

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

11 JUNE 2019

**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 of the Meeting to address the Council Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 28 May 2019, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 **DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 **MAYORAL MINUTE**

Nil

6 **NOTICE OF MOTION**

Nil

OPEN COUNCIL REPORTS

7 **ENVIRONMENT AND PLANNING**

7.1 PROPOSED ROAD NAME - FEDERATION PARK - LOT 1 DP217032 - 37-77 JEWRY STREET TAMINDA - DA2019-0071 (MOD2019-0093) – FILE No SF2771

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Jennifer Chmieluk, Development and Approvals Support Officer

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Proposed Road Name – Federation Park – Lot 1 DP217032 – 37-77 Jewry Street Taminda – DA2019-0071 (MOD2019-0093)”, Council:

- (i) approve in principle the road name ‘Curtiss Close’;*
 - (ii) advertise the proposed name as required by the Roads Act 1993, Part 10, Division 4, Section 162, and the Roads Regulation 2018, Part 2, Division 1, Section 7, to enable interested parties the opportunity to make comment;*
 - (iii) serve notice of the proposed road name on Australia Post, the Registrar-*
-

General, the Surveyor-General, the Chief Executive of the Ambulance Service of NSW, Fire and Rescue NSW, the NSW Rural Fire Service, the NSW Police Force, the NSW State Emergency Service the NSW Volunteer Rescue Association; and

- (iv) *provided no submissions are made which object to the proposed road name, proceed to publish the adopted name in the Government Gazette; and notify Australia Post, the Registrar-General, the Surveyor-General, the Chief Executive of the Ambulance Service of NSW, Fire and Rescue NSW, the NSW Rural Fire Service, the NSW Police Force, the NSW State Emergency Service, the NSW Volunteer Rescue Association with sufficient particulars for identification of the road.*

SUMMARY

The purpose of this report is to nominate a name for the proposed new road to be created within the community title subdivision of Lot 1 DP217032, 37-77 Jewry Street Taminda, known as Federation Park.

COMMENTARY

Development consent for the community title subdivision outlined on map one **ATTACHED**, refer **ANNEXURE 1**, was granted on 11 December 2018, and the developer has requested that the street name for the single cul-de-sac be assigned.

The developer has proposed the name 'Curtiss Close'. The proposed road name is unique to the Tamworth region. The area, which was a former sporting field has now been rezoned and is to be redeveloped for business and industrial use. The area is seen as an extension to the existing Taminda industrial area, which has an 'Aviation' street name theme.

The name 'Curtiss' derives from the Curtiss JN-4 biplane, which was produced as a training aircraft for the U.S Army at the time of the First World War. It was also used by the Australian Flying Corps at aviation training schools in Australia.

The Geographical Names Board has approved the proposed road name.

Should Council support the proposed road name, it is then necessary to advertise for public comment in accordance with the *Roads Act 1993*, Section 162, *Road (General) Regulation 2000*, Part 2 Division 2. Following this public notice, and assuming no objections are received, Council may proceed to confirm the new road name.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The proposed road name will be advertised for public comment in accordance with the *Road Act 1993*, Part 10, Division 4, Section 162, and the *Roads Regulation 2018*, Part 2, Division 1, Section 7.

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

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

8 INFRASTRUCTURE AND SERVICES

8.1 CHALLENGE COMMUNITY SERVICES PARTNERSHIP AGREEMENT - CONTAINER DEPOSIT SCHEME AND ENHANCED RESOURCE RECOVERY – FILE NO SF5812

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

Reference: Item 8.3 to Ordinary Council 24 May 2016 - Minute No 135/16
Item 9.8 to Ordinary Council 27 September 2016 - Minute No 285/16
Item 8.11 to Ordinary Council 13 December 2016 - Minute No 394/16
Item 8.6 to Ordinary Council 27 June 2017 - Minute No 194/17
Item 8.3 to Ordinary Council 27 November 2018 - Minute No 298/18

2 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Challenge Community Services Partnership Agreement – Container Deposit Scheme and Enhanced Resource Recovery”, Council:

- (i) approve the execution of the Long-Term Agreement as detailed within the body of the report; and*
- (ii) request the Director Water and Waste to provide further report/s in relation to the execution of the Long-Term Agreement once finalised;*
- (iii) authorise the affixing of the Seal of Council to all legal documentation relating to the agreement for Challenge Community Services Partnership Agreement – Container Deposit Scheme and Enhanced Resource Recovery.*

SUMMARY

This report presents Council with an option to enter in to a Long-Term Partnership Agreement with Challenge Community Services to share the NSW Container Deposit Scheme income for resource recovery opportunities, including the establishment of a Buy Back Centre operated by Challenge Community Services.

COMMENTARY

An Expression of Interest (EOI) was released in December 2017, seeking enhanced resource recovery opportunities. The aim of this process was to identify potential partnering opportunities for Council to improve resource recovery of waste products.

Council’s Integrated Waste Management and Resource Recovery Strategy (June 2017) outlines Council’s objectives for sustainable waste management incorporating increased resource recovery and recycling of waste products. Council’s current rate of resource recovery is in the order of 55 percent of the approximately 100,000 tonnes of waste material

received at its Waste Management Facilities every year. Recently completed waste audits have identified the opportunity to increase these resource recovery rates by recycling waste products that are currently landfilled. These waste streams include (however, not limited to) carpet, mattresses, clothing and timber pallets.

The EOI included the opportunity for applicants to submit proposals for the relocation and operation of the Buy Back Centre which was located at the Forest Road Waste Management Facility and operated by Council. This facility has been closed since May 2018, due to landfilling operations requiring the space the former Buy Back Centre was located on. As reported to Council at its Meeting of 27 March 2018, Challenge Community Services expressed interest in the partial acceptance of available resource recovery options - timber, clean gyprock recycling, child's car seats, and the establishment and operation of the Buy Back Centre. Challenge Community Services was the only EOI submission received regarding the operation of a Buy Back Centre in partnership with Council. In relation to this EOI process, Council resolved the following:

- (i) *request the Director Water and Waste commence discussions with Challenge Community Services in regards to the development of a Memorandum of Understanding for relocation of the Buy Back Centre and selected resource recovery activities; and*
- (ii) *request the Director Water and Waste prepare a further report to Council providing further detail and seeking Council resolution to enter in to any Memorandum of Understanding for relocation of the Buy Back Centre and selected resource recovery activities.*

During the EOI process detailed above, the NSW Container Deposit Scheme, (CDS) and associated 'Return and Earn' reverse vending machines was rolled out across NSW on 1 December 2017. The CDS is an initiative designed to assist the NSW EPA to meet the targets established in the Litter Prevention Strategy for NSW to reduce litter volume in NSW by 40% by 2020.

As part of the NSW CDS, Councils can access a portion of the refund associated with kerbside recycling if they wish. To do so, Councils were required to enter into a CDS refund sharing agreement with their relevant Materials Recovery Facility (MRF), in Tamworth Regional Council's case this is with Challenge Community Services, by 1 December 2018.

