

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

25 MAY 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, 11 May 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 TAMWORTH REGIONAL HERITAGE WORKING GROUP - DRAFT REVISED TERMS OF REFERENCE AND MINUTES OF WORKING GROUP MEETING HELD ON 30 APRIL 2021

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Gina Vereker, Director Planning and Compliance

Reference: Item 7.2 to Ordinary Council 9 February 2021 - Minute No 3/21
3 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Heritage Working Group – Draft Revised Terms of Reference and Minutes of Working Group Meeting held on 30 April 2021”, Council:

- (i) adopt the Revised Terms of Reference for the Tamworth Regional Heritage Working Group;*
- (ii) receive and note the Minutes of the Tamworth Regional Heritage Working Group Meeting held 30 April 2021;*
- (iii) adopt the following recommendations of the Tamworth Regional Heritage Working Group Meeting:*
 - the funds left over from the 2020-2021 Heritage Assistance Fund (approximately \$3,000.00) be allocated towards the relocation of “the Gibbons Inn” sign to the correct site and a sign to be installed at the correct site of “Our House Inn”; and*
 - endorse the appointment of additional members to the Working Group, being:*
 - Melinda Gill on behalf of the Tamworth Historical Society; and*
 - Daisy Cutmore on behalf of the Tamworth Local Aboriginal Lands Council, with Amber Vernon to attend when Daisy Cutmore is unavailable.*

SUMMARY

The purpose of this report is to recommend to Council the adoption of a revised Terms of Reference for the Tamworth Regional Heritage Working Group (the Working Group) and to present the Minutes of the Working Group meeting held on 30 April 2021; including a proposal to appoint two community members to the Working Group, and provide Council with an overview of the meeting.

COMMENTARY

Draft Terms of Reference

At the Council meeting held on 9 February 2021, Council considered proposed amendments to the existing Terms of Reference for the Tamworth Regional Heritage Working Group. The amendments related to the addition of three community members to the formal membership of the Working Group. Council adopted the amended Terms of Reference, **ATTACHED**,

refer **ANNEXURE 1**, and subsequently expressions of interest were called to fill the three community positions. In this respect, this report recommends that Council endorse the appointment of two community members. As noted in the Working Group minutes, **ATTACHED**, refer **ANNEXURE 2**, three expression of interests were received, however two were from the Tamworth Local Aboriginal Lands Council (TLALC) and the Working Group determined that one representative from the TLALC should be appointed and that the second representative could attend as an alternate delegate as necessary.

Following Council's decision to endorse the expansion of the Working Group to include community members it was considered appropriate that the Terms of Reference undergo a more detailed review in order that the roles and responsibilities of all members is clarified. The revised Terms of Reference, **ATTACHED**, refer **ATTACHMENT 3**, now presented for Council's adoption includes additional details of the operation of the Working Group, the requirement for confidentiality and appropriate media protocol.

Summary of Working Group Meeting Outcomes

The following is a summary of the main items discussed at the TRHWG meeting held on 30 April 2021, as reported in the **ATTACHED** minutes, refer **ANNEXURE 2**.

- The 2021 Heritage Festival was well planned and received with a debrief meeting in relation to the event arranged for early June 2021;
- The 2020-2021 Heritage Assistance Fund payments have now been finalised with a number of great projects completed;
- It was brought to Council's attention that the placement of signage on "the Gibbons Inn", Nundle was incorrectly placed and signage was missing from the "Our House Inn". The Working Group resolved to recommend to Council that the balance of unused Heritage Assistance funding be applied to correcting these issues; and
- Following the February 2021 Council resolution, Expressions of Interest were called for community members to be appointed to the Working Group. Having reviewed the submissions received the Working Group resolved to recommend to Council the appointment of two new community members.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Any community consultation is reported to the group at each meeting on all matters relating to Heritage.

(e) Delivery Program Objective/Strategy

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

8 INFRASTRUCTURE AND SERVICES

8.1 PROPOSED LEASE TO TAMWORTH CROQUET CLUB INCORPORATED OF PART LOT 3 IN DEPOSITED PLAN 781317

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

RECOMMENDATION

That in relation to the report “Proposed Lease to Tamworth Croquet Club Incorporated of Part Lot 3 in Deposited Plan 781317”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a new lease to the Tamworth Croquet Club Incorporated as set out herein; and*
- (ii) authorise the affixing of the Seal of Council to the lease document and any other associated documentation.*

SUMMARY

The purpose of this report is to advise Council of the matters regarding the Tamworth Croquet Club Incorporated and address the request for a new lease of the current facility.

COMMENTARY

The Tamworth Croquet Club Incorporated (the Club) was formed in October 1932. The game was played on a specially prepared green on the corner of Brisbane Street and Kable Avenue in 1933, where the Hands of Fame Park is now situated.

In 1966, some of the Club’s green was utilised for the construction of the bridge over the Peel River. With the cooperation of various authorities at the time, the Club was relocated to its current site known as part 70B Napier Street, East Tamworth or also described as Lot 3 in Deposited Plan 781317.

The Club caters for the playing and enjoyment of croquet within the community whilst being a not for profit organisation.

The Club had a lease with Tamworth Regional Council (Council), which expired on 31 December 2007. This previous lease contained a clause which continues the lease on a month to month basis when the term expires if neither party seeks to terminate the lease. The Club has continued to occupy the land under that clause from 31 December 2007 to present.

The terms under the previous lease, which are still current, include a rental of \$52.00 per annum (exclusive of GST) and payment of all outgoings including the maintenance of the grounds.

In recent times, Council has adopted a uniform approach regarding the lease and/or license of Council owned land for sports and/or recreational purposes, and the terms of the proposed lease differ to the previous one. Discussions have been had with the Club’s current president to ensure that the Club is aware of Council’s approach. It is therefore proposed that a new lease is negotiated with the club as per the following terms:

Term: 10 years
Commencing Rental: \$500.00 plus GST per annum
Annual Increase: 3% per annum
Outgoings: Rates, water, sewer, insurance, electricity, telephone and maintenance is the responsibility of the lessee.

These terms have been determined by the fact that the lease provides exclusive use and possession of the land to the lessee, and that Council is not seeking to recover a commercial return for the lease of the property.

It is recommended that Council give approval for staff to finalise discussions with the Club to negotiate a new lease based on the above terms.

(a) Policy Implications

Nil

(b) Financial Implications

The rental received from the Club for the lease of the land will be allocated to the Sports and Recreation division budget.

(c) Legal Implications

The Lease will require 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 the 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 of Progressive Leadership – L21 Transparency and accountability of Government

8.2 VICTORIA PARK MASTER PLAN

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

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Victoria Park Master Plan”, Council adopt the master plan titled “Victoria Park Master Plan”.

SUMMARY

As part of future planning for the continued growth of the city in line with Tamworth Regional Council’s Blueprint 100 Strategy, Council staff have developed a master plan of Victoria Park. The master plan will guide the future governance and management of Victoria Park and outlines a collective vision for the park to realise its full potential as a major tourist destination for the region.

The draft master plan was placed on public exhibition for a period of 28 days between 11 February 2021 and 11 March 2021. A total of 86 respondents commented on the master plan.

COMMENTARY

Victoria Park is located in East Tamworth and is largely utilised for recreational purposes by local families and visitors to the region. Victoria Park has the potential to become a major tourism destination and capitalise on its proximity to the Tamworth central business district. The precinct is extremely popular with both the local community and visitors and has a diverse range of tourism experiences and opportunities. The master plan aims to provide a vision that will improve, enhance and strengthen Victoria Park as a unique visitor destination, encompassing cultural and educational experiences.

