



TAMWORTH REGIONAL COUNCIL

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

ORDINARY COUNCIL AGENDA

22 FEBRUARY 2022

**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, 8 February 2022, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 PROPOSED ROAD NAMES FOR 'THE OUTLOOK' SUBDIVISION, LOCALITY OF CALALA AND PROPOSED ROAD NAMES FOR 'WINDMILL HILL' SUBDIVISION, LOCALITY OF NORTH TAMWORTH

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development

4 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Proposed Road Names for 'The Outlook' Subdivision, Locality of Calala and Proposed Road Names for 'Windmill Hill' Subdivision, Locality of North Tamworth”, Council:

- (i) approve in principle the road names:*
 - a) ‘Firetail’ Way, ‘Fairywren’ Circuit, ‘Teal’ Way, ‘Dove’ Terrace, ‘Fernwren’ Terrace, ‘Silktail’ Way, ‘Berrigan’ Way and ‘Wattlebird’ Way for ‘The Outlook’ subdivision; and*
 - b) ‘Madeira’ Drive, ‘Merlot Drive, ‘Sangiovese’ Drive, ‘Sangria’ Grove and ‘Trebiano’ Close for the ‘Windmill Hill’ subdivision.*
- (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 in objection to the proposed road names, proceed to publish the adopted names in the Government Gazette*

SUMMARY

The purpose of the report is to nominate new road names for the following locations:

The Outlook – Stages 9-16 – Lot 200 DP 1271202 Locality of Calala

Windmill Hill – Staged Development – Lot 243 DP 1266297 Locality of North Tamworth

COMMENTARY

‘The Outlook’ Subdivision

Proposed Names: ‘Firetail’ Way, ‘Fairywren’ Circuit, ‘Teal’ Way, ‘Dove’ Terrace, ‘Fernwren’ Terrace, ‘Silktail’ Way, ‘Wattlebird’ Way.

Development Consent granted: (DA0278/2015)

Theme or origin of proposed names: Continuation of Theme: Birds and Native Flora.

Geographical Names Board Approval: (RN2021-0006.01) Date: 20 January 2022

The maps **ATTACHED**, refer **ANNEXURE 1** and **ANNEXURE 2** illustrate the subdivision layout and the proposed road name locations.

‘Windmill Hill’ Subdivision

Proposed Names: ‘Madeira’ Drive, ‘Merlot’ Drive, ‘Sangiovese’ Drive, ‘Sangria’ Grove, ‘Trebiano’ Close.

Development Consent granted: (DA0238/2015)

Theme or origin of proposed names: Continuation of Theme: Viticulture (encompassing wine and grape varieties)

Geographical Names Board Approval: (RN2022-0002) Date: 20 January 2022

The maps **ATTACHED**, refer **ANNEXURE 3** and **ANNEXURE 4** illustrate the subdivision layout and the proposed road name locations.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The proposed road names 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 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.

(e) Delivery Program Objective/Strategy

A Region for the Future – Sound Asset Management Planning

7.2 NSW GOVERNMENT REFORM OF INFRASTRUCTURE CONTRIBUTIONS - COUNCIL ENDORSED SUBMISSION

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Andrew Spicer, Senior Integrated Planner

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "NSW Government Reform of Infrastructure Contributions - Council Endorsed Submission", Council endorse the attached submission highlighting the range of concerns held by Tamworth Regional Council and forward it to the Department of Planning and Environment.

SUMMARY

In 2021 the NSW State Government introduced a wide range of reforms to the NSW infrastructure contributions system, some of which will come into force on 1 July 2022. The majority of the reforms, however, were placed on public exhibition from October to December 2021 coinciding with Council elections and the commencement of new councils in January-February 2022.

The Department of Planning and Environment (DPE) exhibition ran in parallel to the Independent Pricing and Regulatory Tribunal (IPART) review of rate pegging and its review of the NSW local infrastructure contributions system. Upon request, the Department provided an extension of time for Tamworth Regional Council to lodge a technical submission in December 2021 and a Council endorsed submission following the first meetings of Council in 2022. IPART however declined Council's request for an extension of time beyond 12 December 2021 to make either form of submission and consequently no Council submission was lodged, noting that the IPART review included some 200 pages of material and a number of other state planning policies were all on exhibition at the same time.

The purpose of this report is to seek Council's endorsement of a submission to forward to the Department of Planning and Environment. The technical submission submitted in December 2021 represented Council officers' views on the issues. It is now requested that Council endorse this submission to be forwarded to DPE as a formal response representing the views and concerns of Tamworth Regional Council. The draft submission is **ANNEXED**, see **CONFIDENTIAL ENCLOSURE 1** for the information of Councillors, in the event that Councillors wish to amend the submission prior to forwarding to the Department.

COMMENTARY

In 2021 the State Government introduced a wide range of planning reforms relating to the *Environmental Planning Assessment Act 1979 (EP&A Act)*, *EP&A Regulation 2000*, State Environmental Planning Policies (SEPPs) and a range of associated provisions such as Section 9.1 Ministerial Directions, Practice Notes and guidelines.

Reform of the state-wide infrastructure contributions system was one significant part of this process. Some aspects of the contributions reform will come into force from 1 July 2022 relating to reporting and publication of registers and the processes for preparing new contributions plans.

The majority of the reforms were placed on public exhibition from 28 October 2021 to 10 December 2021 coinciding with the caretaker period prior to Council elections and directly thereafter.

The Department's exhibition ran in parallel with *'IPART's review of the local infrastructure contributions system (Essential Works List, nexus, efficient design and benchmarking'* of infrastructure items. In response to a request from Council, DPE provided an extension of time for Tamworth Regional Council to make a technical submission in December 2021 and a subsequent Council endorsed submission following the first meetings of Council in 2022. IPART however declined Council's request for an extension of time beyond 14 December 2021 to make either form of submission and consequently Council was not in a position to make a submission to that review which included some 200 pages of material and overlapped with a number of other DPE led planning policy and legislation reviews.