While MRFs had been able to claim refund on containers they process for Council from 1 December 2017, MRFs could only continue to claim the refund after 1 December 2018, where:

- the MRF and relevant Council had put a refund-sharing agreement in place; and
- the Council notified the NSW EPA in writing that such an agreement has been put into place prior to 1 December 2018.

During 2018/19, Challenge Community Services and Council staff had been working towards a Draft Long-Term Partnership Agreement that incorporated various waste initiatives including the sharing of CDS refund income, Buy Back Centre relocation/operation and enhanced resource recovery. Due to the complexity of the proposed agreement, including the requirement for Challenge Community Services to provide Council with a business plan for their proposed use of CDS income, the Long-Term Partnership Agreement could not be prepared by the 1 December 2018 deadline, to allow the MRF to continue claiming CDS refund revenue.

As a result an Interim Agreement was prepared for Council's consideration at its Meeting of 27 November 2018. Council subsequently resolved to enter into an Interim Agreement which dealt only with the sharing of the CDS refund income between Challenge Community Services and Council. The Interim Agreement included the following key aspects:

- the agreement end date is 30 June 2019 – but this can be modified to an earlier date once the proposed Long-Term Agreement is in place; and
- the agreement provides for a 50/50 refund share between Challenge Community Services and Council of nett income received from the CDS. This included all previous quarters claimed back to the commencement of the scheme on 1 December 2017.

During 2018, the NSW Government commissioned the Centre for International Economics (CIE) and Anne Prince Consulting (APC) to examine the impact of the CDS on the business economics of MRFs. They have also assessed various revenue sharing arrangements along with wider viability issues currently affecting the recycling industry.

Key findings from CIE and APC reports include:

- once established it is estimated the CDS will reduce eligible container numbers within kerbside recycling by 40%;
- the direct cost of CDS compliance on MRFs is expected to be up to 10% of CDS kerbside revenue for small MRF's. Challenge's MRF in Tamworth is considered a small MRF;
- eligible containers are worth more from the CDS than their current commodity value; and
- CDS revenue may assist Councils in their negotiations with MRFs to address broader MRF and recycling viability issues, instead of higher gate fees.

Since the implementation of the CDS, the total income shared by Challenge Community Services and Council has been \$630,293. During the past quarter the CDS income has reduced to \$100,763. This reduction appears to reflect the expected reduction expected by the CIE and APC reports.

Based on this level of income the CDS is expected to provide in the order of \$400,000 to \$500,000 dollars per annum to be shared between Challenge Community Services and Council.

Since Council's resolution of its Meeting of 27 November 2018, Challenge Community Services and Council staff have been working towards a Draft Long-Term Partnership Agreement that incorporates various waste initiatives including the CDS refund income, Buy Back Centre relocation/operation and enhanced resource recovery.

The key objectives of the Long-Term Partnership Agreement are:

- to enter into a formalised refund sharing agreement with Challenge for profit sharing of the CDS funds;
- to enter into a formalised partnership agreement with Challenge for the operation of the Buy Back Centre funded by the CDS refunds;
- to identify how and for what other uses the CDS refunds may be utilised by Challenge, which may include:

- replacement and upgrade of existing MRF processing equipment or inclusion of new additional processing equipment to allow further recycling and material diversion from landfill to be achieved;
- where possible, establishing processing and recycling opportunities for other problem waste streams identified by Council;
- establishment of BackTrack program or similar; and
- to deal with land matters associated with access roads and the duplication of the weighbridge at Council's Forest Road Waste Management Facility.

The agreement establishes the mechanism for funding proposed initiatives under the agreement. These include:

- Council and Challenge Community Services to share the initial establishment costs for a Buy Back Centre using CDS income received to date; and
- CDS funding to be utilised for ongoing Buy Back Centre operations with surplus funds held by Council for funding resource recovery initiatives either proposed by Challenge Community Services or Council.

To simplify the Agreement, it is proposed to remove items that included the land matters associated with access roads and the duplication of the weighbridge at Council's Forest Road Waste Management Facility. It is proposed these items can be dealt with using alternative agreements/arrangements and hence simplify the proposed Long-Term Partnership Agreement with Challenge Community Services by limiting the scope of the Agreement to the key items of the CDS funding sharing, Buy Back Centre operation and resource recovery opportunities.

The proposed Long-Term Partnership Agreement with Challenge Community Services has an initial term until July 2021. This term is required as the Agreement must align with Council's new waste collection contract. A condition of the new contract will specify which MRF the successful contractor will utilise. The Agreement identifies that Council will nominate Challenge Community Services MRF as a preferred recycling premise for the waste collection contract. However, Tenderers will also be able to provide alternate MRF's for Council consideration as long as required information is provided. As part of the tender process Council will be asked to consider the success or otherwise of the Agreement with Challenge and consider whether to extend the agreement or otherwise. In addition, the Agreement requires regular meetings and reporting to be undertaken to ensure the viability of the proposed agreement. The proposed Long-Term Partnership Agreement developed is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

Challenge Community Services have developed a business proposal based around their Buy Back Centre operation. The proposal aims to divert materials from landfill by restoring items and offering for sale to the public. Challenge Community Services propose to lease a suitable property within Taminda for their proposed operations. This proposed lease arrangement represents a significant cost to the business plan. While leasing is required in the short term to establish the Buy Back Centre, longer term options such as a purpose built facility may represent long term savings and could be considered by Council at a later date. The business plan supplied by Challenge Community Services is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 2**.

(a) Policy Implications

Nil

(b) Financial Implications

Should Council resolve to enter in to the Long-Term Partnership Agreement, the agreement allows for CDS income to be utilised for the Buy Back Centre proposal provided by Challenge Community Services. Surplus funds would be held by Council and could be invested in to further resource recovery initiatives with Challenge Community Services as deemed suitable by Council.

CDS income has not been incorporated in any long term financial waste modelling as it is expected to be utilised by the proposed Partnership Agreement with Challenge Community Services.

The establishment of the Long-Term Partnership Agreement allows Council to transition from the operational costs that it was incurring whilst operating the Buy Back Centre. In summary the Buy Back Centre, while operated by Council, received annual income averaging \$15,000 per annum with operating costs in the order of \$30,000 per annum. In addition the establishment of the Long-Term Partnership Agreement, which includes the relocation of the Buy Back Centre, enables Council to avoid any capital costs and ongoing maintenance costs for establishing a facility i.e. storage shed and sales compound.

