

TAMWORTH REGIONAL COUNCIL

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

ORDINARY COUNCIL AGENDA

26 SEPTEMBER 2023

PAUL BENNETT
GENERAL MANAGER

Order of Business

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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, 12 September 2023, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH CITY WIDE FLOODPLAIN RISK MANAGEMENT STUDY

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Aidan Pugh, Senior Stormwater Engineer

Reference: Item 7.1 to Ordinary Council 12 June 2012 - Minute No 181/12
Item 7.7 to Ordinary Council 24 April 2012 - Minute No 128/12
Item 8.4 7 to Ordinary Council 10 September 2019 - Minute No 296/19

3 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth City Wide Floodplain Risk Management Study”, Council:

- (i) receive and adopt the Tamworth City Wide Floodplain Risk Management Plan; and*
- (ii) adopt the flood planning area for Tamworth based on the findings of the study.*

SUMMARY

This report discusses the floodplain risk management plan that has recently been completed on behalf of Tamworth Regional Council (Council). The study defines riverine flooding on the Tamworth floodplain, and overland flow in areas of Tamworth for the following range of flood frequencies; 20%, 10%, 5%, 2%, 1%, 0.5% and 0.2% Annual Exceedance Probability (AEP) events and the Probable Maximum Flood. The floodplain risk management plan also identifies and priorities mitigation options. The extent of the study area is shown in red on Figure 1.

COMMENTARY

A Floodplain Risk Management Plan has been developed for Council in accordance with the Floodplain Development Manual (NSW Government, April 2005).

The Floodplain Development Manual is provided by the NSW Government to assist councils to meet their obligations to manage flood risk through a staged process. Figure 2, taken from this manual, documents the process for Floodplain Risk Management plan preparation, implementation and review.

Under section 733 of the Local Government Act, Council has an exemption from liability in respect of anything done or omitted to be done by the council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding if Council works in accordance with the Floodplain Development Manual.



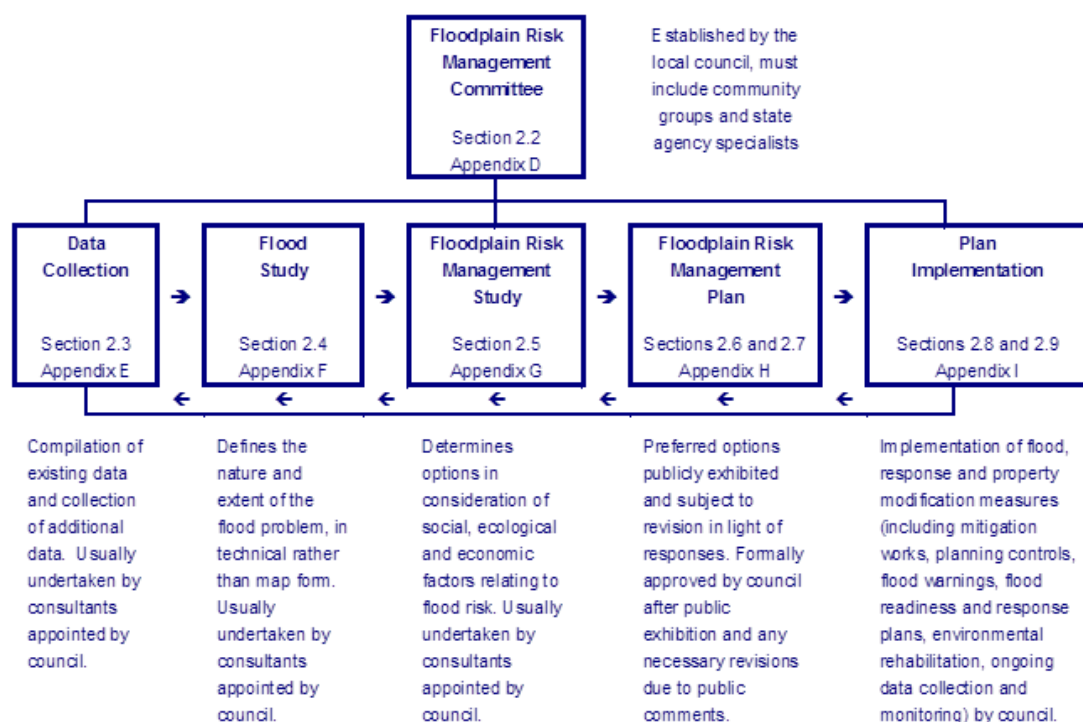


Figure 2: The Floodplain Risk Management process, *Floodplain Development Manual*.

