

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

24 OCTOBER 2023

PAUL BENNETT
GENERAL MANAGER

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 10 October 2023, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 LOCALITY BOUNDARY AMENDMENT BETWEEN HILLVUE AND WARRAL

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Kathleen See-Kee, Development Support Officer

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Locality Boundary Amendment between Hillvue and Warral”, Council extend the locality boundary of Hillvue through to Burgmanns Lane in the locality of Warral.

SUMMARY

Identifying localities (suburbs) enables addresses to be uniquely identified. To achieve addressing objectives it is vital that address locality boundaries are clear, unambiguous, easy to identify and readily able to be interpreted by the community.

The site identified in the Tamworth Regional Development Control Plan 2010 as Arcadia Estate currently extends across the two existing suburb localities of Hillvue and Warral. It is proposed that all of Arcadia Estate be contained within the locality of Hillvue. This will ensure that emergency services, utility, postal and goods delivery services can find properties without the confusion of suburb boundaries dividing the estate.

COMMENTARY

An address locality is a named geographical area with defined boundaries which represents a community or area of interest, and may be rural or urban in character (where urban it is usually defined as a ‘suburb’). Address localities enable addresses to be uniquely identified.

The Geographical Names Board manages address locality names and boundaries for NSW. To achieve comprehensive addressing objectives, it is vital that address locality names and boundaries are clear and unambiguous.

Proposals to amend address locality boundaries or names must be lodged with the Geographical Names Board by the relevant Council or with Council’s approval.

Council has referred this proposal to the Geographical Names Board for approval and affected land holders have been notified of the proposal to extend the suburb boundary of Hillvue through to Burgmanns Lane.

The boundary amendment proposal was advertised for public comment from 23 June to 23 July 2023 by The Geographical Names Board and Council. No objections were received.

This report seeks Council’s approval, as the local authority, for an amendment to the locality boundary of Hillvue as **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

The proposed amendment to the existing suburb (locality) boundary between Hillvue and Warral has been approved by the Geographical Names Board.

(d) Community Consultation

The affected landholders have been consulted during this process and public notification has taken place. No objections were received in response.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

7.2 PROPOSED ROAD NAMES FOR APPROVED TAMWORTH GLOBAL GATEWAY PARK STAGE 3 SUBDIVISION (LOT 97 DEPOSITED PLAN 1286236)

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Kathleen See-Kee, Development Support Officer

Reference: Item 7.2 to Ordinary Council 12 July 2022 - Minute No 204/22

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Proposed Road Names for approved Tamworth Global Gateway Park Stage 3 Subdivision (Lot 97 Deposited Plan 1286236)”, Council:

- (i) approve in principle the road names: ‘Dhulii’ Drive and ‘Gilaa’ Circuit;*
- (ii) advertise the proposed road names as required by the Roads Act 1993 Section 162, Roads Regulation 2018 Part 2 Division 1 Section 7 to enable interested parties the opportunity to make comment; and*
- (iii) provided no submissions are made which object to the proposed road names, proceed to publish the adopted names in the Government Gazette.*

SUMMARY

The purpose of this report is to recommend road names for the approved Tamworth Global Gateway Park Stage 3 subdivision, identified as Lot 97 Deposited Plan 1286236, Gunnedah Road, Westdale. Council has approval from the Geographical Names Board to name these newly created roads ‘Dhulii’ Drive and ‘Gilaa’ Circuit.

COMMENTARY

Tamworth Global Gateway Park (TGGP) Subdivision – Stage 3

Development Consent (DA2022-0029) for Stage 3 of the TGGP was granted on 16 August 2022. The approved road name theme for the Tamworth Global Gateway Park (TGGP) is names in the Australian Aboriginal Kamilaroi language for fauna and flora local to the area. The proposed names for Stage 3 are as follows:

- ‘Dhulii’ (*sand goanna*); and
- ‘Gilaa’ (*galah*).

The proposed road naming plan is **ATTACHED**, refer **ANNEXURE 1**.

Other names derived from the Australian Aboriginal Kamilaroi language for fauna and flora which have also been approved by the NSW Geographical Names Board and reserved for use in future stages are:

- ‘Bigibila’ (*echinda*);
- ‘Biliirr’ (*black cockatoo*);
- ‘Burrugaabu’ (*magpie*);
- ‘Maliyan’ (*eagle*);
- ‘Nhurraay’ (*black snake*); and
- ‘Yurrandaali’ (*tree goanna*).

A pictorial symbol of the name will be included on each road name sign.

In accordance with the requirements of the Geographical Names Board *NSW Address Policy and User Manual*, the road names:

- were selected and endorsed by a senior Elder and representatives from the local Kamilaroi community on the TGGP Aboriginal Road Naming Working Group;
- are in a recognised format of an Australian Aboriginal language local to the area of the roads, with the spelling of each name checked by Yaliwunga Gaay Guwaa-li, the Language Reference Group, Tamworth; and
- may at first appear to be complex but will, over time, become more familiar and accepted by the community as has the pronunciation of other road names such as ‘Goonoo Goonoo’ and ‘Cockburn’.

Geographical Names Board Approval (RN2022-0005) was issued on 6 June 2022.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Similar to the road names of ‘Bandaar’ Drive (*grey kangaroo*), ‘Burruulu’ Close (*fly*), ‘Guda’ Street (*koala*) and ‘Dhinawan’ Street (*emu*) approved for Stages 1 and 2 of the Subdivision, the proposed road names for Stage 3 will be exhibited for public comment in accordance with the *Roads Act 1993* Section 162, *Roads Regulation 2018* Part 2 Division 1 Section 7.

Should no submissions be lodged in objection to the proposed road names, Council will proceed to publish the adopted names in the Government Gazette. In the instance that one or more valid objections are received in respect of the proposed road names, the matter will be reported to a subsequent Council meeting for Council’s further consideration.

As part of the process of engagement and roll-out of the road name signs, it is intended to undertake a process of awareness to educate the community on pronunciation and the meaning of each road name.

