

TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6.30pm**.

ORDINARY COUNCIL AGENDA

23 MAY 2023

PAUL BENNETT
GENERAL MANAGER

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 9 May 2023, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

5.1 DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COST

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Russell Webb, Mayor

RECOMMENDATION

That in relation to the report “Damaging Increase in Emergency Services Levy Cost”, Council:

- (i) write to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member;*
 - a. expressing Council’s strong opposition to the NSW Government’s last minute decision to impose an enormous Emergency Services Levy cost increase on councils for 2023/2024 by scrapping the Emergency Services Levy subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;*
 - b. noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council’s 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded;*
 - c. advising that the Government’s decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;*
 - d. calling on the NSW Government to take immediate action to:*
 - i. restore the ESL subsidy in 2023/2024;*
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable Councils to recover the full cost;*
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government;*
- (ii) write to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council’s forced emergency services contribution is manifestly disproportionate to the 2023/2024 rate cap, which has resulted in additional financial stress;*
- (iii) write to the President of Local Government NSW seeking the Association’s ongoing advocacy to bring about a relief in the burden of Councils’ emergency services contribution.*

SUMMARY

I am calling on Councillors to support representations to the NSW Government in response to the highly damaging increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023/24 financial year.

COMMENTARY

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worse, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State's 128 councils in 2023/2024 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% for 2023/2024.

Reporting suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on councils' finances will be particularly severe in 2023/24 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For many councils, the unexpected cost hit will absorb almost all of their IPART-approved rate rise for this year and in some cases absorb more than 100%. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation and wage increases.

IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and services expenditure.

For Council, the ESL has increased by \$734,410.00 for 2023/2024, bringing the total Council contribution to \$1,862,854. This amounts to 49% of the expected increase in rate income for 2023/2024. If the NSW Government's decision is not reversed, the potential impacts on Council's services and infrastructure maintenance will be a reduction in scheduled programs and declining service levels.

The timing of this development is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.

All councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

This Mayoral Minute recommends that Council call on the NSW Government to take immediate action to:

- a. restore the ESL subsidy;
- b. decouple the ESL from the rate peg to enable councils to recover the full cost; and
- c. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services.

The Mayoral Minute also recommends that Council write to IPART advising of the financial sustainability impacts on of the ESL.

(a) Policy Implications

Nil

(b) Financial Implications

The permanent loss of a subsidy for Council's Emergency Services Levy payment will have a significant compounding impact going forward on Council's discretionary funds. Going forward it will mean a decline in the services and service levels Council's General Fund is able to provide to the community. The Emergency Services Levy will in 2023/2024 cost Tamworth Regional Council General Fund an additional \$734,410.00 when compared to the 2022/2023 financial year.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 PROPOSED ROAD NAME FOR EVERGREEN VIEWS ESTATE, KOOTINGAL SUBDIVISION (LOT 18 DP 18807)

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

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Proposed Road Name for Evergreen Views Estate, Kootingal Subdivision (Lot 18 DP 18807)”, Council:

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

SUMMARY

The purpose of this report is to recommend a new name for a road within the Evergreen Views Estate Kootingal subdivision, identified as Lot 18 DP 18807 Limbri Road, Kootingal. Council has approval from the Geographical Names Board (GNB) to name this new road.

COMMENTARY

Proposed Name: ‘Daisy’ Close.

Development (DA0892/2004) Consent granted: 13 December 2005.

Theme or origin of proposed name: To reflect the road name theme of nearby streets being Australian Flora.

Geographical Names Board Approval (RN2023-0073) Date: 27 February 2023

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The proposed road name 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 name, Council will proceed to publish the adopted name in the Government Gazette. In the instance that one or more objections are received in respect of the proposed road name, the matter will be reported to a subsequent Council meeting for Council's further consideration.

(e) Delivery Program Objective/Strategy

Focus Area 4 – Resilient and Diverse Communities

7.2 MANILLA RAILWAY VIADUCT AND UNDERBRIDGE - POTENTIAL STATE HERITAGE REGISTER LISTING

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

Reference: Item 7.2 to Ordinary Council Meeting 17 December 2019 -
Minute No. 451/19

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Manilla Railway Viaduct and Underbridge - Potential State Heritage Register Listing”, Council lodge a submission to the Heritage Council of NSW:

- (i) outlining its support of the State Heritage Listing; and*
- (ii) clarifying that its support does not extend to Council accepting ownership or responsibility for the Viaduct and Underbridge in the future.*

SUMMARY

Council has received notification from the Department of Planning and Environment advising that the Heritage Council of NSW resolved at its meeting of 2 May 2023 to give notice of its intention to consider listing the Manilla Railway Viaduct and Underbridge on the State Heritage Register.

Public submissions to the Heritage Council of NSW have been invited in regards to the proposed State Heritage Listing with such submissions closing on 5 June 2023.

It is recommended that Council lodge a submission supporting the heritage listing. However, noting the condition of the structure and the potential cost of preservation and restoration, it is also recommended that Council's submission clarify that its support does not extend to accepting the ownership or responsibility for the viaduct and underbridge in the future.

COMMENTARY

Background

The Manilla Viaduct is an iconic landmark - a one of a kind piece of historic rail infrastructure which sits high above the Manilla showground.

The rail line opened in September 1908 and provided an important link to the regional centres surrounding Manilla. Although the line is now closed, it stands as a heritage reminder of years gone by.

The Manilla Railway Bridge (Viaduct) crosses over the Namoi River, and historically travelled through the Showground to Manilla Railway Station (no longer in existence).

It is the only curved timber railway viaduct in the Southern Hemisphere, and is a great feature for events like the Manilla Show and Renewable Manilla.

Previous Council Resolution

The *Manilla Viaduct Future Options Study Final Report*, prepared by ERM for John Holland Rail P/L on behalf of Transport for NSW, was presented to a community forum in Manilla in December 2018.

In 2019 Council received a request from the Manilla Viaduct, Rail Bridge and Tourism Group to provide a letter of support to accompany a nomination for the Manilla Railway Bridge Timber Viaduct to be included on the State Heritage Register.

Council resolved to support the state heritage listing but clarified that its support did not extend to it accepting ownership or responsibility for the structure. The December 2019 Council report and letter of support to the Manilla Viaduct, Rail Bridge and Tourism Group is **ATTACHED**, refer **ANNEXURE 1**.

Proposal

The Heritage Council of NSW has advised that at its meeting of 2 May 2023, it resolved to give notice of its intention to consider listing the Manilla Railway Viaduct and Underbridge on the State Heritage Register.

Public submissions to the Heritage Council of NSW have been invited in response to the proposed listing with the public consultation period having commenced on 9 May and closing on 5 June 2023.

Once the Heritage Council of NSW has collated all the responses from stakeholders, it will make a recommendation to the Minister of Environment and Heritage regarding the proposed listing.

Matters for Consideration

It is noted that the structure requires urgent work and that Tamworth Regional Council does not have the resources and/or budget to complete such works.

While it is recommended that Council support the State Heritage listing of the structure, it is also recommended that Council clarify that its support does not extend to assuming ownership or responsibility for the Viaduct and Underbridge.

Tamworth Region Heritage Working Group Support

Tamworth Regional Council's Heritage Working Group members were consulted via email to obtain their thoughts and all members were unanimous in their support for the listing.

(a) Policy Implications

Nil

(b) Financial Implications

Noting that it is recommended that Council's submission will clarify that Council is not willing to assume ownership or responsibility for the Manilla Railway Viaduct and Underbridge, there are no financial implications.

(c) Legal Implications

Nil

(d) Community Consultation

The Heritage Council of NSW has invited public submissions in relation to its proposal to list the Manilla Railway Viaduct and Underbridge on the State Heritage Register. The submission period commenced on 9 May and closes on 5 June 2023.

Due to the limited time given to provide a submission an email was forwarded to the Tamworth Regional Council Heritage Working Group members seeking their advice and support for the preparation and lodgement of a submission. The response from members was unanimous support for the heritage listing.

(e) Delivery Program Objective/Strategy

Focus Area 7 – Celebrate our Cultures and Heritage

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH MOUNTAIN BIKERS REQUEST FOR A ZERO TURN MOWER

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager - Sports and Recreation

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Mountain Bikers Request for a Zero Turn Mower”, Council allocate the Tamworth Mountain Bikers with a suitable Zero Turn Mower on the following basis:

- (i) Tamworth Mountain Bikers will be responsible for the garaging, security, and normal maintenance and running costs, whilst this item of Council plant is allocated to this community group;*
- (ii) at times mutually convenient Council’s Fleet staff will carry out an annual inspection of this item for safety reasons and/or professional advice to assist them in the maintenance of the mower; and*
- (iii) Council’s Manager Plant, Fleet and Building Services will be delegated the responsibility of nominating the time when this item of plant is deemed unserviceable at which time the mower is to be returned to Council for write-off and disposal.*

SUMMARY

Tamworth Regional Council (Council) has received a request from the Tamworth Mountain Bikers Club (the Club), requesting Council provide a zero-turn mower for maintenance of the Tamworth Mountain Bike Park at Forest Road, North Tamworth. By allocating a zero-turn mower, Council will assist the Tamworth Mountain Bikers to maintain the Tamworth Mountain Bike Park to a high standard for all the community to enjoy.