(c) Legal Implications

The proposed agreement has been drafted by external Lawyers on behalf of Council. Once executed, Council will be bound by conditions of the agreement.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 1 MAY 2019 – FILE No SF1387

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Infrastructure and Works

4 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting – General – 1 May 2019”, Council:

- (i) approve linemarking for parallel parking in front of 69 Crown Street to the corner of Bridge Street, and to delineate the driveway entrance on Crown Street;*
 - (ii) approve the traffic control measures to be installed between Longyard Drive and Jack Smyth Drive Hillvue, for the duration of the York Cup and Kim Small Shield, between Thursday 18 July and Sunday 21 July 2019;*
 - (iii) approve the traffic control measures to be installed for each Tamworth Triathlon Club duathlon race on the last Sunday of the month in May, June, July and September 2019;*
-

- (iv) *approve the installation of a concrete median on Lindsays Gap Road at the intersection of Nundle Road;*
- (v) *approve 11 three hour parking spaces, one disabled parking space, and the No Stopping zone between the corner and the bottom of the carpark along Macquarie Street, Tamworth;*
- (vi) *approve the installation of BS, BB, S1 and E1 linemarking along the length of the Browns Lane upgrade, along with the hold line at Manilla Road to compliment the existing give way sign; and*
- (vii) *approve the proposed changes to traffic conditions and road closures for the Gunnedah to Tamworth Graded Scratch Race Cycling Event on 16 June 2019.*

SUMMARY

The purpose of this report is to advise Council of seven recommendations made by the Tamworth Regional Local Traffic Committee at the meeting held 1 May 2019.

COMMENTARY

Six formal items reached consensus at the meeting held 1 May 2019, and one formal out-of-meeting item. The Minutes are **ATTACHED**, refer **ANNEXURE 1**.

51/2019 - Request for marked parking bays on Crown Street, West Tamworth

The owner of 130-132 Bridge Street has raised a concern regarding vehicles parking across the driveway entrance in Crown Street. The property owner requested the No Stopping zone be extended from the intersection down to 69 Crown Street (marked by the red line in the below image). This would remove parking from a higher use area.

An alternative would be to mark the parking bays which would delineate the driveways by default.



COMMITTEE RECOMMENDATION: the Committee do not support a change to parking restrictions; however the committee do support linemarking for parallel parking in front of 69 Crown Street to the corner of Bridge Street, and to delineate the driveway entrance on Crown Street.

54/2019 – York Cup and Kim Small Shield Hockey Carnival 2019

Tamworth Hockey Association will again be holding the York Cup and Kim Small Shield between Thursday 18 July and Sunday 21 July 2019.

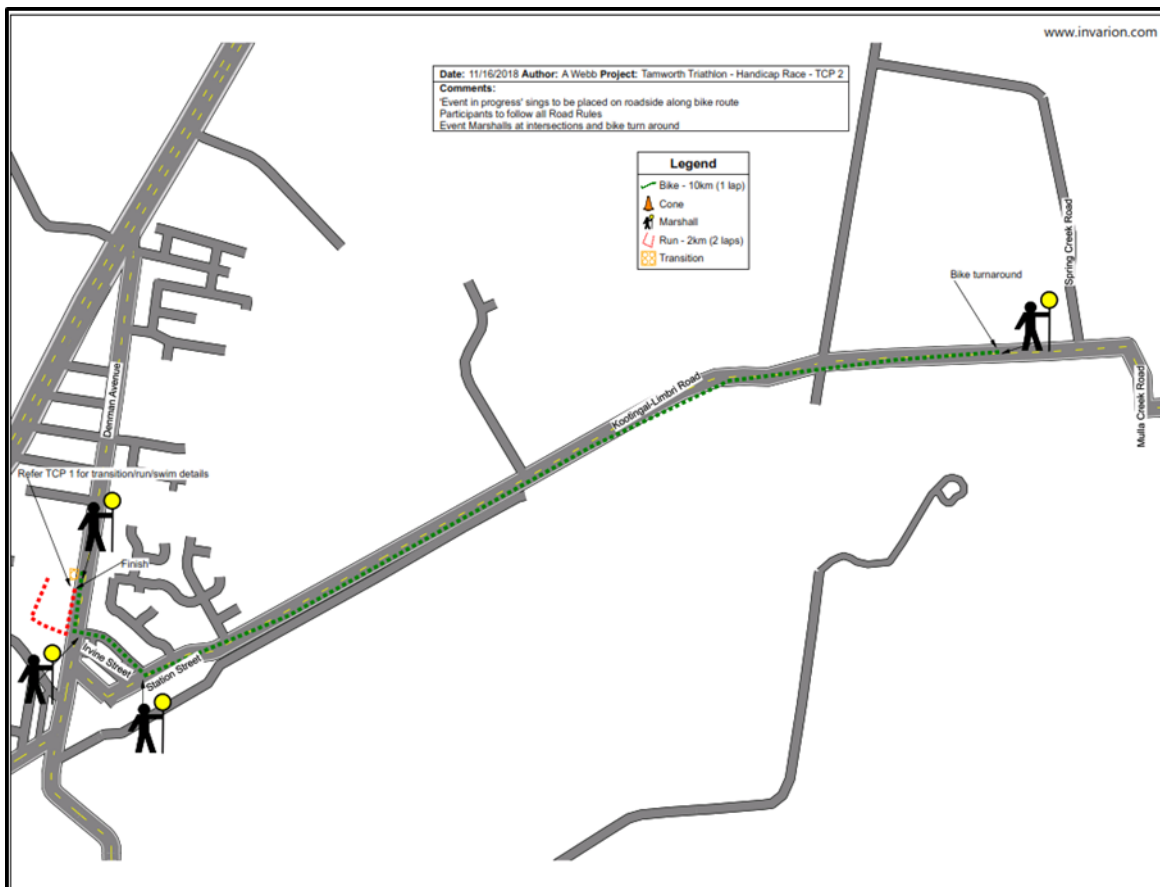
They request the same temporary traffic control measures as previous years, being water filled barriers and barrier boards to form temporary refuges and the associated pedestrian refuge signage between Longyard Drive and Jack Smyth Drive to allow pedestrians to cross the road safely. This is shown in the plan **ATTACHED**, refer **ANNEXURE 2**.

COMMITTEE RECOMMENDATION: the Committee support the traffic control measures to be installed between Longyard Drive and Jack Smyth Drive Hillvue, for the duration of the York Cup and Kim Small Shield, between Thursday 18 July and Sunday 21 July 2019

55/2019 – Tamworth Triathlon Club Winter Duathlon Series 2019

Tamworth Triathlon Club is planning to hold its winter Duathlon Series on the last Sunday of the month during May, June, July and September 2019, between 2:30pm and 6:30pm. Marshals and Event In Progress signage will be in place along the cycling route on Denman Avenue, Irvine Street, Station Street and Limbri Road Kootingal, during each race as per the below plans.





COMMITTEE RECOMMENDATION: the Committee support the traffic control measures to be installed for each Tamworth Triathlon Club duathlon race on the last Sunday of the month in May, June, July and September 2019.

56/2019 – Safety concerns - Nundle Road and Lindsays Gap Road Intersection

Senior Constable Ken Flemming of Nundle Police Station, has contacted Council regarding the intersection of Nundle Road and Lindsays Gap Road. Snr Constable Flemming has attended two serious accidents at this intersection, one in 2014 and one in 2018. Both accidents involved a vehicle travelling east on Lindsays Gap Road failing to give way and cutting the corner as it merges south onto Nundle Road and colliding with another motorist travelling north on Nundle Road.

