



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 FEBRUARY 2021

**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 February 2021, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 **DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 **MAYORAL MINUTE**

Nil

6 **NOTICE OF MOTION**

Nil

OPEN COUNCIL REPORTS

7 **ENVIRONMENT AND PLANNING**

7.1 PROPOSED ROAD NAME - INDUSTRIAL CLOSE, SUBDIVISION OF LOT 1 DP 1257277 GODDARD LANE, WESTDALE - DA2020-0034

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Sam Lobsey, Manager - Development

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Proposed Road Name – Industrial Close, Subdivision of Lot 1 DP 1257277 Goddard Lane, Westdale – DA2020-0034”, Council:

- (i) approve in principle the road name ‘Industrial Close’;*
 - (ii) place on public exhibition the proposed road name to enable interested parties the opportunity to make comments; and*
 - (iii) provided no submissions are made which object to the proposed road name, proceed to publish the adopted name in the Government Gazette and notify*
-

Australia Post, NSW Land and Property Information, the Chief Executive of the Ambulance Services of NSW, NSW Fire Brigades, NSW Rural Fire Service, NSW Police Force, State Emergency Services and NSW Volunteer Rescue Association Incorporated with sufficient particulars for identification of the road.

SUMMARY

The purpose of this report is to nominate a name for the newly created road within the subdivision of Lot 1 DP 1257277, Goddard Lane, Westdale. A Development Application, DA2020-0034 - Subdivision to create 15 industrial lots, road and drainage reserve was approved 21 January 2020.

COMMENTARY

Council has received a Road Naming Application to name the newly created road within the approved subdivision of Lot 1 DP 1257277 Goddard Lane, Westdale. The approval enables the subdivision of one lot into 15 lots with the layout including a new cul-de-sac road to be named. The name Industrial Close was proposed given the subdivision type, the zoning and the proposed use of the land. Although Council has not set a road name theme for this part of Westdale, the proposed name 'Industrial Close' is considered suitable.

A map which illustrates the location of the proposed road name is **ATTACHED**, refer **ANNEXURE 1**.

The proposed road name has been reviewed in accordance with the Geographical Names Board, *Guidelines for the Naming of Roads*, and is found to be consistent with the Guidelines, therefore no objection is raised to the proposal.

Should Council support the proposed name it is then necessary to place the proposal on public exhibition to enable interested parties the opportunity to make comment.

Following this exhibition, and assuming no objections are received, Council will proceed to have the name gazetted.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The proposed name will be exhibited for public comment in accordance with the Roads Act 1993, Section 12, Roads (General) Regulation 2008, Part 2, Division 2.

(e) Delivery Program Objective/Strategy

A Region for the Future – F11 Sound asset management planning.

7.2 REQUEST TO CHANGE 88B INSTRUMENT REGARDING RESTRICTION TO USE FOR LOT 142 DP 1252694

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Steve Brake, Manager Development Engineering

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Request to Change 88B Instrument Regarding Restriction to Use for Lot 142 DP 1252694”, Council:

- (i) enter into a Deed of Agreement authorising the amendment to the Restriction as to Use, affecting the property as identified in Lot 142 DP 1252694;*
- (ii) execute the relevant Real Property Act Form to be registered at the New South Wales Land Registry Services (NSW LRS) to record that Council has exercised its discretion to vary the Restriction as to the Use of Land as described in the Deed of Agreement; and*
- (iii) affix the Council Seal to the Deed of Agreement and the Real Property Act Form identified in resolutions (i) and (ii) above.*

SUMMARY

The purpose of this report is to recommend that Council resolve to approve a variation to a Restriction on the Use of Land by amending the Section 88B Planning Instrument which currently applies to the property.

The land, known as 121 Martins Lane, Piallamore, and described as Lot 142 in DP 1252694, was subject to a Restriction imposed by Council as part of DA2018-0256 and SUB2019-0041 which required stormwater infrastructure capable of conveying very large flows created by rare rainfall events to be constructed on the site to enable access to any future dwellings on the lot. Current engineering standards now require such drainage infrastructure to only cater for much smaller rainfall events resulting in smaller infrastructure (of a significantly lesser cost) while still providing a reasonable level of service.

Specifically, the variation will authorise the construction of all-weather access designed in accordance with appropriate infrastructure standards and catering for a 20 year Annual Recurrence Interval (ARI) stormwater event. The variation requires a resolution of Council to authorise the affixing of the Council Seal.

COMMENTARY

As part of the Development Consent DA2018-0256, for subdivision to create two lots, Council required the application of covenants in an instrument pursuant to Section 88B *Conveyancing Act 1919* to facilitate an all-weather access to Lot 142 DP 1252694. Condition 16) c) of the Consent reads:

- 16) *To confirm and clarify the terms of Council’s approval, a Subdivision Certificate may not be issued until:*
 - c) *A Restriction as to User, pursuant to Section 88B of the Conveyancing Act 1919, shall be registered on proposed Lot 142 to identify that all weather access must be provided to any future dwelling that resides beyond a natural waterway. The access shall be such that it is flood free and take into consideration safe wading*

criteria in line with the Office of Environment and Heritage Floodplain Development Manual, Figure L1. In the event this cannot be achieved access via a Q100 culvert + 25% freeboard will be required.

Notwithstanding the requirements above, any proposal will need to adhere to the requirements by Department of Primary Industries Water and Fisheries prior to any approval.

Calculations and a design undertaken by a suitably qualified Civil Engineer shall be submitted to Council for approval prior to the issue of the construction certificate of future developments.

The relevant Lot and Instrument is shown on the plan and instrument **ATTACHED**, refer **ANNEXURE 1**.

The current Restriction which was approved by Council and registered as part of DP 1252694 in March 2019, states:

Terms of Restrictions numbered 5 in the plan

No dwelling shall be erected or remain erected on the burdened lot unless an all-weather access-way is constructed to the dwelling. If such access-way crosses any natural water course that crossing shall be constructed in accordance with the NSW Office of Environmental and Heritage Floodplain Development Manual Figure 1 or via a culvert with capacity to accommodate the 1% AEP flow plus 25% freeboard and in accordance with the NSW Department of Primary Industries Water and Fisheries.

The current owners have requested the removal or variation of the Restriction to enable the construction of an all-weather access-way that meets current industry standards providing access up to a 20-year ARI. The higher the ARI number, the greater the rainfall and intensity, and the rarer the rainfall event: A 20 Year ARI has a recurrence interval of once in every 20 years.

The owners have advised that their request to alter the current Restriction is based on the following:

- 1) the current condition refers to the NSW Office of Environmental and Heritage Floodplain Development Manual which focuses on planning outcomes, whereas the more appropriate design control for an access road would be infrastructure standards such as the Austroads Guide to Road Design;
- 2) *Austroads Guide to Road Design Part 5: Drainage – General Hydrology Considerations Table 4.3: Guide to selection of average recurrence intervals for flood immunity* nominates that for Cross Drainage Culverts and Bridges for Property Access, the appropriate ARI interval should be between the 10 and 20 Year ARI;
- 3) local access roads in the area are only designed to cater for a 1 in 20 Year ARI or less, meaning access to the property and any proposed dwelling would not be possible in events greater than the 1 in 20 Year ARI;
- 4) the access is internal and not a local road;
- 5) the additional culvert size adds significant cost to the future development of the land; and
- 6) Section 2.7.7 of the Tamworth Regional Council Engineering Design Minimum Standards for Subdivisions and Developments, nominates a design ARI for property accesses across culverts as requiring a 1 in 5 Year ARI. The current version of the

minimum standards was adopted in March 2019, after the subject development consent was issued.

It is understood that Council's intent in placing this Restriction on the title was to ensure flood free access during critical storm events to the portion of the lot likely to encompass a dwelling.

It should be noted that the consideration of engineering controls for internal access roads is vague and differs between different industry publications. The Office of Environment and Heritage Floodplain Development Manual was referred to as part of the consent as it specifically deals with property access during flood events.

The access design for the property incorporates the construction of two cross drainage culverts. The most comprehensive and practical design guidance for the design of Cross Drainage Culverts is found in *Austrroads Guide to Road Design Part 5: Drainage – General Hydrology Considerations*. It suggests the appropriate ARI interval should be between the 10 year ARI and 20 Year ARI.

