

# 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

**23 JULY 2019**

**PAUL BENNETT  
GENERAL MANAGER**

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## Council

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

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

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

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

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

**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 of 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, 9 July 2019, 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 PROVISION OF PARKING PATROLS FOR OFFICEWORKS CARPARK, 8-16 BRISBANE STREET, TAMWORTH, EAST TAMWORTH RAILWAY STATION 146 MARIUS STREET, TAMWORTH, AND CONTINUED PARKING PATROLS FOR TAMWORTH SQUARE CARPARK, 432-452 PEEL STREET TAMWORTH – FILE NO SF9600**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Ross Briggs, Manager Environment and Health**

**3 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Provision of Parking Patrols for Officeworks Carpark, 8-16 Brisbane Street, Tamworth, East Tamworth Railway Station, 146 Marius Street, Tamworth, and Continued Parking Patrols for Tamworth Square Carpark, 432-452 Peel Street, Tamworth”, Council:*

- (i) *authorise the Mayor and General Manager to enter into agreements as set out in the body of this report;*

- (ii) give public notice of the intention to classify all parcels of land as Operational Land;*
- (iii) resolve to classify the land as Operational Land upon vesting of control, subject to if there are any submissions then the matter be reported back to Council for resolution; and*
- (iv) authorise the affixing of the Seal of Council to the Agreement.*

## **SUMMARY**

The purpose of this report is to advise Council of an approach by three landowners for Council to take control of their land pursuant to an agreement under s650 of the Local Government Act 1993.

## **COMMENTARY**

Council has been approached by the owners of 8-16 Brisbane Street, being Lot 100 in DP 1215127 and known as the Officeworks building and carpark in relation to ongoing issues with onsite parking. Council has also been approached by NSW Trains to undertake parking patrols of the bus parking bay at 146 Marius Street, known as Lot 38 in DP 1006137 and known as the Tamworth Railway Station. In addition, Council has been asked to formalise the existing agreement to continue the current parking program by the owners of 432-452 Peel Street, being Lot 101 in DP 629477 and known as Tamworth Square building and carpark.

The owners of the Officeworks carpark have requested Council take control of the part of the land, as shown in the **ATTACHED** plan, refer **ANNEXURE 1**, under an agreement pursuant to section 650 of the Local Government Act 1993 (the Act). The owner of the Tamworth Railway Station carpark has requested Council take control of the part of the land, as shown in the **ATTACHED** plan, refer **ANNEXURE 2**, under an agreement pursuant to section 650 of the Act. The owners of the Tamworth Square carpark have likewise requested Council take control of the part of the land, as shown in the **ATTACHED** plan, refer **ANNEXURE 3**, under an agreement pursuant to section 650 of the Act. Council has been undertaking parking enforcement activities of this carpark for in excess of fifteen years.

When Council was approached by Officeworks to undertake parking patrols for their carpark, legal advice was sought and Council was advised that the agreement under section 650 of the Act was required. For this reason agreements are being entered into with all landowners.

Council's control of the land would extend to the enforcement of parking restrictions on site to ensure there is adequate turnover of parking and to prevent the parking spaces from being used as free all day parking.

All maintenance of the land including line marking and signage would be the responsibility of the landowner. Council's Parking Rangers would incorporate this area into their daily patrols and inspect the area as required by the landowner.

Council would have to enter all parcels of land into the asset register and they will therefore fall within Council's insurance regime, however, the landowners will be responsible for Public Liability Insurance and any other insurance required. The vesting of the land under Council's control means that it is necessary for the land to be classified under s30 of the Act as operational land.

Section 650(6) allows landowners to apply to Council to enter into free parking area agreements for their land or part thereof. Under these agreements, Council takes control of

the area and Council then enforces the parking restrictions in the same way as restrictions are enforced in Council public parking areas.

If a landowner enters into a free parking area agreement with Council, the following will occur:

- control of the land or part thereof will pass to Council;
- Council making the land available for free parking by the public;
- Council specifying conditions in accordance with s650(2) of the Act and notification of these by way of signage and notices erected on the land.

Section 650(2) provides the conditions that may be covered by the signage and these are:

- time which the public may use the area;
- the maximum period of parking allowed; and
- designation of disability parking.

While the owner can propose other terms and conditions outside these, and may be able to use s632 to enable these, generally speaking Council is bound by the requirements of the Act and cannot agree to other terms.

Council will need to make a determination that encompasses an assessment of both the private and public interests in the parking area. It would be inappropriate to allow a gross mismatch between the public and private needs in this regard. Conversations with the Regional Services directorate regarding the impact of this on Council's Parking Strategy has revealed it may have a positive impact in that it might push motorists to park in the free all day parking areas that are not fully utilised at present.

Council is entitled to recover all the costs of the agreement, including the costs of installing signage and any other requirements, as well as fees for service. These fees should be determined under Council's annual budgeting process as required. At present the fees for providing this service for the Officeworks carpark would be between \$5,000 and \$8,500 depending on the number of patrols per day undertaken. All revenue from infringements issued would be retained by Council. The fees for providing the service to the Tamworth Railway Station would be of a similar value.

Council currently receives \$26,575 per annum for providing the parking patrols of Tamworth Square Carpark, plus the infringements that are issued.

The landowner should also be made aware that the law enforcement obligations of Council cannot be modified under the Agreement. Council is obliged to comply with its standard law enforcement obligations at all times. All requests for adjudication of infringements will be directed to Revenue NSW, as is standard procedure for Council issued infringements.

The Office of Local Government has determined guidelines for the consideration of applications for agreements under s650. Council should consider the following:

1. *Has the owner already implemented all reasonable measures to deter vehicle related problems including the erection of signs, fencing, gates and other barriers?*

Response provided by the Office works landowner:

"With respect to the question above, we have undertaken the following measures in an attempt to deter unauthorised use:

- large significant signage noting the purpose and duration of parking availability;



- engagement with local business owners about staff and customers parking on site;
- regular and ongoing monitoring of the park and provision of information via the way of notes under windscreen wipers of offending vehicles advising of the terms of use of the car park and where alternative parking can be found;
- research into physical barriers including boom gates and drop down chains, however deemed not suitable as they require an on call service to handle incidents and boom gate malfunctions. These facilities are suited to shopping centres where there are both management on site and security services present. Boom gates are also prone to vandalism and deliberate destruction.”