Over the last ten years, the Tamworth Marsupial Park and Adventure Playground have expanded and evolved to become a key destination for locals and tourists alike, with a range of animal exhibits, interactive animal opportunities and quality supporting infrastructure, along with the community-built Adventure Playground which provides a unique play experience in a picturesque natural environment. In addition, the recently constructed Tamworth Regional Astronomy and Science Centre will be the region’s hub for astrological education and scientific tourism.

The master plan separates Victoria Park into eleven key areas which identify the diverse range of activities within the park. The master plan investigates each area and details the opportunities within.

Strategically, the Victoria Park master plan will sit under Tamworth Regional Council’s (Council) Blueprint 100 Strategy. The alignment with Blueprint is critical in achieving improved cultural, social and physical amenity within the community over the next 20 years.

The Victoria Park master plan project was completed in five key stages as follows:

- Stage 1: Council staff commenced the development of a master plan by reviewing the 2012 Victoria Park master plan. Staff identified that the 2012 master plan did not address the entirety of the park.
- Stage 2: Information that populated the first draft of the master plan was collated from a range of key groups. Foremost, Council staff met with each of the current key stakeholders to understand their needs and strategic plans for the growth of their

respective areas. This included the Tamworth Men’s Shed Inc., Friends of the Botanic Gardens, Tamworth Regional Astronomy Club, Tamworth District Model Engineers, Friends of the Marsupial Park and the Tamworth Local Aboriginal Lands Council.

Secondly, a Project Control Group (PCG) was established that included representation from a range of divisions within Council in an effort to address the broad nature of elements to be addressed within the master plan.

Finally, a series of Councillor workshops were conducted to seek input from both Councillors and Council’s Executive Team.

A landscape architect consultant was also engaged to develop a draft master plan that included concept designs for each of the 11 areas, based on the information collated and industry best practice.

Stage 3: The draft master plan was placed on public exhibition for a period of 28 days between 11 February 2021 and 11 March 2021. A total of 86 respondents formally commented on the draft plan. This feedback, is summarised and **ATTACHED**, refer **ANNEXURE 1**.

Stage 4: The community feedback was presented to the Councillors and the Executive Team in a workshop on 20 April 2021. In this workshop and based on community feedback, the Councillors and Executive Team recommended amendments to the draft master plan to produce a final masterplan. A summary of the recommendations is detailed in Table 1.

Table 1. summary of Councillor workshop recommendations for final draft.

Topic	Recommendation
Koalas – Questions raised with the recent announcement of the sanctuary in Gunnedah	<ul style="list-style-type: none"> • leave the proposed koala enclosure in the master plan; • acknowledge the planned Koala Sanctuary in Gunnedah in the master plan; • acknowledge opportunities to share resources with the Gunnedah Koala Sanctuary and add an action to pursue discussions regarding potential future collaboration; and • consider the planting of tree species to naturally attract koalas to the park area.
Mountain Bike Trails	<ul style="list-style-type: none"> • exclude mountain bike tracks from the Victoria Park precinct as there is already a sports specific precinct for mountain bikers. The Victoria Park precinct should remain a passive recreation space.
Tamworth Tech Shed relocation to Victoria Park	<ul style="list-style-type: none"> • discussed and agreed that the Tech Shed is not the desired fit for the Victoria Park precinct, and should not be included in the master plan; • agreed that Council should continue to liaise with the Tech Shed committee to determine ways in which the group can be supported; and • the master plan is to state that all new developments within Victoria Park are to have a tourism focus.

Marsupial Park car park expansion	<ul style="list-style-type: none"> identify within the master plan additional car parking is required at the Marsupial Park and list this as an action.
Marsupial Park toilet block upgrade	<ul style="list-style-type: none"> identify within the master plan that the toilet block at the Marsupial Park requires significant upgrades and list this as an action.
Provision of space for a coffee / food van at Lookout	<ul style="list-style-type: none"> update the master plan to include provision of an area that can be utilised by a coffee / food van on a regular basis.
Park Management Plan	<ul style="list-style-type: none"> acknowledge within the master plan Council's role in managing Victoria Park. Include an action in the master plan for Council to review the management model for Victoria Park. Produce a strategy in line with the master plan's prioritisation schedule.
Operational costs and revenue	<ul style="list-style-type: none"> acknowledge within the master plan the significant capital and ongoing costs of the enhancements proposed. Include an action in the master plan for Council to review existing and proposed operations of Victoria Park as future revenue streams to potentially offset Victoria Park's ongoing cost.
Sustainability	<ul style="list-style-type: none"> add to the 'prioritisation of works' and 'consolidation actions' that "All enhancements of Victoria Park will have an emphasis on sustainability."

Stage 5: A final master plan was developed by the consultant and is **ATTACHED**, refer **ANNEXURE 2**.

Following this detailed and collaborative approach to the development of a community master plan for Tamworth's Victoria Park, it is recommended that Council adopt this plan and work towards addressing the priority actions contained within.

(a) Policy Implications

Nil

(b) Financial Implications

There are no costs associated with adopting the master plan. There are also no funds currently allocated to implement any components or priority actions of this plan.

(c) Legal Implications

Nil

(d) Community Consultation

The draft Victoria Park master plan was placed on public exhibition for a total of 28 days between 11 February 2021 and 11 March 2021. A total of 86 respondents formally commented on the master plan.

A number of different methods were used to engage the community in this project. People were invited to participate through a range of communication methods, media channels, social media, radio, face-to-face information stands (five in total across the

Council area), Council website promotion, creation of a page on the MyTRC online community that hosted a Q&A section, and a feedback form for formal submissions to be made.

(e) Delivery Program Objective/Strategy

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

8.3 2021 COUNTRY CAPITAL CUP FEE WAIVER REQUEST

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

RECOMMENDATION

That in relation to the report “2021 Country Capital Cup Fee Waiver Request”, Council waive the fees associated with the use of the Tamworth Regional Entertainment and Conference Centre for this event totalling \$16,191.00 (including GST).

SUMMARY

The Tamworth Gymnastics Club will once again be hosting the 2021 Country Capital Cup in June, attracting more than 1,000 competitors from all over Australia.

Due to the size and significance of this event, the Tamworth Gymnastics Club will require the use of the Tamworth Regional Entertainment and Conference Centre and are seeking a fee waiver for its hire.

Given the substantial economic benefit to the community and the opportunity to showcase the Tamworth Regional Entertainment and Conference Centre and Tamworth’s ability to host large sporting events, Tamworth Regional Council is asked to consider supporting this event through a fee waiver.

COMMENTARY

The Tamworth Gymnastics Club (TGC) hosts an annual gymnastics competition in Tamworth titled the Country Capital Cup. This competition is in its seventh year and in 2021 will be held at the Tamworth Regional Entertainment and Conference Centre (TRECC) from the 11 June 2021 to 13 June 2021.

In 2021 this event will host more than 1,000 competitors coming from all states of Australia (noting that pre COVID-19 the event has attracted international competitors). Due to the significance of this event TGC has requested Tamworth Regional Council (Council) support the event by waiving the fees associated with holding the event at the TRECC.

The estimated fees for the use of the TRECC are outlined in Table 1.