It is considered that the requested variation is satisfactory from an engineering perspective as it specifically applies the design advice provided from *Austrroads Guide to Road Design*.

Further, it is acknowledged that any future applications relating to the subject land will take into consideration the requirements of the NSW Office of Environmental and Heritage Floodplain Development Manual.

If Council resolves to support the variation, the following wording is proposed:

No dwelling shall be erected or remain erected on the burdened lot unless an all-weather access-way is constructed to the dwelling.

If such access-way crosses any natural water course, that crossing shall be designed and constructed to convey a 20 Year ARI event in accordance with Austrroads Guide to Road Design or the specifications current as at the time of construction and in accordance with any approval requirements from the NSW Natural Resource Access Regulator or such other body as has authority regarding the matters set out in this Restriction.

(a) Policy Implications

Nil

(b) Financial Implications

The costs of all matters set out herein will be borne by the property owner.

(c) Legal Implications

To give effect to the variation, Council must execute a Deed of Agreement confirming that it agrees to the change and it must also execute a document to be registered at New South Wales Land Registry Services (NSW LRS) to record the variation.

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region for the Future – F11 Sound asset management planning.

8 INFRASTRUCTURE AND SERVICES

8.1 ADOPTION OF BARRABA TENNIS COURT HIRE FEES

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation
Reference: Item 8.4 to Ordinary Council Meeting 15 December 2020 - Minute No 392/20

RECOMMENDATION

That in relation to the report “Adoption of Barraba Tennis Court Hire Fees”, Council:

- (i) adopt and implement the fees associated with the hire of the Barraba Tennis Courts, effective as of 1 March 2021; and*
- (ii) inform the community on the process to book the Barraba Tennis Courts.*

SUMMARY

The purpose of this report is to provide information relating to hire fees recommended to be implemented for the use of the Barraba Tennis Courts. The recommended fees have been placed on public exhibition for a period of 28 days and Council did not receive any comment on this matter.

COMMENTARY

Council acknowledges the significant contribution that sport and recreation bring to the community. Sporting facilities, such as tennis courts, are social hubs where community frequently participate in recreational pursuits and engage in community gatherings.

Council acknowledges to date the Barraba Town and District Tennis Club (the Club) have overseen the running of the courts in Barraba. The Club has contributed toward the upkeep of the courts and made a valuable contribution to the community.

The Barraba tennis courts are owned by Council and to date do not have a Council endorsed hire fee associated with their use. In consultation with the Club and Tennis NSW, Council have proposed fees for this use.

The following fees were placed on public exhibition for 28 days between 5 January 2021 and 2 February 2021, and Council did not receive any comment on this matter.

Community Rates

- Court hire = \$8 per hour per court;
- Court hire, with lights = \$10 per hour per court; and
- Club House hire = \$25 per community event.

Barraba Tennis Club

- Court hire = \$5 per hour per court;
- Court hire, with lights = \$7 per hour per court; and
- Club House hire = Nil

The proposed fees are in line with the hire fees at both community and privately run tennis facilities across Council and the North West. It is worth noting the fees are not calculated on a cost recovery basis for the asset, rather they are largely reduced to encourage access to the facility by the broader community, as part of Council's community service obligation.

It is recommended Council adopt the above fees effective 1 March 2021.

Sports and Recreation staff will work closely with Council's communications team to ensure the community is aware of and understands the process of hiring the Barraba Tennis Courts.

(a) Policy Implications

Nil

(b) Financial Implications

The fees, as detailed below, will come into effect for the hire of the Barraba Tennis Courts as of 1 March 2021.

Community Rates

- Court hire = \$8 per hour per court;
- Court hire, with lights = \$10 per hour per court; and
- Club House hire = \$25 per community event.

Barraba Tennis Club

- Court hire = \$5 per hour per court;
- Court hire, with lights = \$7 per hour per court; and
- Club House hire = Nil.

Council will review said fees annually as part of the Annual Operational Plan review.

(c) Legal Implications

In accordance with the Local Government Act 1993, the fees recommended for adoption were publicly advertised for 28 days between 5 January 2021 and 2 February 2021.

(d) Community Consultation

The fees recommended for adoption were placed on public exhibition for 28 days between 5 January 2021 and 2 February 2021. Council did not receive any comment on this matter.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C11 Provide high-quality open spaces, parks and reserves suitable and accessible to all.

8.2 BRIDGES AND MAJOR CULVERTS STRATEGY

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Manager, Project Management and Engineering Services

Reference: PROJ2019-0194

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Bridges and Major Culverts Strategy”, Council adopt the Strategy.

SUMMARY

The purpose of this report is to request Council endorse and adopt the Bridges and Major Culverts Strategy, which aims to ensure that these critical pieces of infrastructure are managed and maintained moving forward in order to meet our transport demands.

COMMENTARY

The Bridges and Major Culverts Strategy is **ATTACHED**, refer **ANNEXURE 1** and outlines how Council plans on ensuring an efficient, safe and reliable transport network through the appropriate management, improvement and maintenance of our bridge and major culvert infrastructure.

The Bridges and Major Culverts Strategy sits under the Transport Masterplan in the suite of transport-related strategic documents, copy **ATTACHED**, refer **ANNEXURE 2**, for strategic alignment.

A Councillor Workshop was held on 10 June 2020, which discussed the draft Bridges and Major Culverts Strategy. The outcome of the workshop was positive and it was agreed that the strategy will improve our transport network moving forward.

For the purpose of this strategy, a bridge is defined as an elevated platform (usually on piers) which traverses an obstacle such as water, a creek bed, a railway crossing or a steep embankment. A major culvert is defined as a low-level structure (usually longer than 6 metres in travel length) and of typical “box” shape which traverses obstacles such as small creeks or long, flat floodplains.

Council maintains 340 bridges and major culverts with an estimated replacement value of \$318 million (as of 2020). Poorly managed/maintained bridges and major culverts can cause significant restrictions across the transport network from both passenger vehicle and freight perspectives. Of these 340 structures, 37 have no possible alternate access or have an alternate access route in excess of 100km. This highlights the importance of ensuring these structures are managed/maintained appropriately for the benefit of the community.

Since 2014, Council has been proactive in improving our bridge and major culvert network. The improvements include the following:

- 14 timber bridges have been replaced with either concrete bridges, concrete box culverts or concrete causeways;
- impact load testing and analysis to determine load capacities has been undertaken for 78 of our bridges and major culverts;

- 12 timber bridges have undergone Level 2 visual inspections;
- almost \$21.5 million in external funding has been secured for the repair or upgrade of many structures;
- duplication of Jewry Street Bridge has greatly improved traffic flow through the city; and
- 483km of new 25/26m B-Double routes have been opened up due to the renewal and upgrading of the bridges and major culverts infrastructure.

In order to achieve continual improvement in the management of our bridges and major culverts, the following priorities are outlined:

- review and update hierarchy of bridge/major culvert importance (short term);
- update and maintain bridge/major culvert inspection and load testing schedules (short term);
- investigate required upgrade of bridges which have timber components with suitable alternatives (medium term);
- increase load capacity of restricted bridges/major culverts in order to improve freight access (long term);
- improve detail of data within bridge/major culvert asset register (medium term); and
- identify mitigation measures for structures which have no alternate or a lengthy alternate access, should the structure become unserviceable (short term).

For the benefit of this report, timing for the various priorities are identified as follows:

- Short Term – 0 to 2 years;
- Medium Term – 2 to 5 years; and
- Long Term – > 5 years.

The Timber Bridge Replacement Schedule, presented within the strategy, outlines the estimated funding and timing plan for the next four financial years. This includes references to a number of State and Federal Government funding sources, along with internal contributions. It is estimated that the replacement of the remaining 12 timber bridges within the region will cost \$7.95 million. Council has just received notification that it has been successful in receiving \$2.93 million from the State Government Fixing Country Bridges Program. The remainder of funding required to replace Council's timber bridges is \$5.02 million.