Council's Proposed Submission

Council is supportive of initiatives to simplify the Infrastructure Contributions System and promote transparency and consistency across the State. It remains to be seen if the proposed reforms achieve these goals when previous initiatives have generally added additional complexities.

Some considerable amount of the reform relates to metropolitan areas including reforms to State Infrastructure Contributions, Regional Infrastructure Contributions, as examples. The proposed Tamworth Regional Council submission does not address these or any other

aspects of the reform that will not affect the Tamworth Region Local Government Area (LGA).

Council retains a number of significant concerns regarding a number of matters affecting the Tamworth LGA which are discussed at some length in the proposed submission.

In summary these concerns relate to the following matters:

Rate Pegging Coupled to Infrastructure Contributions Reform

Council does not accept the statements made by the Department of Planning and Environment that the rate peg review process undertaken by IPART is separate to the infrastructure contributions reform process. They are clearly closely related as evidenced by the Productivity Commissioner who is recorded in the 2021 NSW Upper House Inquiry on Contributions Reform as saying “...*the reforms to the rate pegging system to reflect population growth is ‘a necessary condition for local contributions reform’ and is ‘critical’ to implementing this new system.*”

This measure represents a clear cost shift from developers onto local communities which is inequitable. Council recognises that there may be an underlying need to reform the rating system but this should be independent of any reforms to the infrastructure contributions framework. Furthermore, the introduction of the proposed population growth factor provides little or no benefit to many rural and regional councils, including Tamworth Regional Council which was assigned *no growth factor* by IPART. This suggests that the IPART proposal is Sydney/metropolitan area focused to the detriment of regional and rural communities, consistent with a number of other recent DPE policy reviews.

The IPART decision to cap rate (and therefore contribution rate) increases to 0.7% is a serious impediment to local government and appears at odds with the consistent commitments made by the then Minister for Planning that ‘*no Council will be worse off under the reforms*’. This IPART process does not appear to appreciate (or take into account) the increased cost of materials and inputs such as concrete and fuel as a consequence of COVID-19 conditions and consequently the impact on Council’s ability to deliver services, programs and committed projects.

Tamworth Regional Council was assigned no growth factor despite its identified significant growth in recent times. This is evidenced by the increased numbers and value of development applications for residential, commercial and industrial development in the 2021-2022 financial year. The growth is also evidenced by increased subdivision, construction and occupation certificates being issued and a corresponding increase in development contributions further underlining the trend.

Parallel IPART Reviews

In addition to its review of rate pegging, IPART undertook a comprehensive review of nexus, the essential works list and benchmarking which ran parallel to the DPE Infrastructure Contributions reform package. This in itself made the process more complex for Councils and more time consuming in preparing relevant responses.

Some significant elements of the IPART review are obviously central to infrastructure contributions reform. Effective benchmarking requires comparing “*apples with apples*”. IPART’s benchmarking did not seem to fully recognise that, for areas further inland, the supply of specialist labour that is not available locally or regionally provides a significant increased cost factor. The measures proposed to address this involved the application of

either a 'regional' factor or a 'distance from raw material' factor. Both factors cannot be applied to the same project.

The issue of contributions for community facilities remains vexing. Councils provide a wide range of community facilities that contribute hugely to the liveability of the city and towns in regional areas including the Tamworth region.

The continued absence of community facilities from the Essential Works List (EWL) and the proposal to apply the EWL to all contributions plans in coming years is concerning. The fact that **land** for community facilities *may* be levied under the EWL however, the actual cost of construction of the facility cannot be levied is counterintuitive and contradictory.

The benchmarking process seems to be biased toward developers at the expense of Councils and communities. The fixation on base level embellishment and improvements implies that new residents will be satisfied to move into suburbs, cities and towns where only basic amenity is provided.

The assumption that Councils have the resources to bring the facilities up to a standard that the community desires is plainly false, especially in light of the challenges of the last three years. Council ventures the opinion that developers often take pride in well-appointed estates and having paid \$10,000-\$30,000+ per lot/dwelling would not expect that Council would provide just base level facilities for new residents.

Land Use Planning

While the rationale of preparing contributions plans to accompany planning proposals at the time the planning proposal is prepared may have theoretical merit, Council retains concerns relating to several aspects of this approach. Planning proposals and contributions plans are both complicated in their development, exhibition, adoption and implementation. It is important to note that the introduction of a contributions plan affects the operation of the entire (region wide) contributions scheme as future population growth can be transferred from one area to another. This may be more pronounced in regional areas where more modest growth overall leads to the market softening in areas where some land is still available when new precincts come to market.

Certainty is required to formulate the contributions plan in terms of yield and required infrastructure and if the planning proposal is amended either as result of requirements from DPE, other government authorities, or as result of community consultation, then the contributions plan will also need to be revised. Both planning proposals and contributions plans are significant resource demanding projects and should the planning proposal not proceed then the resources directed to the contributions plan will have been wasted.

Council's, whether they be large or small have limited resources and, in many cases, the same team will process both the contributions plan and LEP amendment (planning proposal). Council appreciates the value of exhibiting an infrastructure delivery strategy with a planning proposal. However, including a fully developed contributions plan takes the process to a whole new level being subject to a range of prescriptive legislation under the *EP&A Act 1979 and EP&A Regulation 2000*.

Conclusion

Council supports the aim of the reforms in respect of the intent to reduce complexity, but retains a range of significant concerns as summarised above and discussed at length in the

proposed submission. The reforms tend to provide benefits to the development industry by cost shifting from the developer to the community and yet rates have been pegged at such a low level that many Councils including Tamworth will have no real capacity to enhance facilities to meet the community expectations for a liveable community with good amenity.

With such a large volume of material exhibited it is not clear whether these proposals will in fact simplify the NSW Infrastructure Contributions system. It is recommended that Council forward the proposed submission to the Department of Planning and Environment with the aims of; recording Councils concerns, potentially prompting some amendments and/or at least receiving clarification and feedback from the Department on the reform package.