(e) Delivery Program Objective/Strategy

Focus Area 7 – Celebrate our cultures and heritage

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH GLOBAL GATEWAY PARK - SUBDIVISION OF STAGES 4-13

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

Reference: Item 8.1 to Ordinary Council 26 October 2021 - Minute No 306/21

Item 8.4 to Ordinary Council 28 March 2023 - Minute No 51/23

2 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Tamworth Global Gateway Park - Subdivision of Stages 4-13”, Council:

- (i) authorise the General Manager to act as the landowner for the subdivision of Stages 4-13;*
- (ii) approve the dedication of a portion of Council-owned Lot 97 DP 1286236 (or subsequent residual lots) for the purposes of road dedication for internal roads associated with Stages 4-13;*
- (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 current status of Phase 2 stage designs, indicative time frame for the release of future lots, and current sales status.*

SUMMARY

This report seeks to obtain Council approval for the General Manager to act as the landowner in relation to the subdivision of Tamworth Global Gateway Park Stages 4-13.

COMMENTARY

Background

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

To date, Stages 1 and 2 of the TGGP have been developed and subdivided. Stage 3 is also developed with the subdivision in the final stages prior to registration.

Stages 4-13 Subdivision

Stages 4-13 of the TGGP involves the construction of public infrastructure internally within the development and includes all remaining undeveloped land within the TGGP. A staging plan for the development identifying the location of each stage is **ENCLOSED**, refer **ENCLOSURE 1**.

A development application is proposed to be submitted for Stages 4-13 noting this as a staged development, with the subdivision layout **ENCLOSED**, refer **ENCLOSURE 2**. The layout has been determined based on optimised infrastructure arrangements and sales advice from Council's Commercial Property Officer and currently engaged selling agent for the TGGP. Only Burruulu Close, Bandaar Drive, Guda Street, and Dhinawan Street are adopted road names. All other noted road names will be pending the standard road naming application process.

This report also seeks Council's approval for the General Manager to act as the landowner for the purposes of submitting the development application and registering the subdivision plans.

Internal Roads Dedication

In order to construct public access roads within the proposed TGGP development, new public road reserves are required to be created through the dedication of a portion of the Council-owned land for public roads.

All public roads within the TGGP are required to be designed ultimately for an A-Triple check vehicle to manoeuvre without mounting the kerbs.

Phase 2 Design, Future Construction, and Sales Status

To assist with planning activities, the development of the TGGP has been split into phases, with each comprising several development stages. Phase 1 is nearing completion with the construction of Stage 1-4 infrastructure and other associated activation projects like the trunk stormwater, Country Road roundabout, and Jewry Street extension. Phase 2 of the TGGP is currently in design and includes Stages 5-8. These designs are anticipated to all be completed prior to the end of 2023.

A future Council report will be submitted proposing Stage 5 and 7 as the next stages to be developed. This report will include the final design overviews, capital construction estimates, a funding strategy for the capital budget required, and the proposed land sale guidelines.

Sales of land within Phase 1 have been strong, with \$7.642 million in sales revenue received on settled contracts, and a further \$6.442 million of sales revenue awaiting the settlement of exchanged contracts. Strong enquiry for land within Phase 2 continues to provide confidence in the long-term viability of the development.

(a) Policy Implications

Nil

(b) Financial Implications

Costs associated with the design of Stages 5-8 have been previously committed, refer Item 8.1 to Ordinary Council 26 October 2021 – Minute No 306/21 and Item 8.4 to Ordinary Council 28 March 2023 – Minute No 51/23.

Costs associated with the preparation of a development application and associated consultant reports for Stage 4-13, as well as the costs associated with planning fees

and charges, have been previously committed as part of the precinct management budget, refer to Item 8.4 to Ordinary Council 28 March 2023 – Minute No 51/23.

(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

Blueprint 100 notes the TGGP (formerly the Glen Artney Enterprise Area) as a key growth area for employment. 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

Focus Area 3 – Prosperity and innovation

Focus Area 5 – Connect our region and its citizens

8.2 RESOURCE RECOVERY AND WASTE FACILITIES - PAYMENT OPTIONS AND CHANGE TO CLOSING TIMES AT FOREST ROAD WASTE FACILITY

DIRECTORATE: WATER AND WASTE

AUTHOR: Tess Dawson, Manager, Waste and Resource Recovery

RECOMMENDATION

That in relation to the report “Resource Recovery and Waste Facilities - Payment Options and Change to Closing Times at Forest Road Waste Facility”, Council:

- (i) note the reintroduction of cash at the Forest Road Waste Facility;*
- (ii) note the introduction of electronic payments at all of Council’s rural waste facilities by the end of the calendar year; and*
- (iii) agree to permanently change the closing time at Forest Road Landfill from 4:45PM to 4:30PM.*

SUMMARY

The purpose of this report is to advise Council the ability to make payments using cash will soon be reintroduced at Council’s Forest Road Waste Facility, and the introduction of electronic payments at all rural waste facilities will be in place prior to the end of this calendar year.

However, following the reintroduction of cash payments at the Forest Road Waste Facility it is considered an earlier closing time at the facility should be introduced to allow necessary cash handling procedures to be completed prior to 5PM.

COMMENTARY

Cash payments at the Forest Road Waste Facility (FRWF) were ceased during the COVID outbreak. As the rules around COVID were relaxed a decision was made not to reintroduce cash, as it was considered customers had become used to not paying with cash, and it was easier for staff to not have to contend with issues associated with cash including, balancing the daily float and security of the cash. However, weighbridge staff have reported a steady number of daily requests from customers to be able to transact with cash instead of EFTPOS. Refusing customer payments on the basis of only accepting card payments is a regular occurrence, and can result in displeased customers which staff then have to manage. The staff concerned believe that the benefits of providing cash transactions outweigh the negative aspects of cash handling.

In addition to the benefits for customers, reintroducing cash at FRWF provides an alternative payment method when IT systems are down. IT systems at the site fail on occasion and when this occurs there are financial implications to Council. The average daily commercial account income of \$21,600 would not be impacted, but the average daily EFTPOS income of \$2,500 would be. Thus, the reintroduction of cash assists with minimising financial implications during IT failures.

It is considered the transition back to cash handling requires an extra 15 minutes each day to allow weighbridge staff to carry out the additional end of day cash handling procedures safely and in a timely manner. To cater for this, it is proposed to permanently change the closing time of the FRWF from 4:45PM to 4:30 PM each day. A second benefit of the earlier closing time is to provide staff with more time to cover the active landfill cell with clean fill (soil) to comply with the Environmental Licence requirements without customers and vehicles, allowing for improved end of day cover results.