Description	Estimated fee
Venue hire	\$ 7,388.00
Cleaning	\$ 1,991.00
Furniture	\$ 380.00
Kitchen hire	\$ 440.00
Production A/V supplied	\$ 940.00
Staging and equipment	\$ 5,052.00
TOTAL	\$16,191.00*

*The above estimated fee of \$16,191 is the total cost to hire the TRECC after community service obligation and packaging discounts has been applied.

The event has received expressions of interest from 1,300 competitors. To calculate the economic value of such events, Council uses Id.Profile's Event Impact Calculator and a value of \$151 as the average daily spend for a sports tourist. The tool calculates that the 2021 Country Capital Cup will inject \$912,641 into the local economy, refer Figure 1.

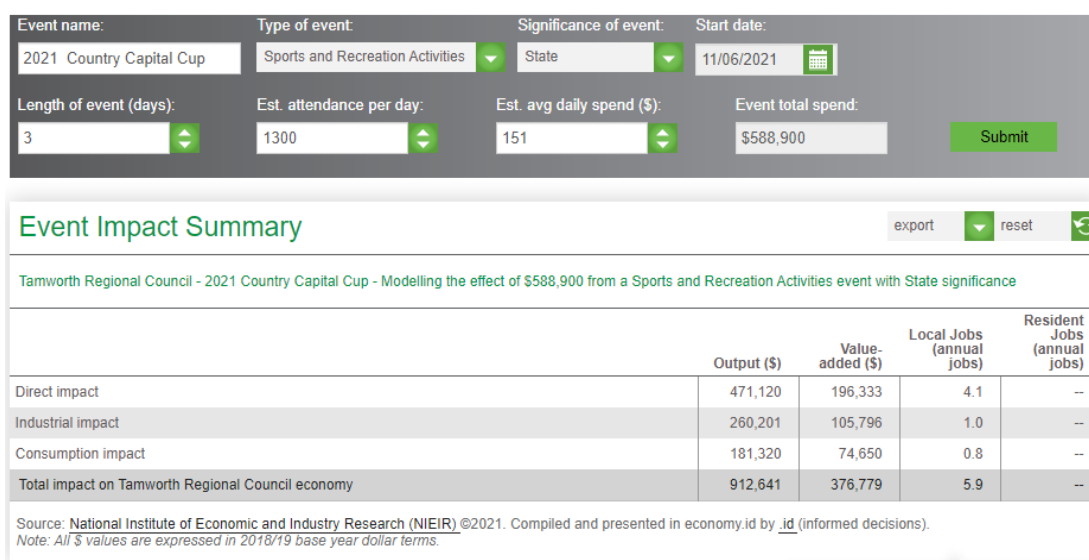


Figure 1. Id.Profile Event Impact Summary

Given the substantial economic benefit to the community, the opportunity to showcase the TRECC and Tamworth's ability to host large scale sporting events to a wide-ranging audience, it is recommended that Council support this event in 2021 through a fee waiver.

If the fee waiver is approved, Council staff will work with the TGC to ensure that the financial saving realised is used to re-invest in additional infrastructure that will grow the sport in the region.

(a) Policy Implications

Nil

(b) Financial Implications

Sports and Recreation has an annual budget allocation of \$40,000 for events subsidised under the Sport Event Subsidisation Policy. Due to a reduction in the

number of events as a result of COVID-19, there are unspent funds that can be allocated towards this event in 2021. If Council supports this fee waiver proposal, \$16,191.00 (inclusive of GST) will be deducted from this budget allocation for this event.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(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.

8.4 2021 LOCAL GOVERNMENT WATER MANAGEMENT CONFERENCE, NARRABRI - 7 TO 9 JULY 2021

DIRECTORATE: WATER AND WASTE

AUTHOR: Zoe-Marie West, Executive Assistant - Water and Waste

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “2021 Local Government Water Management Conference, Narrabri - 7 to 9 July 2021”, Council nominate representatives to attend this conference as appropriate.

SUMMARY

The purpose of this report is to advise Council that the 2021 Local Government Water Conference will be hosted by Narrabri Shire Council at The Crossing Theatre from 7 to 9 July 2021.

COMMENTARY

The Draft Program is **ATTACHED**, refer **ANNEXURE 1**. Among others, the program includes the following speakers and topics:

- Russell Beatty, Principal Water Resources Engineer and Economist for Hydrology and Risk Consulting (HARC) will speak on the Risk Posed by Mega Drought, including the potential social and economic consequences and a planning framework that can be applied to mitigate these consequences;
 - Shane Fitzsimmons, Commissioner of Resilience NSW will provide the keynote address;
 - Namoi Unlimited will deliver a presentation on Climate Change and Gravel Roads across the Namoi Region. The presentation will cover the research around the potential use of recycled water and the application of recycled water in the construction and maintenance of gravel roads in the region during droughts;
-

- Prof. Stuart Khan, School of Civil and Environmental Engineering at the University of NSW will be presenting on Water Quality and Supply for Rural, Remote and Aboriginal Communities, including the latest research and findings related to improving water quality and supply to these areas;
- Chris Philpot, CEO - Smart Approved WaterMark will provide an address on a Smart Approved WaterMark – a water efficiency program for Councils and local communities;
- Wayne Beatty, Chair - NSW Water Directorate and Adam Lovell, Executive Director Water Services Association of Australia will participate in a Panel Discussion on The Future of Local Water Utilities. The panellists will provide insights into the future of local water utilities in NSW;
- Erin Cini, Director Town Water Risk Reduction Program – Department of Planning, Industry and Environment (DPIE) will be presenting on the Town Water Risk Reduction Program. This session will provide an overview of the program, including the partnership between DPIE and local water utilities, current progress and future opportunities for involvement;
- Dr Jim Bentley, Chief Executive Office - Water Department of Planning, Industry and Environment will provide an update on policy, priorities and initiatives for water in NSW. In addition, Dr Bentley will outline the ongoing development of the State and Regional Water Strategies and how DPIE plans to work in closer partnership with Councils and local water utilities; and
- Following a Case Study of the Narrabri Water Augmentation Project delivered by Darren Raeck, Director of Projects and Strategy – Wagga Wagga Council (former Director at Narrabri Shire), delegates will continue on a site visit to the Water Storage Treatment Site. From there, delegates will have the opportunity to attend the Wee Waa Sewage Treatment Plant which is under upgrade, or attend the Water Directorate Forum to discuss issues around the operations of local water utilities.

The Director – Water & Waste is proposing to attend the Conference.

The Welcome Reception and Registration will be held from 6.00pm to 8.00pm at the Tourist Hotel, Narrabri on Wednesday, 7 July 2021. The Conference will then commence on Thursday, 8 July at 8.00am at The Crossing Theatre Auditorium, and will conclude Friday, 9 July at approximately 4.00pm.

(a) Policy Implications

Councillor(s) authorised to attend the 2021 Local Government Water Management Conference, in accordance with Council's policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

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

(b) Financial Implications

Councillors have been allocated funds to specifically provide for attendance at Local Government Sector Conferences, workshop, industry working parties and community non-Council functions and events.

Authorisation of the attendance of Councillors is by way of resolution of Council. Authorisation and the payment of the expenses involved will only be provided by Council where the conference, workshop or industry working party is directly related to the Councillor's Civic Functions and responsibilities and/or the Local Government Sector.

Conference Early Bird Registration, if paid in full by Friday 28 May 2021, is \$575 per person. Standard Conference Registration will be \$720 per person if paid in full by Thursday 24 June 2021.

(c) Legal Implications

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 2020-2021 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 MARCH 2021

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

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "2020-2021 Quarterly Budget Review Statements to 31 March 2021", Council receive and note the report and related statements.