The owners of Tamworth Square Carpark have done all of the above and are in the process of changing to a boom gate system in the New Year. They want parking management on weekends and all public holidays that is not able to be undertaken by Council. Furthermore, the members of the public that park in their carpark watch for the Parking Rangers arrival and then move their cars after the allowed parking time limit to avoid infringements. Due to the size of the carpark the only feasible way to provide the level of service is to move to a boom gate system.

Signage is already installed at the Railway station, however, passenger vehicles are parking in the No Stopping areas within the bus bay to drop train passengers off. This is making it very difficult for buses to access and safely turn in the bus bay especially at school pick up times.

2. *Is Council satisfied that there is a genuine need from a public policy perspective to assist the owner in deterring vehicle related problems via this agreement?*

With regard to point 2 above the following is provided:

- All day parking is a regular occurrence in this area despite the best efforts of the landowner. Across the road is the Council “CWA” metered parking area that is rarely full despite its location in close proximity one block from Peel Street. Conversely, the land in question is regularly filled from an early hour by workers and shoppers in the CBD.
- Tamworth Square is regularly filled with people parking all day, particularly on weekends and during the busy Christmas Holiday period. This makes it very difficult for shoppers to find parking spaces so that they can utilise the shopping centre.
- The conflict between illegally parked passenger vehicles and buses is causing a traffic hazard that may result in a safety risk for pedestrians in the area.

If it is determined to proceed with the agreement, then Council will be required to classify the land as operational and include the land in the asset register, and the landowners have been advised and will be reminded of this prior to entering into the agreement.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

An annual fee would be payable to Council by the landowner for the provision of this service. The annual fee for the Officeworks carpark would be between \$5,000 and \$8,500 depending on the number of patrols conducted each day. The annual fee for

the Tamworth Railway Station carpark would be of a similar or lesser value due to the size of the carpark and time taken. The annual fee for the Tamworth Square carpark is currently \$26,575. All revenue received from infringements issued as part of this program would be retained by Council.

**(c) Legal Implications**

The Seal of Council is required to be affixed to the Agreement.

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

**(d) Community Consultation**

The classification of land by resolution requires Council to give public notice of the classification. Accordingly, Council's resolution to classify the land as Operational land will be advertised in the local newspaper inviting submissions on the classification from interested parties. Should any submissions be received a further report will be prepared detailing submission/s for Council's consideration prior to implementation of the classification. Should no submissions be received, however, Council's resolution will be actioned without further reference.

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

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

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## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - GENERAL - 3 JULY 2019 – FILE NO SF1387**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Murray Russell, Manager Infrastructure and Works**

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

***That in relation to the report "Tamworth Regional Local Traffic Committee – General – 3 July 2019", Council:***

- (i) approve the installation of yellow no stopping linemarking on the corners of Alice Street at the intersection with Goonoo Goonoo Road Tamworth;***
  - (ii) approve the installation of dividing line marking approaching Orley drive on Tulipwood Crescent, Oxley Vale;***
  - (iii) approve the installation of a give way sign and associated linemarking, along with dividing linemarking, approaching the intersection of Matilda Place and Banjos Circuit, Hillvue;***
  - (iv) approve the changes to the road closure times in Fitzroy Street, Peel Street and Kable Avenue for pack down on the Monday after the Country Music Festival,***
-

*allowing additional events and activities in the CBD on the final Sunday afternoon and evening;*

- (v) approve the installation of a hold line and give way sign on Gidley Siding Road (minor through road for traffic) approaching Gidley Appleby Road (major through road for traffic), Gidley; and*
- (vi) approve the installation of no stopping signs either side of the Tamworth High School driveway on Jean Street, West Tamworth.*

## SUMMARY

The purpose of this report is to advise Council of six recommendations made by the Tamworth Regional Local Traffic Committee (LTC) at the meeting held 3 July 2019.

## COMMENTARY

Six formal items reached consensus at the meeting held 3 July 2019. The Minutes are **ATTACHED**, refer **ANNEXURE 1**.

### **66/2019 – Alice Street South Tamworth – No stopping yellow linemarking**

It is illegal to park within 10 metres of an intersection, unless there are parking signs/pavement marking indicating otherwise. Alice Street intersects with Goonoo Goonoo Road, the existing white line on Goonoo Goonoo Road is an edge line delineating the carriageway; it is not there to delineate parking spaces.

To clarify the legal parking area, it is proposed to install yellow no stopping line marking at the corners of the intersection of Alice Street with Goonoo Goonoo Road.



**Image 1** – Proposed no stopping linemarking - Alice Street / Goonoo Goonoo Road

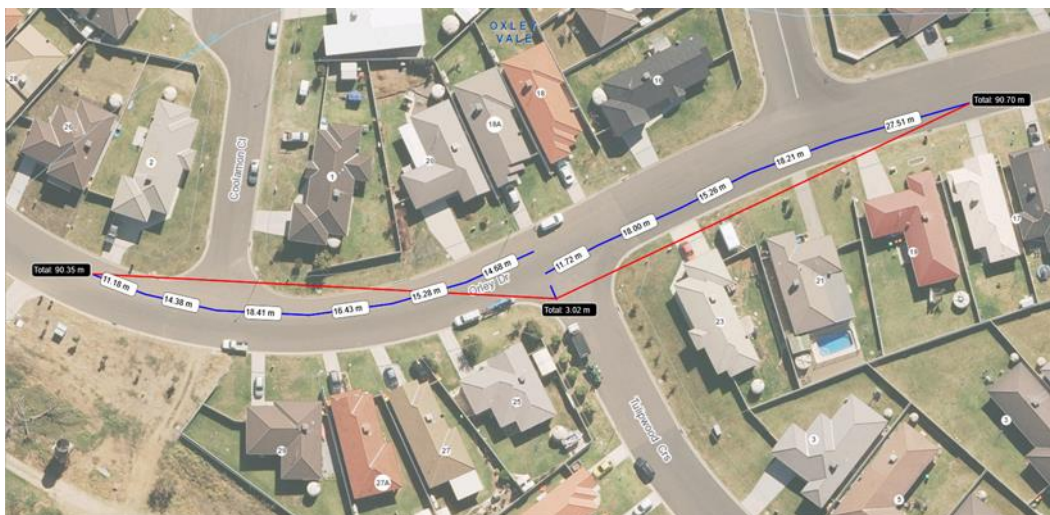
**COMMITTEE RECOMMENDATION:** the Committee support the installation of yellow no stopping linemarking on the corners of Alice Street at the intersection with Goonoo Goonoo Road Tamworth.