Because of a lack of electricity and internet capability at some/all of Council's 10 rural waste facilities, cash payments have been the only possible means of transacting to date. This has been a source of frustration for rural customers. Work is underway to improve on site electricity and installing IT networks at each of the rural sites to enable EFTPOS payments. A number of sites are ready to go live with EFTPOS payments and the remaining sites are waiting on NBN installations. It is anticipated all rural sites will have card payment capabilities prior to Christmas, along with cash payments.

(a) Policy Implications

Nil

(b) Financial Implications

Works to improve rural facilities has been funded from the existing annual operation plan

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 5 – Connect our region and its citizens

8.3 SUPPLY OF BACKWASH WATER TO LONGYARD GOLF CLUB

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations
Reference: Item 8.2 to Ordinary Council 10 October 2023 - Minute No 257/23

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Supply of Backwash Water to Longyard Golf Club”, Council:

- (i) receive and note the report; and*
- (ii) authorise the Director Water and Waste to execute the Supply of Backwash Water Agreement as detailed and provided within report with Dromahair Pty Ltd.*

SUMMARY

The purpose of this report is to seek Council’s consideration of entering in to a revised agreement with the Longyard Golf Course for the supply of backwash water from the Calala Water Treatment Plant.

COMMENTARY

As Council is aware, backwash water produced as part of the operation of the Calala Water Treatment Plant (WTP) can be pumped from storage lagoons at the WTP to either the AELEC Precinct Recycled Water Scheme or to the Longyard Golf Course (LGC). The plan below shows the location of the WTP and the backwash water delivery mains to both the AELEC Precinct and LGC.



At its meeting of 10 October 2023, Council considered a report and subsequently adopted a revised Drought Management Plan. As detailed in the revised Drought Management Plan, when Tamworth, Moonbi and Kootingal have Level 4 or 5 water restrictions in place, backwash water from the Calala WTP will be sent back to the head of the WTP for retreatment as potable water. This will reduce the volume of raw water required to meet demand at these times.

These changes impact on the LGC, AELEC, Tamworth Hockey Association, Sports Dome and Sporting Precinct. This is because backwash water that is normally provided to these centres will not be made available for use when level 4 or 5 restrictions are in place in Tamworth, Moonbi and Kootingal.

In the case of the LGC the course owner, Dromahair Pty Ltd, has previously had an agreement with Council for the supply backwash water to the LGC. This agreement originally commenced in 1999 (with a previous owner) for an initial period of 10 years. In 2009 Council agreed to enter into another 10 year agreement with Dromahair Pty Ltd which ended on 13 September 2019. This agreement had an option for Dromahair Pty Ltd to request a further 10 year extension. Any request for extension was required to be made by 13 June 2019. Dromahair Pty Ltd never requested Council consider the extension option and since this time there has not been an agreement in place for Council to supply backwash water to the LGC. Dromahair Pty Ltd has recently requested Council to consider entering in to a new agreement for the supply of backwash water to the LGC.

Staff have subsequently prepared a draft agreement for Council's consideration, **ENCLOSED**, refer **ENCLOSURE 1**. This draft agreement has been reviewed by Dromahair Pty Ltd and the owner has confirmed they are satisfied with the content of the revised agreement.

The revised agreement includes the following clauses;

- the term of the agreement will be for five years and extension is by agreement by both parties;
- the agreement aligns with Council's new Drought Management Plan with no backwash water being supplied when Tamworth, Moonbi and Kootingal have Level 4 or 5 water restrictions in place;
- the maximum amount of backwash water Council will supply the LGC will be as follows:
 - up to 7 ML per week during the period September to March inclusive each year;
 - up to 1.5 ML per week during the period April to August inclusive each year;
- the LGC acknowledges that the backwash water supplied has not been treated in anyway and the LGC will be responsible for ensuring water is used in accordance with all relevant legislation and guidelines;
- in order to achieve efficiency in the management of the backwash water transfer from the WTP, the LGC is to place weekly water orders with Council;
- Council will maintain all infrastructure owned by Council and recover costs by applying appropriate charges for backwash water supplied. The LGC will pay for backwash water consumed through the relevant meter, invoiced monthly with a charge per kilolitre set by Council in its annual management plan to reflect all operating and maintenance costs, and make provision for future renewal, and/or replacement of the works; and
- the Agreement is personal to the Dromahair Pty Ltd. If Dromahair Pty Ltd dispose of the LGC or lease the course, Council will be under no obligation to continue to perform the agreement.

(a) Policy Implications

Nil

(b) Financial Implications

Supply of backwash water to the LGC will be charged in accordance with Council's adopted fees and charges.

(c) Legal Implications

Should Council agree to enter in to a revised supply of backwash water agreement, a legal agreement will be executed between Council and Dromahair Pty Ltd.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 1 – Our Water Security

8.4 TRELOAR PARK TENNIS REDEVELOPMENT - PROJECT UPDATE AND REQUEST FOR ADDITIONAL FUNDING

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery
Reference: Item 12.4 to Ordinary Council 26 October 2021 - Minute No 317/21

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Treloar Park Tennis Redevelopment - Project Update and Request for Additional Funding”, Council:

- (i) note the project update;*
- (ii) confirm the Regional Development Fund as the source of Council’s previously committed \$67,000 ‘in-kind’ contribution to the project; and*
- (iii) approve approximately \$150,000 of additional funding from the Regional Development Fund as detailed in the report.*

SUMMARY

The Treloar Park Tennis Redevelopment project will deliver significant upgrades to the clubhouse and the tennis planning facilities, providing a family-friendly venue and international-standard courts capable of hosting high-level tennis tournaments. Once complete, there will be significant benefits through increased sports participation and sports tourism from this high quality regional facility.

COMMENTARY

Background

The Treloar Park tennis facility consists of Tamworth Regional Council (Council) owned infrastructure on NSW Crown Land and is leased by West Tamworth League Club (West) on a 20 year lease, which commenced in December 2016.

In 2018 Council supported West and Tennis NSW in proposing significant upgrades to the facility, and helped secure Australian Government funding through the Building Better Regions Fund (BBRF). A business case, including cost benefit analysis, was prepared by Tennis NSW to support the funding submission and is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. This document outlines the numerous benefits of the project to the Tamworth region, including the opportunity to host regular tournaments, attracting visitors to the region.