(a) Policy Implications

Nil

(b) Financial Implications

Nil identified at this time. The potential implementation of the reforms may have significant implications in future.

(c) Legal Implications

The reforms include proposed amendments to the *Environmental Planning and Assessment Regulation 2000* that would affect how Council would prepare contributions plans and implement the overall scheme in the future.

(d) Community Consultation

This report recommends that Council submit an endorsed submission to the public exhibition of the

Department of Planning and Environment Infrastructure Contributions Reform package. Council has made previous submissions on this reform as outlined in this report.

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L1.2 Represent and advocate community needs

A Region of Progressive Leadership – L2.1 Transparency and accountability of government

7.3 PROPOSED ROAD NAMES FOR 'EAGLE VIEW' ESTATE SUBDIVISION, LOCALITY OF MOORE CREEK

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Kathleen See-Kee, Development and Approvals Support Officer
Sam Lobsey, Manager - Development

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Proposed Road Names for 'Eagle View' Estate Subdivision, Locality of Moore Creek”, Council:

- (i) approve in principle the road names: 'Wedgetail' Road, 'Whistling' Parade, 'Stellers' Crescent, 'Tawny' Crescent, 'Nankeen' Avenue, 'Sea Eagle' Avenue, 'Crested' Avenue, 'Goshawk' Avenue, 'Bald' Crescent, 'Sparrowhawk' Place and 'Boobook' Court;*
- (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 in objection to the proposed road names, proceed to publish the adopted names in the Government Gazette.*

SUMMARY

The purpose of this report is to nominate new road names for an approved 'Eagle View' Moore Creek subdivision, identified as Lots 165-166 DP 753851 and Lot 52 DP 1120933, Bowdens Lane, Moore Creek. Council has approval from the Geographical Names Board to name these newly created roads 'Wedgetail' Road, 'Whistling' Parade, 'Stellers' Crescent, 'Tawny' Crescent, 'Nankeen' Avenue, 'Sea Eagle' Avenue, 'Crested' Avenue, 'Goshawk' Avenue, 'Bald Crescent, 'Sparrowhawk' Place and 'Boobook' Court.

COMMENTARY

Eagle View Moore Creek Subdivision

Proposed Names: 'Wedgetail' Road, 'Whistling' Parade, 'Stellers' Crescent, 'Tawny' Crescent, 'Nankeen' Avenue, 'Sea Eagle' Avenue, 'Crested' Avenue, 'Goshawk' Avenue, 'Bald Crescent, 'Sparrowhawk' Place and 'Boobook' Court.

Development Consent (DA2019-0527) granted: 4 June 2021.

Theme or origin of proposed names: Eagles and Birds of Prey – to reflect the Subdivision Estate Name.

Geographical Names Board Approval Date (RN2022-0005): 9 February 2022.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The proposed road names 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 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.

(e) Delivery Program Objective/Strategy

A Region for the Future – Sound asset management planning

8 INFRASTRUCTURE AND SERVICES

8.1 URBAN STREET TREE MANAGEMENT PLAN ADVISORY GROUP UPDATE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Urban Street Tree Management Plan Advisory Group Update", Council:

- (i) receive and note the update on the work being undertaken by the Urban Street Tree Management Plan Advisory Group; and*
- (ii) endorse the Advisory Group's proposed Greening Strategy 2022; and*
- (iii) support applications for external funding for the Special Projects being proposed by the Advisory Group.*

SUMMARY

The purpose of this report is to provide an update to the Council with the accomplishments of the Urban Street Tree Management Plan Advisory Group and to receive and provide support for the proposed Greening Strategy 2022 and Special Projects.

COMMENTARY

The Urban Street Tree Management Plan Advisory Group (Advisory Group) has met on a regular basis to assist Tamworth Regional Council (Council) with the development of its Urban Street Tree Management Plan (the Plan) which was adopted on 14 September 2021.

The Plan is the culmination of two years of work to develop a plan for how Council will manage street trees across the Tamworth region. The Plan is made of the following documents:

- 1) the Street Tree Hierarchy;
 - 2) the Street Tree Selection Criteria;
-

- 3) the Street Tree Removal Policy;
- 4) the Street Tree Planting and Embellishment;
- 5) the Open Space Tree Planting Plan;
- 6) the Minimum Standards for Street Tree Landscaping;
- 7) the Main Street Tree Replacement Plan;
- 8) the Notification Plan; and
- 9) the Tree Risk Management Plan.

Along with these documents are the following appendices:

- A. the Street Tree Species List;
- B. the Feature Tree Park list;
- C. the Tree Risk Assessment Form; and
- D. the Tree Pruning and Removal Communication Form.

A dedicated tree webpage within Council's website has been developed to allow people to see the Plan as well as find further information about tree planting. There is a short video on how to plant a tree, as well as a webform to request a street tree for urban residents across the Tamworth region. The request a tree page displays the current street tree species list and allows you to select trees which suit a particular situation such as under powerlines, etc.

The webpage also makes reference to the street tree hierarchy, which is still being developed, and will list the themed streets across the region with the selected species. Future work will also result in the listing of the register of significant trees on this page.

The webpage also has a section on plants native to the Tamworth Region which was developed by the Tamworth Group of the Australian Plants Society in 2007. This provides a comprehensive list of plants which are native to the Tamworth region, along with rainfall and geological information.

In conjunction with the development of the Plan, the Advisory Group has also been pivotal in implementing a Greening Strategy which identified areas in need of planting and subsequently planted these out.

The 2021 Greening Strategy was a great success and has seen a total of approximately 9,000 new trees planted within the Tamworth region. The most notable planting was the completion of the Greater Bank's 10,000 tree donation for the Northern Inland Centre of Sporting Excellence (NICSE) which saw approx. 8,000 trees being planted within the Australian Equine and Livestock Events Centre (AELEC). The Rotary clubs of Tamworth also undertook a community-based tree planting of 300 trees at the new Athletics/Velodrome site and Moore Creek Road, while the Advisory Group also undertook a number of planting projects throughout Tamworth.