**67/2019 – Tulipwood Crescent, Oxley Vale – Request for stop sign and intersection approach linemarking**

A resident of Orley Drive, Oxley Vale has made a request through Cr Rodda, regarding the safety at the intersection of Tulipwood Crescent and Orley Drive.

The request was for a stop sign, associated linemarking at the intersection and linemarking leading up to the intersection, to discourage cars from cutting the corner turning onto Orley Drive and into Tulipwood Crescent. A phone call to the resident to confirm the linemarking request also raised an issue with speeding vehicles on Orley Drive, which may be compounding the intersection sight distance concerns.

A site inspection was undertaken by Council engineering staff and for both three metre and five metre safe intersection sight distance for a 50km/h street, the intersection does not meet the warrant for a stop sign in either direction. A real estate sign within the road reserve in front of 21 Orley Drive did inhibit sight distance, however the real estate business has since been directed to relocate this sign. Existing conditions without this sign allow satisfactory sight distance north and south along Orley Drive.



**Image 2** – three metre safe intersection sight distance check





**Image 3** – five metre safe intersection sight distance check

Linemarking on Tulip Crescent up to the intersection would be beneficial in this situation, due to the nature of the intersection meeting Orley Drive on a bend down a hill.

A traffic counter will be installed to check vehicle speeds on Orley Drive for use in any future requests.

**COMMITTEE RECOMMENDATION:** the Committee support the installation of dividing linemarking approaching Orley drive on Tulipwood Crescent. The committee does not support the installation of a stop sign at the intersection of Tulipwood Crescent and Orley Drive, Oxley Vale.

### **68/2019 – Matilda Place Hillvue – Request for give way sign and intersection approach linemarking**

A resident has made a request for a give way sign and linemarking on the intersection of Matilda Place and Banjos Circuit, Hillvue.

The resident suggested that due to the orientation of the intersection, cars entering Banjos Circuit from Matilda Place, and travelling south/west do not give way as they think it is a through road. The orientation of the intersection, situated on a curve and not being perpendicular to the intersecting road compounds the issue that the resident has identified.



**Image 4** – Proposed linemarking and give way sign on Matilda Place

**COMMITTEE RECOMMENDATION:** the Committee support the installation of a give way sign and associated linemarking, along with dividing linemarking approaching the intersection of Matilda Place and Banjos Circuit, Hillvue.

#### **71/2019 - Tamworth Country Music Festival 2020 road closures**

In recent years Council have re-opened Fitzroy Street at 6am on the Tuesday after the Festival. Council would like to extend the road closure until 6:00pm on that Tuesday, to allow additional time to remove the stage and structure near the Post Office, as well as structures closer to Kable Avenue.

There was feedback after this year's Festival, that on the last day of the Festival there was a lot of (de)construction work in the CBD as a result of the stalls and stages being dismantled, which had a negative impact of the feel of the Festival. Festival visitors were in the CBD on the Sunday afternoon expecting access to festivities; however everything was being packed down. As Council had positioned stalls in Peel Street this year, this had an even bigger impact as a lot of the pack down activity was occurring in the city's 'main' street.

Next year, Council would like to encourage traders to trade longer into the Sunday afternoon, and run the Fan Zone stage into the night on the final Sunday which has previously ceased operating at midday. Bump out would then commence on the Monday morning.

Priority on the Monday would be removal of structures in Peel Street. Some work may also be done to pull down structures in Fitzroy Street, however it is likely that it will take until midday to remove all structures in Fitzroy Street – hence the request to extend approved and advertised reopening time of 6:00pm on the Tuesday after the Festival.

The following temporary road closures will operate during the 2020 Tamworth Country Music Festival

TAMWORTH COUNTRY MUSIC FESTIVAL FRIDAY 17/1/2020 to SUNDAY 26/1/2020 TRAFFIC MANAGEMENT PLAN 2020						
Day	Date	Peel Street White Street to Brisbane Street	Fitzroy Street Smith Place egress to Kable Avenue	Kable Avenue Brisbane Street to south of Fitzroy Street	Brisbane Street Kable Avenue to Marius Street	Peel Street Brisbane Street to Bourke Street
Wednesday	15/01/2020		Closed 5am	Closed 5am		
Thursday	16/1/2020	Closed 4am				
Friday	17/1/2020	Closed Day/Night	Closed Day/Night	Closed Day/Night	Remains Open	Remains Open
Saturday	18/1/2020					
Sunday	19/1/2020					
Monday	20/1/2020					
Tuesday	21/1/2020					
Wednesday	22/1/2020					
Thursday	23/1/2020					
Friday	24/1/2020					
Saturday	25/1/2020					
Sunday	26/1/2020					
Monday	27/1/2020	Re-open 7pm				
Tuesday	28/1/2020		Re-open 6pm	Re-open midday		

**Image 5:** draft road closure matrix.

**COMMITTEE RECOMMENDATION:** the Committee support the changes to the road closure times in Fitzroy Street, Peel Street and Kable Avenue for pack down on the Monday after the event allowing additional events and activities on the Sunday afternoon and evening in the CBD.