Terminology

The following definitions of flood related terminology are provided to assist Council's understanding of the report.

Australian Rainfall and Runoff (ARR) - A Guide to Flood Estimation. ARR is the principal reference document used by the stormwater industry. The charter of ARR2019 is to provide the best available information, techniques and procedures on design flood estimation for use by engineering practitioners. ARR was first published in 1958, with the most recent edition released in May 2019.

- Average Recurrence Interval (ARI) is the long-term average number of years between the occurrence of a flood of a particular magnitude (or greater). The ARI is based on the statistical analysis of historic data to derive the likelihood of a specific flood event occurring.
- Annual Exceedance Probability (AEP) is the chance of a flood of a particular magnitude occurring in one year, often expressed as a percentage. If a peak flood of a particular magnitude has an AEP of 5%, there is statistically a 5% chance of that event (or greater) occurring in any one year. The 5% chance (e.g. 1 in 20 chance) relates to the ARI of 20 years.
- Flood Planning Levels (FPL) is the level of a 1 in 100 (year) average recurrence interval flood event plus 0.5 metres freeboard.
- Flood Planning Area (FPA) for riverine flooding is the area of land at or below the flood planning level. For Overland flow the FPA includes lots that experience at least 150mm of flooding over at least 10% of the lot during a 1% AEP event. The flood planning area is the locations where flood related development controls apply.
- Light Detection and Ranging (LiDAR) is a surveying method that measures the distance to a target by illuminating the target with laser light and measuring the reflected light with a sensor. Differences in laser return times and wavelengths can then be used to make a digital three dimensional representation of the target, in this case the ground surface. Significant post processing is required to filter non ground points such as trees, buildings and vegetation from the raw dataset to produce a digital terrain model of the ground surface features. LiDAR can be flown by aircraft or drone and is capable of surveying a large area very efficiently.
- Digital Terrain Model (DTM) is a digital three dimensional representation of the ground (terrain) surface. A DTM is usually comprised of an interconnecting triangular mesh. The DTM can be used in a range of applications including stormwater investigations, civil construction and GIS applications.
- Probable Maximum Flood (PMF) is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation in combination with the worst possible flood producing catchment conditions. The PMF is used to define the extent of the floodplain. The nature and potential consequences of flooding associated with a PMF event which is rarer than the flood used to design mitigating works, (usually the 100 year ARI) should be considered. The floodplain risk management study should consider a range of events, up to and including the PMF.
- Hydraulic Roughness is a measure of the frictional resistance of water as it moves along stream and river channels and over floodplains. Flowing water uses energy to move from one place to another. Hydraulic roughness is a parameter that is used in the calibration of the hydrologic and hydraulic software models.
- Geographic Information System (GIS) is a software framework for gathering, managing and presenting data in a visual format using maps and three dimensional representations. The geographical presentation style is often easier to interpret and share complex information.
- Bureau of Meteorology (BoM) is the Australian Government agency responsible for the provision of weather forecasts, observations, monitoring, warnings and climate research. The BoM provides a broad range of products and services including rainfall data which underpins ARR2019, a guide to flood estimation.

The stormwater industry has access to a range of specialised hydrology and hydraulics software programs. Each program has different capabilities, applications, strengths and limitations. The following software was utilised in the preparation of the Tamworth City Wide Flooding Investigation.