He has also issued a number of traffic infringements to drivers cutting the corner in the same manner as the accidents.

Snr Constable Flemming has requested that this be discussed at the Local Traffic Committee to assess if a concrete median can be constructed that runs west on Lindsays Gap Road from the intersection, to ensure drivers come to the intersection perpendicular and negotiate the intersection safely. This is marked up in red in the below images. Snr Constable Flemming also noted that an increase in truck movements will occur at this intersection due to the increase in harvest operations in Nundle State Forest being transported to Werris Creek.



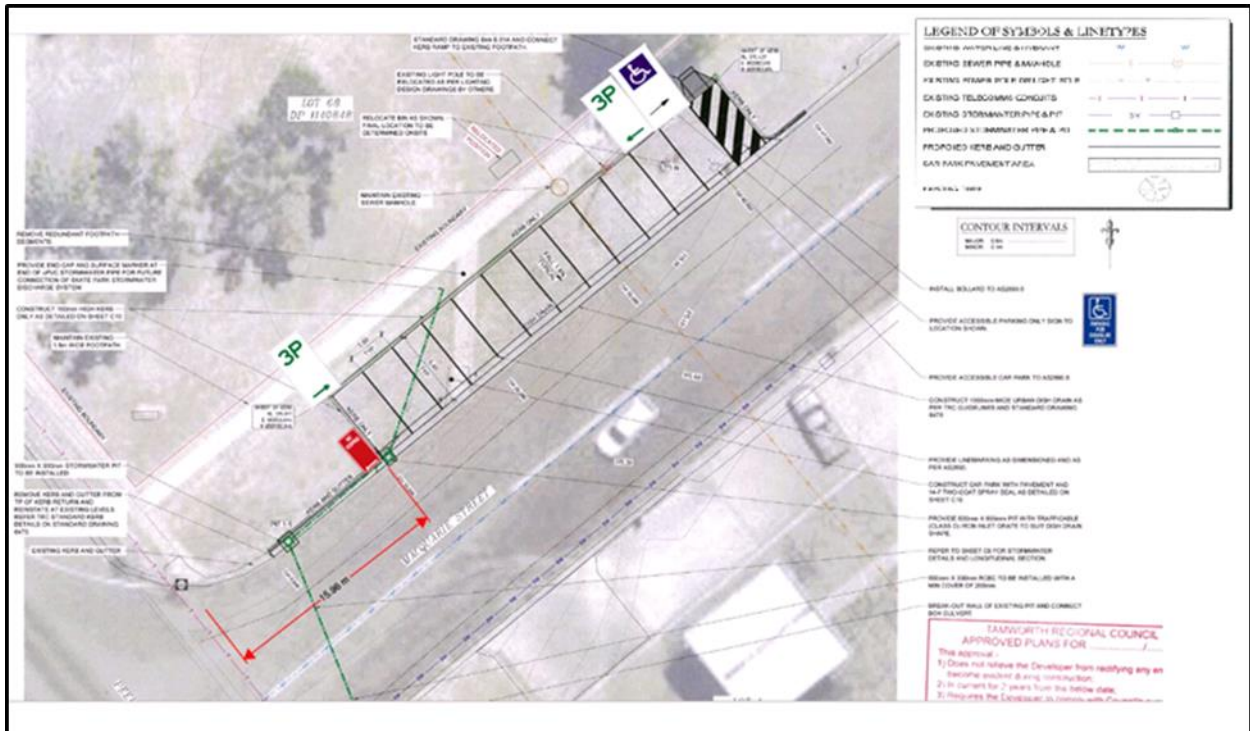
Image: Red line showing indicative proposed median. The blue line shows current traffic manoeuvres.

COMMITTEE RECOMMENDATION: the Committee support installing a concrete median on Lindsays Gap Road at the intersection of Nundle Road.

57/2019 – Viaduct Park Skate Park, Car Park Signage

The new skate park that is now open in Viaduct Park, has a new carpark with 11 regular parking spaces and one disabled parking space.

These parks have been proposed as a three hour parking limit to allow for turnover during busy times at the facility. Additional to this, a No Stopping zone with yellow No Stopping linemarking from the Peel Street corner up to the car park is proposed to stop cars parking directly on the corner of the alternate heavy vehicle route. Image below shows proposed parking restrictions layout.



COMMITTEE RECOMMENDATION: the Committee support the proposed 11 three hour parking spaces, one disabled parking space, and the No Stopping zone between the corner and the bottom of the carpark along Macquarie Street, Tamworth.

58/2019 – Browns Lane Upgrade linemarking

The upgrade of the last section of unsealed pavement on Browns Lane will include linemarking of the centre line, as per attached plan. This includes the BS on the approaches to the large cutting, BB through the large cutting and at the Manilla Road intersection, and S1 down the hill towards the intersection, along with edge lines on both sides.

A plan for linemarking is **ATTACHED**, refer **ANNEXURE 3**. The give way sign at Manilla Road intersection will remain, with a hold line installed on the sealed pavement.

COMMITTEE RECOMMENDATION: the Committee support the installation of BS, BB, S1 and E1 linemarking along the length of the Browns Lane upgrade, along with the hold line at Manilla Road to compliment the existing give way sign.

59/2019 – Gunnedah to Tamworth Graded Scratch Race Cycling Event 16 June 2019

Tamworth Cycle Club are proposing to hold the Gunnedah to Tamworth Graded Scratch Race Cycling Event on Sunday 16 June 2019, between 8:00am and 4:00pm.

The race runs from Osric Street, Gunnedah under police escort along the Oxley Highway, then the Kamilaroi Highway, Gap Road, Werris Creek Road, Burgmanns Lane and finishing 300 metres before the intersection of Burgmanns Lane and the New England Highway.

Burgmanns Lane will be closed to allow the race to complete the competitive finish safely. Traffic Control will manage local resident's access within this road closure.

The event traffic management plan is **ATTACHED**, refer **ANNEXURE 4**.

COMMITTEE RECOMMENDATION: The Committee support the changes to traffic conditions and road closures for the Gunnedah to Tamworth Graded Scratch Race Cycling Event on 16 June 2019.

(a) Policy Implications

Nil

(b) Financial Implications

51/2019 – Funded from Infrastructure and Works linemarking and signs budget;

54/2019 – Funded by event organiser;

55/2019 – Funded by event organiser;

56/2019 – Funded from Infrastructure and Works Block Grant Funding;

57/2019 – Funded from infrastructure and Work linemarking and signs budget;

58/2019 – Funded from project budget; and

59/2019 – Funded by event organiser.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.3 MID NORTH WEIGHT OF LOADS – FILE NO SF1366

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Infrastructure and Works

RECOMMENDATION

That in relation to the report “Mid North Weight of Loads”, Council agree to remain a member of the group and jointly employ Ordinance Inspectors with other councils currently participating in the Mid North Weight of Loads Group for a term of four years effective on and from 1 July 2019.