#### 74/2019 – Right of way at the Gidley Appleby Road/Gidley Siding Road intersection

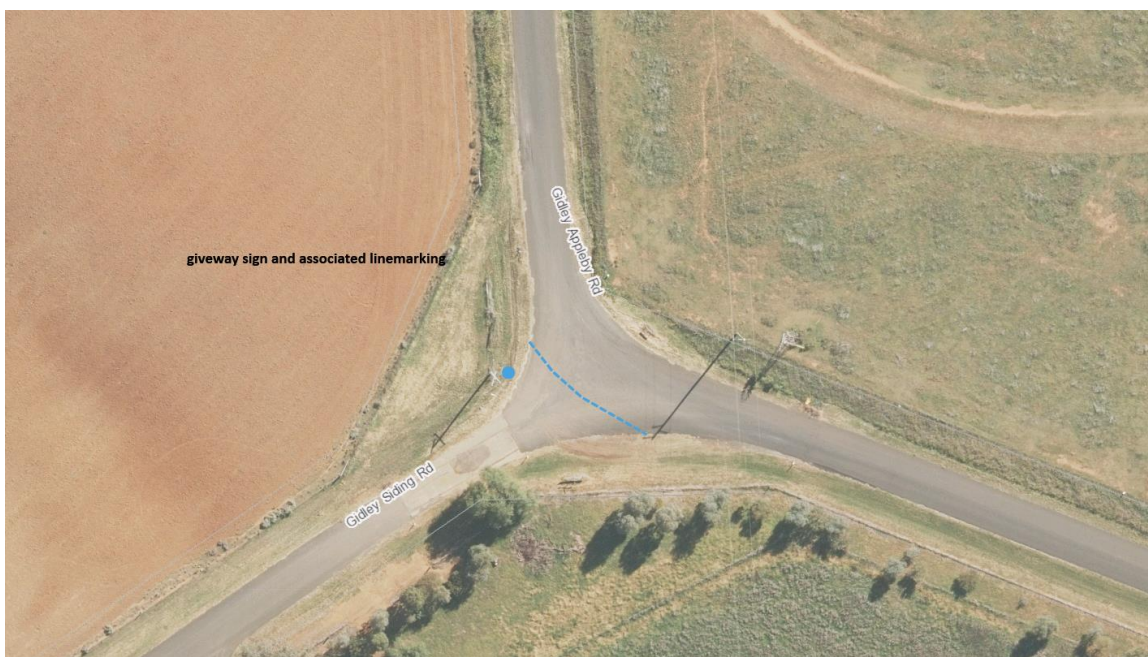
A Council staff member was speaking to residents while discussing a current project and they raised concerns regarding traffic flows at this intersection primarily relating to limited signage and uncertainty of right of way.

In the period 2013-2017, there has been one injury crash at this intersection.





**Image 6** – Intersection of *Gidley Appleby* and *Gidley Siding* Roads



**Image 7** – Proposed linemarking and signage for intersection

**COMMITTEE RECOMMENDATION:** the Committee support the installation of a hold line and give way sign on Gidley Siding Road (minor through road for traffic) approaching Gidley Appleby Road (major through road for traffic).

**76/2019 – Request for no stopping zones on Jean Street at school driveway**

Tamworth High School has requested no stopping zones be installed adjacent to their driveway on Jean Street. They have concerns regarding sight distance for vehicles exiting the driveway.

The request was originally reviewed by the LTC in April 2017, the meeting Minutes are shown below. The recommendation following a site inspection with Roads and Maritime Services at this time was not to install a no stopping zone either side of the driveway.

The school made the request again in May 2019, and were provided with further responses via email, phone and letter but the item was referred back to the LTC for further consideration.



TRLTC Meeting 12 April 2017

5. FORMAL ITEMS

- 37/2017 Tamworth High School request for various parking zones

The school request:

- 'No Stopping' zones either side of the driveway in Jean Street;
- disability parking bay/s in Willis Street, at location 1, if current bus arrangements are maintained, or at location 2 if the proposed bus bay on Jean Street is constructed.
- removal of the 'No Parking' zone on Jean Street.



**STAFF RECOMMENDATION:** that the Committee consider the requested changes for Willis Street and Jean Street.

**COMMITTEE RECOMMENDATION:**

- RMS to undertake a site visit and consider a 'No Stopping' zone for the hours of 8-9.30 and 2-4pm school zone times on Jean Street near the driveway to the school;
- make one change to one Disabled Parking bay, subject to funding availability; and
- leave Jean Street driveway arrangement as is. The current measures were put in place to deal with near misses and other conflicts with traffic.

**Image 8:** Extract from Local Traffic Committee April 2017 meeting Minutes

**COMMITTEE RECOMMENDATION:** the Committee supports the installation of no stopping signs either side of the driveway on Jean Street.

(a) Policy Implications

Nil

**(b) Financial Implications**

66/2019 - funded by Infrastructure and Works' signs and linemarking budget;  
67/2019 - funded by Infrastructure and Works' signs and linemarking budget;  
68/2019 - funded by Infrastructure and Works' signs and linemarking budget;  
71/2019 – N/A;  
74/2019 - funded by Infrastructure and Works' signs and linemarking budget; and  
76/2019 - funded by Infrastructure and Works' signs and linemarking budget.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

71/2019 – changes to closure times will be communicated to the public through media and event information by event organisers.

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

An Accessible Region – A23 Traffic management and traffic safety planning.

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**8.2 DUNGOWAN DAM COMMUNICATION LINK – FILE NO Q039/2019**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager Water and Waste

**RECOMMENDATION**

*That in relation to the report “Dungowan Dam Communications Link”, Council:*

- (i) receive and note the report; and*
- (ii) agree to enter into an agreement with NSW Police for the construction of a communications tower at Lot 101 DP1872614, Nowendoc Road, Niangala as per details provided in the report.*

**SUMMARY**

The purpose of this report is to advise Council of a proposal to install a microwave communication link from Dungowan Dam to Tamworth to further enhance monitoring capability of Dungowan Dam. The link requires the construction of a tower at Lot 101 DP1872614, Nowendoc Road, Niangala which is located on property owned by NSW Police.

