change facilities and amenities.
- Front of house:
  - reception and merchandise area;
  - café;
  - gym;
  - fitness and program rooms; and
  - allied health consulting rooms.
- Northern Inland Centre of Sport and Health:
  - sports administration offices with meeting room and kitchenette;
  - sports science lab; and
  - sports science teaching and study space.

- General:
  - change villages and amenities;
  - facility management offices with meeting room and kitchenette;
  - facility operational infrastructure including plant rooms, store rooms, and service areas;
  - external carparking and pedestrian infrastructure; and
  - landscaping and green spaces.

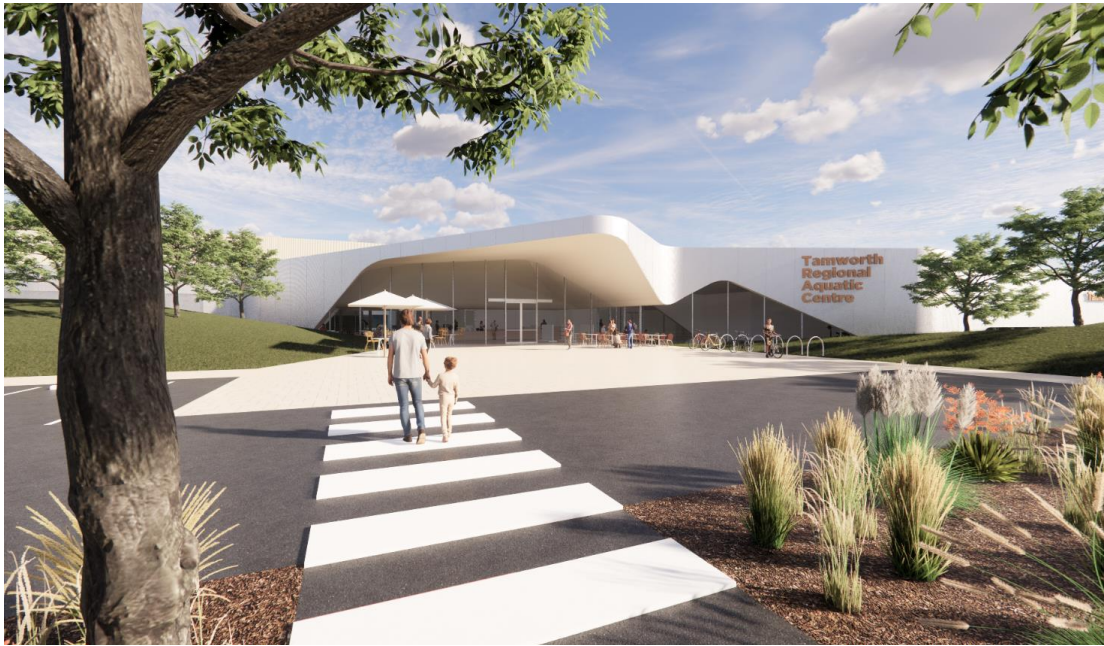
Additional facility elements have been included and are intended to be optional extras for the future design and construct tender. These elements include a creche and expanded sports administration area. Both elements are intended to be included to increase the revenue return for the facility and to increase the functionality of the services provided, however will only be constructed if project funding permits.

Concept renders for the facility are included below – see Figures 1-9. These renders are based on current designs and are subject to change. Landscaping, surface finishes, furniture, and colour selections are indicative only and have not yet been developed.



*Figure 1 – Concept render of facility perspective from proposed carpark*





*Figure 2 – Concept render of entry to the facility*



*Figure 3 – Concept render of entry with alfresco café seating*



*Figure 4 – Concept render of entry, reception, and corridor to fitness, health, and sport excellence facilities*



*Figure 5 – Concept render of wet lounge with café seating*



*Figure 6 – Concept render of main aquatic hall with 50m pool*



*Figure 7 – Concept render of the secondary aquatic hall with warm water pool*





*Figure 8 – Concept render of gym internals with view of facility entrance*



*Figure 9 – Concept render of program room*

This report seeks Council's in-principal approval for the current concept design to support the development application for the facility.

It is anticipated that a Councillor workshop will be held towards the end of the Phase 2 detailed design stage. This is specifically timed to ensure that sufficient design work has been completed for key facility design elements to be considered while also being early enough in the project to allow minor amendments where possible. This workshop will include information around the decisions made in development of the design, including how the functionality of the 50m pool is being maximised.

## **Operational Management**

The project team and Sports and Recreation Division are currently investigating the available options for the operation of the new facility. The two main options are for the facility to be operated by Council staff or by a third-party operator. Both models are expected to include sub-tenant leases for other sections of the facility, likely including the gym, sports science, sports administration, allied health and café elements.

A future report will be presented to Council with a detailed proposal for the operational model for the facility.

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

Nil

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

\$200,000 from the Regional Development fund is proposed to be allocated to progress the design to Phase 2 while the capital expenditure review is under development by Council for approval by the NSW Office of Local Government. This funding is expected to be returned by Council's co-contribution on allocation of full project funding and is in addition to the funding already allocated, refer to Item 12.6 to Ordinary Council 12 December 2023 – Minute No 355/23.

It should also be noted that if the project is terminated for any reason, it is likely that Council will need to spend between \$10 million and \$20 million on Tamworth's two existing and aging swimming pool facilities over the next 10 years.

A future report will be presented to Council with a detailed funding strategy for the initial capital expenditure allocation as well as the ongoing operational expenditure. This is awaiting the outcome of the Australian Government's Growing Regions Program under which the project has applied for \$15 million. It is noted that considerations are being made by the project team during the design phase to adopt designs that maximise efficient facility operations with the intent of minimising the ongoing operational expenditure.

### **(c) Legal Implications**

The plans of subdivision will require the affixing of the Seal of Council.

The *Local Government (General) Regulation 2021*, 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**

Detailed information regarding consultation with the Community since 2018 has previously been provided to Council, refer to Item 8.1 to Ordinary Council 8 August 2023 – Minute No 188/23.

The Community will be provided with extensive information on the final proposal for the TRAC and NICS, including further information on the technology implemented to increase the functionality of the facility (e.g., moveable floor and moveable boom), as well as the extensive provision of ancillary infrastructure (i.e., the TRAC is not just an indoor 50m pool).



Community consultation during the Development Application process for the TRAC and NICSH includes a 28-day public notification/exhibition period in accordance with Council's adopted "Managing Conflict of Interest in Council Related Development Applications Policy".