SUMMARY

Council is currently a member of the Mid North Weight of Loads Group. This group is made up of 14 member councils who jointly employ Ordinance Officers that patrol the State, Regional and Local road network. These officers enforce traffic regulations associated with heavy vehicles, with a particular focus on overloaded vehicles and off route restricted access vehicles.

The current agreement for the group will expire on 30 June 2019. This report seeks Council's endorsement to continue its membership.

COMMENTARY

The Weight of Loads service has a primary focus on providing active policing of load restrictions for heavy vehicles for the purpose of protecting Council's valuable road asset.

In addition to undertaking overloading enforcement, the inspectors are active in the area of driver education and liaison with trucking organisations and companies. This has resulted in increased awareness within the industry and in the long term should result in a reduction in the amount of damage to Council roads.

MidCoast Council administers the Mid North Weight of Loads Group. The cost of this administration, including the employment of four full time Ordinance Inspectors, is covered by a grant from Roads and Maritime Services, contributions from member councils, and revenue from enforcement. Member councils are automatically members of a Management Committee which meets regularly to discuss issues concerning the Group and to approve the annual budget (including member contributions). Membership of the Group also includes member councils agreeing to jointly employ the four Ordinance Inspectors with other member councils. Member contributions are proportioned according to the size of the Council, based on the proportional length of sealed roads. Tamworth Regional Council's contribution equates to approximately 8.8% of the total running cost.

Member councils are:

1. Armidale Regional Council
2. Bellingen Shire Council
3. Coffs Harbour City Council
4. Dungog Shire Council
5. Kempsey Council
6. Liverpool Plains Shire Council
7. Mid Coast Council
8. Muswellbrook Shire Council
9. Nambucca Shire Council
10. Port Macquarie / Hastings Council
11. Upper Hunter Shire Council
12. Tamworth Regional Council
13. Uralla Shire Council
14. Walcha Council

(a) Policy Implications

Council has previously signed an Agreement to remain a member of the Mid North Weight of Loads Group until June 2019.

(b) Financial Implications

Council pays for this agreement through an annual invoice and is included in the Infrastructure and Projects division budget. The 2018-2019 expenditure on this service was \$28,140 (exclusive of GST), and the 2019-2020 expense will be \$28,702.88, presenting a 2% increase which is fairly standard year to year.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

An Accessible Region – A21 Improve connections with capital cities, other regions and within the region.

8.4 BULK WATER FILLING STATION AT ATTUNGA – FILE NO SF9059

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

Reference: Item 7.4 to Ordinary Council 18 December 2018 - Minute No 327/18

Item 8.2 to Ordinary Council 12 March 2019 - Minute No 60/19

Item 8.4 to Ordinary Council 30 April 2019 - Minute No 126/19

RECOMMENDATION

That in relation to the report “Bulk Water Filling Station at Attunga”, Council no longer relocate the station at Lockheed Street but agree to purchase and commission a new station at Attunga.

SUMMARY

The purpose of this report is to seek direction from Council in relation to the provision of a bulk water filling station at Attunga.

COMMENTARY

At its Meeting of 18 December 2018, Council was advised the Australian Government had provided funding for, in part, the provision of additional bulk water filling stations across the Council area under its Drought Communities Program. Stations would be installed in the following centres:

- Attunga;
- Bendemeer;
- Manilla;
- Barraba;
- Nundle;
- Kootingal; and
- a further station in Tamworth.

On 26 March 2019, the Mayor, Councillor Col Murray attended a meeting with some of the water cart operators in the region to discuss concerns previously raised in relation to access to the existing station in Lockheed Street and to the proposed new stations.

Following that meeting Council agreed to:

- move the bulk water filling station proposed for Attunga to Oxley Anchor on the Manilla Road;
- move the current bulk water refill station at Lockheed Street to a new location on Gunnedah Road; and
- allocate the bulk water refill station to be installed near AELEC for water carters only.

At its Meeting of 12 March 2019, Council considered a report in relation to whether or not access to free water would still be available once the new bulk water filling stations have been commissioned. Council resolved as follows:

That in relation to the report New Bulk Water Refill Stations – Access to Free Water Council:

- (i) close and remove the hydrant standpipes presently dispensing free water in a centre as a bulk water refill station is commissioned in that centre;*
- (ii) continue to offer free water at the new bulk water refill stations under the following terms and condition:*
 - a) Council will issue a card to access free water from the bulk water refill station;*
 - b) cards will only be issued to property owners of property located within the Tamworth Regional Council area and who can provide a current NSW Local Land Services Rates notice for that property;*
 - c) property owners of property connected to reticulated supply will not be issued with a card;*
 - d) property owners of multiple properties where one of which is a property as per c) above will be eligible for a card;*
 - e) an Agreement must be signed which details the following:*
 - *Council can withdraw the right to access water at no cost at any time with 24 hours notification;*
 - *the person signing the Agreement agrees that the water is only to be taken for the watering of stock or domestic purposes, not lawn or garden watering and that the card will only be used by them;*
 - *the card remains the property of Council; and*
 - *the following disclaimer:*

Water available from this filling station is potable (drinking) water and is suitable for human consumption at this point of supply and before it enters any receptacle or any other intervention by a potential user.

Council does not warrant that the water remains suitable for human consumption following its decanting from this station. Any use of the water after this point is the responsibility of the user and is done at their sole risk, and Council does not accept any liability for any loss or damage of any kind whatsoever that may arise from the use of this water for any purpose.

The use of contaminated containers to transport water can lead to contamination of the water which may render the water not suitable for drinking purposes and other uses and may be hazardous to health.

- f) volume of free water taken will be limited to three Kilolitres per week;*
 - g) a refundable \$50 bond to be paid before the card is issued; and*
 - h) access to free water from a bulk water refill station will stop when Level 4 water restrictions are introduced in the centre where the station is located and*
- (ii) end access to free water at all bulk water refill stations when more than 50% of the Council area is no longer drought declared; and*
 - (iii) erect signage to advise all users of the facility that they must comply with the appropriate road rules including weight loads.*

Further, at its Meeting of 30 April Council resolved, inter alia, as follows:

- (ii) agree that access to the bulk water filling station in a centre will cease to all customers, other than bulk water carters, when Level 4 water restrictions are reached in that centre;*
- (iii) agree access to the bulk water filling station will reopen, to all paying customers, once water restrictions in that centre are eased to a level less than Level 4*

Work on installing and commissioning the new filling stations in the revised locations is almost complete. As Councillors would also be aware recently Tamworth and Moonbi/Kootingal has moved to Level 4 water restrictions. In accordance with previous resolutions of Council, this means that the new filling stations in Nundle (Nundle has been on Level 4 restrictions since 2 February 2019) and at Kootingal, AELEC, Oxley Anchor and Gunnedah Road/Lockheed Street no longer dispense free water to farmers and people cannot buy water from these stations in small pods – the only way to access water from these stations, at present, is via water carters.