The Advisory Group have also produced a proposed 2022 Greening Strategy, which is **ATTACHED**, refer **ANNEXURE 1**. This list proposes numerous new tree planting sites across the Tamworth region for Autumn, Winter and Spring 2022 and also includes some special projects which relate to a proposal to plant more trees within the Tamworth central business district (CBD). This list has been put together with input from the Advisory Group and Council's Sports and Recreation staff.

While many of the works can be completed within the scope of Council’s operational budgets, the proposed planting of trees within the Tamworth CBD is currently unfunded and requires further investigation, along with detailed budget estimates.

Council staff are exploring external funding opportunities for these special project works as well as other significant greening strategies around the Tamworth Region.

It is recommended that Council support the proposed Greening Strategy for 2022 and the seeking of external financial assistance for special projects for CBD improvements.

(a) Policy Implications

Nil

(b) Financial Implications

The Future Spring Greening Strategy is currently funded within the Sports and Recreation budget.

The Tamworth CBD is currently unfunded at the present time.

(c) Legal Implications

Nil

(d) Community Consultation

The Greening Strategy 2022 and Special Projects has been developed with the Urban Street Tree Management Plan Advisory Group.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C2 Promote our region’s heritage, character and culture

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS JANUARY 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Finance Manager

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments January 2022”, Council receive and note the report.

SUMMARY

The purpose of this report is to provide an overview of Council Investments for the month of January 2022.

COMMENTARY

Whilst the Reserve Bank maintains its position that it will not lift interest rates any time soon this does not seem to be reflected by our major banks and NSW Treasury who have over the last few months gradually started to increase interest rates on both loans and term deposits.

The Reserve Bank is predicting that whilst there will be a spike in inflation it will settle back down again once supply issues are resolved and for this reason it is not predicting any imminent rate rises.

In accordance with Section 212 of the Local Government (General) Regulation 2021, the details of all money invested by Council as at 31 January 2022, is **ATTACHED**, refer **ANNEXURE 1**.

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

Institution	Cash at Bank	Financial Assets Amortised Cost	Financial Assets at Fair Value	Total	% of Total
NAB	7,016,957.15	28,000,000.00	0	35,016,957.15	18.63%
BOQ	0	17,000,000	0	17,000,000.00	9.05%
CBA	0	82,500,000.00	0	82,500,000.00	43.90%
St George	0	4,000,000.00	0	4,000,000.00	2.13%
TCorp	0	0	1,001,433.05	1,001,433.05	0.54%
Westpac	0	48,395,356.39	0	48,395,356.39	25.75%
TOTAL	7,016,957.15	179,895,356.39	1,001,433.05	187,913,746.59	100%

The amount invested at 31 January 2022, has decreased by \$5,016,118.59 (2.6%) compared to funds held at 31 December 2021.

Council's investments are mostly comprised of restricted funds that have been received for specific purposes or funds held for future renewal works. The following table provides an indicative summary of investments held by each fund. The figures provided are based on Opening Balances from the last completed and audited financial year. The figures provide a guide on the proportion of total cash that is restricted in use.

Fund	Restriction	Amount	%
General	Unrestricted	6,182,608	3.29%
General	Internally Restricted	54,580,306	29.04%
General	Externally Restricted	21,122,736	11.24%
	General Fund Total	81,885,650	43.57%
Water	Unrestricted	2,007,640	1.07%
Water	Internally Restricted	21,873,921	11.64%
Water	Externally Restricted	20,439,287	10.88%
	Water Fund Total	44,320,848	23.59%
Sewer	Unrestricted	2,215,411	1.18%
Sewer	Internally Restricted	43,325,011	23.06%
Sewer	Externally Restricted	16,166,826	8.6%
	Sewer Fund Total	61,707,248	32.84%
	Total Investments	187,913,746	

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

Unrestricted

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

Internally Restricted

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

Externally Restricted

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

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

(a) Policy Implications

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

(b) Financial Implications

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

(c) Legal Implications

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

- Local Government Act 1993 – Section 625;
- Local Government Act 1993 – Order (of Minister) dated 16 November 2000;
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A (2), 14C (1) and 2;
- Local Government (General) Regulation 2021 – Clauses 212 and 215; and
- Local Government Code of Accounting Practice & Financial Reporting – Update No 15 dated June 2007.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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9.2 WRITING OFF OF SUNDRY DEBTORS AND RATES & CHARGES FOR 2021/2022

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Seon Millstead, Revenue Accountant
Lauren McPherson, Senior Accountant

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Writing Off of Sundry Debtors and Rates & Charges for 2021/2022”, Council approve the writing off of sundry debtors and rates & charges totalling \$15,614.51 in accordance with Section 131 and 213 of the Local Government (General) Regulation 2021.

SUMMARY

The purpose of this report is to advise Council of sundry debtor bad debts and rates & charges which have been identified as uncollectable and should be written off in accordance with Section 131 and 213 of the Local Government (General) Regulation 2021.

COMMENTARY

In accordance with Section 131 and 213 of the Local Government (General) Regulation 2021, the writing off of rates & charges small balances and general debtors for user charges, fees and other income as at end of December 2021 is submitted for approval.

The amounts written off are summarised as follows:

Uneconomic to recover (Sundry)	\$	9,967.84
Legal grounds to recover exhausted (Sundry)	\$	5,031.47
Small Balances (Rates & Charges)	\$	<u>615.20</u>
	\$	<u>15,614.51</u>

As the sundry debtor charges are unsecured debts, recovery is not always possible. In accordance with Section 213(5), it is considered reasonable, that any further attempt to recover these debts would not be cost effective.

The table listing of the proposed write offs are **ENCLOSED**, refer **CONFIDENTIAL ANNEXURE 1**, which provides full details of each individual Rate and/or Charge written off during the 2021/2022 financial year.

The fact that a debt has been written off does not prevent Council initiating legal proceedings in the future to recover the debt. Any amount written off will be adjusted if part or all of the debt is subsequently recovered.

(a) Policy Implications

The General Policy Register, 10.1 states that all write offs will be reported to Council.