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

Focus Area 2 – A Liveable Built Environment

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**8.2 2024 JUNE LONG WEEKEND BASEBALL CARNIVAL FEE WAIVER REQUEST – TAMWORTH BASEBALL INCORPORATED**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Samuel Eriksson, Sports and Recreation Strategy Officer**

**RECOMMENDATION**

*That in relation to the report "2024 June Long Weekend Tamworth Baseball Carnival Fee Waiver Request – Tamworth Baseball Incorporated" Council approve a complete fee waiver for all fees associated with the event.*

**SUMMARY**

Tamworth Baseball Incorporated has proudly hosted the largest baseball carnival in the southern hemisphere for over 50 years and will be once again hosting this event on Tamworth Regional Council's (Council) Riverside Turf Precinct during the June long weekend (8-10 June 2024).

This event will attract more than 900 players and will generate substantial economic benefit to the community. The event also provides an opportunity to showcase Tamworth's high-quality sporting facilities and fields.

**COMMENTARY**

Tamworth Baseball Incorporated (Tamworth Baseball) has selected the Riverside Turf Precinct as the location for the 2024 June long weekend baseball carnival. This carnival has taken place in Tamworth for over 50 years and continues to provide the community with the opportunity to participate in baseball at a competitive level and showcase Tamworth's ability to host large scale sporting events.

Tamworth Baseball has advised that the carnival will attract 62 teams with approximately 930 participants from across NSW, ACT and Queensland. This event is estimated to provide \$929,000 economic benefit to the community as displayed in Figure 1 below.


Event Impact Summary				export 
Tamworth Regional Council - Modelling the effect of \$668,250 from a Sports and Recreation Activities event with State significance				
	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)	
Direct impact	534,600	251,488	4.9	
Industrial impact	275,080	126,739	2.7	
Consumption impact	120,257	60,273	0.7	
<b>Total impact on Tamworth Regional Council economy</b>	<b>929,937</b>	<b>438,500</b>	<b>8</b>	
Source: National Institute of Economic and Industry Research (NIEIR) ©2023. Compiled and presented in economy.id by .id (informed decisions).				

Figure 1 – Event impact summary

On receipt of a complete fee waiver request, Council's technical staff first apply Council's adopted Sport Event Subsidisation Policy (SESP). The SESP ensures Council applies a consistent and transparent framework to requests for Council fee subsidy/waivers when a major event is hosted in the region. Importantly, the SESP allows Council to manage the finite resources specifically allocated to support hosting sporting events in the region in an equitable manner. Figure 2 below outlines the elements considered when assessing a sporting event under the SESP. A full fee waiver is only considered by Council when an event receives a score of 7 or greater in the SESP.

Sport Event Subsidisation Policy Parameters				
Parameter	Score			
	0	1	2	
Level of Event	Regional	State	National	
Participants	101 – 150	151 – 300	301+	
Bed nights	1	2	3+	
Event economic benefit (\$'000)	\$151 – 300	\$301 - \$450	\$451+	
<b>TOTAL</b>				<b>TOTAL</b>

Figure 2 – SESP parameters

Sports and Recreation technical staff have applied Council's SESP to this event in Table 1 below:

Parameters	Score	
Level of event	National	2
Participants	930	2
Bed nights	3	2

Event economic benefit	\$929,937	2
<b>TOTAL</b>		<b>8</b>

*Table 1 – Event Score*

This event will take place at the Riverside Sporting Complex in Tamworth. The hire fees for this event have been calculated using Council's adopted 2023/2024 fees and charges. The approximate total fees associated with this event are detailed in Table 2 below.

Item	Cost
Sports field hire fees *	\$5,300
* Please note that this cost is already subsidised by a community service obligation for turf sports fields of 80% subsidy for community sporting groups.	
Bins	\$390
Extra cleaning	\$345
<b>TOTAL FEES</b>	<b>\$6,035</b>

*Table 2 – Fees*

Tamworth Baseball has requested Council consider the waiver of fees associated with the event. This will minimise the costs incurred by Tamworth Baseball to host the event and the associated cost to players to participate.

As a result of the event scoring an 8 when assessed under the SESP, and namely the significant economic injection into the local economy, it is recommended that Council support the fee waiver request for all costs associated with the event.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The Sports and Recreation division has an annual budget allocation for events subsidised under the SESP. The fees associated with this event will be covered by this budget allocation.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

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

Focus Area 2 – A liveable and built environment

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**8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 10 APRIL 2024**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer**

**4 ANNEXURES ATTACHED**  
**1 ENCLOSURES ENCLOSED**

**RECOMMENDATION**

*That in relation to the report “Tamworth Regional Local Traffic Committee Meeting - 10 April 2024”, Council:*

- (i) approve the proposed modification works at the Goonan Street and Marathon Street intersection in Westdale;*
- (ii) approve the proposed footpath crossing of Elbergs Gully on Caroline Street, Bendemeer and the reduction of Havannah Street, Bendemeer to one lane across the low-level bridge for a designated pedestrian crossing;*
- (iii) approve the relocation of two No Stopping signs around the Johnston Street and Smith Street intersection in North Tamworth; and*
- (iv) approve the relocation of a disabled parking space on White Street, Tamworth*

**SUMMARY**

The purpose of this report is to advise Council of the four recommendations made by the Tamworth Local Traffic Committee (the Committee) during an out of session meeting held on 10 April 2024.

**COMMENTARY**

The minutes from the out of session Committee meeting held on 10 April 2024, are **ENCLOSED**, refer **ENCLOSURE 1**.

**38/2024 – Redesign of Goonan Street and Marathon Street intersection, Westdale**

Tamworth Regional Council (Council) has been approached by the developers of the Northern Lights Estate in Westdale regarding modifications to the Marathon Street and Goonan Street intersection.

As shown in the **ATTACHED** design, refer **ANNEXURE 1**, the developer is proposing to install;

- *No Stopping* signs (R5-35 signs) on the inside curve;
- a BL2 centreline between the curve Turning Points (TP's);
- 18m of guard rail with bullnose ends to restrict ongoing access down the closed off Goonan Street road reserve;

- unidirectional hazard marker's (D4-1-2 signs) to highlight the guard rail hazard; and
- curve ahead warning signs on both approaches to the curve.

Figure 1 below shows the proposed Northern Lights Estate in Westdale.



Figure 1: Proposed Northern Lights Estate in Westdale

Council has requested the R5-35 signs be replaced with R5-400n series signs as detailed on the Transport for NSW (TfNSW) Signs Database.

**COMMITTEE RECOMMENDATION:** the committee members unanimously support the proposed modification works at the Goonan Street and Marathon Street intersection in Westdale.

#### **40/2024 – Pedestrian Safety Improvements at Elbergs Gully and the McDonald River, Bendemeer**

Council has been approached by residents in Bendemeer regarding unsafe pedestrian access points on Caroline Street (Elbergs Gully) and Havannah Street (MacDonald River). Figure 2 below shows the locations of the crossings.