SUMMARY

The purpose of this report is to present to Council the Quarterly Budget Review Statements for Tamworth Regional Council for the period ended 31 March 2021, in accordance with Clause 203 of the Local Government (General) Regulation 2005.

Council has managed to make up some ground with unrestricted cash for the general fund which was predicted to be sitting at \$4.7 million in the December quarterly review, and is now projected to be \$5.2 million, still below the desirable \$6 million minimum balance. Water and sewer funds remain relatively stable.

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 Report.

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

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

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

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

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

General Fund

Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	March Qtr. Review	Projected Result
Operating Expenses	101,403,203	5,510,855	1,274,892	108,188,950
Operating Income	(101,024,147)	3,134,387	(2,477,937)	(100,367,697)
Operating Result	379,056	8,645,242	(1,203,045)	7,821,253
Capital Income	(32,830,824)	(21,616,105)	(4,497,278)	(58,944,207)
Cash Adjustments	(20,884,815)	(13,769,892)	3,614,259	(31,040,448)
Capital Expenses	59,656,945	24,473,605	4,595,396	88,725,946
Cash Results	6,320,362	(2,267,150)	2,509,332	6,562,544
Unrestricted Cash	(138,623)	2,688,751	(440,765)	2,109,363
Reserves	7,123,562	(5,247,769)	(869,872)	1,005,921
Developer Cont.	(636,577)	552,606	303,429	219,458
Loans	0	(2,792,653)	3,317,540	524,887
Prior Year Grants	(28,000)	2,531,915	199,000	2,702,915
Total Cash Funding	6,320,362	(2,267,150)	2,509,332	6,562,544

Key Financial Results

	Opening Balance	Projected Result	Projected Balance	Minimum Balance
Unrestricted Cash	7,318,145	(2,109,363)	5,208,782	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, has improved from the December quarter by \$440k however it is still below the minimum balance. As well as ensuring sufficient cash for solvency having a minimum unrestricted balance is crucial as it provides a buffer to ensure that only General Fund cash is used to cover General Fund expenditure.

Recurrent Result	Operating Cash Result (surplus)/deficit	Depreciation and Leave Accruals	Net Recurrent Result (surplus)/deficit	Loan principal repayments
General Activities	(15,932,112)	22,011,723	6,079,611	3,254,462
Fleet Operations	(4,222,504)	2,905,307	(1,317,197)	0
Airport Operations	734,277	963,712	1,697,989	166,168
Waste Services	(1,904,904)	1,345,487	(559,417)	0
Pilot Training Facility	425,673	0	425,673	666,667

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

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

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

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

As previously mentioned Council’s General Fund financial position has been impacted by COVID-19 and a low return on investments. Council’s general fund is more susceptible to these influences due to the wide variety of functions it undertakes, many of which are community services, which by their nature make the generation of a positive financial return difficult. This combined with the impact of COVID-19 on previously reliable General Fund revenue streams means that general fund is currently having to closely monitor its financial performance.

As a result of this scrutiny and a natural reduction in expenditure in the areas impacted by COVID-19, Council has managed to improve its projected unrestricted cash position. The forecast position for unrestricted cash as at 30 June 2021, has improved from the December quarterly review by an amount of \$440,765 with a projected balance of \$5,208,782 at year end.

Council needs to make a continued concerted effort to reduce the gap between the minimum

unrestricted cash balance and the projected figure.

Water Fund

Summary of budget variations year to date:

Budget Results	Original Budget	Previous Quarters	March Qtr. Review	Projected Result
Operating Expenses	20,768,750	595,818	181,493	21,546,061
Operating Income	(20,206,783)	967,731	1,048,283	(18,190,769)
Operating Result	561,967	1,563,549	1,229,776	3,355,292
Capital Income	(5,596,047)	272,805	(7,332)	(5,330,574)
Cash Adjustments	(4,284,170)	91,756	(7,997,867)	(12,190,281)
Capital Expenses	25,463,165	9,039,562	(6,422,350)	28,080,377
Cash Results	16,144,915	10,967,672	(13,197,773)	13,914,814
Unrestricted Cash	(146,606)	916,822	(593,244)	176,972
Reserves	6,416,021	6,480,773	(6,171,529)	6,725,265
Developer Cont.	9,875,500	(2,917,887)	(6,433,000)	524,613
Loans	0	6,487,964	0	6,487,964
Prior Year Grants	0	0	0	0
Total Cash Funding	16,144,915	10,967,672	(13,197,773)	13,914,814

The Operating Result for the Water Fund remain stubbornly below the original forecast due to drought in the first half of the year. Ironically domestic water usage still remains low due to mother nature continuing to provide regular rainfall reducing the need for external domestic use.

Key Financial Results

	Opening balance	Projected result	Projected balance	Minimum balance
Unrestricted Cash	2,211,934	(176,972)	2,034,962	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	(3,072,607)	5,385,174	2,312,567	1,194,893

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

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

The easing of water restrictions due to improved dam levels should see a resultant increase in water sales. Despite a net recurrent deficit Council’s water division due to savings in prior years is still well placed to meet existing operational, loan servicing and asset renewal needs, as well as future capital upgrades.

The amount of \$1.6M has been transferred from reserves to unrestricted cash to offset reduced water consumption and maintain the required minimum balance.

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	594,812	241,223	19,470,091
Operating Income	(24,911,026)	295,155	495,021	(24,120,850)
Operating Result	(6,276,970)	889,967	736,244	(4,650,759)
Capital Income	(943,000)	244,000	545	(698,455)
Cash Adjustments	(3,200,732)	(67,653)	8,000,000	4,731,615
Capital Expenses	5,593,753	271,201	275,758	6,140,712
Cash Results	(4,826,949)	1,337,515	9,012,547	5,523,113
Unrestricted Cash	(328,075)	194,057	618,821	484,803
Reserves	(5,961,627)	2,042,131	8,380,726	4,461,230
Developer Cont.	1,462,753	(898,673)	13,000	577,080
Loans	0	0	0	0
Prior Year Grants	0	0	0	0
Total Cash Funding	(4,826,949)	1,337,515	9,012,547	5,523,113

The projected operating surplus has decreased in the third quarter with a decline in user charges and fees of \$548k being the most material contributor to the decline in income. Operating expenditure has also risen with the most significant increase being a \$150k increase in expenditure associated with the Purified Water Treatment Plant.

Key Financial Results

	Opening Balance	Projected Result	Projected Balance	Minimum Balance
Unrestricted Cash	2,244,467	(484,803)	1,759,664	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	(11,574,511)	6,027,471	(5,547,040)	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

Whilst the projected unrestricted cash balance is below the estimated minimum balance there are sufficient funds to facilitate a transfer from reserves to unrestricted cash at year end if required.

The recurrent result (\$5.5 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.

9.2 ANNUAL OPERATIONAL PLAN 2020-2021 BUDGET VARIATION REPORT - APRIL 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 – April 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 month of April 2021.

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 month of April 2021, for which there has been no previous specific report or approval.

The Quarterly Budget Review Statements provide Council with a full review of the revised budget forecasts and actual year to date results with the March Quarterly Budget Review Statements being tabled at tonight’s meeting.

There is a mix of budget adjustments with some divisions still making adjustments due to the negative impact of COVID19, whilst other divisions such as the airport are recouping some of the previous \$3.8M income downturn with a forecast improvement in income from the December quarter of \$477k.