(b) Financial Implications

The writing off of the amounts shown in the attachment will reduce the balance of outstanding receivables.

Of the sundry debtor amounts to be written off \$88.95 are not in the provision for doubtful debts. If the recommendation to write off these debts is approved this amount will be expensed in the current financial year.

Abandonments for rates & charges small balances are allowed for in annual budgets.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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9.3 ANNUAL OPERATIONAL PLAN 2021/2022 BUDGET VARIATION REPORT - JANUARY 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Sherrill Young, Finance Manager

Reference: Item 9.5 to Ordinary Council 29 June 2021 - Minute No 180/21

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2021/2022 Budget Variation Report – January 2022”, Council note and approve the variations to the existing budget as listed in the attached Annexure.

SUMMARY

This report seeks Council approval for budget variations identified during the month of January 2022 for which there has been no previous specific report or approval.

COMMENTARY

Council adopted the original budget included in the Annual Operational Plan for 2021/2022 at the Ordinary Meeting of Council held 29 June 2021. 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 Council with a full review of revised budget forecasts and actual year to date results. The December quarterly budget review is also being tabled at tonight's meeting.

Notable budget adjustments for the month of January include the revision of income and expenditure for entertainment, events and airport operations; these particular Council functions continue to be impacted by Covid. Integrated Planning has recorded increased estimates for developer contributions of \$1.3M due to better than anticipated development activity across the region.

Variations identified December 2021

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Economic & Destination Development	(31,324)	105,432	(136,756)	0	0
Entertainment Venues	63,226	159,728	(100,373)	0	3,871
Events	0	77,000	(77,000)	0	0
Business Systems & Solutions	(2,100)	(2,100)	0	0	0
Airport	1,025,253	1,160,693	(135,440)	0	0
Pilot Training Facility	(431,988)	0	(432,988)	0	1,000
Financial Services	821	0	821	0	0
Legal	10,802	0	0	0	10,802
Communications & Engagement	8,130	0	8,130	0	0
General Purpose Income	2,868	2,868	0	0	0
Cultural Services	44,169	(500)	(331)	(20,000)	65,000
Liveable Communities	1,501	0	1,501	0	0
Integrated Planning	(1,387,197)	(10,000)	1,803	(1,379,000)	0
Plant Fleet & Buildings	(1,907,848)	0	4,531	157,384	(2,069,763)
Sports & Recreation	(12,286)	(23,000)	23,000	(72,520)	60,234
Strategy & Asset Design	(175,000)	0	(175,000)	0	0
Infrastructure Projects	(1,667,043)	23,358	1,504,184	11,608,039	(14,802,624)

Waste Management	(7,591,426)	(254,307)	(254,000)	0	(7,083,119)
Water & Wastewater	(25,221,305)	(61,263)	31,984	0	(25,192,026)
Laboratory	2,524	0	2,524	0	0
TOTAL	(37,268,223)	1,177,909	266,590	10,293,903	(49,006,625)

Material differences between budget and actual income or expenditure

No material change to aggregate income and expenditure figures for this period.

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2021/2022 by fund of:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	1,239,172	234,606	10,293,903	(23,814,599)
Water	0	20,946	0	(16,732,787)
Sewer	(61,263)	11,038	0	(8,459,239)
Total	1,177,909	266,590	10,293,903	(49,006,625)

(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

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9.4 2021/2022 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 DECEMBER, 2021

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Finance Manager
Michael Gould, Management Accountant

Reference: Item 9.5 to Ordinary Council 29 June 2021 - Minute No 180/21
2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “2021/2022 Quarterly Budget Review Statements to 31 December, 2021”, Council receive and note the report and related statements.

SUMMARY

The purpose of this report is to present to Council the Quarterly Budget Review Statements for Tamworth Regional Council for the period ended 31 December 2021, in accordance with Clause 203 of the Local Government (General) Regulation 2021.

A financial summary has also been provided for the Tamworth Global Gateway Park **ANNEXURE 2** in accordance with the financial reporting requirements documented in Section 4.2.2 of the Business Case Study.

COMMENTARY

The Quarterly Budget Review Statements **ATTACHED**, refer **ANNEXURE 1**, provide a summary of budget movements since the adopted original budget, along with revised budget forecasts for the 2021/2022 financial year, and comparisons to actual transactions year to date. Each statement includes a review of the main budget variances for the quarter.

Budget variances that require Council approval have been submitted to Council either by a specific Council report or through the monthly Budget Variance report.

The following tables provide a summary and commentary of the budget variations for the quarter and the projected year end results for the General, Water and Sewer funds.

Details of operating expenses and income are shown in the attached statements.

Capital Income includes grants and contributions received specifically for new capital works *and are excluded* from the operating results provided in the following tables.

Cash Adjustments include the reversal of non-cash accruals contained in operating expenses such as depreciation and leave entitlements and the addition of non-operating cash receipts and payments such as those associated with loans, deferred debtors and property sales.

Capital Expenses include the acquisition, upgrade or renewal of assets.