*Figure 2: Location of Elbergs Gully and MacDonald River crossings in Bendemeer*

Elbergs Gully has historically had an aging timber footbridge available for pedestrians to utilise ensuring they always stayed a safe distance away from Caroline Street. This bridge did not have footpaths on the approaches with access being via uneven grassy verge. This bridge has now collapsed and created an unwanted risk to Council with pedestrians crossing the gully via the road verge. Not only is this a risk due to the proximity to live traffic, but there is also a fall from heights risk associated with the gully. There are no pedestrian barriers currently available above the gully.

To address the risk, Council is proposing to remove the collapsed footbridge and install a sealed footpath parallel to the roadway ensuring pedestrians are separated from motorists with precast castellated kerbs (2,000mm long with 500mm gaps) and guide posts. Figure 3 below provides an example of precast castellated kerbs used along the Riverside Shared Pathway in Tamworth. Pedestrian fencing will also be installed above the culvert to remove the risk of a fall from height. See **ATTACHED** concept designs, refer **ANNEXURE 2** (page 1).



*Figure 3: Example of precast castellated kerbs recently installed on the Riverside Shared Pathway in Tamworth.*

On Havannah Street, Council maintains a two-lane concrete bridge that crosses the MacDonald River. The aging truss bridge has previously provide pedestrian access, but this bridge has deteriorated to the point of being unserviceable. The Havannah Street bridge is now the only river crossing point located within the Bendemeer village and it does not contain a walkway in its current configuration. Pedestrians are often witnessed crossing the bridge within the traffic lanes.

As shown **ATTACHED**, refer **ANNEXURE 2** (pages 2 and 3), Council is proposing to reduce road traffic to one lane across this structure and install a footpath along the northern side to provide a safe passage for pedestrians. Eastbound traffic will be required to give way to westbound traffic attempting to cross the bridge.

Council justifies this direction as Havannah Street only has the following peak traffic volumes:

- AM peak – 40 vehicles per hour; and
- PM peak – 45 vehicles per hour

Precast castellated kerbs (2,000mm long with 500mm gaps) and guide posts are proposed to separate pedestrians from traffic. A steel pipe handrail system, similar to that shown below in Annexure 2, is proposed to prevent pedestrians from falling off the bridge. Council prefers to install this type of fencing to minimise debris capture during flooding events.

**COMMITTEE RECOMMENDATION:** the committee members unanimously support the proposed footpath crossing of Elbergs Gully on Caroline Street, Bendemeer and the reduction of Havannah Street, Bendemeer to one lane across the low-level bridge for a designated pedestrian crossing.

**41/2024 – No Stopping Signs on Johnston Street, North Tamworth**



Council has been approached by a member of the public regarding unsafe conditions associated with the Smith Street and Johnston Street intersection in North Tamworth. This area has been highlighted in Figure 4 below. Due to the high demand for parking around the hospital, motorists are often seen parking in any available space including on Johnston Street. This often results in cars parking close to the Smith Street intersection creating sighting distance concerns.

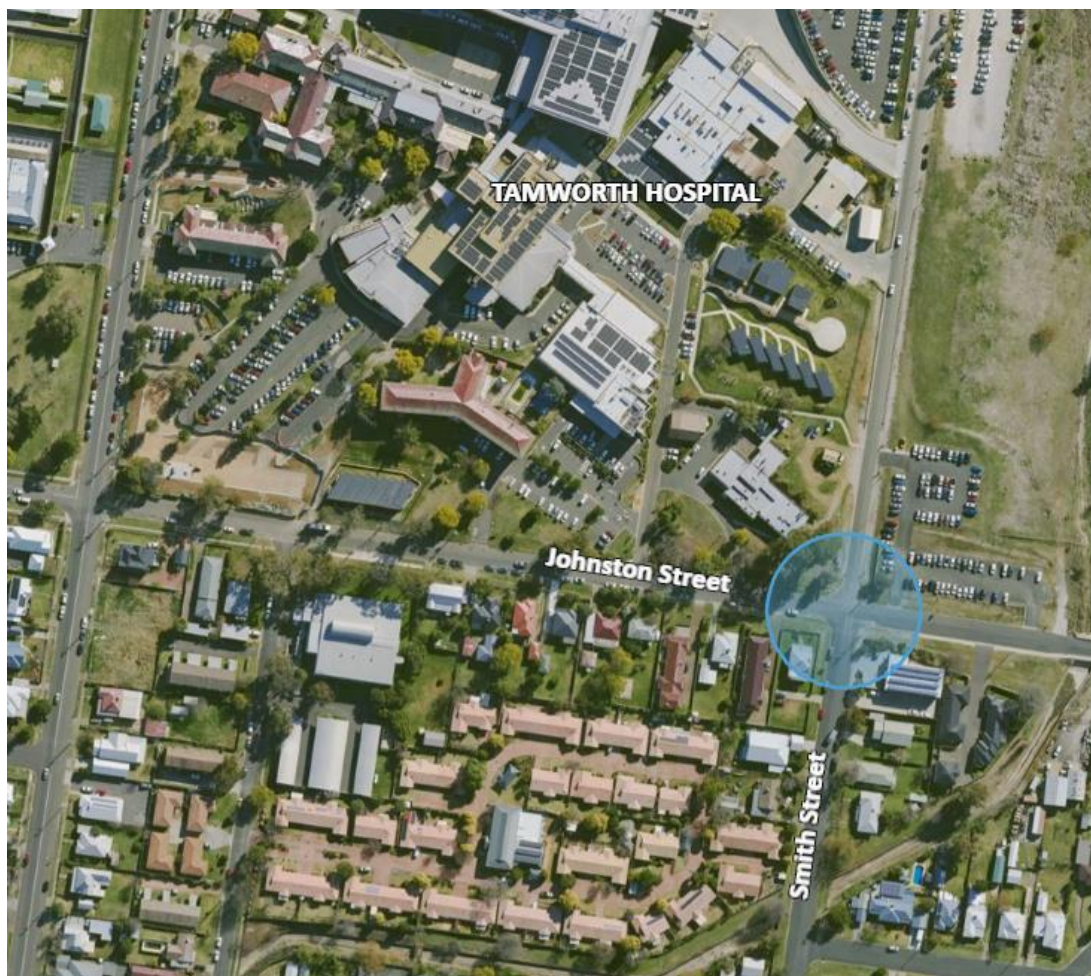


Figure 4: Intersection between Smith Street and Johnston Street, North Tamworth

Council has investigated the site and propose to relocate two *No Stopping* (R5-400n) signs on Johnston Street to provide adequate sighting distance for vehicles entering the intersection from the south. The details of the proposed changes can be found in the **ATTACHED** design, refer **ANNEXURE 3**.

**COMMITTEE RECOMMENDATION:** the Committee members unanimously support the relocation of two *No Stopping* signs around the Johnston Street and Smith Street intersection in North Tamworth.