(a) Policy Implications

Nil

(b) Financial Implications

Based on the recent confirmation of funding from the Fixing Country Bridges Program, the total estimated cost for the replacement of the remainder of Council's timber bridges is \$5.02 million, with \$1.4 million coming from Asset Renewal funds and the remaining \$3.62 million expected to be funded via future State and/or Federal Governments programs.

Outlined priorities within the strategy will also have financial implications, although the extent of these works is unknown at this stage until further investigations are completed, such as load testing and design works.

(c) Legal Implications

Nil

(d) Community Consultation

No targeted community consultation, although proposed actions will improve infrastructure which facilitates passenger and freight movements across the transport network. Historical discussions around the bridge and major culvert network were incorporated in the decision making behind the proposed actions. It was felt that the proposed actions are all highly beneficial/objective to the region as a whole and did not warrant targeted community consultation.

(e) Delivery Program Objective/Strategy

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

8.3 DRAFT PLAN OF MANAGEMENT FOR COMMUNITY LAND

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

Reference: Item 8.1 to Ordinary Council 15 December 2020 - Minute No 389/20

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Draft Plan of Management for Community Land”, Council:

- (i) acknowledge the submissions received through public exhibition; and*
- (ii) adopt the amended Draft Plan of Management for Community Land.*

SUMMARY

This report is to advise that during the public exhibition period for the Draft Plan of Management for Community Land, Council received two responses. The submissions requested that Council consider taking control of a parcel of Crown Land in Rocky Water Hole Road, Duri which is designated as a Travelling Stock Reserve, and that camp fires be permitted at the Manilla Freedom Camping area.

COMMENTARY

At the Ordinary Meeting of Council held on 15 December 2020, it was resolved to place the proposed changes to the Draft Plan of Management for Community Land (the Plan) on public exhibition. On 5 January 2021, the proposed changes went on public exhibition for 28 days during which time two responses were received.

A summary of the submissions received are detailed below in Table 1, together with Council’s (Council) technical staff response.

Table 1

	Submission	Proposed Response
1	We would like to put forward that the Rocky Water Hole, Travelling Stock Reserve (TSR) be put under the management and control of the Tamworth Regional Council or Department of Crown Land.	This submission relates to a parcel of Crown Land which is designated as a TSR. This submission will be forwarded to Local Lands Services who are responsible for TSR's.
2	Request for Council to permit camp fires at the Manilla Freedom Camping area within contained fire pits.	Council has reviewed this request and has approved camp fires within contained fire pits only in the camping area.

In light of the above, it is recommended that Council accept the permitting of fires within designated fire pits at the Manilla Freedom Camping area, and to forward the content of the other submission relating to a reserve not managed by Council, to the Local Lands Services.

A copy of the final amended version of the Plan is **ATTACHED**, refer **ANNEXURE 1** and is recommended for adoption.

(a) Policy Implications

If adopted, the Plan will be implemented and provide guidance for Council staff to manage the community land within the Council area.

(b) Financial Implications

Nil

(c) Legal Implications

Council's requirements under the Local Government Act 1993, will be met.

(d) Community Consultation

The Local Government Act 1993, requires Council, as a minimum, to place the Plan on public exhibition for a period of at least 28 days. Adopting the recommendation of this report will meet the requirement for community consultation.

Copies of the draft documents were made available for download from Council's website from 5 January 2021 to 2 February 2021.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C11 Provide high-quality open spaces, parks and reserves suitable and accessible to all.

8.4 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - MEETING - 10 FEBRUARY 2021

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Michael Hazelwood, Acting Manager Infrastructure and Works
1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee – Meeting – 10 February 2021”, Council:

- (i) approve the installation of no parking signage “Electric Vehicles Excepted Only While Charging’ in the NRMA electronic charging bay, in the CWA carpark, Kable Avenue, Tamworth;*
- (ii) approve the installation of a No Stopping zone on Arthur Street, adjacent to 72 Court Street, Manilla, to improve line of sight for vehicles entering the intersection from the east on Court Street, Manilla;*
- (iii) approve the installation of a disability parking bay on Bourke Street, adjacent to 229 Peel Street, Tamworth;*
- (iv) approve the installation of proposed line marking and signs for the proposed Calala Lane and Campbell Road Calala roundabout; and*
- (v) approve the installation of a 13 metre, 15 minute parking zone adjacent to 223 Goonoo Goonoo Road, South Tamworth.*

SUMMARY

The purpose of this report is to advise Council of five recommendations made by the Tamworth Regional Local Traffic Committee at the meeting held 10 February 2021.

COMMENTARY

The minutes from the meeting held 10 February 2021 are **ATTACHED**, refer **ANNEXURE 1**.

01/2021 – parking fee in electronic vehicle charging bay, CWA carpark Kable Avenue Tamworth

There is an electronic vehicle charging bay run by NRMA in the CWA carpark on Kable Avenue. The bay is to be for use by charging vehicles only and parking fees do not apply to this bay. It is proposed to update the parking bay signs to clarify this use, by utilising the standard sign R5-41-5 ‘No Parking (symbolic), Electric Vehicles Excepted Only While Charging’.



Image 1: ‘No Parking (symbolic), Electric Vehicles Excepted Only While Charging’

Committee Recommendation: The Tamworth Regional Local Traffic Committee (the Committee) support the installation of no parking signage ‘Electric Vehicles Excepted Only While Charging’ in the NRMA electronic charging bay in the CWA carpark, Kable Avenue, Tamworth.

03/2021 – Court Street/Arthur Street intersection Manilla – No Stopping sign placement

A resident noted that when turning out of Court Street (west bound) into Arthur Street, there was a near-miss while he was on his motorcycle. Due to poor line of sight he did not see oncoming traffic from the north and nearly had a collision.

Council staff conducted a site visit where it was observed that when a vehicle is parked close to the corner on Arthur Street, adjacent to 72 Court Street (marked in red), vehicles travelling west along Court Street do not have clear line of sight of oncoming vehicles travelling south along Arthur Street (shown in black).



Image 2: Court Street and Arthur Street intersection, Manilla

Committee Recommendation: The Committee support the placement of a No Stopping zone on Arthur Street, adjacent to 72 Court Street Manilla, to improve line of sight for vehicles entering the intersection from the east along Court Street, Manilla.

04/2021 – Bourke Street Tamworth – disability parking placement

A resident noted that when attending a business located at 6 Bourke Street Tamworth, that there was no disability parking available.

Council staff inspected the area and the closest disability park is located 60 meters away on the opposite side of Bourke Street, near the Peel Street roundabout intersection (marked in red).



Image 3: Bourke Street, Tamworth

Committee Recommendation: The Committee support the installation of a disability park on Bourke Street, adjacent to 229 Peel Street, Tamworth. Implementation of the parking space and ramp is subject to funding through the Pedestrian Access and Mobility Plan (PAMP) program.

05/2021 – Calala Lane and Campbell Road, Calala - Intersection Upgrade

The current intersection of Calala Lane and Campbell Road (Image 4) is being upgraded from a T-intersection to a single lane roundabout. The installation of the roundabout requires new line marking and signage to suit (Image 5).

The current school crossing and bus stop are also being relocated as part of the works.