The original project funding was made up of:

- \$1,400,000 from Australian Government;
- \$975,000 from West;
- \$200,000 from Tennis Australia; and
- \$225,000 from Council (from the carpark reserve).

In addition to the above ‘financial’ contributions (noting the BBRF funding required a minimum 50% co-contribution), Council committed to fund \$67,000 towards ‘in-kind’ costs

(e.g. project management) and Wests committed to \$5,000 'in-kind' towards furniture. The funding source for Council's \$67,000 'in-kind' commitment was not initially confirmed.

Project delivery is being managed jointly by Council and Wests with the following responsibilities:

- outdoor infrastructure, including courts and carpark, managed by Council; and
- clubhouse redevelopment managed by Wests.

Following early project planning, including concept design, community consultation and planning approvals, the project was put on hold for a period of approximately 18 months in 2020 and 2021 due to the effect of the COVID-19 pandemic on project stakeholder's financial certainty.

When the project recommenced in the second half of 2021, preliminary design and technical specifications were prepared, and revised project costings obtained. These revised costings indicated the original project budget was insufficient for the full scope of the project. The project delivery team agreed to explore opportunities to source additional funding, as well as move forward to advertise a construction tender for the court upgrade work, knowing careful scope management would be required (several unit rate and optional items were included in the construction tender to facilitate this).

During this period, Tennis NSW successfully obtained an additional \$600,000 from the NSW Government through the Regional Sports Facility Fund (RSFF) and an additional \$200,000 from Tennis Australia. These additional funds were used to afford a cushioned acrylic surface on the nine new international-standard courts and to support Wests in delivering the clubhouse upgrade work, which includes upgraded tennis playing facilities. The apportionment of these additional funds was:

- \$200,000 NSW RSFF for tennis court upgrades (prioritising cushioned acrylic);
- \$400,000 NSW RSFF for clubhouse redevelopment; and
- \$200,000 Tennis Australia for tennis court upgrades (prioritising cushioned acrylic).

Evaluation of the construction tenders for the court upgrade work (external infrastructure) determined that an initial contract could be awarded for a base scope of work (i.e. the tennis courts and associated infrastructure only – power and lighting, fencing, footpaths), with the cushioned acrylic surface prioritised, as intended by the additional funding obtained by Tennis NSW. The cushioned acrylic surface cost approximately \$330,000 more than a painted acrylic surface and will result in an elite-level playing surface, similar to Melbourne Park (where the Australian Open is played). A small construction contingency was retained at initial contract award, noting that several of the optional items would be required, including extensive footpaths, retaining walls and handrails.

Court Construction Update

Construction of the external infrastructure, whilst slower than originally anticipated, has generally gone to plan with only relatively minor variations. The small initial contingency at contract award, along with these minor variations, means that the entirety of the current budget is spent or committed, with no budget remaining to add value through things like landscaping.

Figure 1 below shows the status of the court construction on 16 October 2023, including:

- six of the international-standard courts complete (four being used by North West Tennis Academy);

- the remaining three international-standard courts ready for cushioned acrylic surfacing (early November);
- the two new sand filled artificial grass (SFAG) courts complete; and
- upgrade of the two existing SFAG courts underway.

The detailed design of the carpark to be constructed off Napier Street is almost complete and Council staff plan to advertise a request for quotation to engage a contractor to construct in late 2023/early 2024.



Figure 1: Court construction progress on 16 October 2023

Overall Budget Constraints and Proposed Additional Council Funding

In addition to the affordability challenges faced by the external infrastructure, Wests has advised the cost of redeveloping the clubhouse has increased significantly (in the order of \$2M), due in large part to recent escalation across the construction industry. The project team is essentially delivering an infrastructure project in 2023 with a 2018 budget.

Whilst Tennis Australia has contributed additional funding and secured a significant contribution from the NSW Government, and Wests is committed to funding the additional cost of the clubhouse redevelopment (forecast to be an increase of approximately \$2.5 million), Council's original project contribution has remained unchanged.

It is recommended that Council provide additional funding of approximately \$150,000 to ensure the project is finished to a high standard, with this additional funding expected to be spent predominantly on landscaping, including approximately:

- 5,000m² of topsoil and turf;

- 5,000m² of irrigation;
- 100m of balustrade; and
- multiple new trees and shrubs throughout the park.

These additional items will not only ensure the facility is finished to a high standard at the completion of construction, but is also safe, easy to maintain and minimises dust and mud which may cause premature damage to the new infrastructure as well as nuisance and reduced amenity to facility users and nearby residents.

(a) Policy Implications

Nil

(b) Financial Implications

It is requested that Council allocate approximately an additional \$150,000 to ensure the project is finished to a high standard and no ongoing maintenance liability remains beyond construction. The Regional Development Fund is recommended by Council staff as the most appropriate source for these funds

It is also recommended that Council confirm the funding source for Council's original \$67,000 'in-kind' contribution as being from the Regional Development Fund.

(c) Legal Implications

Nil

(d) Community Consultation

Extensive community consultation was undertaken throughout project planning, prior to construction commencing. A detailed list of this consultation was provided in the previous Council report referenced above.

The community has been kept informed of the project throughout the project via Council's website, social media, commercial media and letters to nearby residents.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A liveable built environment

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 TRANSFER OF RESERVES TO UNRESTRICTED CASH JUNE 30, 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Transfer of Reserves to Unrestricted Cash June 30, 2023”, Council authorise:

- (i) transfer of \$8M from the Plant Replacement Reserve as at June 30, 2023 to Unrestricted Cash;*
- (ii) transfer of \$8M back to Unrestricted Cash from the Plant Replacement Reserve in the first quarter of the 2023/2024 financial year*

SUMMARY

As part of preparing the financial reports it is necessary to undertake a detailed review of cash and investments held to prepare Note C1-3, **ATTACHED**, refer **ANNEXURE 1**, which outlines how much of Council’s cash and investments are sitting in each of the following categories:

- a) Externally Restricted Cash;
- b) Internally Restricted Cash; and
- c) Unrestricted Cash.

In preparing the financial reports it became apparent that Council would have a negative unrestricted cash balance if funds were not transferred out of internal reserves to cover this temporary shortfall. This report is seeking authorisation for this transfer.