COMMENTARY

The Club has operated the Tamworth Mountain Bike Park at Forest Road under a Licence Agreement with Council since 2014. During this time, the Club has undertaken substantial developments of the tracks and significant infrastructure improvements and, as a result, has hosted regionally significant events at the facility.

The Club is supported by a very committed group of volunteers who undertake all maintenance of the site and permit and encourage it to be used as an active recreation facility free for all the community.

Recently, the Club has written to Council to seek the allocation of a community mower so that they can improve the maintenance of their grounds, see **ATTACHED**, refer **ANNEXURE 1**.

The request is for a zero-turn mower with a cutting width of around 60 inches (1,500mm). Council uses similar machines, with a number coming up for renewal each year. The approximate written down value of a such a mower is \$6,000 exclusive of GST.

Given the proactive and cooperative attitude shown by the Club to date in managing a great community asset that has gained state and national significance within the sport of mountain biking, it would be a positive gesture to assist the Tamworth Mountain Biker's volunteers with their request. Therefore, it is recommended that Council support this request with a suitable mower when one becomes available.

If supported, the Club would then assume responsibility for garaging, security, and normal maintenance/running costs whilst the mower is allocated to them.

All ownership and annual maintenance of the machine would be managed in accordance with Council's Plant, Fleet and Building Services division, similar to what has occurred with the allocation of other plant items to similar community groups.

(a) Policy Implications

Nil

(b) Financial Implications

Council's Plant Reserve will be impacted by approximately \$6,000, however this is not expected to adversely affect the plant replacement program.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 2 – A liveable built environment

8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING - 3 MAY 2023

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer

9 ANNEXURES ATTACHED

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee General Meeting - 3 May 2023”, Council:

- (i) approve the installation of new median islands, line marking and signage on the south western side of the Brisbane and Raglan Streets intersection in East Tamworth;*
- (ii) approve the installation of a new median, line marking and signage on the north eastern side of the Brisbane and Napier Streets intersection in East Tamworth;*
- (iii) approve the installation of new median islands, line marking and signage on Warral Road, West Tamworth;*
- (iv) approve the relocation of the School Children's Crossing and the installation of new kerb blisters, line marking and signage on Petra Avenue, South Tamworth;*
- (v) approve the installation of a wombat crossing, line marking and signage on the north eastern side of the Brisbane and Upper Streets intersection in East Tamworth;*
- (vi) approve the installation of a wombat crossing, line marking and signage on Hillvue Road, South Tamworth;*
- (vii) approve the installation of a wombat crossing, line marking and signage on the northern side of the Denman Avenue and Barber Street intersection in Kootingal;*
- (viii) approve the installation of a wombat crossing, line marking and signage on the southern side of the Denman Avenue and Irvine Street intersection in Kootingal;*
- (ix) approve the proposed traffic impacts and road closures associated with the Tamworth NAIDOC Week march from 9.30am to 11.00am on 7 July 2023; and*
- (x) approve the proposed traffic impacts associated with the Manilla Vintage Machinery Street Rally from 11.00am to 12.00pm on 10 June 2023.*

SUMMARY

The purpose of this report is to advise Council of the 10 recommendations made by the Tamworth Regional Local Traffic Committee (the Committee) at the meeting held on 3 May 2023.

COMMENTARY

The minutes from the Committee meeting held on 3 May 2023, are **ENCLOSED**, refer **ENCLOSURE 1**.

40/2023 – Brisbane and Raglan Street – Pedestrian Crossing Treatments (prev. 49/2021)

In October 2021, the Committee and Council approved a design for pedestrian crossing treatments on Brisbane Street, East Tamworth. As shown below in Figure 1, the treatments were initially proposed for the northern side of the Raglan Street intersection (near Calrossy Anglican School).

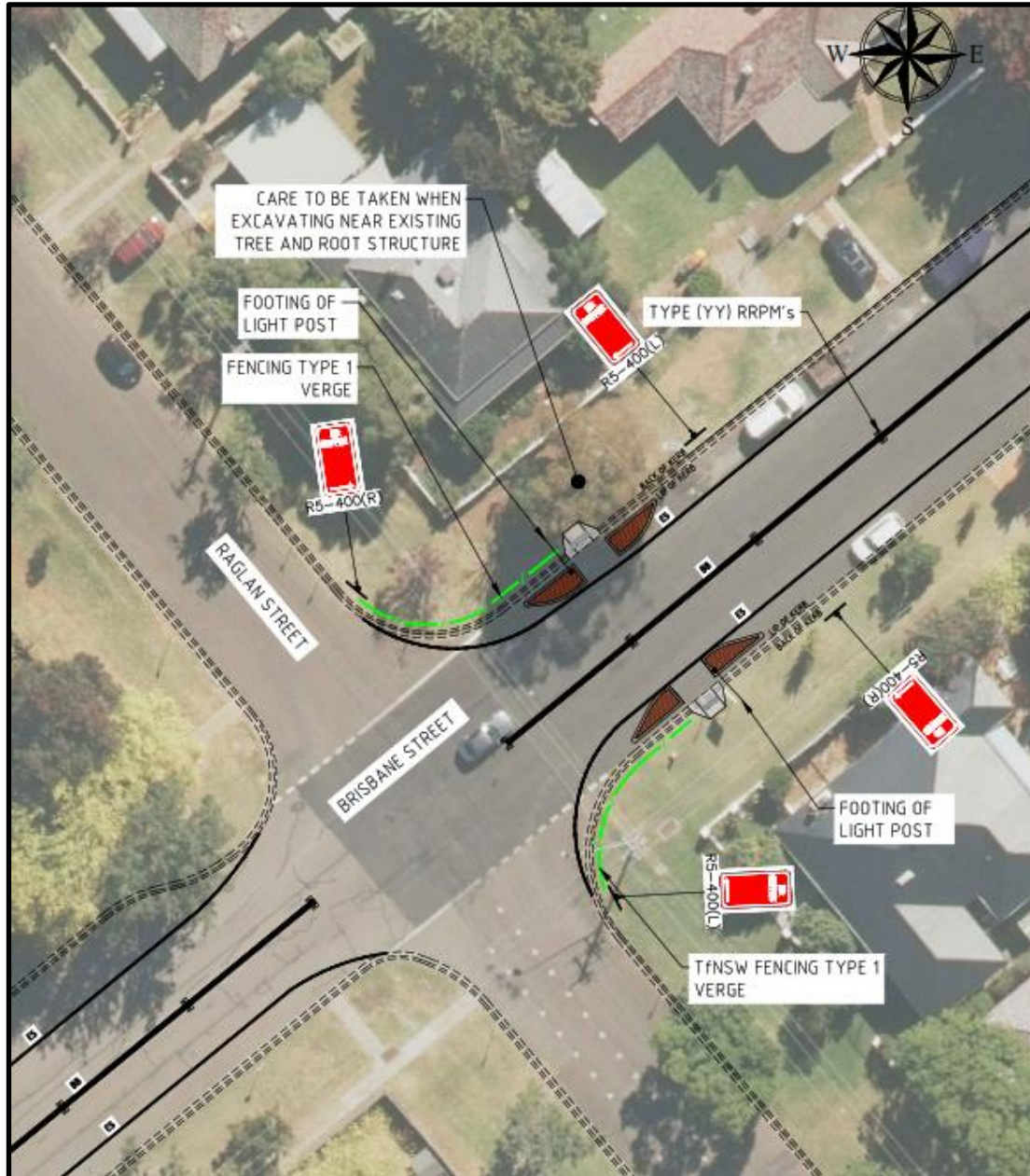


Figure 1: Previously approved Pedestrian Crossing Treatment at the Brisbane and Raglan Streets intersection, East Tamworth.

This design has been amended to install a pedestrian refuge on the southern side of the Raglan Street intersection in accordance with the **ATTACHED**, refer **ANNEXURE 1**. The amendments will provide a safer pedestrian treatment at a popular crossing location, whilst tying into existing path infrastructure.

42/2023 – Warral Road - Pedestrian Crossing Treatments (prev. 49/2021)

In October 2021, the Committee and Council previously approved two designs for pedestrian crossing treatments along Warral Road, West Tamworth. As shown below in Figure 3, Figure 4 and Figure 5, one was on the northern side of the Cossa Street intersection and one was on the southern side of the Bourne Street intersection.



Figure 3: Locations for the previously approved Pedestrian Crossing Treatment works on Warral Road, West Tamworth.