Image 4: Calala Lane and Campbell Road intersection, Calala

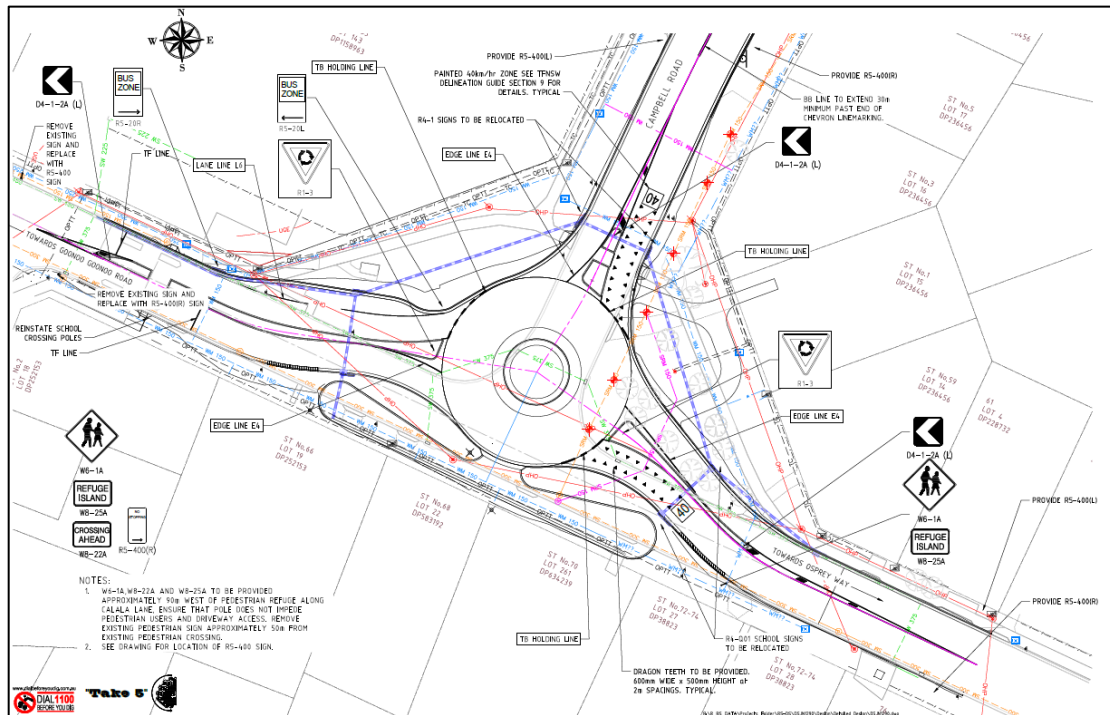


Image 5: Single lane roundabout at Calala Lane and Campbell Road intersection, Calala

Please note that the plan set has been sent to Transport for NSW (TfNSW) for final approval/comment in relation to the changes to the school crossing. Should there be any issues raised when the comments are received that require changes, these changes will be passed through the Committee.

During the meeting Chris Lanham, a bus representative, expressed safety concerns regarding sight distance at the bus stop in relation to safely pulling out of the bus zone into traffic. The Regional Services Project Team met with Chris Lanham on 12 February 2021, to discuss these concerns. The resolution reached was that the bus bay will remain where it is, but it will be widened to enable manoeuvrability of the bus within the bay for improved sight distance.

A second bus stop on the northern side exit of the roundabout (towards Farrer Memorial Agricultural High School) will be investigated in addition to this existing bus stop. This proposal will be presented to the Committee and Council at a later date this calendar year.

Committee Recommendation: The Committee support the placement of the proposed line marking and signs for the proposed Calala Lane and Campbell Road, Calala roundabout, subject to a confirmation of agreement from bus companies regarding the bus stop location.

06/2021 – Request for 15 minute parking in front of a business at 223 Goonoo Goonoo Road, South Tamworth

TCs Takeaway have requested that 15 minute parking restriction be implemented at the front of their business at 223 Goonoo Goonoo Road, South Tamworth (yellow area in Image 6).

Parking in this location is currently unrestricted. The request area is approximately 13 metres long (marked in red). The adjacent properties are residential.



Image 6: Goonoo Goonoo Road, South Tamworth

Committee Recommendation: The Committee support the installation of a 13 metre, 15 minute parking zone adjacent to 223 Goonoo Goonoo Road, South Tamworth.

(a) Policy Implications

Nil

(b) Financial Implications

01/2021 – Nil

03/2021 – This will be funded from the existing Infrastructure and Works Signs and Line marking budget.

04/2021 – This will be funded from the PAMP funds when available and identified as a priority location.

05/2021 – This will be funded from the existing Project budget.

06/2021 – This will be funded from the existing Infrastructure and Works Signs and Line marking budget.

(c) Legal Implications

Nil

(d) Community Consultation

05/2021 – public consultation was undertaken as part of the project design development.

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS JANUARY 2021

DIRECTORATE: CORPORATE AND GOVERNANCE
 AUTHOR: Sherrill Young, Manager Financial Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments January 2021”, Council receive and note the report.

SUMMARY

The purpose of this report is to provide an overview of Council Investments for the month of January 2021, and highlights the impact of low interest rates on Council’s budget.

COMMENTARY

There were some glimmers of hope in the Reserve Bank of Australia (RBA) February media release with improvements in unemployment and increased spending however, the report would suggest that they are indeed just glimmers with the RBA saying that “..the economy is expected to operate with considerable spare capacity for some time to come.”

The impact of this on Council is that the RBA will not increase the cash rate (thus causing interest rates to rise) until inflation increases; inflation will not increase whilst unemployment is high and spending is low. The RBA does not expect to see sustainable increases in inflation until 2024 (*RBA information sourced from [Statement by Philip Lowe, Governor: Monetary Policy Decision | Media Releases | RBA](#)*).

At the beginning of this current financial year, Council’s consolidated budget predicted it would receive \$3,249,694 in interest income. The declining interest rates have seen this forecast drop to \$1,827,100. The low return on investments and the forecasted slow recovery will have a significant impact on Council’s current and future budget.

In accordance with Section 212 of the Local Government (General) Regulation 2005, the details of all money Council has invested as at 31 January 2021, is **ATTACHED**, refer **ANNEXURE 1**.

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

Institution	Cash at Bank	Financial Assets Amortised Cost	Financial Assets at Fair Value	Total	% of Total
NAB	9,639,448	43,000,000	0	52,639,448	31.56%
BOQ	0	13,000,000	0	13,000,000	7.80%
CBA	0	11,000,000	0	11,000,000	6.60%
St George	0	20,500,000	0	20,500,000	12.29%
TCorp	0	0	11,377,575	11,377,575	6.82%
Westpac	0	58,250,906	0	58,250,906	34.93%
TOTAL	9,639,448	145,750,906	11,377,575	166,767,929	100%

The amount invested at 31 January 2021, has decreased by \$4,448,487.32 compared to funds held at 31 December 2020.

Council's investments are mostly comprised of restricted funds that have been received for specific purposes or funds held for future renewal works. The following table provides a summary of investments held by each fund:

Fund	Restriction	Amount	%
General	Unrestricted	6,085,098	3.65%
General	Internally Restricted	36,085,073	21.64%
General	Externally Restricted	11,416,349	6.85%
	General Fund Total	53,586,520	32.14%
Water	Unrestricted	2,211,934	1.32%
Water	Internally Restricted	23,145,700	13.88%
Water	Externally Restricted	25,261,589	15.15%
	Water Fund Total	50,619,223	30.35%
Sewer	Unrestricted	2,244,467	1.34%
Sewer	Internally Restricted	44,761,907	26.84%
Sewer	Externally Restricted	15,555,812	9.33%
	Sewer Fund Total	62,562,186	37.51%
	Total Investments	166,767,929	

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

Unrestricted

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

Internally Restricted

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

Externally Restricted

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

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

(a) Policy Implications

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

(b) Financial Implications

The low rate of return on investments continues to thwart interest earnings which in turn has a negative impact on funding availability for future projects.

(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 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.

9.2 ANNUAL OPERATIONAL PLAN 2020/2021 BUDGET VARIATION REPORT - DECEMBER 2020 AND JANUARY 2021

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services

Reference: Item 9.3 to Ordinary Council 23 June 2020 - Minute No 173/20
1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2020/2021 Budget Variation Report – December 2020 and January 2021”, Council note and approve the variations to the existing budget included in the attached Annexure.

SUMMARY

This report is to advise the main items of note for budget variations for the previous two months which are the recognition of capital works that have been pushed forward to the 2021/2022 financial year or have been delayed indefinitely. Despite these adjustments, predicted budgeted capital expenditure (consolidated) is up 50% from the original budget adopted in June last year.

COMMENTARY

Council adopted the original budget included in the Annual Operational Plan for 2020/2021 at the Ordinary Meeting of Council held 23 June 2020. 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 months of December 2020 and January 2021, for which there has been no previous specific report or approval.

It is important to note the budget variations provided in the monthly reports should not be viewed in isolation. The Quarterly Budget Review Statements for the quarter ending 31 December 2020, will be tabled at the meeting and will provide Council with a full review of revised budget forecasts and actual year to date results.