#### **42/2024 – Central Business District (CBD) Tree Planting - Brisbane Street and White Street, Tamworth**

Council is undertaking a CBD Street Tree planting project within the Tamworth CBD. The new trees will not only provide increased shade for motorists and pedestrians alike, but it will also improve the amenity of the CBD.



The scope of works includes;

- 6 new trees on Brisbane Street (between Peel Street and Marius Street);
- 10 new trees on White Street (between Peel Street and Marius Street); and
- 1 new tree on White Street (between Kable Avenue and Peel Street).

As per the **ATTACHED**, refer **ANNEXURE 4**, the parallel parking spaces on Brisbane Street will be formally line marked. The bay lengths will be installed at various lengths but always in accordance with AS2890.5.

On White Street, an existing disabled space located in front of the 19 White Street property will be relocated closer to Peel Street. The relocation of the disabled parking space will result in the loss of one parking space. The original disabled parking space will be converted to a 2P ticket parking space, from 8.30am to 6.00pm (Monday to Friday) and 8.30am to 12.30pm (Saturday)

**COMMITTEE RECOMMENDATION:** the Committee members unanimously support the proposed changes associated with the relocation of the disabled parking space on White Street.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

38/2024 – Shall be funded by the Developer.

40/2024 – Shall be funded by the Australian and State Government under the Safer Roads Program (pending funding approval)

41/2024 – Shall be funded by the Road Infrastructure Maintenance Budget.

42/2024 – Shall be funded by the Australian Government under the Local Roads and Community Infrastructure program.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

40/2024 – Initial consultation has been completed with Bendemeer Public School. Further community notification will be completed by the applicable project manager before construction works commences.

42/2024 – Council has notified the adjoining businesses regarding the proposed work before going to the Committee.

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

Focus Area 5 – Connect our region and its citizens

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

### **9.1 INTEGRATED PLANNING AND REPORTING - EXHIBITION OF DRAFT OUR ANNUAL PLAN AND BUDGET 2024/2025**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services  
Susan Kane, Coordinator - Integrated Planning and Reporting  
**Reference:** Item 9.8 to Ordinary Council 28 November 2023 - Minute No 305/23

**6 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Integrated Planning and Reporting - Exhibition of Draft Our Annual Plan and Budget 2024/2025”, Council*

- (i) approve the Draft Integrated Planning and Reporting suite of documents, listed below, to be placed on public exhibition for 28 days:*
  - a. Draft Our Delivery Plan 2024/2024 and Our Annual Plan & Budget 2024/2025;*
  - b. Draft Statement of Revenue Policy 2024/2025; and*
  - c. Draft Fees and Charges 2024/2025.*
- ii) note that a permanent Special Variation has been lodged with the Independent Pricing and Regulatory Tribunal of NSW (IPART) for a General Purpose Rate Increase. The Special Variation (SV) application impacts General Fund only, it has no impact on Water or Sewer Funds.*
- iii) note that at the time of preparing this report, IPART has not made a determination on Council’s SV application.*
- iv) Note that as the decision of IPART is unknown. Two separate General Fund budgets have been prepared and included in the draft Our Annual Plan and Budget for public exhibition. The two budgeting scenario’s are as follows:*
  - Base Case Scenario excludes the proposed SV. The rate peg increase of 4.9% has been applied to 2024/2025 after which a rate peg increase of 2.5% has been uniformly applied to future years*
  - Special Variation scenario which incorporates the requested permanent Special Variation of 18.5% in year 1 inclusive of a 4.9% Rate Peg increase and 15.0% in year 2 inclusive of a forecast 2.5% Rate Peg increase.*
- v) Endorse the adoption of the Base Case budget as an interim budget to cover the possibility that IPART award an SV increase greater than zero but less than the SV application amount. Should a lesser SV increase be granted or adopted by Council, a revised budget will be brought to Council for consultation, public exhibition and subsequent adoption in the new financial year. This budget will require a managed decline in services to eliminate ongoing forecast budget*

**deficits and ensure compliance with Section 8b of the Local Government Act 1993.**

**(vi) Note that there are two rating scenarios in the Statement of Revenue Policy 2024/2025. The first rating scenario excludes the proposed SV increase and details the 4.9% IPART rate peg increase. The second rating scenario incorporates the requested permanent Special Variation of 18.5% in year 1 inclusive of a 4.9% rate peg increase and 15.0% in year 2 inclusive of a forecast 2.5% rate peg increase.**

**(vii) Note that due to the Special Variation application lodged with IPART, the Annual Statement of Revenue Policy estimated yield from ordinary rates is subject to the specification of a percentage variation by the minister.**

## **SUMMARY**

The purpose of this report is to:

Present the DRAFT Our Annual Plan and Budget 2024/2025 to Council to obtain a resolution for public exhibition of each of the below related documents:

- Draft Our Annual Plan and Budget 2024/2025;
- Draft Statement of Revenue Policy 2024/2025; and
- Draft Fees and Charges 2024/2025.

## **COMMENTARY**

### **Background**

Under the Integrated Planning and Reporting (IP&R) Framework, Council is required to prepare and adopt a number of documents to facilitate integration of long-term planning and implementation of Council activities. These documents must be adopted by 30 June 2024.

Prior to adopting the suite of Draft annual documents Council must exhibit the documents for 28 days to allow our community an opportunity to read and provide feedback on the documents.

### **Our Annual Plan & Budget 2024/2025**

Tamworth Regional Council's 2024/2025 IP&R suite of documents is made up of three **ANNEXURES**, as **ATTACHED**, refer:

**ANNEXURE 1: Draft Our Delivery Plan 2024/2024 and Our Annual Plan & Budget 2024/2025:**  
Due to an SV application currently before IPART, the budget contains two detailed budget scenarios for General Fund. The first scenario being the Base Case and the second being the Special Variation scenario. It is important to note that the SV application and resultant outcome will have no impact on the Water and Sewer Fund budgets contained within **ANNEXURE 1**.

The Base Case has adopted a General Fund rate peg increase of 4.9% as awarded by IPART for 2024/2025 and subsequent increases of 2.5% per annum. The Base Case contains the proposed program of services and works that Council has prioritised for the next 12 months and aligns to our Delivery Plan 2023-2025.

The second budget scenario is the Special Variation scenario which has been prepared on the assumption that Council's permanent SV rate increase application currently with IPART will be granted. This scenario takes up the full amount of Special Variation increases that being 18.5% in year 1 inclusive of a 4.9% rate peg increase and 15.0% in year 2 inclusive of a forecast 2.5% rate peg increase. In addition to the proposed program of services and works contained in the Base Case it contains:

- Increased pensioner rate concessions for eligible pensioners of \$50 in 2024/2025 and an additional \$50 in 2025/2026. The SV scenario incorporates an additional \$443,200 on pensioner rebates from 2025/26.
- Increased spending on asset renewal
- Additional funding for road renewal and maintenance commencing in 2024/2025 of \$4.0M then increasing to over \$8M per annum

**ANNEXURE 2: DRAFT Statement of Revenue Policy 2024/2025:** contains the proposed Revenue Policy which includes the schedule of rates for the two different rate scenarios for Ordinary Rates (General Fund). The first scenario being the awarded IPART Rate Peg increase of 4.9% the second scenario being for an 18.5% increase which includes the 4.9% IPART granted increase.