When the filling station proposed for Attunga was moved to Oxley's Anchor, the station was connected to the Tamworth/Moonbi/Kootingal water supply rather than the Attunga supply if it had been erected in its original location. If the bulk filling station had been erected at Attunga, since Attunga remains on Permanent Water Conservation measures, farmers would still have been able to access water for free (if they meet requirements) and water would still have been able to be purchased and dispensed into small pods, as well as being available for water carters.

Further, since a bulk water filling station is now not being erected in Attunga, it is unclear whether Council wishes for the free water standpipe at Attunga to be removed, which would have happened as per Council's previous resolution if a station had been erected at Attunga.

The amount approved from the Australian Government for expenditure on the installation of the new bulk filling stations was \$500,000. To date \$344,000 has been spent and it is estimated a further \$97,000 is required to complete the original works not including the relocation of the Lockheed Street station which was not included in the original estimate. This leaves an estimated balance of \$59,000 from the originally allocated funds.

The relocation of the filling station away from Attunga, is in accord with a decision made by Council and as a result Council is not required to take any further action in relation to the current situation, other than to clarify if the free water standpipe at Attunga should be

removed and when, however if Council considers people should be able to access water from the Attunga supply at least until it reaches Level 4 restrictions (if ever) it is considered Council has three options available:

Option 1 - Move the recently installed station from Oxley Anchor to Attunga

It is possible to relocate the newly installed bulk water filling station from Oxley Anchor to Attunga.

The cost to relocate the station is estimated at \$30,000.

Option 2 – Purchase another bulk water filling station for Attunga

Council could purchase another unit for Attunga, and leave the unit at Oxley Anchor.

The cost to purchase, install and commission the new station is estimated at \$60,000.

Option 3 – Leave the Lockheed Street Station and purchase another filling station

The cost to relocate the Lockheed Street Station is estimated at \$30,000. The original request from the water carters to relocate the Lockheed Street bulk filling station was mainly because one of the carters was using a larger tanker which made access to the Lockheed Street station difficult and delays due to the number of water carts and other users accessing the station.

Given that an additional two standpipes have now been added around Tamworth, one of which at AELEC has been designated for water carts only, it is considered the relocation of the Lockheed Street standpipe is no longer necessary.

The Director Water and Waste contacted a representative of the water carters with this option and he had advised that after speaking to the operators they support the relocation of the Lockheed Street Station and believe Council should relocate the Lockheed Street station and purchase and install a new station at Attunga.

(a) Policy Implications

Nil

(b) Financial Implications

Sufficient funds remain under the original grant to do the following:

- relocate the Lockheed Street station and relocate the Oxley Anchor station; or
- leave the Lockheed Street station and purchase and commission a new station at Attunga.

If Council wished to purchase an additional station for Attunga and relocate the station at Lockheed Street, additional funds estimated at \$30,000 would be required from the Water Reserve to augment remaining grant funds.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.5 DROUGHT RESPONSE AND WATER SUSTAINABILITY ACTIONS – FILE No SF9442

DIRECTORATE: WATER AND WASTE
AUTHOR: Ian Lobban, Water Sustainability Officer

RECOMMENDATION

That in relation to the report “Drought Response and Water Sustainability Actions”, Council:

- (i) receive and note the report; and*
- (ii) provide additional funding of \$18,800 per month, on an ongoing basis, from the Water Reserve to fund ongoing actions in response to the continuing drought.*

SUMMARY

The following report is presented to update Council on the drought responses in various centres across Council and any future planned works.

COMMENTARY

The latest update is provided below:

Water Restrictions

Water restrictions presently in place at various centres are detailed below:

Area	Restrictions	Water Supply	Situation 3 June 2019
Barraba	Permanent	Split Rock Dam	Split Rock Dam level is currently sitting at 2.3% which equates to 12,414 Megalitres.
Bendemear	Level 3	MacDonald River	Average monthly flow in the Macdonald River is currently zero Megalitres. Airlie Road bore is now operational.
Nundle	Level 4	Peel River/Nundle Bore/Crawney Road Bore	Average monthly flow in the Peel River is currently zero megalitres. Crawney Road Bore is currently operational.
Manilla	Level 3	Namoi River/Manilla River	Average monthly flow in the Namoi River is currently three megalitres. Manilla River source is being fully utilised.
Attunga	Permanent	Attunga Bores	Bore levels are stable.
Tamworth/Moonbi-Kootingal	Level 4	Chaffey Dam/Dungowan Dam – Moonbi-Kootingal via Nemingha Pipeline	Chaffey Dam level is currently at 24.2%.

On Monday 6 May 2019, Tamworth and Moonbi-Kootingal Tamworth moved to Level 4 restrictions. This followed Chaffey Dam falling to the Level 4 trigger of 25%, as per Council's 2015 Drought Management Plan. The trigger for Level 5 water restrictions to be introduced in Tamworth/Moonbi-Kootingal is when Chaffey Dam drops to 20%. The conditions for residents under Level 4 water restrictions are:

- all residential outdoor use of treated/town/Council water is now banned;
- Council has ceased to irrigate public parks, gardens, roundabouts and sporting facilities with treated water, but bore/groundwater can continue to be used where available;
- recycled, greywater and rainwater can be used;
- recycled, greywater and rainwater can be used. Rainwater tanks can only be approved by Council and a sign issued if they are stand-alone and not able to be switched to the treated supply;
- trickle feed tanks that are connected to the town water supply for refilling cannot be used for outdoor watering;
- there is no irrigation of outdoor industrial and commercial green spaces;
- cleaning of vehicle windows, windscreens, number plates and mirrors can be done for safety and regulatory purposes with buckets only; and
- pools cannot be filled or topped up.

At the rate of fall of the dam storage over the last three weeks it is expected Chaffey Dam storage will reach 20% in mid September 2019.

Drought Action Group

The Drought Action Group continues to meet on a fortnightly basis to develop and implement actions relating to the ongoing drought and low water supply situation. The group is made up of key members of the Water area including Headworks and Distribution and includes representatives from other key areas of Council including Regional Services, Communications, Community Engagement and Customer Service.

Large Water Users audit

The independent auditing of Large Water Users is close to completion. Auditors from Smart Water Advice have spent the last six weeks conducting site visits and consumption analysis of 53 of the region's Large Water Users (LWUs). These LWUs are defined as any business, commercial or industrial operation consuming in excess of 3.5 Megalitres per annum. Once all business and commercial operations have been audited they will be provided with a report detailing:

- water use and performance;
- benchmarking;
- water use breakdown;
- audit findings;
- existing water saving measures;
- potential water saving opportunities;

- water saving actions and their cost;
- potential savings in kilolitres per day;
- cost savings in water per year; and
- payback period.