COMMENTARY

When preparing Council’s budget, a funding source is provided for each item of expenditure. When the funding source is grant funds, Council often does not receive that grant funding until after the project is complete or significant milestones have been achieved, which is an accepted financial practice. As Council grant funds are mostly coming from another level of Government and supported by an agreement the income source is a reliable one despite the timing of the payment.

The issue this creates is that Council funds the expenditure for the grant project from its own cash reserves until the payment of the grant is received. Throughout the year Council staff do not precisely keep track of how much of our own internal reserves are being used to fund grant projects as it is extremely time consuming and subject to constant change. Council also has in place our desired unrestricted cash levels (for general fund this is \$6M) to help ensure Externally Restricted Cash is not inadvertently used.

Once a year, for financial reporting purposes, Council goes through the exercise of precisely determining how much:

- Externally Restricted Cash;
- Internally Restricted Cash; and
- Unrestricted Cash;

is actually available, with the total of all of these three sources having to add up to Council's total cash and investment figure; the process is time consuming and can take two to three weeks to finalise. Once finished the information regarding cash balances is reported in Note C1-3 in Council's financial reports, a draft of this note for the period ending June 30, 2023 is **ATTACHED** refer **ANNEXURE 1**.

In preparing this note for the financial year ending 30 June 2023 it became apparent that Council would have a negative unrestricted cash figure which, whilst not ideal, is able to be offset by transferring funds out of internally restricted cash as at 30 June. Cash totalling \$8M has been transferred from the Plant Replacement Reserve to ensure a positive unrestricted cash balance and likewise has been transferred back into this reserve in the first quarter of this financial year.

The over drawing of unrestricted cash occurred because Council was owed money by the State and Federal Government for grants and GST. With regards to grants the most significant amount was \$6.1M owed by Transport for NSW for the Roadside Maintenance Council Contract along with other minor grants, as well as \$1M for the GST refund for the June, 2023 BAS return. These amounts were received in July, 2023.

(a) Policy Implications

Nil

(b) Financial Implications

This transaction (the transfer) is within the Cash and Investment categories. It will not impact the total cash and investment balance as at 30 June 2023.

With the transfer Council is showing a positive unrestricted cash figure of \$329k as at June 30, 2023 as indicated in draft Note C1-3 (c). Without the transfer internal allocations as per draft Note C1-3 (b) would have been \$36.7M but unrestricted cash would have been negative \$7.6M.

The financial reports will remain as draft until the audit process is complete.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.2 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - SEPTEMBER 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Sherrill Young, Manager - Financial Services

Reference: Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2023/2024 Budget Variation Report - September 2023”, Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

SUMMARY

This report seeks Council approval for budget variations identified during September 2023, for which there has been no previous specific report or approval.

COMMENTARY

Council adopted the original budget included in the Annual Operational Plan for 2023/2024 at the Ordinary Meeting of Council held 29 June 2023. Any changes to the budget must be approved by Council at a later ordinary meeting. The budget forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and updating of the budget is important for sound financial management.

Readers of this report are reminded that its contents should not be viewed in isolation. Quarterly Budget Review Statements provide additional revised information for budget forecasts and actual year-to-date results. The quarterly report for the July to September quarter will be presented to Council in November.

The most significant adjustment for September was for the waste division, the adjustment has occurred due to an in-depth review of the waste budget. The waste budget review (not yet complete) is being done to better align the budget to the many individual functions of the waste management facilities across Council. The review will allow for more detailed analysis and long-term forecasting for waste operations. The report also seeks approval for an additional \$30k to undertake community consultation for the proposed special variation.

Variations identified September 2023

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
AELEC	25,000	0	25,000	0	0
Strategy & Performance	30,000	0	30,000	0	0
Learning Community	0	(4,392)	4,392	0	0
Sports & Recreation	14,528	0	2,773	0	11,755
Infrastructure Projects	10,000	0	10,000	(35,000)	35,000
Waste Management	(2,465,768)	(128,131)	516,642	0	(2,854,279)
TOTAL	(2,386,240)	(132,523)	588,807	(35,000)	(2,807,524)

Black budget variation will **reduce** Council's forecast operating result and/or bank account

Green budget variation will **increase** Councils forecast operating result and/or bank account

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2023/2024 by fund of:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	(132,523)	588,807	(35,000)	(2,807,524)
Water	0	0	0	0
Sewer	0	0	0	0
Total	(132,523)	588,807	(35,000)	(2,807,524)

(c) Legal Implications

This report is in compliance with the following sections of the *Local Government (General) Regulation 2021*:

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.3 COUNCIL INVESTMENTS SEPTEMBER 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Lauren McPherson, Senior Accountant

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments September 2023”, Council receive and note the report.

SUMMARY

In accordance with *Local Government (General) Regulation 2021*, Clause 212, the purpose of this report is to provide Council with a register of investments held as at September 30, 2023 and provide Responsible Accounting Officer certification that investments comply with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council's Investment Policy. The register and accompanying certification can be found **ATTACHED**, refer **ANNEXURE 1**.

COMMENTARY

The Reserve Bank Board at its meeting on 3 October once again decided to leave interest rates on hold, with the view that more time is required to assess if the higher interest rates are doing enough to cause a decline in inflation back to their target 2-3 per cent range. At this stage the Reserve Board is tentatively predicting that the target inflation range will be reached late 2025. The Reserve Bank media release states that “there are significant uncertainties around the outlook” including how long it takes for monetary policy changes to take affect and the impact of wage growth in a tight labour market combined with a slowing economy.

The register **ATTACHED**, refer **ANNEXURE 1** shows Council's cash and investment holdings as at 30 September, 2023.

During the month, Council's portfolio performed above the industry average, returning 4.88% against the three-month Bank Bill Swap rate (3mBBSW) of 4.14%.

(a) Policy Implications

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

(b) Financial Implications

Increases in the cash rate are having a positive impact on the return on Council held investments.

(c) Legal Implications

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

- *Local Government Act 1993* – Section 625;
- *Local Government Act 1993* – Order (of Minister) dated 16 November 2000; The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A (2), 14C (1) and 2;
- *Local Government (General) Regulation 2021* – Clauses 212; and
- *Local Government Code of Accounting Practice & Financial Reporting* – Update No 15 dated June 2007.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.4 OUR PROGRESS REPORT - JANUARY TO JUNE 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Anna Russell, Manager - Strategy and Performance

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Our Progress Report - January to June 2023”, Council receive and adopt Our Progress Report.