Water usage income also continues to be hard to forecast, with mother nature continuing to provide at regular intervals which is seeing a reduction in domestic use however business usage remains consistent. It is likely that end of year results will be better than the current forecast.

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

Variations identified April 2021

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Cultural Services	9,731	8,731	1,000	0	0
Entertainment Venues	186,371	192,490	(4,408)	0	(1,711)
Events	(80,230)	52,950	(133,180)	0	0
Airport & Aviation Development	(272,225)	(477,860)	195,350	0	10,285
Pilot Training Facility	130,593	(30,000)	(144,051)	0	304,644
AELEC Precinct	(88,686)	(66,927)	(21,759)	0	0
Financial Services	(92,970)	(12,440)	(80,530)	0	0
Legal	21,954	4,936	13,870	0	3,148
Office of the GM	(1,354)	0	(1,354)	0	0
Communications Engagement	0	(2,130)	2,130	0	0
General Purpose Inc	(82,711)	(82,711)	0	0	0
Compliance	(65,072)	(55,972)	(9,160)	0	60
Planning	(8,147)	0	(8,147)	0	0
Development Engineering	(29,527)	(16,000)	(13,527)	0	0
Development	(45,140)	(61,805)	16,665	0	0
Integrated Planning	257,084	(17,250)	(3,735)	264,700	13,369
Plant, Fleet & Buildings	111,261	0	100,670	0	10,591
Sport & Recreation	0	142,578	(142,578)	(75,000)	75,000
Infrastructure Projects	661,524	(128,044)	166,122	(306,005)	929,451
Waste Management	(236,301)	13,464	10,502	(251,000)	(9,267)
Water & Waste	1,491,916	1,420,270	52,426	0	19,220
Laboratory	2,500	0	0	0	2,500
TOTAL	1,870,571	884,280	(3,694)	(367,305)	1,357,290

Material differences between budget and actual income or expenditure

Nothing material to report in this period.

(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	(535,990)	(56,120)	(367,305)	1,338,070
Water	993,711	51,426	0	14,674
Sewer	426,559	1,000	0	4,546
Total	884,280	(3,694)	(367,305)	1,357,290

(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 COUNCIL INVESTMENTS APRIL 2021

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments April 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 April 2021, and highlights the impact of low interest rates on Council’s budget.

COMMENTARY

No changes with regards to economic conditions that might impact Council’s return on investments, the RBA continues to report that economic recovery is strong but it will not increase the cash rate until “actual inflation” sustainably increases.

In accordance with Section 212 of the *Local Government (General) Regulation 2005*, the details of all money Council have invested as at 30 April 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	11,689,918	49,000,000	0	60,689,918	36.93%
BOQ	0	20,500,000	0	20,500,000	12.47%
CBA	0	23,000,000	0	23,000,000	13.99%
St George	0	7,000,000	0	7,000,000	4.26%
TCorp	0	0	2,877,573	2,877,573	1.75%
Westpac	0	50,288,604	0	50,288,604	30.60%
TOTAL	11,689,918	149,788,604	2,877,573	164,356,095	100%

The amount invested at 30 April 2021, has decreased by \$3,585,882.63 compared to funds held at 31 March 2021.

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

Fund	Restriction	Amount	%
General	Unrestricted	6,085,098	3.70%
General	Internally Restricted	33,673,239	20.49%
General	Externally Restricted	11,416,349	6.95%
	General Fund Total	51,174,686	31.14%
Water	Unrestricted	2,211,934	1.35%
Water	Internally Restricted	23,145,700	14.08%
Water	Externally Restricted	25,261,589	15.37%
	Water Fund Total	50,619,223	30.80%
Sewer	Unrestricted	2,244,467	1.37%
Sewer	Internally Restricted	44,761,907	27.23%
Sewer	Externally Restricted	15,555,812	9.46%
	Sewer Fund Total	62,562,186	38.06%
	Total Investments	164,356,095	

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

Unrestricted

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

Internally Restricted

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

Externally Restricted

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

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

(a) Policy Implications

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

(b) Financial Implications

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

(c) Legal Implications

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

- Local Government Act 1993 – Section 625;
- Local Government Act 1993 – Order (of Minister) dated 16 November 2000;
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A (2), 14C (1) and 2;
- Local Government (General) Regulation 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.

9.4 DEBT RECOVERY POLICY

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services
Reference: Item 9.3 to Ordinary Council 23 March 2021 - Minute Number 67/21

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Debt Recovery Policy”, Council approve the Debt Recovery Policy and include in the General Policy Register.

SUMMARY

The purpose of this report is to seek Council approval for the Debt Recovery Policy following community consultation.

COMMENTARY

Council at its Ordinary Meeting held 23 March 2021, endorsed the draft Debt Recovery Policy, and the Policy was placed on public exhibition for a period of 28 days in accordance with the Local Government Act 1993.

Submissions in relation to the Policy were to be received by 23 April 2021. No submissions from the public were received. The Policy can now be adopted by Council **ATTACHED**, refer **ANNEXURE 1**, and the General Policy Register updated.

(a) Policy Implications

The policy will be updated in the General Policy Register.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The draft Policy was placed on public exhibition for community consultation for a period of 28 days from 26 March 2020 to 23 April 2020.

(e) Delivery Program Objective/Strategy

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

9.5 BOUNDARY ADJUSTMENT - TRG AND JM WATTS

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Seon Millsteed, Revenue Accountant

RECOMMENDATION

That in relation to the report “Boundary Adjustment – TRG and JM Watts”, Council:

- (i) note the report;*
- (ii) agree to the transfer of the 1.393 hectares of land owned by TRG and JM Watts from Liverpool Plains Shire Council to Tamworth Regional Council; and*
- (iii) Council make an application to the Minister and the Governor for approval to alter the boundaries of Liverpool Plains Shire Council Tamworth Regional Council that bisect Lot 3 DP1192528.*

SUMMARY

The purpose of this report is to request a Boundary Adjustment involving Liverpool Plains Shire Council and Tamworth Regional Council.

COMMENTARY

In 2004, the then Department of Local Government created Tamworth Regional Council which included parts of the former Barraba and Parry Shire Councils and the whole of the former Manilla and Nundle Shires and Tamworth City Council.

Since 2004, the Gwydir Shire Council, Liverpool Plains Shire Council and Tamworth Regional Council have agreed to a number of boundary amendments which created whole of properties in each shire, eliminating the dissection of existing holdings.

Council received a Notice of Sale/Transfer Report from Land and Property NSW with a date of 23 June 2014 (Dealing No: A1660982) in which Lot 3 DP 1192528, being 13.32 hectares, was transferred from The State of New South Wales to the freehold ownership of TRG and JM Watts. Only part of Lot 3 DP 1192528 (being 1.393 hectares) is located within the Liverpool Plains Shire Council Local Government Area.

Council has received correspondence from Liverpool Plains Shire Council advising that owners TRG and JM Watts have formally requested for the transfer of 1.393 hectares of land from the Liverpool Plains Shire Council local government area to the Tamworth Regional Council Local Government Area where their other holdings are located.

Liverpool Plains Shire Council previously advised that they had no objections to the proposed boundary adjustment between the council areas, as per Council resolution but will be re-considering this matter at the next available Council Meeting.

In order for the Minister to either approve a request or to refer to the boundary Commission, Council needs to consider the following issues from section 263 of the *Local Government Act 1993*.