- DRAINS is widely used in the stormwater industry as specialised urban software. However, DRAINS also has the capability to emulate RORB and RAFTS procedures that are typically used in large undeveloped (rural) catchments within the same model as an urban catchment. The flexibility afforded by this approach has a broad range of applications. DRAINS uses the ILSAX hydrology model and the Horton loss procedure to produce the rainfall excess hydrographs used in urban flood estimation. DRAINS uses pits, pipes, channels and overflow routes to convey hydraulic flows through an urban stormwater model.
- RORB and RAFTS use a storage routing hydrology model and the initial loss – continuing loss procedure to produce the rainfall excess used in flood estimation. Both programs use routing along stream reaches to convey hydrographs as hydraulic flows through the stormwater model. Storage within the stream reaches allows detention basins and dams to be readily modelled.
- TUFLOW is specialised two dimensional dynamic software used for simulating water surface levels on the floodplain. Typically, hydrographs of rainfall excess produced by DRAINS are input into the TUFLOW model which produces the flood water surface elevation plans shown in Tamworth City Wide Flooding Investigation (Volume 2). TUFLOW also has the capability to model complex open channel and underground pipe networks.

Structure of the Documents

The purpose of a Flood Study is to estimate flood flows and to map flood behaviour. A Floodplain Risk Management Plan identifies the risks associated with flood and recommends mitigation options. Options recommended in a Floodplain Risk Management Plan are often eligible for funding from the NSW Government.

The Tamworth City Wide Floodplain Risk Management Plan consists of a Main Report **ATTACHED**, refer **ANNEXURE 1** and a set of figures **ATTACHED**, refer **ANNEXURE 2**.

A Floodplain Risk Management Plan is the next step after a Flood Study has been developed and adopted. As part of the Tamworth City-Wide Floodplain Risk Management Plan project, the flood studies for Tamworth have been updated to include the methodologies set out in ARR 2019. The updated flood study is included in Addendum **1 ATTACHED**, refer **ANNEXURE 3**.

ARR 2019 includes new statistical methods for undertaking flood studies as well as providing more than 30 year of additional rainfall record to refine the rainfall intensities to be used in modelling.

The present Tamworth City Wide Flood Plain Risk Management Plan utilised the following previous studies:

- 1) Tamworth Flood Study (DWR, 1990);
- 2) Floodplain Management Study – City of Tamworth (PPK, 1993);
- 3) Tamworth City Wide Flooding Investigation (Lyll and Associates 2019); and
- 4) East and North Drainage Study (Lyll and Associates 2021).

Recommendations

The Floodplain Risk Management Plan has identified and prioritised structural and non-structural options to reduce flood risk in Tamworth. The options recommended are summarised in Table 1 below.

Table 1: Summary of mitigation options

Option	Priority
Update development controls	High
Flood education programs	High
Pump out from behind the levee	High
Computerised flood gates	Medium
Early warning system	Medium
Detention basins upstream of East and North Tamworth	Medium
Voluntary house raising	Medium

Development controls

The Floodplain Risk Management Plan identifies a new FPA to be adopted. The FPA is the locations where flood related development controls apply. The proposed FPA includes overland flow which has not been included previously. The FPA formed a significant discussion topic at the Councillor Workshop that was held on 8 June, 2023. The FPA was also the subject of multiple submissions from the public during the exhibition period. As a result of the submissions and further work by Hydrospace and Council staff, the FPA has been refined and the number of properties effected has reduced in the final report.

Flood Education Programs

Flood education programs can be extremely effective in improving community outcomes during flood events. The State Emergency Service (SES) have recently been increasing team resources in the region and have indicated that they are extremely keen to partner with Council to improve flood knowledge across the area based on this work and other recent studies in the Local Government area. Council staff recognise the benefits of this partnership for the benefit of the community.

Floodplain Risk Management Committee

The Tamworth City Wide Floodplain Risk Management Plan was endorsed by the Floodplain Risk Management Committee at the 14 September committee meeting. The Floodplain Risk Management Committee includes representatives from Council, NSW State Emergency Service, NSW Government Department of Planning and Environment, the Tamworth Business Chamber and interested residents.

At this committee meeting, it was also recognised that development of an effective communication plan would assist the community understand not only the risk resulting from flooding but also possible changes in the development controls for individual properties.

(a) Policy Implications

Nil

(b) Financial Implications

The projects recommended in Table 1 will form part of Council's Capital Works program. Projects recommended in a Flood Risk Management Plan are often eligible for two thirds NSW government grant funding. The remaining third will be funded from the Flood mitigation reserve over several years.