SUMMARY

The purpose of this report is to present to Council “Our Progress Report – January to June 2023” **ATTACHED**, refer **ANNEXURE 1**, as the final progress report for the 2022-2023 Our Annual Plan & Budget.

COMMENTARY

Background

Before the start of every financial year Council adopts the Annual Plan and Budget, where the actions and projects planned for the year ahead, along with Council's annual budget, are detailed. These actions and projects reflect the priorities identified by the community in the Blueprint 100 - Our Community Plan 2023-2033.

Council is required, in accordance with Section 404(5) of the *Local Government Act 1993*, to report back to the community on the progress in achieving the activities described in the current Annual Plan and Budget. Tamworth Regional Council provides these progress reports bi-annually.

Our Progress Report

Every six months Council prepares a progress report to the community, on how Council performed on the operational activities outlined in Our Annual Plan & Budget.

Each action in Our Annual Plan and Budget 2022-23 appears in the Progress Report, **ATTACHED**, refer **ANNEXURE 1**, with an overall indicator on how that action performed during that period.

The status determined is based on the progress made against a measure known as the Key Performance Indicator (KPI). The status can be either “Complete”, “On Track”, “Needs Attention”, or “Not Started”.

This is the final progress report for the 2022/2023 Our Annual Plan & Budget. 77% of the actions are either complete or on track with 23% of actions needing attention.

A summary of how council performed against the 202 reportable actions are outlined in Table 1.

- The 47 actions with an overall status ‘Needs Attention’ have been provided with a comment in the attached Our Progress report – **ANNEXURE 1**.

Table 1 – Summary of each Focus Area actions performance (July 2022 to June 2023)

FOCUS AREA	Needs Attention	Not Started	On Track	Complete	Total
Our Water Security	1	-	-	15	16
A Liveable Built Environment	8	-	3	12	23
Prosperity and Innovation	4	-	1	23	28
Resilient and diverse communities	9	-	4	26	39
Connect our Region and its Citizens	9	-	-	12	21
Working with and Protecting Our Environment	8	-	-	15	23
Celebrate our Cultures and Heritage	1	-	2	16	19
A Strong and Vibrant Identity	1	-	-	7	8
Open and Collaborative Leadership	6	-	2	17	25
TOTAL	47	-	12	143	202

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

NSW Local Government Act 1993

(d) Community Consultation

Our Progress Report - January to June 2023 will be published on Council's website.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

9.5 PUBLIC INTEREST DISCLOSURES AND CODE OF CONDUCT COMPLAINTS

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Karen Litchfield, Internal Auditor

RECOMMENDATION

That in relation to the report "Public Interest Disclosures and Code of Conduct Complaints", Council receive and note the report.

SUMMARY

The purpose of this report is to advise Council of any Public Interest Disclosures and Code of Conduct complaints made to Council from 1 July 2022 to 30 June 2023.

COMMENTARY

Public Interest Disclosures

Council is required under the Public Interest Disclosures Regulation 2011, to provide information in relation to Public Interest Disclosures in the Annual Report each year and to the NSW Ombudsman every six months. The following information is required to be published in Council's Annual Report in relation to Public Interest Disclosures:

	1 July 2022 – 30 June 2023
Number of public officials who made PIDs	0
Number of PIDs received	0
Of PIDs received, number primarily about:	0
• Corrupt Conduct	0
• Maladministration	0
• Serious and substantial waste	0
• Government information contravention	0
• Local government pecuniary interest contravention	0
Number of PIDs finalised	0

Tamworth Regional Council has established an internal reporting policy that is available to all staff on the Council intranet. The Internal Reporting Policy has also been emailed to all staff to ensure they are made aware of Public Interest Disclosures and training is provided in-house to staff throughout the year. Public Interest Disclosures training is provided to new staff members at induction.

Code of Conduct Complaints

Tamworth Regional Council received no Councillor Code of Conduct complaints during the 2022/2023 reporting year.

(a) Policy Implications

This report conforms to Council's Code of Conduct and Public Interest Disclosures Policy.

(b) Financial Implications

Nil

(c) Legal Implications

Section 4 (1) of the *Public Interest Disclosures Regulation 2011*, requires each public authority to provide information in the Annual Report each year and every six months to the NSW Ombudsman.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Group 9 - Open and collaborative leadership.

9.6 KEEP AUSTRALIA BEAUTIFUL - 2023 SUSTAINABLE COMMUNITIES TIDY TOWNS AWARDS

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tracey Carr, Coordinator - Governance and Executive Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Keep Australia Beautiful - 2023 Sustainable Communities Tidy Towns Awards", Council nominate Councillor Helen Tickle to attend the 2023 Sustainable Communities Tidy Towns Awards to be held in Scone on 3 to 5 November 2023.

SUMMARY

Keep Australia Beautiful have advised Council that the 2023 Sustainable Communities Tidy Towns Awards (Awards) will be held in Scone on 3 to 5 November 2023. The Urban Street Tree Advisory Committee has been nominated in one of the categories of the Awards.

As the Chair of the Urban Street Tree Advisory Committee, it is recommended that Councillor Helen Tickle be nominated to attend the Awards and associated activities across three days.

COMMENTARY

Keep Australia Beautiful hold the Awards annually. This year the Awards will be held in Scone from Friday, 3 November to Sunday, 5 November 2023. The program for the three days is summarised below:

- Friday, 3 November - registration and welcome function;
- Saturday, 4 November - category awards and case studies, Scone tours and self-guided activities, awards dinner; and
- Sunday, 5 November - breakfast at Scone Community Garden.

The full program is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Councillor(s) are authorised to attend the 2023 Awards in accordance with Council's policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

Approval arrangements for Councillor discretionary trips, attendance of Councillors at conferences, seminars, forums, workshops, professional development programs and/or other significant expenses and facilities under this policy and for insurance purposes must be authorised by way of a formal resolution of an Ordinary Meeting of the Council.