A summary of general budget variations is provided below with a detailed list **ATTACHED**, refer **ANNEXURE 1**.

General variations identified during December 2020 and January 2021

Division	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Cultural Services	(5,038)	8,102	(13,140)	0	0
Economic & Destination	11,560	(15,965)	27,525	0	0
Entertainment Venues	45,598	0	0	0	45,598
Events	(116,297)	29,398	(145,695)	0	0
Airport	(101,255)	57,500	13,302	0	(172,057)
Pilot Training Facility	(436,456)	(432,246)	0	0	(4,210)
AELEC	94,968	110,285	666	0	(15,983)
Financial Services	93,120	93,120	0	0	0
People & Culture	(25,216)	0	(25,216)	0	0
Risk & Safety	146,570	0	146,570	0	0
Business Systems & Solutions	(38,438)	(6,000)	16,500	0	(48,938)
Legal	97,188	0	0	0	97,188
Office of GM	(46,549)	0	(46,549)	0	0
Management Strategy & Performance	118,300	0	118,300	0	0
General Purpose Income	5,744	5,744	0	0	0
Compliance	113,662	(150,000)	263,662	0	0
Development	(4,427)	0	(4,427)	0	0
Integrated Planning	712,323	702	(3,034)	701,993	12,662
Plant, Fleet, Buildings	(2,732,012)	0	16,232	0	(2,748,244)
Sport & Rec Services	69,546	69,000	(70,621)	(167,050)	238,217
Design & Construction	(7,275)	0	(7,275)	0	0
Infrastructure & Projects	(3,455,966)	1,808,043	(1,947,175)	(2,603,224)	(713,610)
Waste Management	(1,419,771)	(49,832)	(1,102,099)	0	(267,840)
Water & Wastewater	(5,539,634)	782,809	104,024	200,000	(6,626,467)
TOTAL	(12,419,755)	2,310,660	(2,658,450)	(1,868,281)	(10,203,684)

Material differences between budget and actual income or expenditure

As previously reported, there continues to be material differences between budget and actual income and expenditure for Council’s aviation and entertainment activities as a result of the COVID-19 pandemic.

The following table highlights these operational variations. The Pilot Training Facility is not included as the current projected difference has been positively boosted by the provision of temporary accommodation to the Department of Education.

Program	Net Operating Result Original Budget	Annual Budget Projection
Airport	(724,162) Surplus	1,987,999 Deficit
AELEC	1,639,129 Deficit	2,029,947 Deficit

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2020/2021 by fund of:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	1,527,851	(2,762,474)	(2,068,281)	(3,577,217)
Water	789,773	104,024	200,000	(4,939,138)
Sewer	(6,964)	0	0	(1,687,32)
Total	2,310,660	(2,658,450)	(1,868,281)	(10,203,684)

(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.

9.3 2020/2021 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 DECEMBER 2020 No

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services
Reference: SF9146

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “2020/2021 Quarterly Budget Review Statements to 31 December 2020”, Council receive and note the report and related statements.

SUMMARY

The purpose of this report is to present to Council the Quarterly Budget Review Statements for Tamworth Regional Council for the period ended 31 December 2020, in accordance with Clause 203 of the Local Government (General) Regulation 2005.

COVID-19 continues to have a significant impact on the projected result for Council. Council staff and managers have reviewed their respective budgets and despite predicted savings this quarterly review shows that as at 30 June 2020, Council's unrestricted cash levels are anticipated to decline by \$2.5 million down to \$4.7 million.

A financial summary has also been provided for the Tamworth Global Gateway Park **ATTACHED**, refer **ANNEXURE 1**, 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 2**, provides a summary of budget movements since the adopted original budget, along with revised budget forecasts for the 2020/2021 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.

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

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

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

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

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

General Fund

Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	December Qtr. Review	Projected Result
Operating Expenses	101,403,203	5,467,384	43,471	106,914,058
Operating Income	(101,024,147)	1,594,461	1,539,926	(97,889,760)
Operating Result	379,056	7,061,845	1,583,397	9,024,298
Capital Income	(32,830,824)	(18,381,209)	(3,234,896)	(54,446,929)
Cash Adjustments	(20,884,815)	(11,318,261)	(2,451,631)	(34,654,707)
Capital Expenses	59,656,945	27,455,316	(2,981,711)	84,130,550
Cash Results	6,320,362	4,817,691	(7,084,841)	4,053,212
Unrestricted Cash	(138,623)	2,009,947	678,804	2,550,128
Reserves	7,123,562	(454,329)	(4,793,440)	1,875,793
Developer Cont.	(636,577)	341,053	211,553	(83,971)
Loans	0	173,114	(2,965,767)	(2,792,653)
Prior Year Grants	(28,000)	2,747,906	(215,991)	2,503,915
Total Cash Funding	6,320,362	4,817,691	(7,084,841)	4,053,212

Key Financial Results

	Opening Balance	Projected Result	Projected Balance	Minimum Balance
Unrestricted Cash	7,318,145	(2,550,128)	4,768,017	6,000,000

Unrestricted cash is a measure of Council's solvency showing the level of funds available to meet any contingency. The projected unrestricted cash balance as at 30 June 2021, shows a significant decrease in funds from those held at the beginning of this financial year.

Recurrent Result	Operating Cash Result (surplus)/deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
General Activities	(15,525,616)	22,011,723	6,486,107	3,254,462
Fleet Operations	(4,323,174)	2,905,307	(1,417,867)	0
Airport Operations	1,016,787	963,712	1,980,499	166,168
Waste Services	(1,873,472)	1,345,487	(527,985)	0
Pilot Training Facility	813,224	0	813,224	0

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

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

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

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

Like so many businesses and organisations within NSW, COVID-19 continues to have a detrimental impact on the ability of Council to generate and realise income, this combined with the low return on Council investments will see a decline in unrestricted and internally restricted cash held at 30 June 2021.

At this stage the information supplied to finance by managers across Council for incorporation into the second quarterly budget review, forecasts a decline in unrestricted cash of \$2.6 million. Traditionally managers relinquish the majority of the savings for the current financial year in the period March to June. The reason for this delay is due to the fact that at the time of the second quarter review, Council staff still have a significant amount of work and projects to undertake. It can be very difficult at this time to pinpoint exactly what financial resources will be utilised in the second half of the financial year especially when other factors such as the weather, staff availability and unexpected infrastructure failures all have an impact.

Whilst finance cannot accurately predict the amount of savings that will be realised in the latter half of the financial year, it can predict that they will not amount to \$2.5 million. The inevitable decline in unrestricted cash is exacerbated by known and suspected expenditure increases and further declines in discretionary income expected to materialise in 2021/2022 due to:

- the uncertainty surrounding COVID-19;
- the protracted forecast decline in return on investments;
- cost shifting from other tiers of government such as the Emergency Services Levy and Rural Fire Service contributions; and
- increases in insurance, electricity and telecommunication costs.

Council needs to actively work to ensure that it does not have to recover too much ground financially once the COVID-19 pandemic is resolved and this is not helped by the imposts listed above.

Whilst Council does intend to generate income from the sale of assets such as the Tamworth Global Gateway Park, the timing and amount of such income cannot be reliably predicted. Cash flow generated from these sales needs to be internally restricted to ensure adequate funds are available to meet future loan obligations and repay the reserves that have been overdrawn to fund works on this project.

It should be noted that internally restricted General Fund Reserves are still funding an internal \$10 million loan within General Fund to finance the cost of the Pilot Training Facility. This is

necessary due to promised grant funds from the NSW Government being withheld until Council can show it has a long term tenant for the facility. Receipt of this money would certainly help bolster the General Funds position.

In much the same way that Council has a Drought Management Plan, it should formulate a range of cost saving measures that could be implemented to deal with a worsening or protraction of the COVID-19 pandemic. Such a plan would see a reduction in unessential services across the Council in conjunction with expenditure reductions to ensure:

- staff levels are maintained;
- essential services such as the airport continue to function and; and
- general fund cash reserves continue to meet statutory requirements.