(c) Legal Implications

Section 733 of the Local Government Act gives Council an exemption from liability in respect of anything done or omitted to be done by the council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding if Council works in accordance with the Floodplain Development Manual.

(d) Community Consultation

Initial community engagement sessions were held in 2020 with all property owners within the existing flood mapping sent an invitation. The draft plan was placed on public exhibition for 42 days in April and May 2023. Letters were sent to all property owners within the proposed FPA. There was a significant response during the public exhibition period which triggered a revision and reduction of the number of properties included in the proposed FPA.

Further community engagement is recommended to ensure that the flood risk is better understood by the community and that changes to development controls are understood for individual properties.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A Liveable Built Environment

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 PLACE MANAGEMENT AND SECTION 355 COMMITTEE ACTIVITIES

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Jodie Archer, Place Manager
Lisa Hannaford, Place Manager

1 ANNEXURES ATTACHED

RECOMMENDATION

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

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

<i>Barraba Showground Management Committee</i>	<i>26 April 2023</i>
<i>Bendemeer Town Hall Committee AGM</i>	<i>12 August 2023</i>
<i>Bendemeer Town Hall Committee</i>	<i>12 August 2023</i>
<i>Duri Progress Association</i>	<i>20 June 2023</i>
<i>Duri Progress Association AGM</i>	<i>18 July 2023</i>
<i>Duri Progress Association</i>	<i>18 July 2023</i>
<i>Grey Fergie Tractor Muster Committee AGM</i>	<i>29 July 2023</i>
<i>Grey Fergie Tractor Muster Committee</i>	<i>29 July 2023</i>
<i>Kootingal Recreational Reserve Committee</i>	<i>9 August 2023</i>
<i>Loomberah Hall Committee</i>	<i>6 June 2023</i>
<i>Loomberah Hall Committee AGM</i>	<i>25 July 2023</i>
<i>Loomberah Hall Committee</i>	<i>25 July 2023</i>
<i>Manilla Showground Committee</i>	<i>22 February 2023</i>
<i>Moonbi Museum Committee</i>	<i>5 April 2023</i>
<i>Moonbi Museum Committee</i>	<i>7 June 2023</i>
<i>Moonbi Museum Committee</i>	<i>5 July 2023</i>
<i>Nundle History and Heritage Research Committee</i>	<i>11 July 2023</i>
<i>Piallamore Recreation Reserve Committee</i>	<i>15 March 2023</i>
<i>Somerton War Memorial Hall and Recreation Ground Committee</i>	<i>28 February 2023</i>
<i>Somerton War Memorial Hall and Recreation Ground Committee</i>	<i>23 April 2023</i>
<i>Tamworth Regional Sound and Film Archive Committee AGM</i>	<i>11 July 2023</i>
<i>Tamworth Regional Sound and Film Archive Committee</i>	<i>11 July 2023</i>

- Weabonga Recreation Reserve Committee** **13 July 2023;**
- (ii) **appoint the following executive members and members to the Bendemeer Town Hall Committee Meeting as an outcome of its meeting held on 12 August 2023:**
- | | |
|---------------------------|-----------------------|
| Chairperson | Edwina Byrne |
| Deputy Chairperson | Kerry Brown |
| Secretary | Carolann Brown |
| Treasurer | Anne Doak |
| Booking Officer | Winston Doak |
- Members: Wayne Denholm and Margaret Hemmings;**
- (iii) **appoint the following executive members and members to the Duri Progress Association as an outcome of the Association's Annual General Meeting held on 18 July 2023:**
- | | |
|---------------------------|-----------------------------------|
| Chairperson | Darrin Alderson |
| Deputy Chairperson | Chris Ware |
| Secretary | Lindsay Donaldson |
| Treasurer | Priscilla Collins |
| Media Officer | Brydie Frazer |
| Gymkhana Conveners | Lachie Ware and David Ware |
- Hall Committee: J Alderson, Billie Jane Wood, K Haskins and R McRae;**
- (iv) **appoint the following executive members and members to the Grey Fergie Tractor Muster Committee as an outcome of its Annual General Meeting held on 29 July 2023:**
- | | |
|--------------------|---------------------|
| Chairperson | Winston Doak |
| Secretary | Anne Doak |
| Treasurer | Greg Offord |
- Members: Verity Treeve, Jaki Dressing, Alison Smith, Fiona Stanford, Steven Bailey, Michael Breedon, Leanne Summers and Matthew Burton;**
- (v) **appoint the following executive members and members to the Loomberah War Memorial Hall Committee as an outcome of its Annual General Meeting held on 25 July 2023:**
- | | |
|--------------------------|------------------------|
| Chairperson | Liz Blackburn |
| Secretary | Vacant |
| Treasurer | Tanya McKnight |
| Booking Officer | Rebecca Barwick |
| Publicity Officer | Karlie Tongue |
- Members: Derani Barwick, Ian Pittman, Janelle Tongue, Kate Ponto, Leanne Ponto and Trish Moore.**
- (vi) **appoint Trish Moore as Secretary of the Loomberah War Memorial Hall**
-