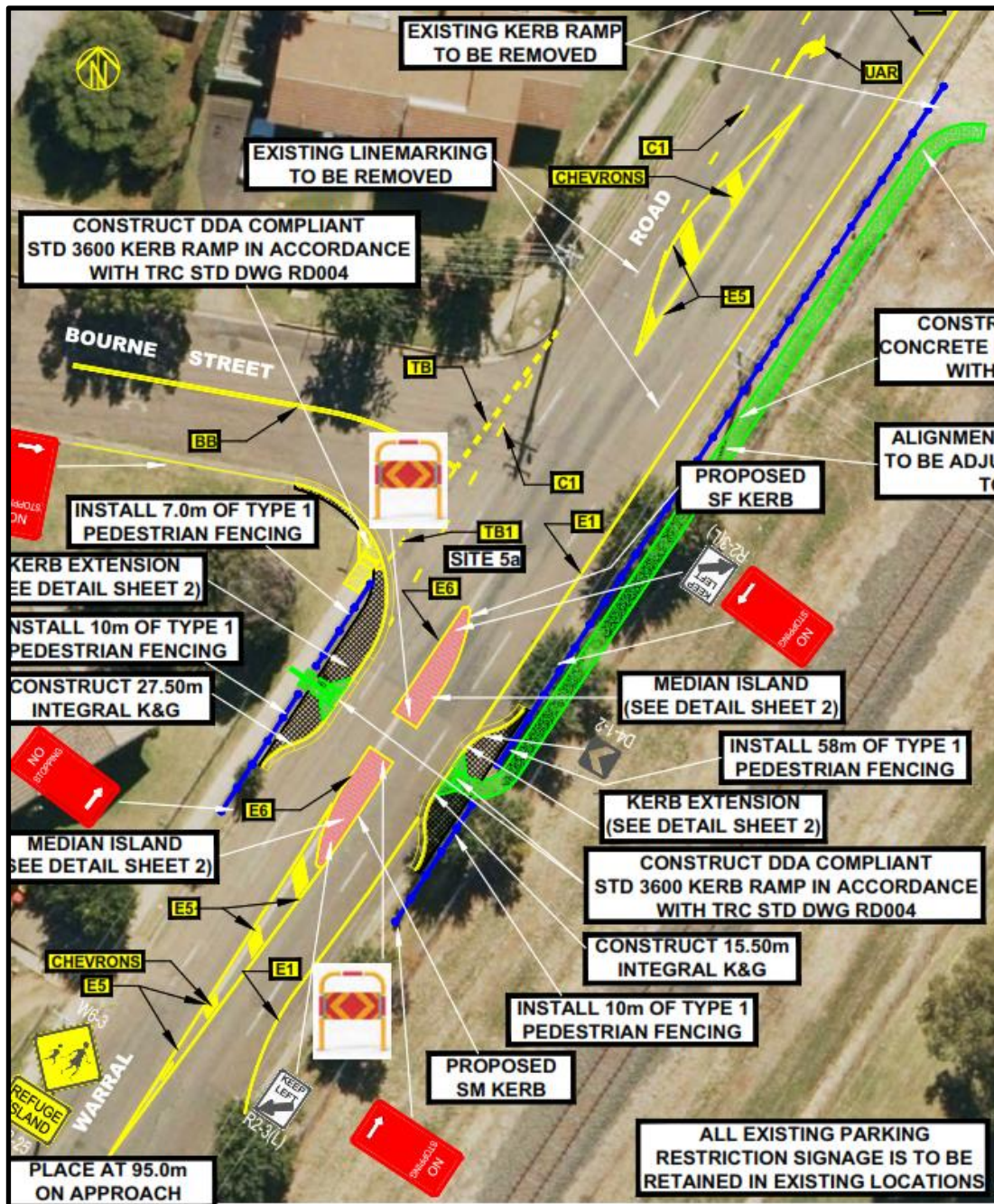


Figure 4: Previously approved Pedestrian Crossing Treatment at the Warral Road and Bourne Street intersection, West Tamworth.

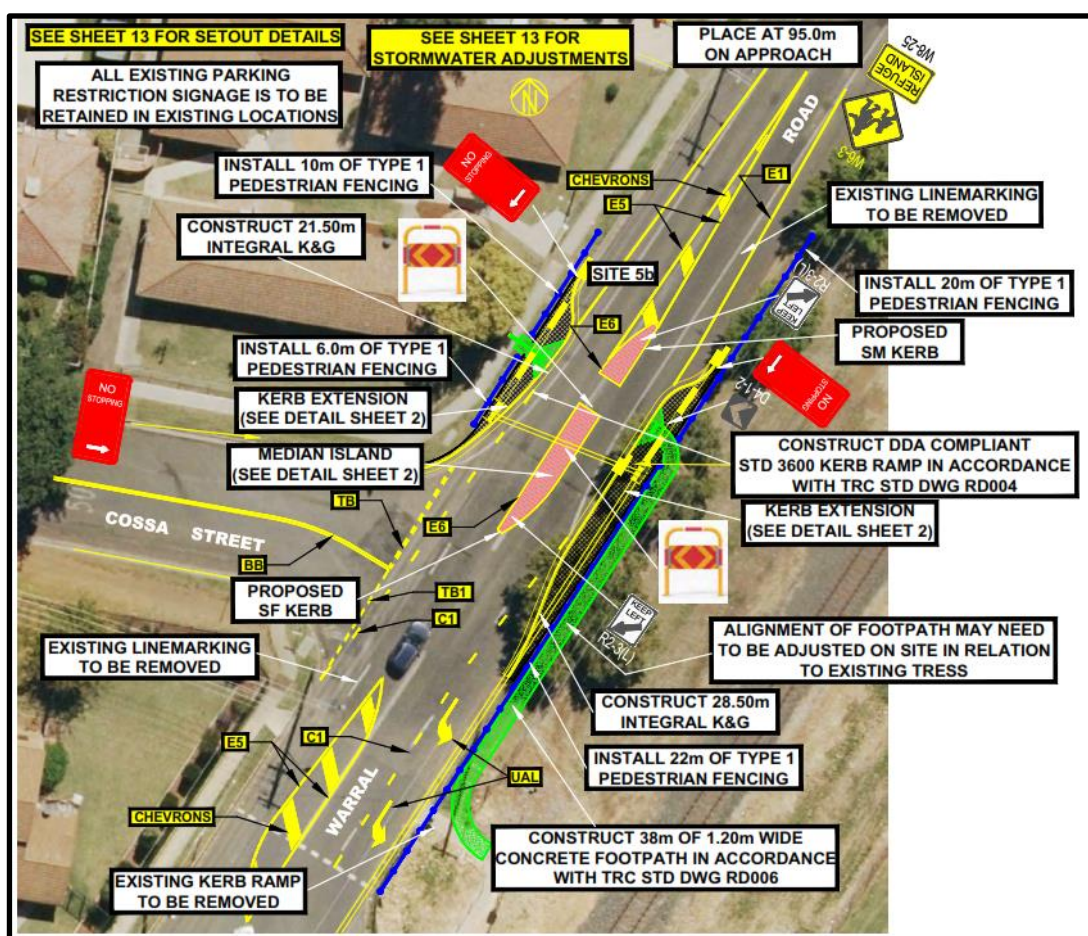


Figure 5: Previously approved Pedestrian Crossing Treatment at the Warral Road and Cossa Street intersection, West Tamworth.

Following consultation with the local bus operators, the swept paths associated with both intersections were reviewed. The left turn into Bournes Street from Warral Road was deemed to be inappropriate with the proposed treatment.

With an additional Warral Road crossing already installed 250m further south adjacent to the Green Street railway crossing, Council has decided to remove the proposed treatment at Bournes Street and amend the design as **ATTACHED**, refer **ANNEXURE 3**. In addition, the proposed pedestrian crossing treatment near the Cossa Street intersection has had minor amendments to improve vehicle swept paths, with no changes to the previously approved regulatory signage or line marking.

COMMITTEE RECOMMENDATION: the Committee supports the installation of new median islands, line marking and signage on Warral Road in accordance with the design.

43/2023 – Petra Avenue – Pedestrian Crossing Treatments (prev. 49/2021)

In October 2021, the Committee and Council approved a design for the installation of kerb blisters on Petra Avenue, South Tamworth. As shown below in Figure 6, the works were initially proposed on the existing School Children's Crossing (opposite Tamworth South Public School).