Finance staff will work with the Executive Team to determine suitable options that could be promptly implemented should Council's projected unrestricted cash levels at 30 June, fall below \$4 million. Even with a successful immunisation program it could be some time before the aviation related operations of Council show an operating cash surplus; in the meantime, the Airport continues to deplete its current reserves and the Pilot Training Facility is reliant on General Fund cash.

Water Fund

Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	December Qtr. Review	Projected Result
Operating Expenses	20,768,750	510,420	85,398	21,364,568
Operating Income	(20,206,783)	(64,042)	1,031,773	(19,239,052)
Operating Result	561,967	446,378	1,117,171	2,125,516
Capital Income	(5,596,047)	0	272,805	(5,323,242)
Cash Adjustments	(4,284,170)	0	91,756	(4,192,414)
Capital Expenses	25,463,165	13,839,658	(4,800,096)	34,502,727
Cash Results	16,144,915	14,286,036	(3,318,364)	27,112,587
Unrestricted Cash	(146,606)	(2,951)	919,773	770,216
Reserves	6,416,021	7,640,910	(1,160,137)	12,896,794
Developer Cont.	9,875,500	160,113	(3,078,000)	6,957,613
Loans	0	6,487,964	0	6,487,964
Prior Year Grants	0	0	0	0
Total Cash Funding	16,144,915	14,286,036	(3,318,364)	27,112,587

The Operating Result for the Water Fund has deteriorated in December by \$1,117,171 due to a decrease in operational income from a drought caused decrease in water consumption and a significant decrease in interest rates.

Key Financial Results

	Opening balance	Projected result	Projected balance	Minimum balance
Unrestricted Cash	2,211,934	(770,216)	1,441,718	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.

	Operating cash result (surplus)/deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
Recurrent Result	(4,238,086)	5,385,174	1,147,088	1,192,760

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

Whilst the recurrent result is less than principal loan repayments, the Water Fund is well placed to meet its future obligations due the amount of internally restricted funds it holds. In addition, the easing of water restrictions should see a resultant increase in water sales.

Sewer Fund

Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	December Qtr. Review	Projected Result
Operating Expenses	18,634,056	379,029	215,783	19,228,868
Operating Income	(24,911,026)	(102,881)	398,036	(24,615,871)
Operating Result	(6,276,970)	276,148	613,819	(5,387,003)
Capital Income	(943,000)	(6,000)	250,000	(699,000)
Cash Adjustments	(3,200,732)	0	(67,653)	(3,268,385)
Capital Expenses	5,593,753	1,958,530	(1,687,329)	5,864,954
Cash Results	(4,826,949)	2,228,678	(891,163)	(3,489,434)
Unrestricted Cash	(328,075)	(143,979)	338,036	(134,018)
Reserves	(5,961,627)	1,836,330	205,801	(3,919,496)
Developer Cont.	1,462,753	536,327	(1,435,000)	564,080
Loans	0	0	0	0
Prior Year Grants	0	0	0	0
Total Cash Funding	(4,826,949)	2,228,678	(891,163)	(3,489,434)

The projected operating surplus has decreased again in December, with the main contributor being a \$430,000 decrease in income from sewer held cash investments along with an increase of \$140,000 in expenditure due to the CSIRO Pilot Wastewater Treatment trial.

Key Financial Results

	Opening Balance	Projected Result	Projected Balance	Minimum Balance
Unrestricted Cash	2,244,467	134,018	2,378,485	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.

	Operating Cash Result (Surplus)/Deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
Recurrent Result	(12,207,332)	6,027,471	(6,179,861)	2,759,086

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 Sewer Fund

The projected unrestricted cash balance exceeds the estimated minimum balance indicating a capacity to transfer additional funds to Reserves for future works in the June budget review.

The recurrent result (\$6.1 million surplus) indicates an ongoing capacity to meet existing operational and asset renewal needs, as well as future capital upgrades.

(a) Policy Implications

Nil

(b) Financial Implications

The body of this report **ATTACHED**, refer **ANNEXURE 2**, provides details of the projected financial results for the 2020/2021 Budget. The variances recorded for the different funds will have implications for the Long Term Financial Plan, and this will be reviewed as part of the ongoing Integrated Planning and Reporting process.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.4 TAMWORTH REGIONAL COUNCIL 2020/2021 DELIVERY PROGRAM AND ANNUAL OPERATIONAL PLAN BI-ANNUAL REPORT - 1 JULY 2020 TO 31 DECEMBER 2020

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Sonya Vickery, Integrated Planner - IP&R

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

RECOMMENDATION

That in relation to the report “Tamworth Regional Council 2020/2021 Delivery Program and Annual Operational Plan Bi-Annual Report – 1 July 2020 to 31 December 2020”, Council receive and note the report.

SUMMARY

Council’s 2018-2022 Delivery Program was adopted at the Ordinary Council Meeting held on 26 June 2018.

The purpose of this report is to present the Bi-Annual Progress Report on the program for the period 1 July 2020 to 31 December 2020.

COMMENTARY

Chapter 13, Part 2 of the *Local Government Act 1993*, sets out the provisions for Council in relation to the Integrated Planning and Reporting Guidelines.

In relation to progress reporting, Section 404 (5) of the *Local Government Act 1993*, requires that “*the General Manager must ensure that regular progress reports are provided to the Council, reporting as to its progress with respect to the principal activities detailed in its delivery program*”.

Council this year has continued its commitment to improving the information available to the Tamworth regional community with the commencement of bi-annual reporting for the progress report.

The Bi-Annual Progress Report – 1 July 2020 to 31 December 2020, **ATTACHED**, refer **ANNEXURE 1**, provides a progress summary of all actions included in Council’s current Annual Operational Plan, which supports Council’s delivery of the 2021/2022 Delivery Program.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Section 404 (5) of the *Local Government Act 1993*.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.5 TAMWORTH PERFORMING ARTS CENTRE AND CULTURAL PRECINCT - FUNCTIONAL AND TECHNICAL DESIGN BRIEF

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Peter Ross, Manager Entertainment Venues
Reference: Item 9.5 to Ordinary Council 17 December 2019 - Minute No 466/19
Item 9.2 to Ordinary Council 22 October 2019 - Minute No 379/19
Item 13.2 to Ordinary Council 9 October 2018 - Minute No 228/18

3 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Performing Arts Centre and Cultural Precinct – Functional and Technical Design Brief”, Council:

- (i) approve the Tamworth Performing Arts Centre and Cultural Precinct Functional and Technical Design Brief for use in further design and construction planning; and*
- (ii) approve the expression of interest process for the engagement of a lead architect.*

SUMMARY

The purpose of this report is to present to Council for approval the Functional and Technical Design Brief (FTDB) **ATTACHED**, refer **ANNEXURES 1, 2 and 3**, for the proposed Tamworth Performing Arts Centre and Cultural Precinct.

This document will be used to support Council’s effort to secure co-funding from the NSW and Federal Governments, and to secure a lead architect and builder. The FTDB will be a crucial prescriptive tool to be included in the construction contract documentation.

Council’s approval is required to obtain expressions of interest for the appointment of a lead architect for the project.

COMMENTARY

Background

Council’s Entertainment Venues Division operates a suite of performance and events facilities, comprising the Tamworth Regional Entertainment and Conference Centre (TRECC), Capitol Theatre, Tamworth War Memorial Town Hall and Tamworth Community Centre.

The Capitol Theatre is leased, and was adapted from a large cinema space during its construction as part of the Centrepoint Shopping Centre in November 2008. Council undertook the theatrical fit out of the space. The sublease is due to expire on 12 November 2023.

Council has the right to use the Capitol Theatre throughout the year other than school holiday periods, at which time use of the Capitol Theatre reverts to the cinema operators. The school holiday periods total 85 days per annum or 23% of the year.

The Capitol is used by:

- Community hirers;
- Commercial hirers;
- Government and NFP organisations; and
- Entertainment Venues (self-presented events).

The Capitol Theatre has proven the demand for performing arts activity in the Tamworth community and demand now exceeds its capacity to serve. The theatre is fundamentally constrained and inadequate due to its origin as a cinema, with major functional limitations and lack of necessary spaces. The Tamworth Performing Arts Centre development is intended to replace the Capitol Theatre with a new, AA 5 Star (best practice) proscenium theatre, together with other performance venues and facilities.