**COMMENTARY**

As part of Council's risk mitigation project for Dungowan Dam, Council has identified the opportunity to improve site monitoring by the installation of a dedicated microwave communications link to Dungowan Dam. The link will be used in addition to the existing radio telemetry network that currently monitors parameters such as dam inflows, storage level and rainfall.

The primary purpose of the link is to allow large bandwidth equipment such as CCTV cameras to be used to assist with dam monitoring. In addition the link will provide remote

access to other key infrastructure including the seismograph installed onsite for monitoring any earthquake event and future solar arrays to be installed. The link will assist with implementing Council's Dungowan Dam Safety Emergency Plan.

The construction of the link requires a 24 metre high tower to be constructed at Mount Fairview on land owned and operated by NSW Police. From this location the link will connect back to Tamworth and Council's existing IT communication network to allow remote monitoring. The site at Mount Fairview has an existing tower, but this tower does not have the capacity or height to allow satisfactory performance of the proposed network. It should be noted that Council's existing radio telemetry network for the dam is located at Mount Fairview within and on NSW Police infrastructure.

A Development Application was recently submitted and approved in respect to the construction of the tower. As the tower is being constructed on NSW Police property, NSW Police have been involved with the project and signed the Development Application as the land owner. In discussion with NSW Police regarding the tower construction, NSW Police would like to install their communications equipment on the tower. NSW Police use the site for emergency communications throughout the area and utilising the new tower would allow equipment to be installed at a greater height, thus improving their communication coverage. The tower that has been approved for construction is capable of accommodating this request. As such, it is recommended Council approve the use of the tower by NSW Police. This is also a condition from NSW Police in allowing the construction of the tower. To allow this arrangement to take place, it is proposed an agreement between Council and NSW Police be prepared in accordance with the following negotiated conditions.

Council is required to:

- allow NSW Police to install a RFI BA4040-67 UHF antenna array at the top of the new tower with two AVA-50 RF feeder cables;
- maintain the physical security of the compound and equipment shelter in accordance with NSW Police requirements;
- abide by any access arrangements agreed by NSW Police with the local landowners to obtain access to the site;
- ensure Council, its agents, contractors and staff do not interfere or make any changes to communications equipment at the site, other than that owned by Council;
- move all existing Council antennas from the existing NSW Police tower to the new tower;
- build the new tower at its own cost;
- ensure any staff working on site comply with all relevant state and national laws including Work Health Safety requirements; and
- ensure all equipment is installed and maintained in accordance with industry best-practice.

NSW Police is required to:

- allow Council the exclusive use of an area of land measuring 5.5 metre x 5.5 at the site to build a 24-metre high communication tower;

- allow Council space for two 19-inch racks for its equipment in the existing equipment shelter;
- provide mains power at the NSW Police Mount Fairview Communications site for Council communications equipment at no cost to the Council;
- pay for all external site costs including, but not limited to, rates and electricity supply;
- allow Council and its agents ongoing access to the site and the equipment shelter for construction and maintenance of the tower and communications equipment;
- install the proposed new VHF antenna array on the new tower at NSW Police's own cost; and
- not to install additional equipment on the new Council tower without Council's prior agreement.

NSW Police and Council agree that each will benefit from the agreement and no payments will be made between the parties. In addition Council will maintain access rights in the event the property ownership changes.

It is believed the above agreement will be beneficial to Council, NSW Police and the broader community by improving emergency communication infrastructure.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Council has engaged a contractor to design and install the communications link at a cost of \$187,000. In addition a further \$35,000 has been allocated for the installation of CCTV cameras at Dungowan Dam. The current 2019/20 budget has sufficient funds allocated toward the project.

**(c) Legal Implications**

A legal agreement will be required to be executed between Council and NSW Police.

**(d) Community Consultation**

Consultation was completed as per requirements of the Development Application process for the tower.

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

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

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## 9 GOVERNANCE, STRATEGY AND FINANCE

### 9.1 COUNCIL INVESTMENTS JUNE 2019 – FILE No SF8852

DIRECTORATE: CORPORATE AND GOVERNANCE  
 AUTHOR: Michael Gould, Acting Manager Financial Services

**1 ANNEXURES ATTACHED**

#### RECOMMENDATION

*That in relation to the report “Council Investments June 2019”, Council receive and note the report.*

#### SUMMARY

This report provides an overview of Council Investments for the month of June 2019.

#### COMMENTARY

In accordance with Section 212 of the Local Government (General) Regulation 2005, the details of all money Council has invested as at 30 June 2019, 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	On Call	Term Deposit	Floating Rate	Total	% of Total
NAB	13,554,182	42,000,000	0	55,554,182	35.54%
ANZ	0	14,000,000	0	14,000,000	8.96%
BOQ	0	5,000,000	0	5,000,000	3.20%
CBA	0	12,000,000	3,000,000	15,000,000	9.60%
St George	0	18,000,000	0	18,000,000	11.51%
TCorp	14,767,773	0	0	14,767,773	9.44%
Westpac	0	22,000,000	12,000,000	34,000,000	21.75%
<b>TOTAL</b>	<b>28,321,955</b>	<b>113,000,000</b>	<b>15,000,000</b>	<b>156,321,955</b>	

The amount invested at 30 June 2019, has increased by \$1,980,274.45 since the previous month. Cash transactions for June included significant receipts from the advance payment of instalments for the 2019-20 Financial Assistance grant.