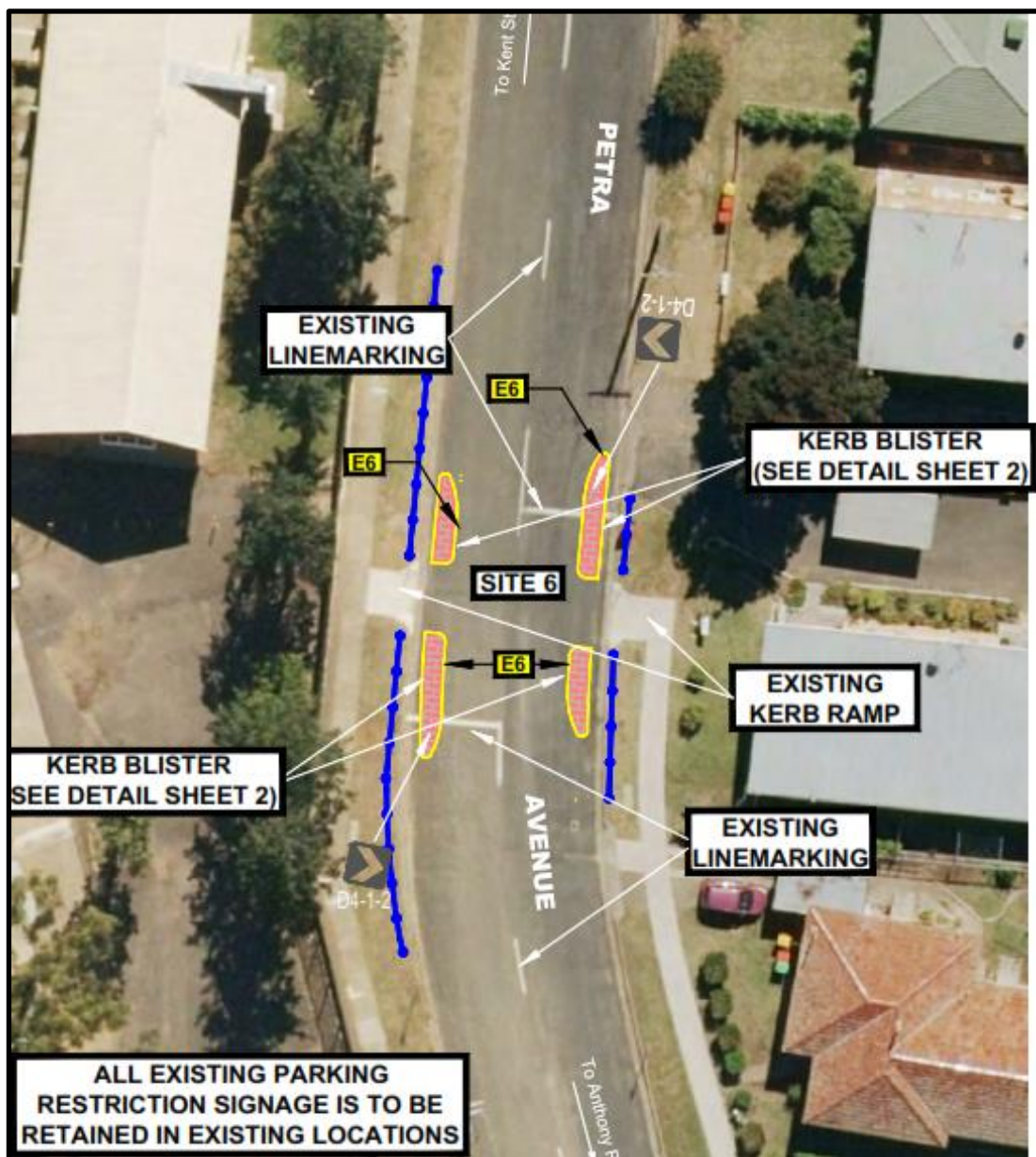


Figure 6: Previously approved Pedestrian Crossing Treatment at the Supervised Pedestrian Crossing on Petra Avenue, South Tamworth.

The design **ATTACHED**, refer **ANNEXURE 4**, has been amended to relocate the School Children's Crossing approximately 20m further north along Petra Avenue to ensure the crossing is located on a straight section of road for improved visibility and safety at the crossing. The change of the crossing location has been approved by Transport for NSW (TfNSW), and the school also agreed with this decision when consulted.

COMMITTEE RECOMMENDATION: the Committee supports the relocation of the School Children's Crossing and the installation of new kerb blisters, line marking and signage (including the required No Stopping signs) on Petra Avenue in accordance with the design.

44/2023 – Brisbane and Upper Street, East Tamworth – Wombat Crossing

Council is proposing to replace an existing pedestrian crossing with a new raised pedestrian crossing (wombat crossing) on Brisbane Street, East Tamworth. The wombat crossing is a safer treatment for both pedestrians and drivers due to its slightly elevated height above the road level and distinctive line marking. In addition, they provide a traffic calming measure.

As shown below in Figure 7, this new crossing is proposed on the northern side of the Upper Street intersection (adjacent to Tamworth Public School).

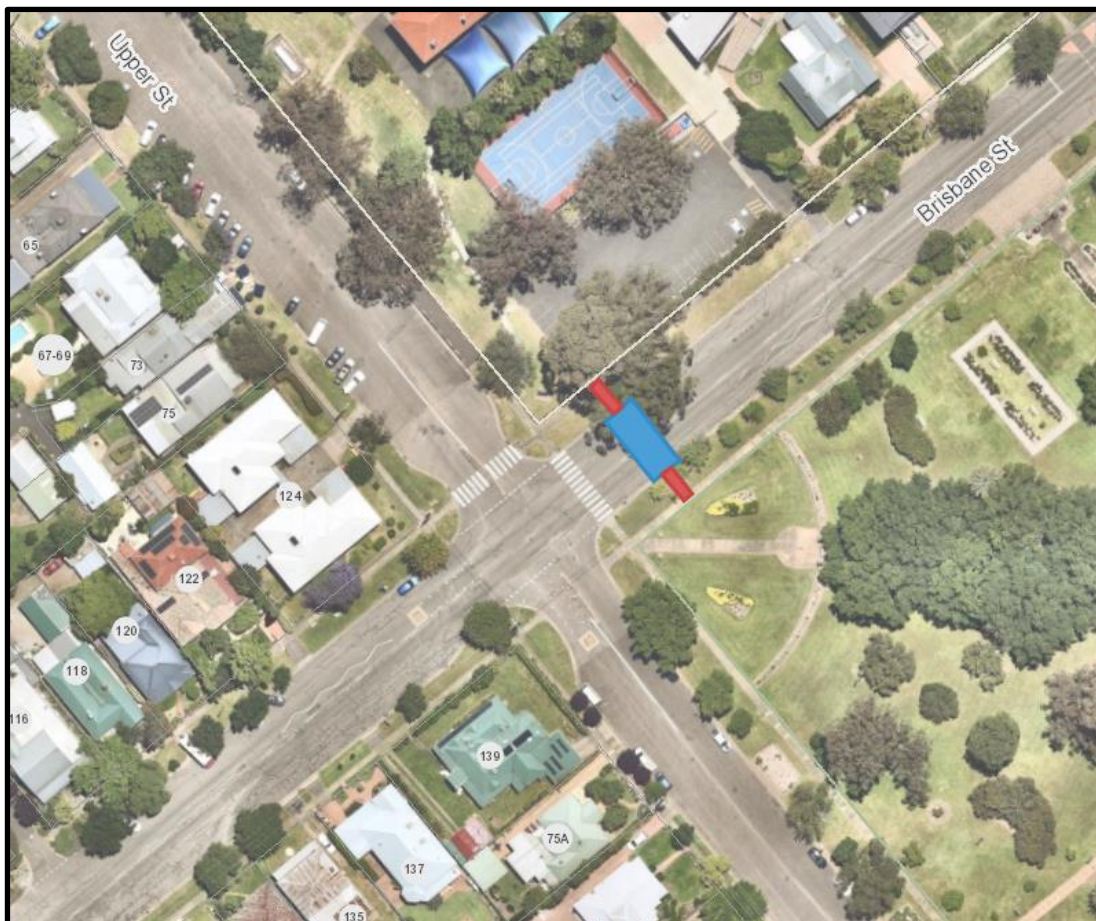


Figure 7: Proposed Wombat Crossing on the northern side of the Brisbane and Upper Street intersection.

In the design **ATTACHED**, refer **ANNEXURE 5**, the existing crossing, pram ramps and connecting paths will be demolished and replacement infrastructure installed 7.5m further north. As this wombat crossing is located on a bus route, it has been specifically designed with a slightly lower elevation (75mm above the road instead of 100mm), and a wider platform section (6m instead of 3m). The No Stopping signs on Brisbane Street will need to be relocated resulting in the loss of one car space.

COMMITTEE RECOMMENDATION: the Committee supports the installation of a wombat crossing, line marking and signage on Brisbane Street in accordance with the design.

45/2023 – Hillvue Road – Wombat Crossing

Council is proposing to replace an existing supervised school crossing with a new raised pedestrian crossing (wombat crossing) on Hillvue Road, South Tamworth.

As shown below in Figure 8 and within the design **ATTACHED**, refer **ANNEXURE 6**, the new wombat crossing will be constructed in the same position as the previous crossing on Hillvue Road (adjacent to St Edwards Primary School). As this wombat crossing is located on a bus route, it has been specifically designed with a slightly lower elevation (75mm above the road instead of 100mm), and a wider platform section (6m instead of 3m). The No Stopping signs associated with the crossing will need to be relocated, resulting in the loss of two parallel car parking spaces in front of 91 Hillvue Road.