Through Blueprint 100 Council is planning for accelerated growth over the next 20 years. This will see an increase in the forecast population with the potential to stimulate the growth of the region to a population of 100,000 people. The Tamworth Performing Arts Centre development would provide the appropriate piece of cultural and social infrastructure to support this planning.

The growth in utilisation and audiences at the Capitol Theatre over the past twelve years combined with the constraints of the current facility, have driven the need for an expanded and upgraded suite of performing arts venues.

The Tamworth Performing Arts Centre and Cultural Precinct

The development of the Tamworth Performing Arts Centre and Cultural Precinct is a major arts and cultural infrastructure project for the Tamworth community. The project is an objective within the current Community Strategic Plan (2017-2027) and Cultural Plan (2018-2023), and has been identified as a key action in the Tamworth Regional Blueprint 100 vision for the region's future. It is a project that is of significance at a regional, state and national level.

It will create a suite of venues which will meet the social inclusion, performing arts, creative industries, conference and events needs of the Tamworth community well into the future. Its integration with the existing Tamworth Regional Gallery and Tamworth City Library, and with the inclusion of other creative commercial tenants, will create a vibrant and exciting Cultural Precinct which is of national significance. It will drive visitation through cultural tourism and business events. All these factors will drive long-term economic and employment benefits for Tamworth.

The Business Case, Functional Concept Design and Costings were developed across 2018 and 2019. This included:

- New Performing Arts Centre Business Case - a full business case which outlined the future business model of a new performing arts centre; and
- New Performing Arts Centre Functional Concept Design and Costings - the functional concept design provided a base to confirm the direction and cost of the project to all stakeholders, and as a tool to seek financial support for the project.

The Economic Impact Assessment carried out within the Business Case and based on the Capital Cost Plan and the operational Financial Modelling for the project, identified significant benefits including:

- the direct addition of 288 jobs in the local construction sector;
- an estimated increase in gross regional product (GRP) in Tamworth Regional Council by \$72.38 million;
- an additional 11 full-time equivalent (FTE) jobs directly created;
- operational savings of \$0.500 million per annum for Council from the new structure;
- a direct injection into Tamworth's economy of roughly \$1.6 million per annum through cultural and business visitation; and
- a Benefit-Cost Ratio (BCR) of 1.53.

Council adopted the Business Case on 17 December 2019. It agreed to:

- approve the Tamworth Performing Arts Centre and Cultural Precinct Business Case; and
- provide funding to prepare the Functional and Technical Design Brief.

This project, which supports and aligns with the principles of Blueprint 100, is about Placemaking - the art and science of planning and making authentic, vibrant and resilient public spaces that are valued by their communities and admired by visitors. It's about contributing to our City's soul.

The Functional and Technical Design Brief (FTDB)

This FTDB provides a detailed functional description of the required facilities to be provided in the development process. The FTDB describes both qualitative and quantitative descriptions, and should be considered the *minimum* requirement.

The purpose of the FTDB is to define the functional requirements of the facility to ensure an effective operating centre, including:

- a clear definition of facility scope, and to some extent, professional services to inform the design team engagement process;
- defined functional requirements for the design team to meet, and be held accountable for; and
- measurable requirements for the construction contractor to meet and be held accountable for.

The appointment of a design team will further develop and evolve this FTDB to become a key prescriptive tool in the construction contract documentation.

However, the FTDB should not be modified solely to reflect the approved design. The FTDB must remain the reference description of requirements approved by Council against which all design and construction can be evaluated.

The FTDB builds upon the prior work of the Tamworth Performing Arts Centre Business Case (2019) and should be read in conjunction with the business case documents, including the concept design. However, the FTDB does not rely upon the concept design layouts, which are not fully resolved. Functionally desirable relationships depicted within the concept design are referenced where important, such as the cafe location in between the Tamworth Performing Arts Centre, Tamworth City Library and Tamworth Regional Art Gallery, and the Events Plaza, which emerged as an opportunity in the concept design. Otherwise, the FTDB is intended to be 'agnostic' as to design.

The design of a theatre is a complex, highly interactive process requiring the successful integration of functional needs and requirements of many disciplines in the service of making intimate performance spaces with a dynamic actor audience relationship. These auditoria are the heart of a complex facility and must be able to operate efficiently and effectively.

The FTDB identifies both qualitative and quantitative requirements for the venues. It allows for conceptual relationships in the design to develop. Some aspects of this FTDB are negotiable as the style and relationship of spaces are ultimately dependent upon the final design.

The document defines requirements for the design and development of the facility as identified in the Tamworth Performing Arts Centre and Cultural Precinct – Business Case with reference to the area analysis and concept design drawings forming part of the Business Case. This FTDB, although informed by the concept design, does not rely upon it.

Expressions of Interest for Lead Architect

To become ‘shovel ready’, Council’s consent to call for expressions of interest for the services of a Lead Architect is required to progress the project.

A detailed expression of interest document will be prepared using the FTDB as a guiding map to provide clear definition of the facility scope. This will give a detailed understanding of the extent of the professional services required for the Lead Architect and design team.

It is envisaged that the expression of interest phase for the Lead Architect will take two to the three months to complete.

(a) Policy Implications

Nil

(b) Financial Implications

It is recommended that Council should prepare a long-term funding strategy for its overall contribution. This should include the immediate strategy to accommodate the first stages of the full design work.

The total project costs are \$128 million based on the October 2022 construction commencement date. This is as per the Cost Report prepared by Wild and Woollard, Quantity Surveyors, for the approved Business Case. The estimated cashflow projections in the Cost Report details a design allowance in year one and two respectively.

There are no direct costs associated with the expression of interest process for the Lead Architect.

(c) Legal Implications

Nil

(d) Community Consultation

Extensive community consultation was completed for the Tamworth Performing Arts Centre and Cultural Precinct. The Business Case was placed on public exhibition Reference - Item 9.2 to Ordinary Council 22 October 2019 – Minute No 379/19.

The Business Case and Concept Designs were placed on public exhibition from 23 October to 19 November 2019, and open to the public for comment.

The key anchor stakeholders which includes the Tamworth Regional Conservatorium of Music, the ABC, Entertainment Venues, Tamworth Regional Gallery and Tamworth City Library were consulted in the preparation of room data sheets with the FTDB.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C22 Provide accessible, functional, multipurpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

9.6 LOCAL GOVERNMENT NSW INTERNATIONAL WOMEN'S DAY LUNCH

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicole Hunter, Coordinator Executive Services

RECOMMENDATION

That in relation to the report “Local Government NSW International Women’s Day Lunch”, Council approve the attendance of Councillors Tickle and Wilson at the Local Government NSW International Women’s Day Lunch, being held in Sydney on 8 March 2021.

SUMMARY

The purpose of this report is to seek Council’s approval to delegate Councillors Helen Tickle and Juanita Wilson to attend the Local Government NSW International Women’s Day Lunch being held in Sydney on 8 March 2021.

COMMENTARY

Councillors Helen Tickle and Juanita Wilson have received personal invitations to attend the Local Government NSW (LGNSW) International Women’s Day Lunch being held at Doltone House, Hyde Park, Sydney on 8 March 2021.

LGNSW is hosting this event to celebrate the leadership of women in government. The lunch motivates and inspires women to participate in government while further promoting internal personal development and training.

The guest speaker for this year’s LGNSW International Women’s Day Lunch is award-winning journalist and author, Annabel Crabb. Annabel is the ABC’s Chief Political Writer and a presenter on *Back in Time for Dinner*, *The House* and the highly acclaimed *Kitchen Cabinet* series on ABC TV. She is also a regular contributor and presenter on *Insiders* and *The Drum* on ABC NEWS. Her intelligent and insightful take on politics has made her one of Australia’s most popular media personalities.

The event will also give attendees the opportunity to network with like-minded guests.

(a) Policy Implications

In accordance with Council’s Payment of Expenses and Provision of Facilities to Councillors Policy, Council provides funds for a wide range of Councillor professional development activities including attendance at conferences and seminars, industry working parties and community non-Council functions and events. Authorisation of the attendance of Councillors should be by way of a resolution of Council.