- (a) The financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned:*

Response: the current rates paid to Liverpool Plains Shire Council on this parcel of land is \$430.18 for 2019-2020 and \$441.14 for 2020-2021. The rates that will be applied under Tamworth Regional Council will be \$323.16 for 2019-2020 and \$339.28 for 2020-2021;

To address rates and charges that may be payable in relation to the land. To address this, the following standard provision may be inserted in the Proclamation in relation to any outstanding rates and charges:

- 1) appropriate arrangements are to be made in relation to the rates and charges over the rateable parcels of land affected by this Proclamation; and
- 2) the General Manager of Liverpool Plains Shire Council, and the General Manager of Tamworth Regional Council are to reach a negotiated agreement on the nature of those arrangements.

In the event that the General Managers of Liverpool Plains Shire Council and Tamworth Regional Council cannot come to a negotiated agreement on the matter of rates and charges, the Councils shall request that the Minister for Local Government make a determination on that matter;

- (b) *the community of interest and geographic cohesion in the existing areas and in any proposed new area:*

Response: the boundary adjustment will have no effect on the communities in either Liverpool Plains Shire Council or Tamworth Regional Council;

- (c) *the existing history and traditional values in the existing areas and the impact of change on them:*

Response: there will be no change to the history or values of the existing areas;

- (d) *the attitude of the residents and ratepayers of the areas concerned:*

Response: the proposal has been requested by the property owner;

- (e) *the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for the area:*

Response: this proposal will have no impact on the elected representation for residents and ratepayers of either Council;

- (e1) *the impact of any relevant proposal on the ability of the Councils of the areas concerned to provide adequate, equitable and appropriate services and facilities:*

Response: Tamworth Regional Council is already providing all the services to this property;

- (e2) *the impact of any relevant proposal on the employment of the staff by the Councils of the areas concerned:*

Response: no staff will be affected by this proposal;

- (e3) *the impact of any relevant proposal on rural communities in the areas concerned:*

Response: there will be no impact on rural communities in the area as a result of this proposal;

(e4) *in the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the resulting area or areas into wards:*

Response: there will be no impact on wards in the area as a result of this proposal;

(e5) *in the case of a proposal for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented:*

Response: there will be no impact on the communities in the area as a result of this proposal; and

(f) *such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas:*

Response: there will be no impact on other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas as a result of this proposal.

(a) Policy Implications

Nil

(b) Financial Implications

As listed in the report, the potential increase/decrease in rate income to either Council is minimal.

(c) Legal Implications

A request to the Minister for a Boundary Adjustment must comply with section 263 of the *Local Government Act 1993*.

(d) Community Consultation

The Boundary Adjustment has been requested by the property owner.

(d) Delivery Program Objective/Strategy

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

9.6 BOUNDARY ADJUSTMENT - GJ AND KP GIBLETT

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Seon Millstead, Revenue Accountant

RECOMMENDATION

That in relation to the report “Boundary Adjustment – GJ and KP Giblett”, Council:

- (i) note the report;*
- (ii) agree to the transfer of approximately 119 hectares of land owned by GJ and KP Giblett from Liverpool Plains Shire Council to Tamworth Regional Council; and*
- (iii) Council make an application to the Minister and the Governor for approval to alter the boundaries of Liverpool Plains Shire Council Tamworth Regional Council that bisect Lots 96 to 99 DP751014, Lot 105 DP751014, and Lots 63 and 73 DP755341.*

SUMMARY

The purpose of this report is to request a Boundary Adjustment involving Liverpool Plains Shire Council and Tamworth Regional Council.

COMMENTARY

The proposed Local Government Area (LGA) boundary adjustment relates to the property known as “Lallybroch”, 11670 New England Highway, Wallabadah NSW 2343. The property is located approximately 12km to the north of Wallabadah, and contains allotments in both the Liverpool Plains Shire Council and Tamworth Regional Council LGAs. The property is currently owned by Mr GJ and Mrs KP Giblett (the landowners).

The landowners are seeking to pursue a LGA boundary adjustment under section 218 of the *Local Government Act 1993* so that they are only required to pay rates to the one Council and to enable their property to be subdivided at a later date. After investigating different options with each Council, the landowners have requested for their property to be wholly contained within the Tamworth Regional Council LGA. Monteath & Powys Pty Ltd have been engaged by the landowners to assist with their request.

The proposed LGA boundary adjustment, if granted, will involve the transfer of approximately 119 hectares from the Liverpool Plains Shire Council LGA to the Tamworth Regional Council LGA. The proposal affects the following allotments:

- Part Lot 105 in DP 751014;
- Lots 96 and 97 in DP 751014 (note: it appears that a Crown (paper) road adjoining Lot 96 will also need to be included);
- Part Lots 63 and 73 in DP 755341; and
- Part Lots 98 and 99 in DP 751014.

Liverpool Plains Shire Council previously advised that they had no objections to the proposed boundary adjustment between the council areas, as per Council resolution but will be re-considering this matter at the next available Council Meeting.

In order for the Minister to either approve a request or to refer to the boundary Commission, Council needs to consider the following issues from section 263 of the *Local Government Act 1993*.

- (a) *the financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned:*

Response: The current rates paid to Liverpool Plains Shire Council on this parcel of land is \$1,119.15 for 2019-2020 and \$1,122.13 for 2020-2021. The rates that will be applied under Tamworth Regional Council will be \$865.87 for 2019-2020 and \$1,008.92 for 2020-2021.

To address rates and charges that may be payable in relation to the land. To address this, the following standard provision may be inserted in the Proclamation in relation to any outstanding rates and charges:

- 1) Appropriate arrangements are to be made in relation to the rates and charges over the rateable parcels of land affected by this Proclamation.
- 2) The General Manager of Liverpool Plains Shire Council, and the General Manager of Tamworth Regional Council are to reach a negotiated agreement on the nature of those arrangements.
- 3) In the event that the General Managers of Liverpool Plains Shire Council and Tamworth Regional Council cannot come to a negotiated agreement on the matter of rates and charges, the Councils shall request that the Minister for Local Government make a determination on that matter;

- (b) *the community of interest and geographic cohesion in the existing areas and in any proposed new area:*

Response: The boundary adjustment will have no effect on the communities in either Liverpool Plains Shire Council or Tamworth Regional Council;

- (c) *the existing history and traditional values in the existing areas and the impact of change on them:*

Response: There will be no change to the history or values of the existing areas;

- (d) *the attitude of the residents and ratepayers of the areas concerned:*

Response: The proposal has been requested by the property owner;

- (e) *the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for the area:*

Response: This proposal will have no impact on the elected representation for residents and ratepayers of either Council.

- (e1) *the impact of any relevant proposal on the ability of the Councils of the areas concerned to provide adequate, equitable and appropriate services and facilities:*

Response: Tamworth Regional Council is already providing services to the area;

(e2) *the impact of any relevant proposal on the employment of the staff by the Councils of the areas concerned:*

Response: No staff will be affected by this proposal;

(e3) *the impact of any relevant proposal on rural communities in the areas concerned:*

Response: There will be no impact on rural communities in the area as a result of this proposal.

(e4) *in the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the resulting area or areas into wards:*

Response: There will be no impact on wards in the area as a result of this proposal;

(e5) *in the case of a proposal for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented:*

Response: There will be no impact on the communities in the area as a result of this proposal; and

(f) *such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas:*

Response: There will be no impact on other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas as a result of this proposal.

(a) Policy Implications

Nil

(b) Financial Implications

As listed in the report, the potential increase/decrease in rate income to either Council is minimal for 2020-2021.

(c) Legal Implications

A request to the Minister for a Boundary Adjustment must comply with section 263 of the *Local Government Act 1993*.