Council’s investments mainly include restricted funds received for specific purposes or held for future renewal works for each of the three main funds, as summarised in the following table:

Fund	Restriction	Amount	%
General	Unrestricted	5,993,285	3.83%
General	Internally Restricted	40,898,268	26.17%
General	Externally Restricted	8,179,908	5.23%
<b>General Fund Total</b>		<b>55,071,461</b>	<b>35.23%</b>
Water	Unrestricted	4,244,797	2.72%
Water	Internally Restricted	21,902,280	14.01%
Water	Externally Restricted	21,477,577	13.74%
<b>Water Fund Total</b>		<b>47,624,654</b>	<b>30.47%</b>
Sewer	Unrestricted	4,083,458	2.61%
Sewer	Internally Restricted	35,505,768	22.71%
Sewer	Externally Restricted	14,036,614	8.98%
<b>Sewer Fund Total</b>		<b>53,625,840</b>	<b>34.30%</b>

**Total Investments**

**156,321,955**

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’ except for the one term deposit that is now below the minimum rating level due to a recent down grade.

**(b) Financial Implications**

Investment levels and interest rates are currently on par with the revised estimate calculations.

**(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 the:



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

**(d) Community Consultation**

Nil

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

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

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**9.2 SECTION 355 COMMITTEE MINUTES AND PLACE MANAGEMENT ACTIVITIES – FILE No SF2256**

**DIRECTORATE: PLANNING AND COMPLIANCE**  
**AUTHOR: Kay Burnes, Senior Place Manager**

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Section 355 Committee Minutes and Place Management Activities”, Council:*

**(i) receive and note the Minutes of the following Committees:**

<i>Woolbrook Hall and Park Committee</i>	<i>17 December 2018</i>
<i>Woolomin Recreation Reserve Committee</i>	<i>6 February 2019</i>
<i>Attunga Public Hall and Youth Hall Committee</i>	<i>21 February 2019</i>
<i>Friends of Marsupial Park Committee</i>	<i>6 March 2019</i>
<i>Manilla Showground Committee</i>	<i>7 March 2019</i>
<i>Bendemeer Town Hall Committee</i>	<i>11 March 2019</i>
<i>Woolbrook Hall and Park Committee</i>	<i>1 April 2019</i>
<i>Friends of Marsupial Park Committee</i>	<i>3 April 2019</i>
<i>Somerton War Memorial Hall and Recreation Ground Committee</i>	<i>24 April 2019</i>
<i>Friends of Marsupial Park Committee</i>	<i>1 May 2019</i>
<i>Nundle Go for Gold Festival Committee</i>	<i>1 May 2019</i>
<i>Barraba Showground Management Committee</i>	<i>1 May 2019</i>
<i>Attunga Public and Youth Hall Committee</i>	<i>2 May 2019</i>
<i>Grey Fergie Tractor Muster Committee</i>	<i>4 May 2019</i>
<i>Manilla Matters Committee</i>	<i>8 May 2019</i>
<i>Bendemeer Town Hall Committee</i>	<i>14 May 2019</i>
<i>Dungowan Recreation Ground Committee</i>	<i>15 May 2019</i>
<i>Duri Progress Association</i>	<i>21 May 2019</i>
<i>Tamworth Regional Film and Sound Archive Committee</i>	<i>21 May 2019</i>

*Hangin Rock Community Hall Committee  
Manilla Matters Committee  
Duri Progress Association*

*3 June 2019  
12 June 2019  
18 June 2019; and*

- (ii) *receive and note the key outcomes and achievements from the Minutes received and notable outcomes of Place Management activities.*

## SUMMARY

The purpose of this report is to:

- present the Minutes of the Section 355 Committee meetings and consider the items for adoption, as recommended by the Committees;
- note the key outcomes, achievements and requests from the Minutes received; and
- inform Council of the notable outcomes of Place Management activities in the community.

## COMMENTARY

Tamworth Regional Council's (Council) Section 355 Committees each have delegated functions which may include the management of a facility, the coordination of an event or an advisory function to submit recommendations and advice to Council in regard to a specific community facility.

Council received 22 sets of Minutes from Section 355 Committees and the Minutes are **ATTACHED**, refer **ANNEXURE 1**, for Council's information.

Notable committee outcomes, achievements and items noted in the Minutes are:

- Noting within **Woolbrook Hall and Park Committee** minutes there are items being acted upon outside of the Committee's delegated function. The Committee has been made aware that this is not acceptable and reminded of their delegated function.  
  
The comment regarding the recent Bendemeer Hall improvement works was addressed. The Committee was made aware the Bendemeer project was under past approved funding and no preference was given to the works. Improvement works have commenced at Woolbrook Hall.
- **Woolomin Recreation Reserve Committee** – Minutes from 6 February 2019, mentioned generator not yet found. It is noted that this is not a Committee item, it is the community's generator.
- The **Barraba Showground Management Committee** is currently investigating options to renovate the Barraba Jockey Club bathrooms to accommodate the increasing numbers of female Jockeys at the local Barraba race meeting. The Committee is working with the Barraba Jockey Club, stewards from Racing NSW, Place Managers and the Sport and Recreation division to try and get these works completed before September's annual Barraba race meeting.
- **Dungowan Recreation Ground Committee** - Minutes from 15 May 2019 meeting.  
  
Council has addressed a previous enquiry from a community member regarding any future development at the Dungowan Recreation Reserve. Council has clarified with both the community member and the S355 Committee the following points:



- Council was made aware of a proposal to redevelop the Dungowan Recreation Reserve, which was presented to the Dungowan Recreation Reserve Committee 16/05/2018, when the Section 355 Committee meeting Minutes were lodged with Council. At such time Council spoke with both the Committee executive and the member who raised the proposal and confirmed via email that any such proposal would need to follow the relevant council approval process.
- The persons/user groups that were considering such development would need to have a concept plan for the grounds. Such plan would need to be presented to the Dungowan Recreation Reserve Committee (Section 355 Committee) which manages the site. The Committee would then need to review such plan and make a recommendation to Council, whether they are in favour of the project or not.
- At such time Council will need to consider the feasibility of future development at the reserve. This should be done early in the process. Council may endorse the further development of the plan, may suggest amendments or may not support any of the suggested items. A clear understanding of Council's position early in the process will avoid any future disappointment following the many hours that are undertaken to prepare plans. From there the vigorous planning process would need to be addressed inclusive of environmental impacts. There would need to be community consultation.
- The Committee will need to be able to justify that such improvements are required at the ground, are sustainable and detail how the improved facilities will be maintained.