(b) Financial Implications

The estimated cost per delegate will be in the vicinity of \$770, which includes ticket cost of \$200, accommodation at \$270 per night, and air travel at \$300. There is sufficient operational budget within the Councillor's conferences and seminars budget to fund Councillor Tickle and Wilson's attendance at this event.

(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 – L12 Represent and advocate community needs.

10 COMMUNITY SERVICES

10.1 SUMMARY OF FEES WAIVED FOR THE PERIOD 1 JULY 2020 TO 31 DECEMBER 2020

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Jacqueline O'Neill, Director Growth and Prosperity

RECOMMENDATION

That in relation to the report "Summary of Fees Waived for the Period 1 July 2020 to 31 December 2020", Council receive and note the report.

SUMMARY

This report is to advise of the Fee Waiver applications approved by the General Manager for the six month period from 1 July 2020 to 31 December 2020.

COMMENTARY

The objective of Tamworth Regional Council's Waiving of Council Fees and Charges Policy (The Policy) is to provide a means by which community organisations conducting events and activities within the Tamworth Regional Council area may seek Council assistance through the waiving of fees for use of Council facilities.

Eligibility is limited to non-profit community organisations and sporting and recreation bodies operating for the direct benefit of the local community. Eligibility does not extend to major fundraising bodies with a parent body outside the Council area.

The Policy allows the General Manager, under delegated authority, to approve requests up to \$500 as a donation by waiving of Council fees.

Organisations may apply for fees to be waived more than once. Approval is limited to fifty per cent of the full rate cost, up to \$500. The maximum amount that can be applied to each organisation is \$500 per financial year.

An amount of \$15,000 is provided in the annual Waiving of Fees Program budget. A further \$11,949 was provided in 2020/2021 Waiving of Fees Program budget as unexpended funds from 2019/2020 financial year. Therefore, the total amount available for 2020/2021 financial year is \$26,949.

The following table provides a summary of the applications and amount of \$754.50 approved by the General Manager for the six month period from 1 July 2020 to 31 December 2020:

Date Approved by GM	Organisation	Purpose of Funding	Amount Approved
30/07/2020	Tamworth Legacy	Street Banner	\$185.00
26/10/2020	McLean Care Ltd	Tamworth Sports Dome	\$250.00
28/10/2020	NAIDOC Committee	Street Banner	\$319.50
Total fees waived for the period 1 July 2020 to 31 December 2020			\$754.50

(a) Policy Implications

Nil

(b) Financial Implications

As a result of the impact from COVID-19 and the safety precautions in place, Council facilities were unavailable for the community to utilise. This has resulted in unexpended funds totalling \$26,194.50.

(c) Legal Implications

The General Manager has Delegated Authority from Council to approve individual waivers up to \$500.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Spirit of Community – C21 Preserve and celebrate the character, heritage and culture of our city, towns and villages.

10.2 TAMWORTH REGIONAL MUSEUMS ENGAGEMENT STRATEGY, VERSION 2

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Museums Engagement Strategy, Version 2”, Council adopt the updated, accurate Strategy that reflects the recent advances by Council for the museum sector.

SUMMARY

The purpose of this report is to advise that the Tamworth Regional Museums Engagement Strategy 2019-2024, (the Strategy) has been updated to reflect the recent advances Council has made in the museum sector. The Strategy now clearly identifies the Tamworth Regional Astronomy Club and their new facility. The Strategy also includes the National Guitar Museum and the transfer of ownership of the Australian Country Music Hall of Fame collection and the Country Music Wax Museum Collection to Council.

COMMENTARY

Since the adoption of the Tamworth Regional Museums Engagement Strategy in 2019, Council has made many advances and actively pursued implementation of some key actions identified in the Strategy. This has meant that the key descriptions of the museums in the original adopted document and the factual information regarding ownership are no longer accurate.

Specifically, the advances include the development of the National Guitar Museum at the Tamworth Visitor Information Centre, the transfer of ownership of the Australian Country Music Hall of Fame collection, and the Country Music Wax Museum Collection to Council.

The Strategy now also clearly identifies the Tamworth Regional Astronomy Club and the newly built Tamworth Regional Astronomy and Science Centre.

The document needs to reflect the current status if it is to support grant applications and provide the public with a true account of Council's museum interests.

It is important to note that no change has occurred to the actions identified in the Strategy, only the descriptions to reflect accurate information. These changes are reflected in the descriptions on pages 6 to 8 under The Collections – An Overview, and page 25 regarding collection ownership. The updated version of the Strategy (Version 2) is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Upon adoption, this Strategy will be updated on Council's website.

(b) Financial Implications

Nil. Existing budget allocations have been identified. The identified Council owned museum collections are currently insured. An asset management plan is currently being developed for Tamworth Regional Museums.

(c) Legal Implications

Nil

(d) Community Consultation

Previously, the draft Tamworth Regional Museums Engagement Strategy 2019-2024, was on public exhibition for 28 days from 8 June 2019 to 5 July 2019. The public notice was advertised in the Northern Daily Leader, Manilla Express and Barraba Gazette. No public submissions were received.

It is also important to note that a series of community workshops were held during the development phase of the Strategy. These workshops were well attended by community and no changes to the Strategy's actions have occurred to ensure this consultation is respected.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C22 provide accessible, functional, multi-purpose facilities and spaces suitable for cultural, recreational, learning and information services and activities.

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 TENDER T079/2021 - TAMWORTH GLOBAL GATEWAY PARK - STAGE 1 AND 2 - CONSTRUCTION OF ELECTRICAL, STREET LIGHTING AND COMMUNICATIONS INFRASTRUCTURE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 11.4 to Ordinary Council 9 February 2021 - Minute No 19/21
Item 9.1 to Ordinary Council 8 September 2020 - Minute No 275/20
Item 8.3 to Ordinary Council 28 July 2020 - Minute No 206/20
Item 12.4 to Ordinary Council 11 February 2020 - Minute No 25/20

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 seek Council's acceptance of Tender T079/2021 to award a lump sum contract for the electrical, street lighting and communications infrastructure construction works associated with Stages 1 and 2 of the Tamworth Global Gateway Park.

11.2 TENDER T072/2021 - REHABILITATION OF SEWER MAINTENANCE HOLES IN TAMWORTH NSW

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

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to recommend acceptance of a tender for the inspection, relining and rehabilitation of 38 sewer manholes in Tamworth. The majority of these manholes are in Kable Avenue, at a depth between three and six metres. This report discusses the merits of the tenders received, analysis based on the selection criteria, and recommends a preferred Tenderer.

11.3 T042/2021 TAMWORTH EFFLUENT REUSE FARM OPERATION TENDER

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water Operations

Reference: Item 16.4 to Ordinary Council 10 March 2020 - Minute No 65/20
Item 9.4 to Ordinary Council 8 September 2020 - Minute No 278/20

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to advise Council of the outcome of the tender evaluation completed for the operations contract for the Tamworth Effluent Reuse Farm (TERF) and recommend an operator of the TERF for the next five years.

11.4 EXPRESSION OF INTEREST FOR COUNCIL MANAGED PREMISES

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Luke Stevenson, Commercial Property Officer

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

This report is to inform Council of the submissions received for E078-2021 Expressions of Interest for lease of the former Barraba Shire Council Chambers located at 47 Fitzroy Street, Barraba.

As the Reserve's Crown Manager, Council is required to enter into a Crown Land Manager Lease Agreement. Accordingly, this report seeks Council's authorisation for the Mayor and General Manager to negotiate the terms of a Crown Land Manager Lease Agreement.

11.5 T050/2021 - PROVISION OF COMMISSIONING AND SUPPORT SERVICES FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) AND PROGRAMMABLE LOGI CONTROL (PLC) SYSTEMS

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water Operations

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek approval from Council in relation to the appointment of a panel of Supervisory Control and Data Acquisition (SCADA), Programmable Logic Controller (PLC) and Telemetry commissioning and support services to Council's Water and Waste Directorate.

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.

CONFIDENTIAL