(b) Financial Implications

Early bird registrations are \$255 per attendee and available until Friday, 20 November 2023. To take advantage of the early bird rate, the ticket has been booked in advance of the Council Meeting and is fully refundable should approval for Councillor Tickle's attendance not be approved by Council. Accommodation and travel will be additional. All travel and attendance costs will be funded from existing budgets established for Councillor's conference attendance.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

Focus Area 6 – Working with and protecting our environment

10 COMMUNITY SERVICES

10.1 2023/2024 ANNUAL DONATIONS PROGRAM

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

Reference: Item 10.1 to Ordinary Council 9 March 2021 - Minute No. 56/21

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “2023/2024 Annual Donations Program”, Council:

- (i) approve donations to the total value of \$47,887.90;*
- (ii) establish a recurring budget item of \$1,000.00 for North and North West Community Legal Service Inc; and*
- (iii) endorse the roll-over of the balance of funds totalling \$10,717.10, to the 2024-2025 Annual Donations Program.*

SUMMARY

The purpose of this report is to seek Council’s determination of donations to community groups for the 2023/2024 Annual Donations Program, under Section 356 of the *Local Government Act 1993*.

COMMENTARY

The Annual Donations Program Assessment Panel consisted of Councillors Tickle, Coates and Southwell.

In accordance with Council’s policy for the Annual Donations Program, submissions were sought between 2 August and 5 September 2023. Advertising was carried out on Council’s website and social media pages. In addition, a media release was distributed to all local media outlets.

The Annual Donations Assessment Panel met on 11 October 2023, to assess the applications received. The Panel discussed the content of all applications and made recommendations based on the information supplied with each submission.

The recommendations in this report reflect the outcomes of that meeting.

This year 33 applications were received totaling \$110,390.83. Requested amounts ranged from \$500.00 up to \$9,260.00. The applications represent a diversity of interest and volunteer commitment from community groups across the Tamworth Regional Council local government area.

Recurring Budget Item – North and North West Community Legal Service

At its Ordinary Meeting held on 9 March 2021, Council resolved to:

Request the Annual Donations Program Committee consider the establishment of a recurring budget item of \$1,000 for North and North West Community Legal Service Inc in 2021/2022 financial year and beyond.

Consideration of the establishment of a recurring budget item for North and North West Community Legal Service Inc was inadvertently overlooked by the Annual Donations Program Assessment Panel in 2021/2022 due to the administration of the Program

transitioning from the Growth and Prosperity Directorate to the Liveable Communities Directorate.

To rectify the previous omission, the current Assessment Panel, after consideration, recommended the establishment of the \$1,000.00 recurring budget item from the 2023/2024 financial year onwards. The Panel recommended an additional donation of \$2,000 to North and North West Community Legal Service Inc to compensate for donations omitted in the 2021/2022 and 2022/2023 financial years.

Summary of Donations

The Panel recommended donations to the value of \$46,887.90 to the following organisation's in the amounts listed below:

ADFAS Tamworth Region Inc	\$3,339.00
Arts Inland Incorporated	\$2,000.00
Australian Red Cross - Tamworth Branch	\$1,099.00
Barraba Preschool Incorporated	\$1,600.00
Bendemeer Preschool Incorporated	\$1,485.00
Bendemeer Public School P&C Association Inc	\$1,000.00
Co Care Inc.	\$500.00
Legacy Club Services	\$3,000.00
Links for Life Disability Expo Inc	\$1,000.00
Manilla Show Society Incorporated	\$5,000.00
North & North West Community Legal Service Inc	\$3,000.00*
Northcott Tamworth	\$1,000.00
One of a Kind Community Support	\$975.00
Scripture Union Tamworth	\$2,000.00
Tamworth Birdwatchers Inc.	\$4,450.00
Tamworth District Riding for the Disabled	\$642.95
Tamworth Girl Guides	\$747.00
Tamworth Hillvue Scout Group	\$1,475.00
Tamworth Historical Society Inc	\$1,396.00
Tamworth Regional Craft Centre Inc	\$5,065.00
Tamworth Regional U3A Inc	\$2,000.00
Tamworth Veterans Week of Golf Committee	\$1,000.00
The Northern NSW Federation of Justices of the Peace Inc.	\$1,343.95
United Hospitals Auxiliaries of NSW Inc Barraba Branch	\$2,770.00

* \$3,000.00 inclusive of recommended recurring budget of \$1,000.00 plus an additional \$2,000.00 for compensation in respect of donations omitted in the 2021/2022 and 2022/2023 financial years.

A summary of all submissions received, including the Assessment Panel recommendations is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

The current Annual Donations Policy provides for recurrent funding to the below-listed groups. The Policy also limits these groups from applying separately for the Annual Donations Program:

Barraba Shire Band	\$3,090.00
City of Tamworth Eisteddfod Society	\$12,360.00
Manilla Pipe Band	\$2,060.00
St Peter's Anglican Church Committee	\$2,060.00
Tamworth & District Highland Society Pipe Band	\$7,210.00
Tamworth Homeless Connect	\$4,985.00
Tamworth Regional Conservatorium of Music	\$29,870.00
Tamworth RSL	\$1,864.00
Tamworth RSL Brass Band	\$5,150.00

(b) Financial Implications

The available budget for the 2023/2024 Annual Donation Program was \$63,465.00. The Annual Donations Assessment Panel recommended that Council approve an allocation of \$47,887.90 to community groups in the Tamworth Regional Council area. This amount is inclusive of the recommended recurring \$1,000.00 donation to North and North West Community Legal Service Inc.

It is recommended that that budget be distributed as follows:-

Annual Donations Assessment Panel Recommendation	\$47,887.90
Donations to 76 schools and pre-schools	\$4,560.00
Advertising costs	\$300.00
Recommended balance of funds to be rolled over to 2024/2025 Annual Donations Program	<u>\$10,717.10</u>
	<u>\$63,465.00</u>

The balance of budget (\$10,717.10) recommended to be rolled over will enable an increased funding pool during the next financial year and allow those organisations that did not apply this year an increased access to funding in 2024/2025.

(c) Legal Implications

Nil

(d) Community Consultation

The Annual Donations program was advertised by way of Council's website and social media pages. In addition, a media release was distributed to all local media outlets.

Applications were received from a wide range of community groups across the Tamworth Regional Council local government area.

(e) Delivery Program Objective/Strategy

Focus Area 4 - Resilient and Diverse Communities.

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.