Committee as an outcome of its General Meeting held on 25 July 2023;

(vii) in accordance with Section 377 of the Local Government Act and in response to the decision of the Nundle History and Heritage Research Section 355 Committee:

i. withdraw the delegation of the Nundle History and Heritage Research Section 355 Committee to foster an interest in, and research and preservation of, the history and heritage of Nundle and district;

ii. determine that any assets and liabilities held by the Committee be transferred to Council; and

iii. acknowledge and thank all members of the Committee for their contribution to date;

(viii) appoint the following executive members and members to the Tamworth Regional Film and Sound Archive Committee as an outcome of its Annual General Meeting held on 11 July 2023:

Chairperson **Allan Alderson**

Deputy Chairperson **Vic Kolesnikoff**

Secretary **Ces Ledwos**

Treasurer **Miranda Heckenberg**

Communications Officer/ Social Media Administrator **Vic Kolesnikoff**

Members: Ian Austin, Robyn Byrnes, Dan Alderson, John Vickery and Trish Cunningham; and

(ix) appoint Ben Healy, David Pitt, Olivia Wozgo and Sarah Rumble as new members of the Weabonga Hall and Recreation Reserve Local Committee as an outcome of its meeting held on 13 July 2023.

SUMMARY

The purpose of this report is to:

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

COMMENTARY

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

Council has received 23 sets of Minutes requiring items for adoption, from Section 355 Committees in the calendar year to date. The Meeting Minutes are **ATTACHED**, refer **ANNEXURE 1**, for Council's information.

Council will note that there is a wide range in both the dates and numbers of meetings held by individual committees. In this respect it was considered appropriate to await receipt of a reasonable number of meeting minutes prior to collating these to justify presentation of this report.

Notable committee outcomes, achievements and items included in the minutes are:

- **Barraba Showground Management Committee** - Council staff are working with the committee regarding operational matters in item 14.
- **Duri Progress Association** - in reference to the “gift money” from Council, this relates to the committee’s unspent balance from a previously approved Facility Improvement Fund application for the sportsground.

Council staff are working with the committee regarding upcoming events and the hot water system issue.

- **Loomberah Hall Committee** - advice has been provided to the committee regarding non vaccinated members’ attendance at meetings via zoom. A site meeting has been held regarding hall maintenance items and the gas leak has been resolved.
- **Manilla Showground Committee** - the committee highlighted a safety risk of erosion at the bottom end of the gully from drainage that runs through the showground. Council has completed works to this area including gabion rocks placed in the drainage area with fencing to be completed.
- **Nundle History and Heritage Research Section 355 Committee** - this S355 Committee has been inactive for quite some time. The members have now chosen to dissolve the Committee and provide its research material to Council for inclusion in the Nundle Local Studies section of the Nundle Branch Library. The valuable research material that has been collected will be a great addition to the Local Studies section, capturing the gold rush days and early pioneers of the local community. It is acknowledged that individuals may choose to continue to contribute to the invaluable collection at any chosen time. Council staff will assist with the archive catalogue and with seeking funding opportunities for digitisation of the collection. The Committee is to be commended on for its valuable contribution to preserving our history.

(a) Policy Implications

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

(b) Financial Implications

Section 355 Committee and Place Management activities and budgets are maintained under the Liveable Communities Directorate budget.

(c) Legal Implications

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and Collaborative Leadership.