It is important to note that due to the unknown outcome of the SV application the estimated yield from ordinary rates is subject to the specification of a percentage variation by the Minister if that variation has not been published in the Gazette when public notice of the Annual Statement of Revenue Policy is given. In other words, the yield from the ordinary rates may be less than that shown in the SV increase table if IPART does not grant the full increase applied for.

**ANNEXURE 3: DRAFT Fees and Charges 2024/2025:** contains the proposed Schedule of Fees and Charges. **ANNEXURE 5** details Draft New Fees and Charges whilst **ANNEXURE 6** details Draft Discontinued Fees and Charges.

**ANNEXURE 4** provides a summary of actions that have been added, updated or deleted.

The budget tables included in the DRAFT Our Annual Plan & Budget 2024/2025 provide a break-down of the source and application of funds by key service functions.

This is supported by a detailed budget to be used by management to implement and monitor delivery of the plan. Budget progress will be reported by the Quarterly Budget Review Statements, and details of budget variations and adjustments will be reported monthly.

The following requirements for Our Annual Plan and Budget have been included, as outlined in the Local Government Act and Regulations:

1. principal actions have been identified for each strategy and the plan directly relates to the nine focus areas and priorities of Our Community Plan 2022-2033;
2. the Statement of Revenue Policy includes the following requirements:
  - a statement containing a detailed estimate of the Council's income and expenditure;
  - a statement with respect to each ordinary rate proposed to be levied;
  - a statement with respect to each charge proposed to be levied;

- a statement of the types of fees proposed to be charged by the Council and, if the fee concerned is a fee to which Division 3 of Part 10 of Chapter 15 of the Act applies, the amount of each such fee;
  - a statement of Council's proposed pricing methodology, and
  - a statement of the amounts of proposed external borrowings, the sources from which they are proposed to be borrowed and the means by which they are proposed to be secured.
3. Council's Ordinary Rate Policy for 2024/2025, included in the Statement of Revenue Policy, meets legislative requirements and Best Practice Guidelines and includes for each rating category and sub-category:
- the ad valorem amount (the amount in the dollar) of the rate;
  - advice on whether the rate has a base amount; the value of the base rate, and the percentage and yield of the total amount payable by the levying of the rate; and
  - maps demonstrating the parts of Council's local government area categorised into each of the different ordinary rate category and sub-categories.
4. Council's Charges Policy, included in the Statement of Revenue Policy, meets legislative requirements and best practice guidelines and includes the amount or rate per unit of the charge, differing amounts for the charge (where applicable) and the estimated yield of the charge; and
5. Financial information included in Our Annual Plan and Budget includes:
- the forecast operating results for each fund;
  - the forecast cash results for each fund;
  - budget allocations linked to Our Community Plan 2023-2033; and
  - details of capital works for 2024/2025.

The Statement of Revenue Policy also includes a detailed budget by Council Directorates and functions, as well as forecast Income Statements by type and function and external borrowings proposed.

This report confirms that Council has addressed the Integrated Planning and Reporting legislative requirements of the *NSW Local Government Act(s) 1993* Ch 13, Part 2, and legislative requirements associated with Council's Revenue Policy, Charges, Rating and Public Notice requirements of sections 532, 610B-F and 706(2) of the *Local Government Act 1993*. As such, it recommends the public exhibition of the DRAFT Our Annual Plan and Budget 2024/2025.

A further report, at the completion of the exhibition period, will be presented to Council outlining submissions received and recommendations for response, to allow Council to consider community feedback prior to final adoption of the plan.

Following the 28 days public exhibition period, the DRAFT IP&R suite of documents will be presented to Council, along with a summary of community submissions, for consideration and adoption at its 28 June 2024 meeting.

### **The Challenge Ahead**

In addition to securing a reliable water source for all communities across Tamworth Regional Council, another significant challenge for elected officers and staff is to ensure General Fund

achieves a fully funded operating position. A solid operating position is the only way that Council can maintain sufficient cash reserves to keep the extensive General Fund asset base fit for purpose. Grant funds provide welcome injections of cash but they cannot be predicted with certainty and are not available to subsidise the difference between the cost of providing services to the community and the income each service generates on an ongoing basis.

On the surface, the four-year forecast **base** budget looks promising. In year 1, there is a forecast reduction in reserves of \$4.9M. After that however there are positive increases in the cash result for the remaining three years. Over the four-year period (2022-26), the net cash resulted for General Fund is forecast to inject over \$12M into Council reserves. However, the reserve increase is due to a \$13M increase in Waste Fund reserves which means funding for the remaining General Fund services has decreased. Waste reserves as referenced in the September 2023 quarterly budget review needs to be sufficient to fund future asset remediation and renewal as per the NSW Environmental Protection Authority (EPA). Sufficient reserves also need to be set aside going forward to deal with the government directive that by year 2030, no organic waste can go into landfill. Whilst not always popular, waste does have the discretion to increase charges to maintain assets and comply with legal and environmental requirements.

The Special Variation currently with IPART will certainly help with future easing of budgetary constraints if awarded and adopted by Council however it cannot be viewed as a budgetary panacea. Under the SV forecast budget scenario, reserves increase by \$12.6M due to a \$13M increase in Waste Reserves. The increase in rate revenue is mainly consumed on increased spending on reducing the backlog of asset maintenance and renewal.

Regardless of the SV application outcome, Council needs to ensure there is sufficient financial capacity to meet its operational costs as well as maintain its asset base as and when required. Council's attention is drawn to the following General Fund projects.

At the time of writing this report Council is awaiting a determination on a Federal Grant application for additional grant funds to complement those received from the State Government to construct a new aquatic centre. Before commitment to construct the facility goes ahead, there needs to be high level of confidence that the cost to run the new facility as well as future asset maintenance is affordable. There is currently no capacity in either budget forecast to absorb additional losses.

The Pilot Training Facility is still not fully tenanted and is in need of capital works as various assets approach the end of their useful life. Our Annual Plan and Budget clearly shows that the Pilot Training Facility is not generating enough income to cover running costs and loan repayments.

The Tamworth Global Gateway Park is progressing well but Council needs to ensure it has sufficient reserves to meet future downturns in sales activity should consumer economic confidence decline.

Any increase to Council's General Fund bottom line needs to be offset by a managed decline in services elsewhere.

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

The documents in this report, when adopted by Council, will replace all previously adopted Integrated Planning and Reporting documents. The documents form the basis for all Council's decision-making and operational activity for the 2024/2025 financial year.