To date there has been no further feedback or information presented to Council on the proposal.

- **Hanging Rock Community Hall Committee** – Minutes from 3 June 2019 meeting:

The request for financial assistance totalling \$200.00 towards the catering costs of the Hanging Rock Community Hall Committee's annual fundraising event be met by the 2019/2020 Place Management Team Budget.

- A WHS risk was identified at the **Attunga Public Hall** after the rear landing was removed during maintenance works. The Building Services Team is liaising with the Attunga Public and Youth Hall Committee regarding the replacement of the rear landing.
- The **Manilla Matters Committee** has presented both the Manilla Central School and St Michael's Manilla with \$200.00 Gallipoli Scholarships for both the 2018 and 2019 years. The Manilla Matters Committee also held another successful disco in April with over 30 children in attendance. Council is currently investigating options for a DJ going forward.

Notable Place Management activities within the community include:

- The Place Management Team closed the 2019/20 financial year with some notable Council achievements within the community.

Projects completed under the Facility Improvement Funding Program totalled a Council contribution of \$64,000.00. Section 355 Committees partnered with Council by matching dollar-for-dollar funding and/or in-kind services to an equivalent amount.

Further projects are scheduled and in progress to a total Council contribution of \$34,000.00. The following projects have been achieved:

- an electrical audit and upgrade at the Duri Hall;
- furnishing improvements at the Watsons Creek Hall;
- a new skillion cover at Somerton Hall;
- access and seating improvements at the Duri Hall;
- building improvements at Moonbi Museum;
- kitchen upgrade at Nemingha Hall;
- completion of the Barraba Cricket Nets project at Barraba Sports Ground;
- new safety fence at Barraba Showground;
- furnishing and lighting improvements at Bendemeer Hall;
- flood lighting at the Gowrie Hall;
- building improvements for Grey Fergie Muster Committee;
- floor sanding and polish at the Hanging Rock Community Hall; and
- artificial grass at the Loomberah Hall.

Council made notable financial contributions towards the delivery and celebration of Australia Day events throughout the region, namely Barraba, Manilla and Nundle to the sum of \$9,000.00.

Identified work, health and safety items were addressed with financial contributions totalling \$48,000.00, namely:

- Temporary Camping Approval and Compliance on Council land throughout the local government area;
- Barraba Showground grandstand seating and building fire safety compliance upgrade;
- provision of hot water to the Nundle Visitor Information Outlet;
- solar lighting in public amenities at Nundle Recreation Ground;
- provision of fence materials at the Attunga Recreation Ground to replace temporary fencing segregating pedestrians from ground use activities;
- provision of fencing materials at Duri Recreation Ground to upgrade the boundary fence and enable full use of the field by ground users;
- renew and upgrade key lock systems at both Somerton and Attunga Recreation Grounds; and
- dismantle and remove the old Kootingal Amphitheatre.

A non recurrent restricted reserve of \$32,000.00 was allocated towards the replacement of the Nundle Recreation Ground fence, as per a resolution of the Executive Management Team in October 2019, along with a financial contribution of \$6,000.00 towards the 2019 Manilla Show.

- Kay Burnes – Senior Place Manager, as Council's representative, attended the first meeting of the Hills of Gold Windfarm Community Consultative Committee 12 June 2019. The meeting involved the induction of all Committee members, defined the Committee process and provided an overview of the proposal. The Committee structure consists of members representing the project proponents Someva/Wind Energy Partners, Tamworth Regional Council, Liverpool Plains Shire Council, Upper

Hunter Shire Council, the local communities of both Nundle and Hanging Rock, Nundle Business Tourism and Marketing Group Incorporated and Hills of Gold Preservation Incorporated. The next meeting is scheduled for September 2019.

- Forestry Corporation NSW took the opportunity to address the local community gathering after the Section 355 Committee had finalised their business. Forestry Corporation NSW are harvesting around the perimeter of the Hanging Rock Cemetery and will be erecting a wooden rail fence along the front of the cemetery blending into a rural type wire fence around the perimeter of the site. The works will be funded by Forestry Corporation NSW. The improved site is to be low maintenance and attractive to visitors to the area.
- The Building Services team have painted the front exterior of the Somerton War Memorial Hall and given the bronze signage a much needed clean.
- The underground watering system has now been installed in the lawn section of the Barraba cemetery.
- A new sheltered barbeque area and shade sail has now been installed at Manilla Rotary Park and a new shade sail has been installed at Barraba O'Meara Park and Barraba Rotary Park, as well as a new sheltered picnic area. These should be open to the public in the coming weeks.

**(a) Policy Implications**

It is a policy decision of Council to maintain Section 355 Committees and practices having regard to Council's community governance structure and Section 355 of the Local Government Act 1993.

**(b) Financial Implications**

Section 355 Committee and Place Management activities and budgets are maintained under the Planning and Compliance Directorate budget.

**(c) Legal Implications**

Section 355 of the Local Government Act 1993, enables the Council to appoint a Committee to exercise a function on its behalf by way of a Committee of Council. This is used in conjunction with Section 377 of the Local Government Act 1993, to formally delegate a function to the appointed Committee.

**(d) Community Consultation**

Nil

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

A Region of Progressive Leadership – L13 Provide inclusive opportunities for the community to get actively involved in decision-making.

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**9.3 ANNUAL OPERATIONAL PLAN 2018/19 BUDGET VARIATION REPORT - JUNE 2019 – FILE NO SF8575**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Michael Gould, Acting Manager Financial Services**

**Reference: Item 9.1 to Ordinary Council 26 June 2018 - Minute No 217/18**

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Annual Operational Plan 2018/19 Budget Variation Report – June 2019”, Council note and approve the variations to the existing budget included in the attached ANNEXURE.*

**SUMMARY**

Council adopted the original budget included in the Annual Operational Plan for 2018/2019 at the Ordinary Council Meeting held 26 June 2018. Any changes to the budget must be approved by Council at a later Ordinary Meeting. This report seeks Council approval for any required budget variations identified during the month of June 2019, for which there has been no previous specific report or approval.