Council will also get a copy of each report and a summary of the savings identified and how much water could be saved if all the water savings initiatives were implemented. It is important to note that it is up to the business/commercial operator whether or not to implement the suggested actions and realise the associated savings.

Once these commercial operations have been audited and all reports have been distributed Council will receive an independent review of some of its own properties and operations from the same auditors.

Residential and accommodation mail out

Accommodation providers across the region have now received their water wise room packs. These kits are designed to assist in raising the awareness of visitors to the Tamworth region regarding the current low water supply and drought conditions. The items included are designed to ensure that visitors enjoy their stay in our region and use our water as efficiently as possible during that time. Accommodation providers have been requested to assist Council by distributing these items into guest rooms as soon as possible. These packs include:

- shower hangers;
- shower timers;
- door hangers;
- A6 table cards; and
- stickers.

A water efficiency fact sheet will shortly be mailed to all residents during Level 4 water restrictions, outlining how they can achieve full water efficiency within their households. The fact sheet includes information on:

- a 10 minute shower can use up to 90 litres of water;
- waterwise showerheads;
- dual flush toilets;
- turning off taps when brushing teeth;
- dripping taps can waste 12,000 litres per year;
- leaking toilets can waste over 96,000 litres per year;
- WELS star rating system;
- rainwater, greywater and recycled water;
- uncovered pools can lose up to 55,000 litres per year by evaporation; and
- the Smartmark interactive Blue House.

The fact sheet also reminds residents that they can receive a free shower timer, available for pickup when they attend any Council customer service centre. There are 5,000 shower timers ready and available for distribution.

Specialist communications advice

Council has engaged GHD Australia to provide specialist communications advice on how best to engage residents during higher levels of water restrictions. GHD staff presented a Councillor Workshop on Monday 27 May 2019, to outline the communications planning framework and its key components. The communications planning framework is designed to maximise community buy-in through a series of key tasks, outputs and outcomes that are implemented at different set points within Level 5 water restrictions. The final communications framework plan will be submitted by GHD to Council on Friday 7 June 2019. This specialist communications advice will integrate closely with the specialist technical advice being provided by Hunter H2O for Level 5 restrictions.

Communications secondment Sustainability Unit

It has become apparent as the drought continues and Tamworth remains on high levels of restrictions, communication is increasingly important. Once the communication framework, prepared by GHD, has been agreed to by Council, the strategy must be implemented. Specialist communication advice and skills are now considered necessary to ensure Council is effectively communicating with the general public. Water and Waste has limited staff with skills in this area and therefore it is proposed to second a member of the Communications team to the Directorate from Council's existing Communications team, on a month to month basis whilst the drought continues. It is proposed that Water and Waste will pay for the services of the seconded staff which will allow the Communications team to back fill the seconded employee.

Estimated cost: Dependant on the duration of low water supply and high level of water restrictions, but suggest allowing \$10,000 per month, including overheads.

Regional Water Supply Task Force

Following from the GHD Councillor Workshop presentation on Monday 27 May 2019, a key component of the communications planning framework is a proposal to establish a Regional Water Supply Task Force to assist Council with identifying appropriate actions as Tamworth moves into Level 5 water restrictions. When the Task Force will be implemented, the scope of the task force and proposed membership will be finalised shortly and presented to Council for possible adoption.

Technical advice for Level 5 restrictions

As part of preparatory measures taken before reaching Level 5 water restrictions, consultant Hunter H2O has been engaged to provide technical advice. The first task Hunter H2O will conduct is a Drought Response Model that will estimate the remaining available water volume in Chaffey Dam and Dungowan Dam ("months until empty") based on worse case inflow, either using historical inflows or modified historical inflows.

Hunter H2O will initially liaise with Department of Industry - Water to obtain the latest Integrated Quantity and Quality Model (IQQM) of the Peel River. It is anticipated that a spreadsheet-based model will be developed using the data extracted from the IQQM model and will be the primary tool used to estimate remaining months of supply, supplemented with Peel IQQM scenarios.

The model will be run with a number of different rainfall/runoff and demand scenarios that will assist Council in deciding how to manage demands during Level 5 Emergency restrictions. It

is anticipated that the model will be regularly updated as conditions change and/or if Council wishes to consider alternative scenarios. The demand scenarios will also consider possible water carting to surrounding villages and rural water supply schemes. The model will provide Council with a framework for determining when to target increasing levels of reductions in water usage for both the residential and non-residential sectors. A revised estimate of the minimum essential supply requirements would also be calculated based on the latest population figures and more recent water consumption data.

The second task Hunter H2O will conduct is the development of a Framework for Non-Residential Prioritisation to better inform TRC's rollout of demand management measures and restrictions for the non-residential sector.

Automated Meter Readers (AMRs)

30 Automated Meter Readers (AMRs) have now been installed at various residential locations. Analysis of data downloaded from the meters is now underway.

Rainwater tank and bore inspections

Council continues to conduct rainwater tank and bore inspections for those residents who have access to these alternate supplies. Once the site has been inspected by a Council staff member, Council approved signs are issued to the resident to display when these alternate water sources are being used. This display of signage helps to communicate to other residents what is happening and in turn curbs unnecessary complaints to Council. Since moving to Level 3 and 4, there has been a large spike in the volume of requests for Council to provide this service. To address this demand an additional casual staff member has been engaged to conduct these inspections.

Estimated cost: The cost of an additional casual staff member to continue inspections is approximately \$3,800 per month.

Water restrictions compliance and patrols

From February 2019, Council commenced casual water restrictions patrols as well as additional patrols by Council's Compliance staff. Due to low water consumption and lower incidents of water restrictions breaches the casual staff patrols were stopped on 12 April 2019. Compliance officers continued to conduct out-of-hours water restrictions patrols. For these patrols to continue, a maximum of \$5,000 per month will be expended.

Residential plumber's audit

Council is now offering rebates to residential customers who may like to engage a plumber to undertake an audit of their premises to:

- analyse consumption against size of property and number of occupants;
- identify leaks;
- find potential areas of waste or inefficiency that could be corrected;
- test current water appliances and products; and
- provide advice on upgrading water usage devices such as flow restrictors, toilets, rainwater tanks, hot water return systems, greywater reuse, etc.

These audits will be managed through Council's current Residential Water Saving Rebate Scheme where a resident will be provided with a rebate of \$100 once they have provided documentary proof that a general water audit has been conducted at their residential property by a licensed plumber.

(a) Policy Implications

These projects and activities are implemented from stated outcomes of Council's *Demand and Drought Management Plans*.