**(b) Financial Implications**

As per the DRAFT Our Annual Plan and Budget 2024/2025 **ATTACHED** refer **ANNEXURE 1**.

Should Council's SV application not be approved by IPART, Council will need to undertake a thorough review of its current service levels to facilitate a managed decline in services and a commensurate decrease in expenditure to correct future forecast deficits.

Should Council's SV application be approved and implemented Council's financial situation should improve if:

- savings put forward in the SV application are achieved; and
- any increase in services is fully funded by an income source other than rates and annual charges.

**(c) Legal Implications**

The public exhibition and adoption of IP&R documents is required under sections 404 and 405 of the *NSW Local Government Act 1993* to:

- legitimise budgets;
- set rates;
- charges and fees; and
- create performance reporting actions.

**(d) Community Consultation**

The *Act* requires Council to place the draft plans on public exhibition for a period of at least 28 days.

Council has prepared a Communication Plan for the exhibition period for the documents in this report.

The Plan includes all media including TV, radio, digital and print, as well as pop-up information kiosks across the region where our community can engage with staff and councillors to provide feedback on the goals and actions set out in the documents.

Copies of the draft documents will be made available for download from Council's website: [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au).

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

Focus Area 9 – Open and Collaborative Leadership;

Make our Planning and Reporting easy to understand and reflective of the community's wants, needs and aspirations

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## 9.2 AMENDMENT TO ORDINARY COUNCIL MEETING SCHEDULE

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Lisa May, Office of the General Manager Administrator  
**Reference:** Item 9.1 to Ordinary Meeting of 28 November 2023 - Minute No. 298/23

### RECOMMENDATION

*That in relation to the report “Amendment to Ordinary Council Meeting Schedule”, Council amends the Council Meeting schedule to add an Ordinary Meeting to be held on Tuesday, 11 June 2024.*

### SUMMARY

The purpose of this report is to advise Council that the 2024 National General Assembly dates have been confirmed and no longer conflict with scheduling of an Ordinary Council Meeting on 11 June 2024.

It is recommended that Council amend the Ordinary Meeting Schedule to include an additional meeting to be held.

### COMMENTARY

At it's Ordinary Meeting of 28 November 2023, Council resolved the 'schedule of Council Meetings for 2024', as below:-

	Time	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024
Ordinary Council	6:30 pm	-	13	12	9	14	-	9	13	10	-	12	10
		-	27	26	23	28	25	23	27	-	22	26	-

This schedule omitted an Ordinary Meeting of Council on 11 June 2024 due to tentative dates for the National General Assembly being 11-14 June 2024, with 11 June 2024 falling on the second Tuesday of the month.

Confirmed dates of 2 to 4 July for the National General Assembly have been released and it is recommended that an Ordinary Council Meeting be scheduled for Tuesday, 11 June 2024.

#### (a) Policy Implications

Tamworth Regional Council's Code of Meeting Practice 2.1.3, allows for changes to dates and times for Meetings:

*Council may, by resolution, vary the time, date and place of Ordinary Meetings should circumstances exist to warrant the change in time, date or location.*

Council has the discretion to change or cancel Ordinary Council Meetings provided adequate notice is given to Councillors and the public.

#### (b) Financial Implications

Nil



**(c) Legal Implications**

Section 365 of the *Local Government Act 1993*, requires Council to meet at least 10 times each year, each time in a different month.

Section 367 (1) of the *Local Government Act 1993*, requires the General Manager to send to each councillor, at least three days before each Meeting of Council, a notice specifying the time and place at which and the date on which the Meeting is to be held and the business proposed to be transacted at the Meeting.

**(d) Community Consultation**

The change of the Meeting dates will be publicly advertised and changed on Council's Website via Public Notice.

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

Focus area 9 – Open and collaborative leadership

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## 10 COMMUNITY SERVICES

### 10.1 TAMWORTH REGIONAL COMMUNITY SAFETY WORKING GROUP MEETING - 22 FEBRUARY 2024 - MINUTES

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

1 ANNEXURES ATTACHED

#### RECOMMENDATION

*That in relation to the report “Tamworth Regional Community Safety Working Group Meeting - 22 February 2024 - Minutes”, Council:*

- (i) receive and note the Minutes;*
- (ii) in regards to the potential establishment of a residential drug and alcohol rehabilitation facility within the Tamworth Region:*
  - (a) consider a review of Council owned land to determine any sites that may be suitable for such a facility;*
  - (b) investigate any funding options that may be available, particularly in relation to potential funding to develop a business case; and*
  - (c) write to the NSW Premier, NSW Minister for Health and the Local State Member the Hon. Kevin Anderson advocating for the establishment of such a facility in Tamworth.*

#### SUMMARY

The purpose of this report is to present the minutes of the Tamworth Regional Community Safety Working Group meeting held on 24 February 2024 and to provide an overview of the meeting outcomes.

#### COMMENTARY

The Minutes of the Tamworth Regional Community Safety Working Group Meeting held on 24 February 2024, are **ATTACHED**, refer **ANNEXURE 1**. A brief summary of items discussed at the meeting were as follows:

1. **homelessness** – a report was received from Homes North confirming that the level of homelessness within the region continues to increase with private rental opportunities being minimal at the moment.
2. **graffiti** – a report was received indicating that recorded graffiti incidents have seen a slight decrease compared to the same period last year.
3. **Fair Treatment Tamworth Region Campaign** – a presentation was given by Alexandra Hogan representing the Uniting Advocacy Team. The Fair Treatment Tamworth Region campaign has been working with the community since 2021 to push for more local alcohol and other drug treatment facilities within the Tamworth Region. This came about after members of a local Tamworth Uniting Church congregation recognised the gap in support options available and reached out to Uniting’s Fair Treatment Team to support a local advocacy campaign.

The presentation was well received with a resolution recommending that Council investigate how it could assist in the establishment of a residential rehabilitation facility in Tamworth.

Over the past few years, the campaign has worked with local volunteers, service providers, community groups, councillors, and politicians. In 2022, the campaign conducted a survey in Tamworth of approx. 300 community members to better understand what key values underpin this community, what the alcohol and other drug (AOD) and health needs are for local people and what kinds of services local people want to see. Findings included:

- 71% of respondents were not satisfied with access to health care in their community; and
- 98% of respondents said the community would be better off with more access to AOD treatment service.

As for what types of services local people believe will meet the needs in the community, survey respondents and community consultation identified the following:

- mentoring programs;
- residential rehab and local detox; and
- a culturally appropriate trauma informed wellness centre (to treat both AOD and mental health issues).

These have become the three guiding asks of the campaign and have formed the basis of the Fair Treatment Tamworth Region Pledge for people to sign up, show their support and keep updated on its progress.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil - The actions recommended to Council above do not require any Council funds, beyond existing salary budgets.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The Fair Treatment Tamworth Region Campaign has undertaken community consultation in relation to the proposal for the establishment of a regional residential drug and alcohol rehabilitation facility.