TENDER T027/2024 - ACTIVE TRANSPORT PATH CONSTRUCTION PROJECTS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Lachlan Mackiewicz, Project Engineer

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(d)ii of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business., 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 to seek Council's acceptance of tender T027/2024 - Active Transport Path Construction Projects to award a construction contract for up to nine paths to be constructed throughout Tamworth during late 2023 and the first half of 2024.

This project is funded by the NSW Government through their Get NSW Active (GNSWA) Grant 2022/2023 Program and Tamworth Regional Council (Council).

These paths will provide connectivity for pedestrians and cyclists between key destinations and attractors, and the existing path network. These paths were identified as high priorities in Council's Active Transport Strategic Plan.

Background

The path locations included in this tender were:

- Location 1 – Garden Street – Hillvue Road to South End, west side;
- Location 2 – Garden Street – Robert Street to Kent Street, west and east side;
- Location 3 – Park Street – Philip Street to Belmore Street, south side;
- Location 4 – Thibault Street – Levee Path to Goonoo Goonoo Road, south side;
- Location 5 – North Street – Bligh Street to Bourke Street (via Raglan Street) north and south side;
- Location 6 – Murray Street – Marius Street to Peel Street east side, Byrnes Avenue to Marius Street west side;
- Location 7 – Gipps Street Sporting Fields flood repair – north of Locks Lane carpark to South of Gipps Street carpark (note: this location is Council funded);

- Location 8 – Anthony Road – Woodward Avenue to Petra Avenue, north side. Note: this path is considered the lowest priority of the GNSWA funded paths and is proposed to be retained as an option in the initial construction contract; and
- Location 9 – Robyn Street – Jean Street to Kathleen Street, north side.

All locations except Location 7 are funded by GNSWA.

The indicative path locations are shown below in Figure 1:

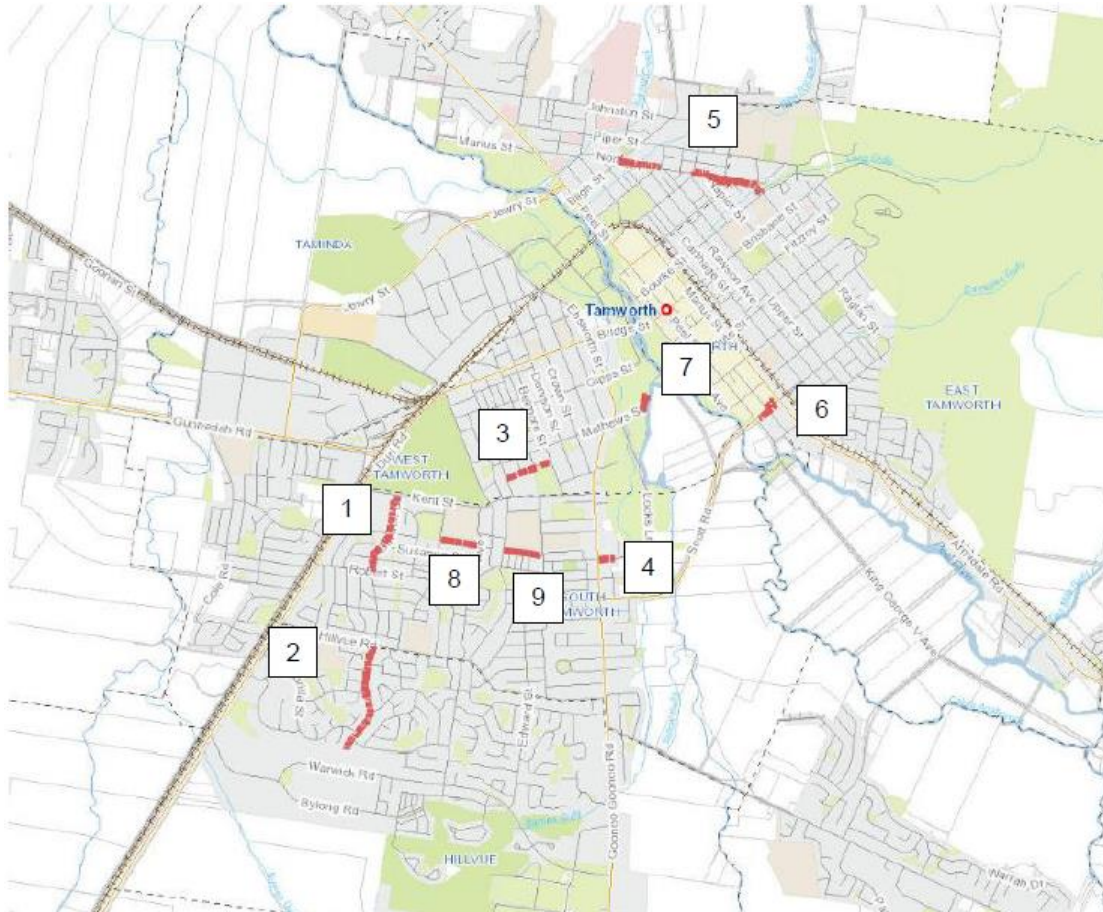


Figure 1: Active Transport Path locations

Tender Scope

A tender for the Active Transport Paths project was advertised for a period of 23 days and closed on 5 October 2023. Tenderers were required to provide a schedule of prices for the works at each location, including:

- project management and supervision of the works;
- site establishment (including traffic and pedestrian controls, environmental controls and accommodation or travel costs if applicable);
- tree and vegetation clearing;
- mail box relocations;
- service lid adjustments;
- coordination of Telstra pit adjustments/replacements (Telstra engaged by Council);
- path construction, including driveway crossings, all jointing and verge backfill and reinstatement;

- pram ramp construction;
- brick paver reinstatement up to new concrete paths;
- driveway reconstructions where required; and
- site demobilisation and compound/stockpile rehabilitation.

**TAMWORTH EFFLUENT REUSE FARM - PROJECT STATUS UPDATE AND REQUEST TO
EXTEND TERM OF CURRENT OPERATING AGREEMENT**

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to provide Council an update on the current status of the Tamworth Effluent Reuse Farm (TERF) Operational Contract with Manuka Chaff Pty Ltd/Underline Ag. The report also provides information on a request by the Farm Operator to exercise the five-year extension option of the current Project Agreement for Farm Operations and extend the current operating term to 14 September 2031.