General Fund

- a. Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	December Qtr Review	Projected Result
Operating Income	(100,757,062)	(1,145,296)	972,707	(100,929,651)
Operating Expenses	104,978,009	5,887,889	847,889	111,713,787
Operating Result before Capital: (Surplus)/Deficit	4,220,947	4,742,593	1,820,596	10,784,136
Capital Income	(28,910,485)	(31,337,509)	11,631,896	(48,616,098)
Operating Result after Capital: (Surplus)/Deficit	(24,689,538)	(26,594,916)	13,452,492	(37,831,962)
Non Cash Adjustments: Depreciation/Leave Accruals	(27,969,959)	7,174	0	(27,962,785)
Non-Operating Cash Adj.				
Loans raised to fund Capital Expenditure	(5,007,540)	(792,460)	0	(5,800,000)
Proposed Land Sales	(3,166,404)	(804,075)	0	(3,970,479)
Leave Paid on Termination	550,000	0	260,000	810,000
Loan Principal Repayments	6,038,768	(70,198)	0	5,968,570
Cash Result before Capital Expenditure: (Surplus)/Deficit	(54,244,673)	(28,254,475)	13,712,492	(68,786,656)
Capital Expenses	65,174,704	42,533,366	(24,727,278)	82,980,792
Cash Result after Capital Expenditure: (Surplus)/Deficit	10,930,031	14,278,891	(11,014,786)	14,194,136
Unrestricted Cash: (Surplus)/Deficit:	(149,980)	(347,166)	137,493	(359,653)
Reserves: (Surplus)/Deficit	12,472,814	1,554,649	(10,364,856)	3,662,607
Developer Cont: (Surplus)/Deficit	(1,390,803)	1,025,868	(552,535)	(917,470)
Loans: (Surplus)/Deficit	0	3,406,437	92,840	3,499,277
Prior Year Grants: (Surplus)/Deficit	(2,000)	8,639,103	(327,728)	8,309,375
Total Cash Funding: (Surplus)/Deficit	10,930,031	14,278,891	(11,014,786)	14,194,136

b. Key Financial Results

	Opening Balance 1/7/21	Projected Result	Projected Balance 30/6/22	Minimum Balance
Unrestricted Cash	6,182,608	359,653	6,542,261	6,000,000

Unrestricted cash is a measure of Council's solvency showing the level of funds available to meet any contingency. The optimum balance is based on estimated cash flow requirements for operating and capital works. At the end of the second quarter the projected balance exceeds the minimum balance.

c. Recurrent Results

	Operating Cash Result (surplus)/deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
General Activities	(14,908,980)	22,849,799	7,940,819	4,030,490
Fleet Operations	(5,190,108)	2,965,083	(2,225,025)	0
Airport Operations	501,337	971,405	1,472,742	173,643
Waste Services	(1,466,201)	1,176,498	(289,703)	0
Pilot Training Facility	682,160	0	682,160	10,666,667

The Recurrent Result is a measure of Council's financial sustainability. It shows the capacity of recurrent operating revenues to meet commitments for recurrent operations, loan repayments and existing asset renewals (as measured by annual depreciation).

The table breaks the General Fund down into the main activities that are expected to be self-funding, providing a clear picture of the general activities that must be funded by general purpose revenues.

There is no depreciation or leave accruals for the Pilot Training Facility as the facility for now does not have any full-time employees assigned to it whilst depreciation is zero as the facility is classified as an investment property. Instead of being depreciated, investment properties are valued each financial year and the value adjusted accordingly to meet accounting standard requirements.

Financial Services Manager's comment in relation to the financial position of the Council's General Fund

Whilst the projected result with regards to an increase in the balance of Unrestricted Cash at year end combined with a significant lift in expenditure funded by grants indicates that overall, the forecast result for Council at June 30, 2022 is sound. Council, like so many industries, continues to take a battering operationally from Covid. The December budget review does not include the full impact of the postponement of the festival as staff continue to work on plans for the April event. It is expected that festival costs will be partially offset by grant funds and Council is currently finalising an application to the State Government for grant funds under the Event Saver Program. The final impact of having to postpone the festival will be incorporated into the third quarter budget review.

The airport operating cash result is predicted to come in at a \$501k deficit, double the amount forecast in the first quarter review. Budget adjustments have been made in the second quarter of this financial year after anticipated increases in passenger numbers were thwarted due to the arrival of the Omicron variant. Airport cash reserves have been funding airport operational losses, but this is not sustainable and a return to normal passenger numbers is crucial in order for the airport to generate sufficient income to fund future planned asset renewals.

Water Fund

a. Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	December Qtr Review	Projected Result
Operating Income	(20,932,874)	(65,450)	0	(20,998,324)
Operating Expenses	21,381,389	467,796	140,466	21,989,651
Operating Result before Capital: (Surplus)/Deficit	448,515	402,346	140,466	991,327
Capital Income	(2,028,047)	(176,800)	(600,000)	(2,804,847)
Operating Result after Capital: (Surplus)/Deficit	(1,579,532)	225,546	(459,534)	(1,813,520)
Non Cash Adjustments: Depreciation/Leave Accruals	(5,711,630)	0	0	(5,711,630)
Non-Operating Cash Adj.				
Loans raised to fund Capital Expenditure	(6,500,000)	0	0	(6,500,000)
Proposed Land Sales	0	0	0	0
Leave Paid on Termination	0	0	0	0
Loan Principal Repayments	1,248,315	0	0	1,248,315
Cash Result before Capital Expenditure: (Surplus)/Deficit	(12,542,847)	225,546	(459,534)	(12,776,835)
Capital Expenses	23,789,000	7,099,694	(16,744,307)	14,144,387

Budget Results	Original Budget	Previous Quarters	December Qtr Review	Projected Result
Cash Result after Capital Expenditure: (Surplus)/Deficit	11,246,153	7,325,240	(17,203,841)	1,367,552
Unrestricted Cash: (Surplus)/Deficit:	(137,799)	(27,450)	0	(165,249)
Reserves: (Surplus)/Deficit	6,070,032	5,200,082	(3,067,462)	8,202,652
Developer Cont: (Surplus)/Deficit	5,313,920	2,152,608	(8,136,379)	(669,851)
Loans: (Surplus)/Deficit	0	0	(6,000,000)	(6,000,000)
Prior Year Grants: (Surplus)/Deficit	0	0	0	0
Total Cash Funding: (Surplus)/Deficit	11,246,153	7,325,240	(17,203,841)	1,367,552

b. Key Financial Results

	Opening Balance 1/7/21	Projected Result	Projected Balance 30/6/22	Minimum Balance
Unrestricted Cash	2,007,660	165,249	2,172,909	2,000,000

Unrestricted cash is a measure of Council's solvency showing the level of funds available to meet any contingency. The optimum balance is based on estimated cash flow requirements for operating and capital works. The projected balance at the end of the second quarter exceeds the optimum minimum balance.

c. Recurrent Results

	Operating cash result (surplus)/deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
Recurrent Result	(5,285,718)	5,711,630	425,912	1,248,315

The Recurrent Result is a measure of Council's financial sustainability. It shows the capacity of recurrent operating revenues to meet commitments for recurrent operations, loan repayments and existing asset renewals. It relies on depreciation being a reasonable measure of asset renewal requirements. A deficit represents the amount of essential asset renewal work that cannot be funded as a result of operating commitments exceeding revenue capacity.