Figure 8: Proposed Wombat Crossing on Hillvue Road, South Tamworth.

COMMITTEE RECOMMENDATION: the Committee supports the installation of a wombat crossing, line marking and signage on Hillvue Road in accordance with the design.

46/2023 – Denman Avenue and Barber Street – Wombat Crossing

Council is proposing to install a new raised pedestrian crossing (wombat crossing) on Denman Avenue, Kootingal. The crossing will help service the growing community in this area, as well as provide a traffic calming measure on this road.

As shown below in Figure 9 and within the design **ATTACHED**, refer **ANNEXURE 7**, the new wombat crossing will be constructed on the northern side of the Barber Street intersection. As this wombat crossing is located on a bus route, it has been specifically designed with a slightly lower elevation (75mm above the road instead of 100mm), and a wider platform section (6m instead of 3m). No Stopping signs associated with the crossing will need to be installed, removing access for any vehicles to park on the street in front of 1 Barber Street (which fronts along Denman Avenue).



Figure 9: Proposed Wombat Crossing on Denman Avenue, Kootingal.

COMMITTEE RECOMMENDATION: the Committee supports the installation of a new wombat crossing, line marking and signage on Denman Avenue in accordance with the design.

47/2023 – Denman Avenue – Wombat Crossing

Council is proposing to replace an existing pedestrian crossing on Denman Avenue, Kootingal with a new raised pedestrian crossing (wombat crossing).

As shown below in Figure 10 and within the design **ATTACHED**, refer **ANNEXURE 8**, the new wombat crossing will be constructed in the same position as the previous crossing on Denman Avenue (adjacent to Kootingal Memorial Hall). As this wombat crossing is located on a bus route, it has been specifically designed with a slightly lower elevation (75mm above the road instead of 100mm), and a wider platform section (6m instead of 3m). The No Stopping signs associated with the crossing will need to be relocated, resulting in the loss of two parallel car parking spaces in front of the Kootingal IGA.



Figure 10: Proposed Wombat Crossing on Denman Avenue, Kootingal.

COMMITTEE RECOMMENDATION: the Committee supports the installation of a wombat crossing, line marking and signage on Denman Avenue in accordance with the design.

48/2023 – Tamworth NAIDOC March 2023

Council has been notified that the 2023 NAIDOC Week march is scheduled for 7 July 2023.

The march consists of the following details:

- Date: 7 July 2023
- Assembly Time and Location: 9:30am in Viaduct Park adjacent to O'Connell Street, North Tamworth.
- March start time: 10:00am
- Expected event completion time: 11:00am
- March route: from the corner of O'Connell Street along Peel Street to White Street, turn south west down White Street and through White Street and Kable Avenue roundabout, where the march will disperse in the White Street carpark which shall be closed for the event.
- Total estimated number of participants: 1,000
- Road closures: Both directions of travel and all intersections along Peel Street from O'Connell Street to, and including, the White Street roundabout, and White Street to, and including, the Kable Avenue and White Street roundabout.
- Anticipated TfNSW impacted roads requiring a Road Occupancy Licence (ROL):

- Peel Street between O'Connell Street and Darling Street; and
- full closure of Bridge Street at intersection of Peel Street and Bridge Street.

Council will be seeking Police assistance with the closure of Bridge Street between Marius Street and Kable Avenue, and with piloting the March. Registered vehicles to transport the Elders that are unable to walk the route shall be integrated into the March.

This is an annually recurring event and the impacts of the March are anticipated to be very similar to previous years.

For a mark-up of the March route and proposed traffic control for this event, see **ATTACHED**, refer **ANNEXURE 9**.

COMMITTEE RECOMMENDATION: the Committee supports the Tamworth NAIDOC Week march traffic impacts and closures on O'Connell Street, Peel Street, White Street, Bridge Street and all adjoining streets to the proposed march route, from 9:30am to 11.00am on 7 July 2023.

50/2023 – Manilla Vintage Machinery Street Rally

Council has been notified that the 2023 Manilla Vintage Machinery Street Rally is scheduled for 10 June 2023.

The rally consists of the following details:

- Date: 10 June 2023
- Assembly Location: Manilla Showground, Manilla
- Start time: 11:00am
- Expected event completion time: 12:00pm
- March route: start at Manilla Showground, turn left onto Higgins Street, turn left onto River Street, turn right onto Court Street and turn left onto Manilla Street. The vehicles will then return via same route (see Figure 11 below).
- Total estimated number of vehicles: 100;

All vehicles are registered and road worthy, and participants will be abiding by road rules at all times.

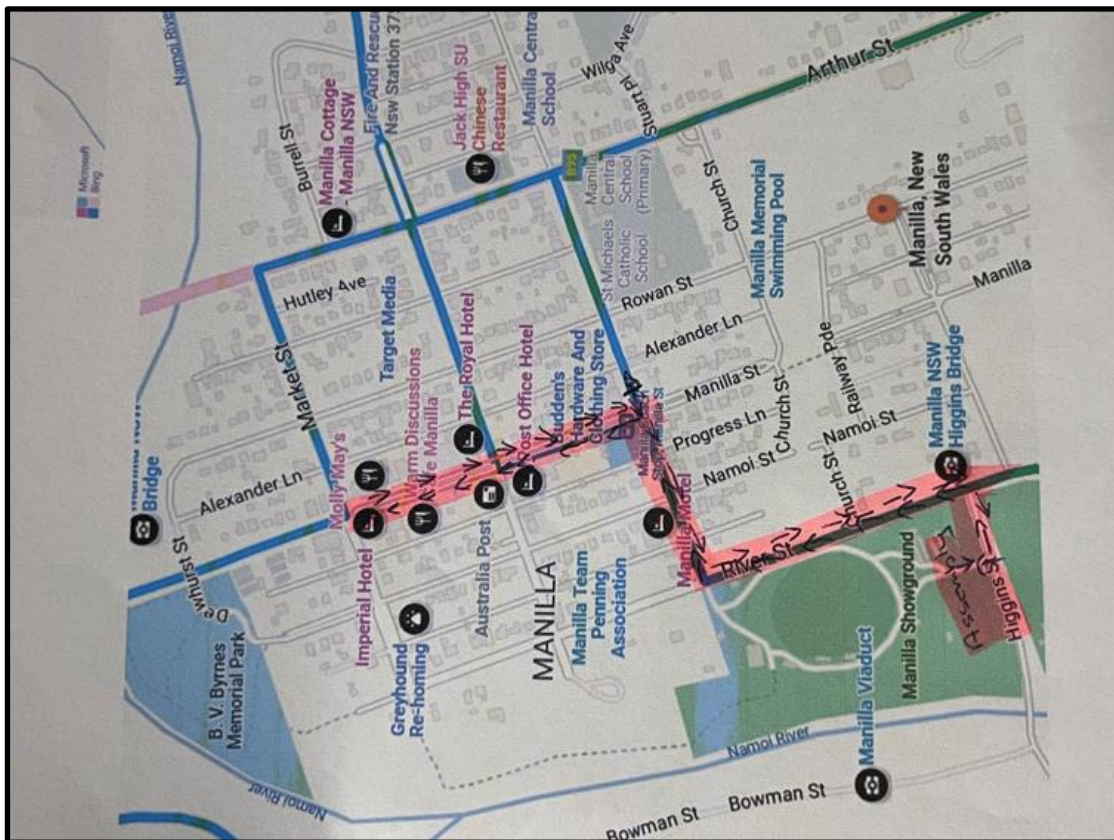


Figure 11: Proposed route through Manilla for Manilla Vintage Machinery Street Rally

COMMITTEE RECOMMENDATION: the Committee supports the Manilla Vintage Machinery Street Rally traffic impacts on Higgins Street, River Street, Court Street and Manilla Street, Manilla from 11.00am to 12.00pm on 10 June 2023.

(a) Policy Implications

Nil

(b) Financial Implications

40/2023, 41/2023, 42/2023, 43/2023, 44/2023, 45/2023, 46/2023, 47/2023 - Funded by the Australian and State Government under the School Zone Infrastructure Program.

48/2023 and 50/2023 - Shall be funded by the existing special event traffic management budget.

(c) Legal Implications

Nil

(d) Community Consultation

40/2023, 41/2023, 42/2023, 43/2023, 44/2023, 45/2023, 46/2023, 47/2023 - Any businesses or residents directly affected by the works will be communicated with before commencement.

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

Focus Area 5 – Connect our region and its citizens

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS APRIL 2023

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

1 ANNEXURES ATTACHED

RECOMMENDATION

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

SUMMARY

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

COMMENTARY

At its May meeting the Australian Reserve Bank once again increased the cash rate by 25 basis points to 3.85%. With inflation sitting at 7%, the Reserve Bank feels it is still too high and will take time (approx. 2 years) to come down to more desirable targeted levels. The Reserve Bank's 2 May 2023 media release, suggests that this won't be the last increase needed to return inflation to target. This is good for Councils return on new short-term investments which are currently able to be taken out at approximately 4.70%. However, rates are dropping for term deposits with 2 years or more to maturity, which would suggest that banks are trying to factor in predicted economic downturns. The increased rates will mean higher interest rates on loans. Councils draft Revenue Policy is forecasting \$21.2 million to be drawn down in new loans in the new financial year.