The Quarterly Budget Review Statements will provide Council with a full review of revised budget forecasts and actual year to date results following the completion of the September, December and March quarters.

**COMMENTARY**

The annual budget provides Council with the means to control resource allocation and revenues per objectives set in the Annual Operational Plan. It also forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and update of the budget is therefore important for sound financial management.

This monthly report provides a timely endorsement of any variations identified during the previous month and for the reporting of any material differences between budgets and actuals identified by the Responsible Accounting Officer.

A summary of general budget variations is provided below with detailed lists included the ATTACHED, refer ANNEXURE 1.

**General variations identified during June**

<i>Description</i>	<i>Operating Income</i>	<i>Operating Expenses</i>	<i>Capital Income</i>	<i>Capital Expenses</i>
Cultural Services	(66,700)	8,000	0	9,833
Directorate Mgmt - Business & Community	0	7,859	0	0
Sports & Recreation Services	0	(1,607)	(193,137)	194,744
Infrastructure & Projects	0	0	(83,500)	87,456
Waste Management	(47,714)	3,737	0	(95,935)
Water & Wastewater	(72,320)	(48,331)	0	56,862
Sustainability Activities	0	(4,277)	0	(7,680)
<b>Grand Total</b>	<b>(186,734)</b>	<b>(34,619)</b>	<b>(276,637)</b>	<b>245,280</b>

**Material differences between budget and actual income or expenditure**

Nil

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The variations included in the report have the following impact on forecast results for 2018/2019:

<i>Fund</i>	<i>Operating Income</i>	<i>Operating Expenses</i>	<i>Capital Income</i>	<i>Capital Expenses</i>
General	(114,414)	13,712	(276,637)	188,418
Water	(41,458)	(48,331)	0	56,862
Sewer	(30,862)	0	0	0

**(c) Legal Implications**

This report is in compliance with the following sections of the Local Government (General) Regulation 2005;

211 Authorisation of expenditure; and

202 Responsible Accounting Officer to maintain system for budgetary control.

**(d) Community Consultation**

Nil

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

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

**9.4 LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA 2019 ANNUAL NATIONAL CONGRESS AND BUSINESS EXPO – FILE NO SF1007**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Paul Bennett, General Manager**

**1 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “Local Government Professionals Australia 2019 Annual National Congress and Business Expo”, Council approve the attendance of the Mayor, General Manager and Director Corporate and Governance to the 2019 Annual National Congress and Business Expo to be held in Darwin, 31 July to 2 August 2019.*

**SUMMARY**

The purpose of this report is for Council to approve the attendance of the Mayor, General Manager and Director Corporate and Governance to attend the Local Government Professionals Australia 2019 Annual National Congress and Business Expo.

The LG Professionals Australia rotate their Annual National Congress and Business Expo across each State of Australia and attracts around 450 delegates from across the nation. This year the Congress will be held in Darwin on 31 July to 2 August 2019.

## COMMENTARY

The National Congress and Business Expo for 2019 will be reflecting the needs of not just today's leaders but the future of leadership and of Councils, and exploring how to embrace diversity in Councils by promoting gender equity in a real and practical way.

A copy of the Congress Brochure is **ATTACHED**, refer **ANNEXURE 1**.

### (a) Policy Implications

Councillor(s) authorised to attend the 2019 Annual National Congress and Business Expo will attend the Conference 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 Council.

### (b) Financial Implications

Councillors have been allocated the sum of \$4,500 annually to specifically provide for attendance at Local Government sector conferences, workshops, industry working parties and community non Council functions and events. Authorisation of the attendance of councillors is by way of a resolution of Council. Authorisation and the payment of the expenses involved will only be provided by Council where the conference, workshop or industry working party is directly related to the Councillor's civic functions and responsibilities and/or the Local Government sector.

Registration for the conference is \$1333.00 per person including accommodation, flights will be \$872.74 per person.

Council has made provision in the budget for Professional Development activities for staff that will cover the cost of attendance for the General Manager and Director Corporate and Governance at the National Congress.

### (c) Legal Implications

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

### (d) Community Consultation

Nil

### (e) Delivery Program Objective/Strategy

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

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## 10 COMMUNITY SERVICES

Nil

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

### **RECOMMENDATION**

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

#### **11.1 POSSIBLE PURCHASE OF PROPERTY - WALLAMORE ROAD TAMWORTH – FILE NO LF1235**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Bruce Logan, Director Water and Waste

**Reference:** Item 14.2 to Ordinary Council 14 May 2019 - Minute No 159/19  
**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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

#### **SUMMARY**

The purpose of this report is to seek direction from Council in relation to the possible purchase of property located in Wallamore Road, Tamworth.

#### **11.2 TENDER T43/209 - REHABILITATION OF SEWER MAINS BY IN-SITU RELINING – FILE NO T143/2019**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Daniel Coe, Manager Water and Waste

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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 recommend the acceptance of a tender for the rehabilitation of sewer mains within Tamworth by in-situ relining. This report discusses the merits of tenders received and recommends a preferred tenderer.



**11.3 TENDER RFT-10023271 - REFURBISHMENT OF ONE TREE HILL RESERVOIR – FILE No SF9187**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Daniel Coe, Manager Water and Waste**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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 advise Council of the submissions received in response to a Request for Tender issued for the roof replacement for the nine Megalitre reservoir damaged during a storm in December 2018. The report discusses the merits of the tenders received and recommends a preferred tenderer.



## **CLOSED COUNCIL**

### **Confidential Reports**

#### **(Section 10A(2) of The Local Government Act 1993)**

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the Council or committee.

#### **Resolutions passed in Closed Council**

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.