Financial Services Manager’s comment in relation to the financial position of the Council’s Water Fund

The financial position of the water fund, remains sound though there is still a level of uncertainty with regards to predicting income generated from water usage due to the mild summer and higher than average rainfall. Current cash reserves means that the Water Fund is well placed to accommodate short-term fluctuations in income from water sales and meet scheduled loan repayments.

There has also been a significant deferral of capital works in the second quarter, whilst contracts should be finalised in the current year it is not expected that significant capital expenditure will be incurred on these projects until the new financial year.

Sewer Fund

a. Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	December Qtr Review	Projected Result
Operating Income	(24,300,887)	(352,520)	(61,263)	(24,714,670)
Operating Expenses	17,541,654	534,259	8,130	18,084,043
Operating Result before Capital: (Surplus)/Deficit	(6,759,233)	181,739	(373,133)	(7,893,627)
Capital Income	(943,000)	0	(320,000)	(1,263,000)
Operating Result after Capital: (Surplus)/Deficit	(7,702,233)	181,739	(373,133)	(7,893,627)
Non Cash Adjustments: Depreciation/Leave Accruals	(5,946,991)	0	0	(5,946,991)
Non-Operating Cash Adj.				
Loans raised to fund Capital Expenditure	0	0	0	0
Proposed Land Sales	0	0	0	0
Leave Paid on Termination	0	0	0	0
Loan Principal Repayments	1,212,736	0	0	1,212,736
Cash Result before Capital Expenditure: (Surplus)/Deficit	(12,436,488)	181,739	(373,133)	(12,627,882)
Capital Expenses	18,184,500	3,400,145	(8,459,239)	13,125,406
Cash Result after Capital Expenditure: (Surplus)/Deficit	5,748,012	3,581,884	(8,832,372)	497,524
Unrestricted Cash:	(359,990)	(360,525)	(61,263)	(781,778)

Budget Results	Original Budget	Previous Quarters	December Qtr Review	Projected Result
(Surplus)/Deficit:				
Reserves: (Surplus)/Deficit	(1,983,718)	2,748,146	(1,707,891)	(943,463)
Developer Cont: (Surplus)/Deficit	7,513,502	1,192,238	(6,485,000)	2,220,740
Loans: (Surplus)/Deficit	578,218	0	(578,218)	0
Prior Year Grants: (Surplus)/Deficit	0	2,025	0	2,025
Total Cash Funding: (Surplus)/Deficit	5,748,012	3,581,884	(8,832,372)	497,524

b. Key Financial Results

	Opening Balance 1/7/21	Projected Result	Projected Balance 30/6/22	Minimum Balance
Unrestricted Cash	2,215,405	781,778	2,997,183	2,000,000

Unrestricted cash is a measure of Council's solvency showing the level of funds available to meet any contingency. The optimum balance is based on estimated cash flow requirements for operating and capital works. At the end of the second quarter the projected balance exceeds the minimum balance.

c. Recurrent Results

	Operating Cash Result (Surplus)/Deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
Recurrent Result	(13,094,983)	5,946,991	(7,147,992)	2,812,736

The Recurrent Result is a measure of Council's financial sustainability. It shows the capacity of recurrent operating revenues to meet commitments for recurrent operations, loan repayments and existing asset renewals. It relies on depreciation being a reasonable measure of asset renewal requirements.

Financial Services Manager's comment in relation to the financial position of the Council's Sewer Fund

The surplus shows that the Sewer Fund is well placed to meet loan repayments and has the capacity to put away funds for necessary capital works which is essential giving the large sewer infrastructure network.

There has also been a significant deferral of capital works in the second quarter, whilst contracts should be finalised in the current year it is not expected that significant capital expenditure will be incurred on these projects until the new financial year.

(a) Policy Implications

Nil

(b) Financial Implications

The body and **ATTACHED**, refer **ANNEXURE 1**, of this report provide details of the projected financial results for the 2021/2022 Budget. The variances recorded for the different funds will have implications for the Long-Term Financial Plan, and this will be reviewed as part of the ongoing Integrated Planning and Reporting process.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.5 DELEGATION OF FUNCTION – GENERAL MANAGER

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services
1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Delegation of Function – General Manager”, Council:

- (i) revoke all previous delegations of Functions the subject of this Instrument;*
- (ii) grant the person who from time to time holds the position of General Manager of Council being at the date of this instrument Paul Bennett, delegated authority under:*
 - 1. Section 377 of the Local Government Act 1993, to exercise and/or perform on behalf of Council the Council’s Functions under all Acts and Regulations in force and as amended from time to time:*
 - a. subject to any condition or limitation on a Function specified in Schedule 1, refer Annexure 1; and*
 - b. excluding those Functions:*
 - i. that are expressly prohibited from delegation as listed under Section 377 of the Local Government Act 1993;*
 - ii. which are expressly required by legislation to be exercised by a resolution of Council;*

2. ***Section 68 of the Noxious Weeds Act 1993, to exercise and/or perform on behalf of Council the Functions of Council (other than the power of delegation) under the Noxious Weeds Act 1993;***
- (iii) grant the General Manager sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to Council under, and in accordance with, the instrument of delegation to Council set out in Schedule 2, refer ANNEXURE 1, excluding those Functions which pursuant to the terms of the delegation to Council may not be sub-delegated;***
- (iv) confer the General Manager authority to carry out the Policy Authorities listed in Schedule 3, refer ANNEXURE 1, and undertake any administrative actions necessary to carry out those Policy Authorities;***
- (v) delegate the General Manager any Function which is taken to be conferred or imposed on Council pursuant to section 381(1) of the Local Government Act 1993;***
- (vi) determine in the absence of the General Manager that a person appointed by the Mayor to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by Council;***
- (vii) acknowledge these delegations and authorities are subject to, and are to be exercised in accordance with:***
 - 1. the requirements of the relevant Legislation;***
 - 2. any conditions or limitations set out in Schedule 1; and***
 - 3. any resolution or policy, procedure or budget adopted from time to time by Council; and***

determine that these delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

SUMMARY

The purpose of this report is to alter the delegation of functions by Council to the General Manager to ensure that the decisions and actions of the General Manager are supported by appropriate delegated authority.