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

During the month, Council's portfolio performed above the industry average, returning 4.06% against the three-month Bank Bill Swap rate (3mBBSW) of 3.6781%.

(a) Policy Implications

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

(b) Financial Implications

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

(c) Legal Implications

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

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.2 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - APRIL 2023

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

Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22
1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2022/2023 Budget Variation Report - April 2023”, Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

SUMMARY

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

COMMENTARY

Council adopted the original budget included in the Annual Operational Plan for 2022/2023 at the Ordinary Meeting of Council held 28 June 2022. Any changes to the budget must be approved by Council at a later Ordinary Meeting. The budget forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and updating of the budget is important for sound financial management.

Readers of this report are reminded that its contents should not be viewed in isolation. Quarterly Budget Review Statements provide additional revised information for budget forecasts and actual year-to-date results.

Budget variations for this month include recognition of \$3.5M grant funds towards the construction of a Skywalk under the Regional Tourism Activation Program and also on the tourism theme grant funding to the value of \$870,450 for a tourism precinct strategy and

tourism events strategy. Numerous other budget variations were processed in April to facilitate the March Quarterly budget review which is also being presented at tonight's meeting.

Variations identified April 2023

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Economic Destination Development &	0	(870,450)	870,450	0	0
Events	(9,348)	0	(9,348)	0	0
AELEC Precinct	(166,079)	(170,000)	0	0	3,921
Financial Services	36,000	36,000	0	0	0
Risk & Safety	(7,377)	0	(7,377)	0	0
Legal	6,002	0	6,002	0	0
Cultural Services	(154,168)	(69,708)	64,708	0	(149,168)
Compliance	62,062	(10,981)	73,043	0	0
Liveable Communities – Mgt	(142,743)	(4,340)	(138,403)	0	0
Development Engineering	(28,831)	(15,000)	(13,831)	0	0
Development	(71,694)	0	(71,694)	0	0
Plant, Fleet & Buildings	(42,406)	(36,988)	(5,418)	0	0
Sports & Recreation Services	70,000	0	70,000	0	0
Infrastructure Projects	(3,379,054)	0	0	(3,575,000)	195,946
Water & Wastewater	128,101	0	31,130	0	96,971
TOTAL	(3,699,535)	(1,141,467)	869,262	(3,575,000)	147,670

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2022/2023 by fund of:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	(1,141,467)	838,132	(3,575,000)	50,699
Water	0	0	0	0
Sewer	0	31,130	0	96,971
Total	(1,141,467)	869,262	(3,575,000)	147,670

(c) Legal Implications

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

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.3 2022/2023 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 MARCH 2023

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

Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22
2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “2022/2023 Quarterly Budget Review Statements to 31 March 2023” 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 March 2023, 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 **ATTACHED**, refer **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 2022/2023 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.

Note information between tables and annexures may differ due to elimination of internal transactions.

General Fund

a. Summary of budget variations year to date

Budget Results	Original Budget	Previous Quarters	March Qtr. Review	Projected Result
Operating Income	(103,720,505)	(9,117,211)	(17,099,757)	(129,937,473)
Operating Expenses	106,810,390	13,847,917	15,453,061	136,111,368
Operating Result before Capital: (Surplus)/Deficit	3,089,885	4,730,706	(1,646,696)	6,173,895
Capital Income	(26,063,995)	(12,153,926)	(2,188,735)	(40,406,656)
Operating Result: Surplus)/Deficit	(22,974,110)	(7,423,220)	(3,835,431)	(34,232,761)
Non Cash Adjustments: Depreciation/Leave Accruals	(27,004,948)	(4,000,943)	(26,618)	(31,032,509)
<i>Non-Operating Cash Adj.</i>				

Budget Results	Original Budget	Previous Quarters	March Qtr. Review	Projected Result
Loans raised to fund Capital Expenditure	(22,700,000)	22,700,000	0	0
Proposed Land Sales	(4,871,768)	17,939	12,211	(4,841,618)
Leave Paid on Termination	561,000	0	0	561,000
Loan Principal Repayments	8,060,734	0	0	8,060,734
Capital Expenses	83,402,803	9,180,381	(9,553,308)	83,029,876
Net Cash Result: (Surplus)/Deficit	14,473,711	20,474,157	(13,403,146)	21,544,722
Breakup of Cash Result				
Current Cash: (Surplus)/Deficit:	202,803	3,058,185	331,764	3,592,752
Unexpended Grants: (Surplus)/Deficit	1,011,374	7,944,004	(8,955,378)	0
Reserves: (Surplus)/Deficit	20,794,588	417,156	(4,090,532)	17,121,212
Developer Contributions: (Surplus)/Deficit	(1,735,054)	196,828	(689,000)	(2,227,226)
Unexpended Loans: (Surplus)/Deficit	(5,800,000)	8,857,984	0	3,057,984
Net Cash Result	14,473,711	20,474,157	(13,403,146)	21,544,722

b. Key Financial Results

Unrestricted current cash is a measure of a 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. Whilst the projected current cash balance for 30/6/2023 in the table below exceeds the minimum \$6M balance, the projected balance as at 30/6/2023 has declined from the December 2022 quarter. This is of concern going forward with the current Draft Delivery Program showing council's current cash declining.

	Opening Balance 1/7/22	Less Projected Cash Reduction	Projected Balance 30/6/23	Minimum Balance
Unrestricted Current Cash	10,182,125	3,592,752	6,589,373	6,000,000

c. Recurrent Results

	Operating Cash Result (surplus)/deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
General Activities	(18,254,169)	23,315,162	5,060,993	4,800,666
Fleet Operations	(4,374,807)	2,553,599	(1,821,208)	0
Airport Operations	(1,246,731)	3,227,092	1,980,361	181,714
Waste Services	(4,872,137)	2,037,568	(2,834,569)	0
Pilot Training Facility	631,849	1,076	632,925	388,653

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. It is good to see airport operations returning to normal though there will be the need to gradually build airport cash reserves up to pre covid levels.

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

The budget review for the third quarter for Council shows actual expenditure and income tracking below 75% of budget. Whilst there is still some time to June 30, early indications are that General fund will not reach forecast expenditure levels for Employee costs as well as materials and contracts. Like so many industries Council has been struggling to fill vacant positions, it is anticipated that this will result in wage savings at year end. Staff shortages have

also impacted the scheduled timing of projects, this then results in decreased expenditure on materials and contracts. Whilst a figure cannot be accurately quantified until Council's accounts are closed at June 30 it is likely that there will be current cash savings realised at year end. These savings will assist in funding budget shortfalls for things like the increased Emergency Services Levy and capital projects such as Ray Walsh House asbestos remediation and technology upgrades.

It is however, very important to differentiate between money not spent this financial year that will result in discretionary savings and money that must be spent for the purpose for which it was received. Non-discretionary funding such as grants and loans that isn't spent in the current financial year will need to be reallocated to future financial years; that is the timing of the spending is deferred and there is no actual saving. As part of the end of financial year process finance will ascertain discretionary and non-discretionary cash balances and report any savings to Council in the new financial year.

Water Fund

a. Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	March Qtr Review	Projected Result
Operating Income	(21,641,410)	(766,352)	(451,037)	(22,858,799)
Operating Expenses	23,368,411	1,129,024	232,211	24,729,646
Operating Result before Capital: (Surplus)/Deficit	1,727,001	362,672	(218,826)	1,870,847
Capital Income	(1,828,047)	(1,166,180)	(482,000)	(3,476,227)
Operating Result: (Surplus)/Deficit	(101,046)	(803,508)	(700,826)	(1,605,380)
Non Cash Adjustments: Depreciation/Leave Accruals	(5,849,028)	(81,317)	0	(5,930,345)
<i>Non-Operating Cash Adj.</i>				
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	1,640,632	0	0	1,640,632
Capital Expenses	22,087,379	3,621,381	1,050,232	26,758,992
Net Cash Result:	17,777,937	2,736,556	349,406	20,863,899

Budget Results	Original Budget	Previous Quarters	March Qtr Review	Projected Result
(Surplus)/Deficit				
Breakup of Cash Result				
Current Cash: (Surplus)/Deficit:	368,657	4,851	(101,644)	271,864
Unexpended Grants: (Surplus)/Deficit	0	313,992	(313,992)	0
Reserves: (Surplus)/Deficit	3,745,401	3,920,516	(1,784,958)	5,880,959
Developer Contributions: (Surplus)/Deficit	7,663,879	147,197	2,550,000	10,361,076
Unexpended Loans: (Surplus)/Deficit	6,000,000	(1,650,000)	0	4,350,000
Net Cash Result	17,777,937	2,736,556	349,406	20,863,899

b. Key Financial Results

	Opening Balance 1/7/22	Less Projected Reduction	Projected Balance 30/6/23	Minimum Balance
Current Cash	2,097,237	271,864	1,825,373	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 for 30/6/2023 at the end of the second quarter is below 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	(5,610,018)	5,930,345	320,327	1,640,632

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 overall financial position of the water fund remains sound and the forecast current cash position for water fund is estimated to improve by \$101k when compared to the December quarterly budget review. It is also positive to see an increased use in Developer Contribution funds in the third quarter. Similar to General Fund it is likely that there will be discretionary savings identified in water fund at year end.