9.2 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - AUGUST 2023

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

Reference: Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23
1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2023/2024 Budget Variation Report - August 2023”, Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

SUMMARY

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

COMMENTARY

Council adopted the original budget included in the Annual Operational Plan for 2023/2024 at the Ordinary Meeting of Council held 29 June 2023. Any changes to the budget must be approved by Council at a later ordinary meeting. The budget forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and updating of the budget is important for sound financial management.

Readers of this report are reminded that its contents should not be viewed in isolation. Quarterly Budget Review Statements provide additional revised information for budget forecasts and actual year-to-date results. The quarterly report for the July to September quarter will be presented to Council in November.

The most significant adjustment for August was the cancellation of grant funded works to upgrade Rangari Road. After going out to tender it became evident that the allocated grant funds would not cover the cost of the work, resulting in the State Government withdrawing grant funds whilst it investigates alternative options. Other adjustments include \$35k to be spent on the development of the Country Music Festival website and increased spending to the value of \$73k to further implement the Sustainability Strategy. Heritage Grant funds have also been received to carry out pruning of trees located on King George Avenue.

Variations identified August 2023

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Economic & Destination Development	0	(2,500)	2,500	0	0
Events	35,000	0	35,000	0	0
Airport	22,981	0	22,981	0	0
Pilot Training Facility	12,500	0	12,500	0	0
AELEC	(26,350)	0	0	0	(26,350)
People & Culture	70,000	0	70,000	0	0
Business Systems & Solutions	(3,967)	(3,967)	0	0	0
Future Communities	(14,353)	(15,979)	1,626	0	0
Sports & Rec	12,759	(40,721)	40,721	0	12,759
Infrastructure Projects	(94,488)	0	(4,804)	1,410,316	(1,500,000)
Sustainability Unit	(153,371)	(226,371)	73,000	0	0
TOTAL	(139,289)	(289,538)	253,524	1,410,316	(1,513,591)

Black budget variation will **reduce** Council's forecast operating result and/or bank account

Green budget variation will **increase** Councils forecast operating result and/or bank account

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2023/2024 by fund of:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	(289,538)	253,524	1,410,316	(1,513,591)
Water	0	0	0	0
Sewer	0	0	0	0
Total	(289,538)	253,524	1,410,316	(1,513,591)

(c) Legal Implications

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

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.3 COUNCIL INVESTMENTS AUGUST 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
 Lauren McPherson, Senior Accountant

1 ANNEXURES ATTACHED

RECOMMENDATION

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

SUMMARY

In accordance with *Local Government (General) Regulation 2021*, Clause 212, the purpose of this report is to provide Council with a register of investments held as at August 31, 2023 and provide Responsible Accounting Officer certification that investments comply with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council’s Investment Policy. The register and accompanying certification can be found **ATTACHED**, refer **ANNEXURE 1**.

COMMENTARY

On the plus side for the Australian economy inflation is starting to decline but the Reserve Bank (RB) is concerned that it is still too high and will remain so for some time to come. The predicted target date for inflation to drop back to the target range of between 2-3 per cent the Reserve Bank (RB) predicts will be late in 2025.

Whilst the RB left rates on hold for a second month the RB is still of the opinion that rates may need to rise again given that it is adamant that inflation will return to its target range.

The register **ATTACHED**, refer **ANNEXURE 1** shows Council's cash and investment holdings as at 31 August, 2023.

During the month, Council's portfolio performed above the industry average, returning 4.77% against the three-month Bank Bill Swap rate (3mBBSW) of 4.13%.

(a) Policy Implications

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

(b) Financial Implications

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

(c) Legal Implications

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

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 31 AUGUST 2023

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Youth Council - Minutes of the Ordinary Meeting held on 31 August 2023”, Council receive and note the minutes.

SUMMARY

The purpose of this report is to present the Minutes of the Tamworth Regional Youth Council meeting held on 31 August 2023, and provide Council with an overview of the outcomes.

COMMENTARY

An Ordinary meeting of the Tamworth Regional Youth Council was held on Thursday, 31 August 2023. The Minutes of the meeting are **ATTACHED**, refer **ANNEXURE 1**.