(d) Community Consultation

The Boundary Adjustment has been requested by the property owner.

(d) Delivery Program Objective/Strategy

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

10 COMMUNITY SERVICES

10.1 CENTRAL NORTHERN REGIONAL LIBRARY

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Kay Delahunt, Manager - Cultural and Community Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Central Northern Regional Library”, Council:

- (i) receive and note the minutes from the Central Northern Regional Library Ordinary Meeting held 21 April 2021;*
- (ii) approve the extension of the current Central Northern Regional Library Agreement for a further five-year period; and*
- (iii) approve the Seal of Council be affixed to the Central Northern Regional Library Agreement 2021.*

SUMMARY

This report presents the Minutes of the Central Northern Regional Library (CNRL) Ordinary Meeting held 21 April 2021. The report summarises the key issues from the Minutes, including the proposal to extend the CNRL Agreement for a further five years.

COMMENTARY

The CNRL Committee met in Tamworth on 21 April 2021. Reports included an update on the library staff restructure, a Library Coordinator’s report and quarterly reports for December 2020 and March 2021.

A new draft five-year strategic plan was presented to the Committee. The plan is divided into six themes:

- Community Building;
- Collaboration;
- Resources;
- Innovation;
- Learning; and
- Leadership.

The draft CNRL Strategic Plan 2021-2026 was reviewed and approved by the Committee.

The CNRL Agreement is due for renewal as at 30 June 2021. Tamworth Regional Council is the Executive Council for CNRL, and the delegating Councils consist of Gwydir Shire Council, Liverpool Plains Shire Council, Narrabri Shire Council, Uralla Shire Council and Walcha Council. The agreement allows for the sharing of library resources, a shared library management system and collaboration on a range of services.

The arrangement:

- takes advantage of economies of scale;
- supports systems and opportunities for capacity building;
- enhances service delivery; and
- builds trust.

The Committee approved the renewal of the CNRL Agreement for a period of five years, with the continued provision that Gwydir Shire Council should not be entitled to share in reserves which existed before it became a Delegating Council.

(a) Policy Implications

Nil

(b) Financial Implications

The funding for the provision of the CNRL Agreement and operation is included in the Annual Operational Plan and Delivery Program. The CNRL Agreement sets out the process for determining the CNRL annual budget. The process remains the same as in previous agreements.

(c) Legal Implications

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

(d) Community Consultation

Member Council library staff were consulted in the preparation of the five-year Strategic Plan.

(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.

10.2 LOAN OF ARTWORK FROM THE VISUAL ART COLLECTION

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

RECOMMENDATION

That in relation to the report “Loan of Artwork from the Visual Arts Collection”, Council approve the loan of the artwork “A Cure for Plant Blindness” by artist Rebecca Mayo for inclusion in an exhibition at the Austrian Museum of Applied Arts.

SUMMARY

A request has been received from the Austrian Museum of Applied Arts in Vienna for a loan of a textile artwork by artist Rebecca Mayo from the Tamworth Regional Gallery Collection.

In accordance with Council’s policy in relating to the loan of artworks from the Permanent Collection, a Council resolution is required for such a loan to take place.

COMMENTARY

The Austrian Museum of Applied Arts (MAK) in Vienna is staging a major exhibition titled *PLANET LOVE, Climate Care in the Digital Age* as part of the Vienna Biennale for Change 2021. This exhibition will open on 28 May, and will run until 3 October 2021; the exhibition will be supplemented by a fully illustrated, comprehensive catalogue of the works brought together for the exhibition. A request has been received from the Austrian Museum of Applied Arts in Vienna for a loan of a textile artwork by artist Rebecca Mayo from the Tamworth Regional Gallery Collection.

The artist statement written by Rebecca Mayo about this artwork *A Cure for Plant Blindness*, 2017 that was part of the exhibition for *Open House: 3rd Tamworth Textile Triennial* is below.

“When visiting Tamworth, I was struck by its beautiful street trees. Consequently, I invited a number of Tamworth residents to identify a tree they held dear, or considered significant. I asked them to take a frottage around the girth of the tree; to record the species, location, date and time taken to make the frottage; and to describe why the tree was important or special to them. Tamworth Regional Gallery sent the rubbings to me in Melbourne. Unwrapping the parcels, I felt a sense of anticipation; I was excited to see the abstracted bark patterns and to read their background stories.

Using screen-printing and natural dyeing techniques, I reproduced a 1:1 scale textile of each frottage. I sourced bark or leaves of the same species as each of the Tamworth specimens. I dyed each facsimile rubbing with the bark or leaves of a relative that had grown far away. Species were found in Melbourne, Canberra, and Maslin Beach, South Australia.

Taking a rubbing in one location, and reproducing the rubbing with dye of the same species growing elsewhere, enacted connections between sites, people and plants. It recorded personal connections to specific trees, to show how we connect with, and need, the more-than-human world. In taking a rubbing, the participant touched and circumnavigated the tree. This physical and temporal space allowed thoughts and memories to flow. Working in my studio, I imagined the grapefruit tree growing in Tamworth (dyed with grapefruit from my tree); the bus stop tree offering shelter; and the gum, nearly as old as, yet towering over, the now grownup children who had planted it”.

In accordance with Council's policy in relating to the loan of artworks from the Permanent Collection, a Council resolution is required for such a loan to take place. This is a fabulous opportunity to exhibit a work from the Tamworth Regional Gallery Collection at an international level. The artwork will be installed by qualified staff from the Austrian Museum of Applied Arts, using best practice artwork handling techniques. Furthermore, any conservation requirements will be addressed by the Austrian Museum of Applied Arts as part of the loan agreement.

With its motto "PLANET LOVE" the Vienna Biennale for Change 2021 is dedicated to the greatest challenge of our digital age: climate care. PLANET LOVE means a fundamentally new relationship between people and planet, which aims at using the earth's resources considerately rather than maximizing their exploitation, and whose approach is characterized by humility, respect, and appreciation of its biological diversity and beauty. Climate care is considered a central aspect of PLANET LOVE and goes far beyond decarbonizing the economy and society: it encompasses the question of how we can build a sustainable foundation for our relationship to the earth and always involves a social dimension.

The benefits to Council from consenting to the request for a loan of this textile artwork for exhibition in an international Gallery are substantial. This work will be seen by a wide and varied audience. Tamworth Regional Gallery will be acknowledged as the owner of the work on all descriptive panels and in the accompanying catalogue. This will add to the national and international profile currently associated with the Gallery through its development of the Tamworth Textile Triennial and the National Textile collection.

(a) Policy Implications

In accordance with the Tamworth Regional Gallery's Collection Policy the loan of artworks from the Permanent Collection requires the approval of Council.

(b) Financial Implications

Nil, all costs relating to the loan will be met by Austrian Museum of Applied Arts in Vienna. This includes the costs relating to international freight, insurance during freight and on exhibition and any exhibition installation costs.

(c) Legal Implications

There are no additional legal implications relating to this artwork loan request.

(d) Community Consultation

The Tamworth Regional Gallery's Collection Policy has previously been developed in consultation with community and has been on public exhibition as required.

(e) Delivery Program Objective/Strategy

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

10.3 CULTURAL COLLECTIONS DIGITISATION PROJECT

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

1 ENCLOSURES ENCLOSED
2 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Cultural Collections Digitisation Project”, Council:

- (i) authorise the Mayor and General Manager to enter into a Deed of Agreement on the terms set out in the body of this report; and*
- (ii) authorise the affixing of the Seal of Council to the Deed of Agreement and any other documents to give effect to this proposal.*

SUMMARY

The digitisation project grant application has been successful, and provides state funding to document and digitise Council’s Gallery and Museum owned collections. The funding deed agreement requires authorisation and the Seal of Council to be executed.