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

Focus Area 4 – Resilient and Diverse Communities

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## **10.2 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 4 APRIL 2024**

**DIRECTORATE:** LIVEABLE COMMUNITIES

**AUTHOR:** Haley Fenn, Team Leader, Inclusive Community

**1 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Youth Council - Minutes of the Ordinary Meeting held on 4 April 2024”, Council:-*

- (i) receive and note the minutes;*
- (ii) issue a letter on behalf of the Tamworth Regional Youth Council in support of the “Fair Treatment for Tamworth Campaign”;*
- (iii) endorse Youth Councillors McManus, Duggan, Matthew, Carey, Davies and Elliott joining the “Fair Treatment for Tamworth Campaign” as representatives of the youth of the Tamworth Region;*
- (iv) approve the rollover of any unspent budget as at 30 June 2024 allocated towards implementation of the Youth Action Plan to the 2024/2025 financial year; and*
- (v) as part of its deliberations on the 2024/2025 budget, support the inclusion of a recurrent amount of \$10,000.00 for the purpose of enabling the Youth Council to fund implementation of the Tamworth Regional Youth Strategy Action Plan 2024-2028 in future years.*

### **SUMMARY**

The purpose of this report is to present the minutes of the Tamworth Regional Youth Council meeting held on 4 April 2024 and provide Council with an overview of the outcomes.

### **COMMENTARY**

An Ordinary meeting of the Tamworth Regional Youth Council was held on Thursday, 4 April 2024. The minutes of the meeting are **ATTACHED**, refer **ANNEXURE 1**.

The main topics considered at the meeting are summarised below: -

- The Youth Council discussed the Tamworth Regional Youth Strategy Action Plan that was recently adopted by Council. Youth Councillors will work together in the coming meetings to confirm their 2024 priorities in line with the key focus areas of the Strategy: *Life Ready, Wellbeing, Access and Connectivity, Community and Identity*;
- Youth Councillors have pledged to provide a letter of support to the “Fair Treatment for Tamworth Campaign”. The campaign aims to improve the level of resources available to youth affected by drugs and alcohol abuse in the Tamworth LGA while advocating for funding to service providers;
- The Youth Council adopted a motion to investigate ways to enhance youth connectivity through social media. A motion was also passed to create a Tamworth Youthie Instagram page, which was identified as the most frequently used platform by youth in the region; and

- The Youth Council resolved to request annual funding from Council to the amount of \$10,000 to enable it to deliver priority actions from the recently adopted Tamworth Regional Youth Strategy.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Funding to enable the Youth Council to deliver actions as part of the on-going implementation of the Tamworth Regional Youth Strategy would be sourced from the Youth Reserve.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The Tamworth Regional Youth Council represent a diverse group of young people of various backgrounds, who advise Council on issues that are relevant to young people across the local government area.

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

Focus Area 9 – Open and collaborative leadership.

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### 10.3 TAMWORTH REGION PUBLIC ART STRATEGY AND PUBLIC ART POLICY

**DIRECTORATE:** GROWTH AND PROSPERITY

**AUTHOR:** Bridget Guthrie, Director Art Gallery and Museums

**2 ANNEXURES ATTACHED**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Region Public Art Strategy and Public Art Policy”, Council:*

- (i) adopt the updated Public Art Policy;*
- (ii) adopt the draft Tamworth Region Public Art Strategy for the purpose of public exhibition;*
- (iii) place the draft Strategy on public exhibition for a period of 28 days;*
- (iv) request a further report on the outcomes of the public exhibition and any recommended changes to the draft strategy in response to submissions received;*
- (v) increase the Public Art Fund by \$26,000 in acknowledgement of cost increases that have occurred since 2015; and*
- (vi) as part of its deliberations on the 2024/2025 budget, support an annual increase to the Public Art Fund maintenance by the amount of \$47,000 for the specific purpose of enabling timely maintenance of Council’s current and future public art collection.*

#### **SUMMARY**

The Public Art Policy has recently been placed on public exhibition for 28 days and is now ready for adoption.

The draft Tamworth Region Public Art Strategy (the Strategy) is to be utilised by Council to govern a highly professional and well-managed process for the inception, coordination, installation, maintenance and ongoing management of public art in the Tamworth Regional Council Local Government Area.

Both the Public Art Policy and the Strategy are supported by the Public Art Fund. This Fund has not been increased since 2015 and requires an increase to reflect increased production costs and maintenance requirements.

#### **COMMENTARY**

Tamworth Regional Council is committed to supporting and developing public art throughout its Local Government Area as identified in the Blueprint 100 priorities, Council’s Community Strategic Plan principles and the Tamworth Region Cultural Plan.

The term ‘public art’ refers to creative and original artworks created for, or located in, public spaces or facilities, such as parks, foreshores, squares, or spaces within a public building, or placed in any space accessible to the general community, including private sites that impact on the public domain.

Public art may cover a wide range of art forms and mediums, including (among others) sculptures, monuments, murals, fountains and water features, street furniture or bollards, projections and lighting treatments, paving, kinetic works, new media art, and landscaping or planting treatments.

The Public Art Policy has been updated and has now been publicly exhibition for a period of 28 days. See **ATTACHED**, refer **ANNEXURE 1**. An updated Public Art Policy is required to manage Council's growing public art collection and to ensure best practice for acquisition, documentation, maintenance and de-accession/ decommission if the need arises.

All public artworks acquired for the Council collection whether by purchase, bequest, donation, commission or cultural gift, involve a considerable investment by Council in the care, maintenance, conservation and protection of these works. Therefore, only public artworks of the highest artistic standard, that satisfy the objectives of the acquisition criteria are accepted into Council's permanent collection.

The Public Art Policy provides direction for the draft Tamworth Region Public Art Strategy (the Strategy) **ATTACHED**, refer **ANNEXURE 2** that has recently been reviewed. These documents work together to ensure implementation of best practice for public art within the Tamworth Region.

The draft Strategy links the commitments of the Policy to a program for implementation, including identified aims and actions associated with those commitments. The draft Strategy refers to the public art collection as an 'outdoor gallery'. Through utilising the thinking associated with this term, it is possible to gain a better understanding of how the collection is an asset of Council and requires ongoing resources for development and maintenance.

The Strategy aims to create an outdoor gallery that can:

- connect public art to place – to our region and identity;
- express Tamworth's image as a centre for quality and innovation;
- create engagement with public art that leads to community pride and increased cultural tourism;
- provide a focus for local narratives, history and storytelling;
- support opportunities for industry and commercial development; and
- integrate a public art methodology and processes across Council.