The main topics considered at the meeting are summarised below:

- Samantha Fairless, representative from HealthWISE, addressed the Youth Council in its role of acting on behalf of young people in the community. HealthWISE discussed with the Youth Council how its services and decisions could be enhanced. To increase the accessibility of HealthWISE to the wider public, it was suggested by the Youth Council that the organisation should be present at high school careers days in the near future. Youth Council members will aim to arrange a site visit to HealthWISE in the near future.
- Youth Councillors thanked the wider community for its support during the 2023 NAIDOC WEEK hot drinks stand in Bicentennial Park. Youth Mayor Chloe-Lee Opie stated that the event was successful and a great way for the Youth Council to engage with the wider community.
- The Youth Council unanimously agreed to invite the Better Regulation Division of the NSW Department of Customer Service to present to the next Youth Council meeting. The aim of the presentation is to seek help from the Youth Council to connect with young people or youth groups in the area for the purpose of delivering community education on Fair Trading related topics as part of its 2023 *Let's Talk Regional Engagement Program*.
- The Youth Council unanimously voted to appoint Deputy Youth Mayor Evey Sutton as Acting Youth Mayor until the November Youth Council meeting as a result of the resignation of Youth Mayor Chloe-Lee Opie due to her two-year term expiring.
- Youth Mayor Chloe-Lee Opie thanked Councillors Marc Sutherland and Brooke Southwell for their contribution to the Tamworth Regional Youth Council over the course of her two-year term. Overall, Youth Councillors praised the great experience, events and opportunity to collaborate with their fellow peers that being a part of the Youth Council provides.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The Tamworth Regional Youth Council represent a diverse group of young people of various backgrounds, who advise Council on issues that are relevant to young people across the local government area.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

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.

LAND ACQUISITION FOR SHARED PATH - GRAND MEADOWS DRIVE, NORTH TAMWORTH

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Daniel Stewart, Senior Design Engineer

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) of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

SUMMARY

The purpose of this report is to seek Council's authorisation for the proposed acquisition of land for the purposes of road widening for shared path construction on Grand Meadows Drive, North Tamworth and to authorise Council's acceptance of the land to be dedicated as a road.

TENDER T159-2023 - SPRAYED BITUMEN SEALING OF LOCAL, REGIONAL AND STATE ROADS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Jay Morrow, Senior Operations Engineer (Technical)

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council's acceptance of tenders for the Sprayed Bitumen Sealing of Local, Regional and State Roads within the Tamworth Regional Council (Council) Local Government area (LGA) during the period 27 September 2023 to 30 June 2025, advertised as open tender number T159-2023. Following this period, and at sole discretion of Council, an additional extension of one year can be applied.

Background

Council has traditionally offered a single invitation contract for the provision of bitumen sealing services. With the inception of Blueprint 100 and the quantum of works currently programmed, continuing to rely on one contractor to fulfil Council's works program is no longer feasible.

Council have instead invited tenders from multiple contractors where successful tenderers are placed on a panel tender for the provision of this service via a schedule of rates contract. This will enable multiple works packages to be offered based on contractor and material availability while simplifying the procurement process of bitumen sealing services for individual projects. From the panel tender, each individual project or works package is assessed and awarded to the contractor from the panel who can satisfy the program requirements and whose pricing schedule is most beneficial for that project.

Tender Scope

The tender was advertised as a two year contract period with a bi-annual opportunity for successful panel members to review their pricing to allow for changes in the price of materials and labour. This option was adopted due to the ongoing volatility in the construction market through things such as fuel prices, material prices and inflation along with requests received and approved for material price reviews during the last tender.

Tender Evaluation

The intention of the panel tender is to compile a list of eligible contractors who can be called upon for the provision of sealing services for any projects that arise during the contract period.

Only tenderers that satisfied the requirements for the tender submission and are able to provide services within a financially responsible threshold are proposed to be placed on the panel, as per the recommendation of this report. This is to prevent contractors being placed on the panel where there is little likelihood of them being utilised for any provision of

services.

The evaluation of the appropriate contractor for a specific package of works will be completed by the applicable project manager based on simplified evaluation criteria and dependent on the specific project scope. Only those contractors on the panel will be considered.