The need for water fund to maintain discretionary cash reserves that will allow it to function during extreme weather conditions for a number of years is once again highlighted by the Recurrent Results table. Water Fund is having to utilise reserves to fund loan principal repayments.

Sewer Fund

a. Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	March Qtr. Review	Projected Result
Operating Income	(26,184,854)	(929,074)	(420,255)	(27,534,183)
Operating Expenses	17,735,899	780,828	4,627	18,521,354
Operating Result before Capital: (Surplus)/Deficit	(8,448,955)	(148,246)	(415,628)	(9,012,829)
Capital Income	(943,000)	(632,837)	(171,000)	(1,746,837)
Operating Result: (Surplus)/Deficit	(9,391,955)	(781,083)	(586,628)	(10,759,666)
Non Cash Adjustments: Depreciation/Leave Accruals	(5,885,053)	32,176	0	(5,852,877)
<i>Non-Operating Cash Adj.</i>				
Loans raised to fund Capital Expenditure	0	0	0	0
Proposed Land Sales	0	0	10,000	10,000
Leave Paid on Termination	0	0	0	0
Loan Principal Repayments	(236,360)	0	0	(236,360)
Capital Expenses	22,897,000	8,107,533	(194,657)	14,594,810

Budget Results	Original Budget	Previous Quarters	March Qtr. Review	Projected Result
Net Cash Result: (Surplus)/Deficit	7,383,632	(8,856,440)	(771,285)	(2,244,093)
Breakup of Cash Result				
Current Cash: (Surplus)/Deficit	(470,368)	(313,561)	(378,436)	(1,162,365)
Unexpended Grants: (Surplus)/Deficit	0	0	0	0
Reserves: (Surplus)/Deficit	725,817	(2,450,812)	(221,849)	(1,946,844)
Developer Contributions: (Surplus)/Deficit	5,464,500	(4,578,384)	(171,000)	715,116
Unexpended Loans: (Surplus)/Deficit	1,663,683	(1,513,683)	0	150,000
Net Cash Result	7,383,632	(8,856,440)	(771,285)	(2,244,093)

b. Key Financial Results

	Opening Balance 1/7/22	Plus Projected Cash Increase	Projected Balance 30/6/23	Minimum Balance
Current Cash	2,226,029	1,162,365	3,388,394	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 30/6/2023 at the end of the second quarter 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	(15,577,448)	5,852,877	(9,724,571)	2,963,640

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 Recurrent Results table shows that the Sewer Fund is well able to meet its financial commitments as they fall due. The financial position of Council's sewer fund is sound and the impact of third quarter budget adjustments was minimal.

(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 2022/2023 Budget. The variances recorded for the different funds will have implications for the Long-Term Financial Plan and the 2023/2024 budget. Further review of the variances will be presented in the third quarter budget review following a review of the currently schedule capital expenditure budget.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and Collaborative Leadership.

9.4 CONFIDENTIAL COUNCIL REPORTS

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Confidential Council Reports", Council receive and note the report.

SUMMARY

This report is for information only, to clarify the reasons why a Council Report may be treated confidentially and be submitted to the closed section of the Business Paper.

COMMENTARY

Council Meetings are held in accordance with the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021*. Tamworth Regional Councils (Council) Code of Meeting Practice, **ATTACHED**, refer **ANNEXURE 1** is made under section 360 of the Act and applies to all Meetings of Council. The Code of Meeting Practice is published on Council's website.

Clause 14 of the Code of Meeting Practice – Closure of Council Meetings to the Public – clearly states the grounds on which Meetings can be closed to the public and what the steps are should a member of the public make a representation as to whether part of the Meeting should be closed.

Section 10A(2) of the *Local Government Act 1993* lists specific reasons why information contained in a council report may be treated confidentially. These reasons are:

- (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) information concerning the nature and location of a place or an item of Aboriginal significance on community land; or
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Council staff have an obligation to consider section 10A(2) when preparing reports for the Council Meeting and ensure that information that should not be made public for one of the reasons stated, remains confidential.

The reasons for each report being included in Closed Council are clearly stated in the Business Paper under Item 11 – Reports to be Considered in Closed Council. This Item of the Business Paper lists each report to be considered in Closed Council with the following information which forms the open report to Council:

- the report title;
- the appropriate reason identified under section 10A(2); and
- the report summary.

The amount of information included in the report summary can vary significantly. Council staff aim to include as much information as they can in the summary of reports to increase transparency, with the body of the report containing information that must remain confidential.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Council must comply with the requirements of all relevant legislation in this regard, including but not limited to the *Local Government Act 1993* and regulations, privacy legislation and other legislation intended to protect confidential information, such as intellectual property and copyright matters.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

9.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Karen Litchfield, Internal Auditor

1 ENCLOSURES ENCLOSED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Audit, Risk and Improvement Committee”, Council:

- (i) receive and note the Minutes of the meeting held 4 May 2023;*
- (ii) approve the extension of Mr Ron Gillard as Chair to the Audit, Risk and Improvement Committee until 31 October 2026; and*
- (iii) accept the Probity Report recommended by the Audit, Risk and Improvement Committee.*

SUMMARY

The purpose of this report is to present to Council the Minutes of the Audit, Risk and Improvement Committee meeting held Thursday 4 May 2023, including Probity Report as requested by the Audit, Risk and Improvement Committee.

COMMENTARY

Minutes

The quarterly meeting of the Audit, Risk and Improvement Committee was held on Thursday 4 May 2023. The Minutes of the meeting are **ENCLOSED**, refer **ENCLOSURE 1**.

Extension of ARIC Chair Term

Council is required under S428A of the *Local Governance Act 1993* to have an Audit, Risk and Improvement Committee. Tamworth Regional Council has operated an Audit, Risk and Improvement Committee since 2012, with three independent members and currently staggers the membership of the Committee to ensure continuation of the knowledge of

Council operations, financial reporting and structure. Under the former ARIC Charter, the term of the independent ARIC members was 5 years of continuous service and therefore the current Chair's term would expire in October 2023. Under the recently adopted Terms of Reference for ARIC, independent members can now serve 8 consecutive years provided there is a review before extending the term over the initial terms of 4 years.

A review has been conducted of the ARIC Chair's performance and it is recommended that Council extend the term for a further 3 years expiring in October 2026.

Probity Report

The Audit, Risk and Improvement Committee recommended Council undertake a Probity Audit of the Ray Walsh House evacuation and relocation of staff to ensure that the processes and decisions made by management and Council were appropriate.

Centium were engaged to undertake the audit and the final report was received by Council on 21 April 2023. The Probity Report, is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**, for Council's information.

(a) Policy Implications

Nil

(b) Financial Implications

Costs associated with the Internal Audit function are included in the 2022/2023 Annual Operational Plan.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Group 9 - Open and collaborative leadership.

9.6 COUNCILLOR ANNUAL FEES FOR THE 2023/2024 FINANCIAL YEAR

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Councillor Annual Fees for the 2023/2024 Financial Year", Council fix and determine the annual fee payable to Councillors and Mayor of Tamworth Regional Council for the 2023/2024 financial year effective from 1 July 2023, at the maximum allowable amount for a Regional Centre Council.

SUMMARY

The purpose of this report is to advise Council on the Local Government Remuneration Tribunal's decision on the range of fees payable to Councillors and Mayors for 2023/2024.

COMMENTARY

The Local Government Remuneration Tribunal handed down its 2023 report on 27 April 2023, and determined that there be a 3% increase in the fees payable to Councillors and Mayors in the next financial year given the current economic and social circumstances. The full 2023 Annual Review is **ATTACHED**, refer **ANNEXURE 1**.

Tamworth Regional Council was previously categorised as Regional Centre. The Tribunal must determine the categories of Councils and Mayoral offices at least once every three years under section 239 of the Local Government Act, a review of the categories has been undertaken this year. Following the review, the Tribunal has determined the creation of two new remuneration categories. 'Metropolitan Major' and 'Rural Large'. As a result of the creation of the two new categories and changes to the criteria of some of the existing categories, the Tribunal has re-categorised 26 councils into a higher existing category or into a new category.

Tamworth Regional Council remains in the Regional Centre category.