COMMENTARY

Section 377 of the Local Government Act 1993 provides for the delegation of Council functions to the General Manager with the exception of the following functions which must be exercised by the Council:

- (a) the appointment of a general manager;
 - (b) the making of a rate;
 - (c) a determination under section 549 as to the levying of a rate;
 - (d) the making of a charge;
 - (e) the fixing of a fee;
 - (f) the borrowing of money;
-

- (g) the voting of money for expenditure on its works, services or operations;
- (h) 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);
- (i) the acceptance of tenders to provide services currently provided by members of staff of the council;
- (j) the adoption of an operational plan under section 405;
- (k) the adoption of a financial statement included in an annual financial report;
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6;
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land;
- (n) 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;
- (o) 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*;
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194;
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons;
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office;
- (s) the making of an application, or the giving of a notice, to the Governor or Minister;
- (t) this power of delegation; and
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

In the past the delegation has been drafted to the person and not the position, which has resulted in a new delegation being created each time a senior staff member is acting in the role. This delegation covers staff acting in the role of General Manager through a memo signed by the Mayor.

The delegation recommended in the resolution, provides a very broad power for the General Manager to exercise Council functions, while at the same time, preserving the express limitations on the delegation as required by the Local Government Act 1993. This delegation provides security for Council to ensure that routine tasks performed by the General Manager or other professional staff under delegation are supported by a proper delegated authority.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Council is authorised under section 377 of the Local Government Act 1993 to pass a resolution delegating to the General Manager any of the functions of the Council, other than the following:

- (a) the appointment of a general manager;
- (b) the making of a rate;
- (c) a determination under section 549 as to the levying of a rate;
- (d) the making of a charge;
- (e) the fixing of a fee;
- (f) the borrowing of money;
- (g) the voting of money for expenditure on its works, services or operations;
- (h) 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);
- (i) the acceptance of tenders to provide services currently provided by members of staff of the council;
- (j) the adoption of an operational plan under section 405;
- (k) the adoption of a financial statement included in an annual financial report;
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6;
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land;
- (n) 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;
- (o) 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*;
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194;
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons;
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office;
- (s) the making of an application, or the giving of a notice, to the Governor or Minister;
- (t) this power of delegation; and
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

The Delegation of Functions to be conferred on the General Manager on and as from 22 February 2022 are in accordance with section 377 of the Act and do not delegate any of the functions of the Council identified in (a) to (u) above.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

10 COMMUNITY SERVICES

Nil

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 LEASE TO NORTH COMPANIONS FOOTBALL CLUB INCORPORATED OF PART OF LOT 17 IN DEPOSITED PLAN 858511

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

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

SUMMARY

The purpose of this report is to advise Council of the matters relating to a proposed lease for the area known as Marius Street Sporting Fields.

TENDER T044-2022 - DESIGN AND CONSTRUCT TAMWORTH REGIONAL AIRPORT TAXIWAY DELTA RECONSTRUCTION AND SEAL

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: John Sommerlad, Commercial Director - Airport, Aviation, Events and Projects

2 ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (a)&(d)ii of the local Government Act 1993 on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors..

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 approval to reject the Tenders received for T044-2022 on the basis of price. Also, to determine another option to get the required works completed.

The Tender was issued on Tenderlink and the Tamworth Regional Council website on Monday 2 August 2021, and closed on Wednesday 10 November 2021. The Tender called for the design and construction of a failed section of Taxiway Delta totalling 900m² and the resealing of a total of 6300m² of the taxiway including the lifting and reinstallation of the centreline lighting and associated works.

RENEWAL OF LEASE FOR COMMERCIAL PROPERTY 218 PEEL STREET

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Luke Stevenson, Commercial Property Officer

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

SUMMARY

The purpose of this report is to authorise the renewal of a commercial lease agreement between Council and The Cancer Council NSW.

T085/2022 UPGRADE OF BENDEMEER RAW WATER PUMP STATION – TENDER

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

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

SUMMARY

The purpose of this report is to advise Council of the outcome of the tender evaluation completed for the refurbishment of the Bendemeer Raw Water Pump station and provide a recommendation on how to proceed with the required works.

The primary raw water supply for the township of Bendemeer is the Macdonald River. Water is sourced from the river from a pump station located adjacent the New England Highway bridge. Water is pumped to the Water Treatment Plant located on Caroline Street prior to treated water being distributed to customers. The pump station was originally constructed in the 1960's and is due for renewal and upgrade due to the following:

- current equipment age increases the risk of pumping failure;

- elimination of site safety risks for operational staff; and
- reduction in current site flood risks.

To achieve the above objectives, a review of potential options available to upgrade the pump station was undertaken. This review investigated and costed multiple options from like-for-like replacement through to an entirely new pump station. The most cost-effective solution identified involves the renewal and reconfiguration of the pump station in its current location in conjunction with a new electrical switchboard being constructed above the 1 in 100-year flood level on an adjacent 5 acre parcel of land owned by Council.

DUNGOWAN PIPELINE EARLY WORKS - OWNERSHIP AND NEW CONNECTIONS

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 13.4 to Ordinary Council 13 December 2011 - Minute No. 446/11

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

Councillors would be aware that construction of the first stage of the new Dungowan Pipeline, referred to as Early Works is underway. An issue has arisen in relation to ownership of the pipeline once completed and whether or not to allow connections to the pipeline.

The purpose of this report is to seek Council direction in relation to this matter.