Public art can enhance our environment and transform a landscape by creating spaces that draw people to them, and by providing landmarks that orientate and act as gathering places. The Strategy helps to ensure that new public artworks address specific criteria and align with its aims, so that they fulfil community desires and are implemented according to best practice.

**(a) Policy Implications**

If adopted by Council, this policy will be included in the General Policy Register.

It is recommended that the draft Tamworth Region Public Art Strategy be placed on public exhibition for a period of 28 days.

**(b) Financial Implications**

Public Art is no longer seen as a luxury but as a requirement for all developing regional centres and towns. In order to deliver new public art works and maintain existing public

art, it is considered that the current Public Art Fund needs an additional financial investment.

A recent comparative study into similar local government areas has identified that Council's current level of funding for the Public Art Fund is insufficient. The comparison indicated that some level of funding is required for Council's Public Art Fund to stay in line with other regional centres.

This consideration is extremely important when we want to be competitive with other Evo Cities and generate cultural tourism opportunities. Blueprint 100 identifies the priority "Energetically market Tamworth beyond the region and internationally to both the business market and the community" and under this is the specific action 8.3.2 "Develop public art works that connect places and identity".

Delivery on priority projects and maintenance is becoming increasingly challenging, acknowledging that the Public Art Fund has not been increased since 2015. Hence, it is recommended that the current fund be increased from \$24,000 and \$3,000 maintenance annually to \$50,000 and \$50,000 maintenance annually, totalling \$100,000 from the general fund.

This figure is consistent with similar sized regional local government areas and will ensure the Tamworth region is responding to the desires of its growing community and addressing the identified priorities and actions in Blueprint 100.

Furthermore, as part of the Public Art Fund a business incentive scheme will be initiated to support local business owners to generate new and maintain existing public artworks on privately owned properties.

**(c) Legal Implications**

A strategic and procedural approach to public art management and implementation is consistent with Council's Risk Management and Asset Management Strategies.

**(d) Community Consultation**

During the Public Art Policy public exhibition period Council received five community responses. See **ATTACHED**, refer **CONFIDENTIAL ENCLOSURE 1**. These responses were generally positive and considered. The submissions included a request to ensure that public art is distributed throughout the towns and villages of the region as well as comment regarding the need for on going public art maintenance.

In response to the Tamworth Region Public Art Strategy consultation, community requests for both new and better maintained public art were received. As part of the survey, results from two recent public art events (sample size 97 people) included the following:

- 100% of participants said yes to more public art
- 86% of respondents felt inspired by the event/public art
- 14% of people travelled especially for the event and/or stayed overnight

In addition, Tamworth Regional Council has:

- worked in partnership with Arts North West to ensure community inclusion and avoid duplication, especially in relation to the community consultation sessions throughout the region;



- undertaken to map all public art examples, monuments, murals and memorials throughout the LGA, and to update this database annually; and
- completed a needs analysis, identifying the gaps in the public art collection in terms of its themes, styles and artist representation.

It should also be noted that all public art projects are presented to the Tamworth Region Arts Advisory Committee (TRAAC) for endorsement. The TRAAC includes six community members who represent a broad range of art disciplines. The Committee provides strategic advice to the Council in relation to 'Arts' matters within the region and makes recommendations regarding priority areas for development

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

Focus Area 8 – A strong and vibrant identity

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

### **RECOMMENDATION**

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

### **PROPOSED LICENCE OF COUNCIL OWNED LAND - PART LOT 2 DEPOSITED PLAN 1255956**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Kirilee 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**

Council has been approached to grant a Non-Exclusive Licence Agreement to use part Lot 2 in Deposited Plan 1255959 for vehicular access and storage of goods and Council's approval is sought for this purpose.

### **PROPOSED CENTRE-BASED CHILDCARE CENTRE DEVELOPMENT - NSW LAND AND ENVIRONMENT COURT CLASS 1 PROCEEDINGS - SECTION 34 AGREEMENT - 7-9 GORMAN STREET, NORTH TAMWORTH**

**DIRECTORATE: LIVEABLE COMMUNITIES**

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

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (g) of the local Government Act 1993 on the grounds that the matter and information is advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

### **SUMMARY**

The Appellant (Applicant) and Council have held without prejudice discussions regarding Council's concerns with the proposed development the subject of Land and Environment Court Class 1 proceedings.

Following those without prejudice discussions, the Applicant proposed amendments to the development and has provided amended material supporting those amendments.

Council's consultant traffic expert and legal representatives have recommended that Council

agree to enter into a s34 agreement, subject to conditions, on the basis that these amendments address and resolve Council's reasons for refusal and contentions raised in the proceedings.

## **TENDER T054/2024 - FOREST ROAD WASTE MANAGEMENT FACILITY - LEACHATE TREATMENT PLANT**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Daniel Coe, Manager - Water and Environmental Operations

**Reference:** Item 8.5 to Ordinary Council 8 August 2023 - Minute No 192/23  
**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**

The Forest Road Waste Management Facility (FRWMF) produces a small volume of liquid waste termed leachate. Leachate is liquid waste that forms within landfills as waste decomposes. Leachate generated in landfills varies in chemical characteristics depending on the waste contained within the landfill but generally contains high concentration of pollutants.

FRWMF has a number of barriers installed to contain and collect leachate generated with the landfill to prevent leachate contaminating the environment. This system diverts all leachate generated onsite to a collection sump for offsite disposal and treatment. Leachate disposal and treatment from FRWMF has been managed in accordance with a site Trade Waste Approval since the earlier 2000's i.e., leachate has been disposed of to Council's sewer network for treatment.

Within NSW, Trade Waste is managed in accordance with the NSW Department of Planning, Industry and Environment now the Department of Climate change, Energy, the Environment and Water (DCCEEW) Liquid Trade Waste Management Guidelines for Councils. Given the high chemical pollutant load within landfill leachates, any Trade Waste Approval issued by a Council for leachate disposal to sewer within NSW requires NSW State Government concurrence.

In 2021, the Liquid Trade Waste Management Guidelines for Councils were updated and amendments were made to the guidelines in relation to landfill leachate with landfill leachate was prohibited from being discharged to sewer unless there is no other viable option of managing this waste and the proposed discharge to sewer must be treated to be within the guideline acceptance limits. Since the amendment to the Liquid Trade Waste Management Guidelines for Councils, the FRWMF has had in place an interim Trade Waste Approval allowing leachate generated and collected onsite to be transported to the Westdale Wastewater treatment Plant (WWTP) for treatment. This interim approval required Council to investigate onsite pre- treatment options at the FRWMF for ongoing leachate disposal to sewer.

Council subsequently prepared cost estimates and allocated budget for the installation of a leachate treatment system at FRWMF. A request for tender was then prepared to design

and construct a treatment system for management of the FRWMF leachate. The purpose of this report is to present to Council the outcome the recently completed Tender. The report discusses the merits of tenders received and recommends a proposed approach.