Pursuant to s.241 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2023, are determined as follows:

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	29,610	43,440	181,210	238,450
	Major CBD	19,760	36,590	41,960	118,210
	Metropolitan Major	19,760	34,590	41,960	106,960
	Metropolitan Large	19,760	32,590	41,960	94,950
	Metropolitan Medium	14,810	27,650	31,470	73,440
	Metropolitan Small	9,850	21,730	20,980	47,390
General Purpose Councils – Non-metropolitan	Major Regional City	19,760	34,330	41,960	106,960
	Major Strategic Area	19,760	34,330	41,960	106,960
	Regional Strategic Area	19,760	32,590	41,960	94,950
	Regional Centre	14,810	26,070	30,820	64,390
	Regional Rural	9,850	21,730	20,980	47,420

	Rural Large	9,850	17,680	15,735	37,925
	Rural	9,850	13,030	10,490	28,430
County Councils	Water	1,960	10,870	4,200	17,850
	Other	1,960	6,490	4,200	11,860

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

(a) Policy Implications

It is a policy decision of the Council to fix and determine the annual fee payable to a Councillor and the Mayor with the restriction that the respective fees must not exceed the maximum amount as determined by the Local Government Remuneration Tribunal.

(b) Financial Implications

The 2023/2024 Mayoral/Councillor Annual Fees budget will be increased by \$3,235, funded by Unrestricted Cash.

(c) Legal Implications

Section 248 of the Local Government Act 1993, provides that a Council must pay each Councillor an annual fee in accordance with appropriate determination made by the Local Government Remuneration Tribunal.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

10 COMMUNITY SERVICES

10.1 TAMWORTH REGION ARTS ADVISORY COMMITTEE MINUTES - 6 APRIL 2023

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Bridget Guthrie, Director Art Gallery and Museums

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Region Arts Advisory Committee Minutes - 6 April 2023” Council:

- (i) receive and note the Minutes; and*
- (ii) approve the design by Asiyeh Ansari for the Women, Life, Freedom mural project and the preferred location in the Library/Gallery underpass.*

SUMMARY

The purpose of this report is to present the Minutes of the Tamworth Region Arts Advisory Committee (TRAAC) meeting held 6 April 2023, and to provide Council with an overview of the meeting outcomes.

COMMENTARY

An Ordinary meeting of the Tamworth Region Arts Advisory Committee (TRAAC) was held on Thursday, 6 April 2023. The Minutes of the meeting are **ATTACHED**, refer **ANNEXURE 1**.

This meeting included a number of guest speakers and had a strong focus on public art outcomes for the region.

Artist Natasha Soonchild gave an overview of the design, themes, and materials of the mural she will create for the Nundle Library Community Garden. This mural has been previously endorsed by TRAAC and at this meeting Natasha provided her detailed design and colour palette. The mural will be launched on site to align with the Winter Solstice.

A presentation and discussion with Haideh Soleimani from Multicultural Tamworth provided an overview of artist Asiyeh Ansari’s background and proposed designs for a mural project on the theme of Women, Life, Freedom. The Committee concluded that its preferred location for the main mural is the Library/Gallery underpass, with the poem and directional image being placed on the substation to attract interest and direct people to the mural.

The meeting also provided an opportunity to discuss upcoming public art projects including:

- the lighting projections which were unveiled on Friday, 21 April 2023 at the City of Light – NEXT GEN trial event in Fitzroy Street and Bicentennial Park. The event was held as part of the *Streets as Shared Spaces* grant with a focus on supporting the night time economy by activating the Tamworth CBD, an action in Council’s Visitor Economy Plan;
- the ‘*Skywhales: Every heart sings*’ experience from the National Gallery of Australia which was held on 6 May 2023 at Number 1 Oval with approximately 2,000 people in attendance; and
- ‘*The Birds of Australia: STORYBOX*’ installation planned for the Library Gallery forecourt prior to NAIDOC week.

(a) Policy Implications

Council's Public Art Policy is currently being reviewed. This process will be followed by the development/review of the Tamworth Regional Public Art Engagement Strategy which will provide opportunities for community consultation in the latter half of 2023.

(b) Financial Implications

The public art projects are funded from operational budgets and grant funds.

(c) Legal Implications

Nil

(d) Community Consultation

The TRAAC includes six community members who represent a broad range of art disciplines. The Committee provides strategic advice to the Council in relation to 'Arts' matters within the region and makes recommendations regarding priority areas for development.

(e) Delivery Program Objective/Strategy

Focus Area 8 – A strong and vibrant identity

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 ASSIGNMENT OF LEASE BETWEEN TAMWORTH REGIONAL COUNCIL AND
INDOOR SPORTS DEVELOPMENT PTY LIMITED - 7-11 ANNE STREET, TAMWORTH**

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Reference: Item 12.1 to Ordinary Council 224 August 2021 - Minute No 245/21

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

This report seeks Council's authorisation to enter into a Deed of Assignment of the current lease of the property known as 7-11 Anne Street, Tamworth and being more particularly described as par Lot 4 in DP 211713 in order to complete a transfer of the business to a new owner.

EXPRESSION OF INTEREST E075-2023 PROPOSED AGISTMENT OF WEABONGA RECREATION RESERVE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Hannaford, Place Manager

1 ENCLOSURES ENCLOSED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) 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 outcome of an Expression of Interest process in relation to the property known as Weabonga Recreation Reserve.

The Weabonga Recreation Reserve, Reserve 15709 Weabonga Road (Lot 21 DP 755317) is managed by the Weabonga Hall and Recreation Reserve Local S355 Committee. The committee's function is the management and operation of the Weabonga Hall and Recreation Reserve including the collection of income from users. A map of the land is **ATTACHED**, refer **ANNEXURE 1**.

The use of the Reserve for agistment provides a source of funding for the committee and is to be applied to the maintenance and upgrading of the facility. It also provides assistance with keeping the large grassed area maintained as an outcome of the grazing of livestock around the areas of the reserve.

An Expression of Interest for agistment was advertised on Tenderlink on 1 March 2023, was open for 28 days and closed on 29 March 2023.

EXPRESSION OF INTEREST E074-2023 PROPOSED AGISTMENT OF LIMBRI RECREATION RESERVE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Hannaford, Place Manager

1 ENCLOSURES ENCLOSED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) 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 outcome of an Expression of Interest process in relation to the property known as Limbri Recreation Reserve, and to recommend that Council authorise the negotiation of an Agistment Agreement on terms acceptable to Council.

The Limbri Recreation Reserve, Recreation Ground Road, (Lot 92 DP 755320) is managed by the Limbri Public Hall and Recreation Ground S355 Committee. The committee's function is the management and operation of the Limbri Public Hall and Recreation Reserve including the collection of income from users as well as management and operation of the Limbri Common including the collection of income from users (Limbri Common Sub-Committee). A map of the land is **ATTACHED**, refer **ANNEXURE 1**.

The use of the Reserve for agistment provides a source of funding for the committee to be applied to maintenance and upgrading of the facility. This will also provide assistance with keeping the large grassed area maintained, as an outcome from the grazing of livestock around the areas of the reserve.

The previous agistment agreement for the Limbri Recreation Reserve has expired and to that end, an Expression of Interest (EOI) for agistment was advertised on Tenderlink on 1 March 2023. The EOI was open for 28 days and closed on 29 March 2023.

EXPRESSION OF INTEREST E073-2023 PROPOSED AGISTMENT OF DUNGOWAN RECREATION RESERVE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Hannaford, Place Manager

1 ENCLOSURES ENCLOSED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) 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 outcome of an Expression of Interest process in relation to the property known as Dungowan Recreation Reserve, and to recommend that Council authorise the negotiation of a Agistment Agreement on terms acceptable to Council.

The Dungowan Recreation Reserve, 2852 Duri Dungowan Road (Lot 63 DP 755329), Dungowan is managed by the Dungowan Recreation Ground S355 Committee. The committee's function is the management and operation of the Dungowan Recreation Reserve including managing the income from users. A map of the land is **ATTACHED**, refer **ANNEXURE 1**.

The use of the Reserve for agistment provides a source of funding for the committee to be applied to maintenance and upgrading of the facility. This will also provide assistance with keeping the large grassed area maintained by way of the grazing of livestock around the areas of the reserve but not including the fenced oval area.

The previous agistment agreement for the Dungowan Recreation Reserve expired and to that end, an Expression of Interest for agistment was advertised on Tenderlink on 1 March 2023, was open for 28 days and closed on 29 March 2023.

**TENDER T083-2023 - ARCADIA LEAD-IN TRUNK SEWERMAIN AND WATERMAIN –
STAGE 1**

DIRECTORATE: WATER AND WASTE
AUTHOR: Ian Cross, Senior Project Engineer

Reference: Item 12.4 to Ordinary Council 09 May 2023 - Minute No 96/23

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 recommend to Council the acceptance of a tenderer for the construction of the Arcadia Lead-in Trunk Sewermain and Watermain – Stage 1 on the basis that additional security is provided in the form of bank guarantees by the Contractor.