COMMENTARY

Council has been successful in receiving funding through the Create NSW Regional Cultural Fund digitisation round. This project delivers the digitisation of significant collections, permanent digitisation studio set up, essential training, online exhibitions and the employment of professional museum contractors to better support access to, and engagement with the museums and their collections.

The project is supported by a dynamic, highly specialised volunteer community and staff to ensure the sustainability of the museums and their collections, now and into the future.

Council will partner with five regional museums/collections and the Gallery to document and digitise their collections using the Crystal-Clear guidelines. The museums, gallery and collections included in the project are:

- Tamworth Powerstation Museum;
- Australian Country Music Collections;
- Rocks, Gems, Minerals and Fossil Collections;
- Moonbi Museum;
- Tamworth Regional Film and Sound Archive; and
- Tamworth Regional Gallery (hub).

Council will also offer training and support to the entire New England North West Museum sector as part of the process of learning, knowledge sharing, sustainability and digitisation to national standards.

This project will create an important partnership between Council and the region's Indigenous community. The creation of Aboriginal designated positions for this project will ensure that the relevant Indigenous content is digitised and documented in accordance with First Nations protocols, knowledge and best practice.

Council is ideally placed to implement this digitisation project having:

- recently invested in the planning and frameworks required to implement best practice collection management; and
- commissioned significance assessments for all the collections identified in this grant and as such have prioritised the more significant objects in need of documentation and digitisation.

The recent transfer of ownership of the Australian Country Music Hall of Fame Collection and other Country Music Collections to Council means Council is now ideally placed to digitise these collections.

Tamworth Regional Gallery will act as the hub in this model as it has the necessary facilities, training rooms, collections store and conservation rooms to implement the project. This will be supported by the Gallery's transport van and collection facilities at each of the volunteer run museums.

Planning, policies, procedures and frameworks have been developed and are now in place to implement this project. To proceed, it is necessary to obtain a Council resolution for the seal to be affixed to the identified funding deed.

(a) Policy Implications

This grant application and corresponding project aligns with the Tamworth Regional Museums Collection Policy. The project also assists to implement the goals and strategies outlined in Council's asset management plans and other Tamworth Regional Council plans, including:

- Blueprint 100;
- Tamworth Regional Museums Engagement Strategy (2019-2024);
- Tamworth Regional Gallery Strategic Plan (2020-2021 to 2023-2024); and
- Tamworth Region Cultural Plan (2018-2023).

(b) Financial Implications

Council has been successful in receiving funding through the Create NSW Regional Cultural Fund digitisation round to the value of \$309,051. Council's contribution through in-kind support, volunteer hours, fleet use, absorbed costs and existing budget allocation is \$478,006.

The identified cash contribution is \$29,160 from the existing museum budget allocations and identified in the grant expenditure as a contingency. It is important to note there are no additional costs to Council's existing budget allocations. However, existing staffing levels and budget allocations are required to be maintained for the duration of the project.

(c) Legal Implications

The Deed of Agreement, **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1** and any other documents required to give effect to this proposal will require the Seal of Council be affixed.

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

(d) Community Consultation

As part of the funding agreement application process each of the identified museum spokes were extensively consulted, as was the Tamworth Aboriginal Land Council. All partners signed a hub and spoke agreement to participate in the project and copies are **ENCLOSED**, refer **ENCLOSURE 1**. Furthermore, additional letters of support were sought and obtained for the funding application. Please see the **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 2**.

(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.

10.4 DISABILITY ACCESS WORKING GROUP MEETING MINUTES – 27 APRIL 2021

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Kay Delahunt, Manager - Cultural and Community Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Disability Access Working Group Meeting Minutes – 27 April 2021”, Council:

- (i) receive and note the Minutes; and*
- (ii) approve the updated Draft Disability Access Working Group “Terms of Reference”.*

SUMMARY

The purpose of this report is to present the minutes of the Disability Access Working Group (DAWG) meeting held on 27 April 2021, and provide Council with an overview of the outcomes.

COMMENTARY

The DAWG has been developing a new terms of reference (TOR) with the aim of expanding the community representation in the group. A final draft TOR was completed at the meeting of 27 April 2021 **ATTACHED**, refer **ANNEXURE 1**, for Council’s approval.

Council staff presented and consulted at the meeting on several major projects:

- the Victoria Park shared path; and
- the Disability Transport Hub/Changing Places Facility in Bicentennial Park.

Information was provided to the group on:

- the Kootingal Main Street Beautification Project;
- the four year capital works program for disability parking bays; and
- the opportunities that the Tamworth Regional Council software application provides for instant reporting of access issues.

Discussion took place about the process and timeframe for developing the new Disability Inclusion Action Plan (DIAP). Completion of the new plan is required by June 2022. The community consultation had already commenced.

(a) Policy Implications

The Disability Access Working Group Terms of Reference was updated.

The changes included:

- increasing community membership to “up to seven community members from a diverse range of disability backgrounds including disability sector workers, disability transport workers and people with lived experience of disability “; and
- the introduction of an ‘Expression of Interest’ process for community membership.

(b) Financial Implications

Nil

(c) Legal Implications

The activities of the Disability Access Working Group assist Council in meeting legislative requirements under the *Disability Inclusion Act 2014*, the *Australian NDIS Act 2013*, the *Anti-Discrimination Act 1977* and the *Local Government Act 1993*, which require Council to provide adequate, equitable, and appropriate services and facilities for the community.

(d) Community Consultation

Changes to the “Terms of Reference” have been discussed with the Disability Access Working Group.

Consultation for the next Disability Inclusion Action Plan is underway.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C14 Meet social justice principles through the provision of accessible and inclusive high-quality, integrated community services that meet current and emerging needs.

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 T128/2021 – PROJECT MANAGEMENT AND SERVICES CONSULTANT PANEL

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer

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

SUMMARY

The purpose of this report is to seek Council's acceptance of Tender T128/2021 to place the recommended tenderers on the panel for future project management and services consultant works packages between 1 July 2021 and 30 June 2024.

11.2 TENDER T092/2021 – RURAL WASTE FACILITIES INFRASTRUCTURE WORKS

DIRECTORATE: WATER AND WASTE
AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to inform Council of the Tender outcomes for Request for Tender (RFT) T092/2021 – Rural Waste Facilities Infrastructure Works and recommend a preferred Tenderer.

11.3 TENDER P00380 – NORTHERN INLAND REGIONAL WASTE – TENDER FOR FERROUS & NON-FERROUS SCRAP METAL PROCESSING

DIRECTORATE: WATER AND WASTE

AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to recommend the acceptance of a Tender for the Processing of Scrap Metal at Council's Forest Road Waste Management Facility. The report discusses the merits of the Tenders received via Northern Inland Regional Waste (NIRW) on behalf of the NIRW member Councils and recommends a preferred Tenderer.

11.4 TENDER T059/2008 – TAMWORTH EFFLUENT REUSE FARM OPERATIONS

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water Operations

Reference: Item 12.3 to Ordinary Council 23 February 2021 - Minute No 45/21

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

The purpose of this report is to provide Council with an update on the Tamworth Effluent Reuse Farm (ERF) operation and transition to the new Farm Operations Contractor following Tender award in February 2021.

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