(b) Financial Implications

The total additional funding request for identified projects and actions in response to the ongoing drought is \$18,800 per month. There is no funding available in current budget to fund this work. Accordingly should Council agree to the proposed works, funding would have to be provided from the Water Reserve.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.6 RETAIL ELECTRICITY SUPPLY, LARGE SITES INCLUDING STREET LIGHTING CONTRACT RENEWAL – FILE NO T140/2019

DIRECTORATE: WATER AND WASTE
AUTHOR: Tim Hurcum, Sustainability Officer
Reference: Item 8.6 to Ordinary Council Meeting - 26 February 2019 - Minute No 39/19

RECOMMENDATION

That in relation to the report “Retail Electricity Supply, Large Sites Including Street Lighting Contract Renewal”, Council:

- (i) request best and final offers from short listed retailer offers, as recommended in Sourced Energy’s report;*
- (ii) delegate authority to the Mayor and General Manager to select a best and final offer from short listed Electricity Retailers; and*
- (iii) authorise the seal of Council to be affixed to the contract documents between Council and the selected electricity retailer.*

SUMMARY

Council's electricity contract for large market energy sites is due to expire on 30 June 2019. The public invitation to submit Expressions of Interest was advertised on Tenderlink and closed on 4 June 2019.

The purpose of this report is to inform Council of the Tender submissions and to seek Council's direction on how they wish to proceed with the contract renewal.

COMMENTARY

Tamworth Regional Council has 22 individual energy sites and street lighting that is classed by the Australian Energy Market Operator as large market sites. Any site that consumes more than 100 Megawatt hours (MWh) per annum is classed as a large market site. Tamworth Regional Council's large market sites are expected to consume approximately 14 Gigawatt hours (GWh) over the next 12 months.

In May 2016, Doug Truman Pty Ltd was engaged by Namoi Council's to negotiate for energy contracts for a group of three Councils including Tamworth Regional Council. The three year contract for large metered sites expires on 30 June 2019, and the energy contract for street lights expires on 31 December 2019. The existing contract was secured at time when the market price for energy was low and the three year contract period has resulted in good value over the past three years.

An energy procurement consultant, Sourced Energy Pty Ltd, has been engaged to assist Council with the procurement process for Energy Contract Renewal, Sourced Energy has prepared a report on the Tender submission and has made recommendations on the best way forward for Council.

Energy charges are made up of a number of components. The energy retailer sends a single account to Council for each site and manages each part of the energy charges, energy charges are made up of:

- retail charges 28% – retailer margin and cost of energy that the retailer buys from generators;
- environmental Charges 18% – goes to energy saving schemes, amount of certificates retailers must buy are regulated. The retailer buys certificates from the market, depending on the contract conditions the price of certificates may be fixed or variable;
- network charges 48% – goes to Essential Energy to maintain network. These charges are regulated; and
- other 6% - Market charges, Metering and additional.

The renewal of this contract is associated with the retail component, however it should be noted the retailer manages the other components and passes the charges on to relevant parties.

Items that Council may wish to consider when selecting a purchasing option for energy are:

- tender strategy and timing - the futures for NSW wholesale electricity market indicates the market is currently at a peak and prices are expected to reduce over the next three years. In the current market, a long term contract may result in Council securing a higher price and paying more than market prices in the coming years;
- energy reduction and generation – continue working on energy reduction and generation projects at council owned facility's to offset energy usage;
- grid power procurement optimisation – purchasing energy as part of a buying group, review available grid energy sources and demand management; and
- purchasing of environmental certificates – purchase environmental certificates on the market and surrender to the retailer, rather than paying a premium to have the retailer handle the certificates.

In February 2019, the consultant 100% Renewables presented their findings and analysis of the future of the electricity market as part of a discussion surrounding whether or not Council should proceed with a Large Scale Solar Project. The project was to investigate Council's options to building and operating a large scale solar farm, with the purpose of reducing energy costs, energy reliance from the grid and carbon emissions. The consultant advised in the current market a large scale solar farm to supply Tamworth Regional Council's energy requirements would be marginally profitable and energy prices are expected to fall in the coming years.

Following consideration of the report on this matter at its meeting of 26 February 2019, Council resolved to not proceed with a build own operate system but when renewing energy contracts to request suppliers provide prices for a percentage of renewable energy.

There are two methods of purchasing renewable energy from the grid, selecting Green Power from the retailer and a Power Purchase Agreement (PPA). When selecting green power the customer selects a percentage of green energy from the retailer and the retailer supplies that portion of energy as part of the retail supply of electricity contract. Green power usually comes at a premium. A PPA is where the renewable component of energy is selected from a particular renewable energy project. The PPA market is still in early stages and evolving rapidly, a traditional PPA would require a long term agreement of 10 years; this time frame is reducing with some agreements starting to look like a traditional grid supply contract. Given the evolving nature of this market and the long time frames for any agreement it is considered Council should not enter in to a PPA for renewable energy at this time, but continue to monitor the market and consider a PPA in the future.

The electricity market is volatile and Energy Retailers update energy fees daily. Typically Energy Retailers offer electricity contracts a few days from the request and the rates for energy contracts are always calculated on the day the tender submissions close. If Council had requested a standard tender period of 21 days the retailers would still only calculate the energy rates on the day the tender was to close. The Local Government (General) Regulation 2005 Part 7, has provision for a shortened tender period of a minimum seven days. Due to the short time required before the existing energy contract is due to expire and the way the electricity market operates a seven day tender period has been used for the tender.

On the basis of advice from Council's consultant Sourced Energy a two part tender process has been implemented:

- the first part includes the open tender. The open tender requested different length supply options including, six months, one year, two years and three years, as well as green power options of, 0%, 20%, 50% and 100%. The first part of the two part process gives Council an opportunity to view the terms and conditions of the contract and see the rates that are expected to be offered in the final request. Submissions to the open tender closed at 2:00pm on 4 June 2019, a summary of the tender submission will be forwarded to Councillors by Friday 7 June 2019, and a workshop will be held with Councillors on Tuesday 11 June 2019, to discuss prior to the Council meeting; and
- the second part of the process is to request a best and final price from a short list of tenders. The best and final price typically offers the same terms and conditions as the first offer with updated rates from the retailer.

Unfortunately electricity retailers only offer contract validity for up to three days, the three day time period will not give sufficient time for council to approve the best and final offer. As a

result Council may wish to consider delegating to the Mayor and General Manager authority to select a retailer from the best and final offers and enter into a contract.

If the contract is not renewed and sites rolled in prior to 1 July 2019, the energy rates will default to standing charges each month until a new contract is arranged. Standing charges are approximately four times the rates of an average energy contract.

(a) Policy Implications

Nil

(b) Financial Implications

The total energy accounts for large site accumulate to approximately \$3M per annum, the current retail component makes up approximately 28% or \$840,000 of the yearly cost.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 GORE STUDENT EXCHANGE FOR ANZAC DAY – FILE NO SF997

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Karen Litchfield, Manager Governance

Reference: Item 9.3 to Ordinary Council 13 March 2018 - Minute No 42/19

RECOMMENDATION

That in relation to the report “Gore Student Exchange for ANZAC Day”, Council receive and note the report.

SUMMARY

The purpose of this report is to advise Council of the successful student exchange on ANZAC Day between our Sister City in Gore, New Zealand and Tamworth.

COMMENTARY

Council at its Meeting held 26 February 2019, resolved:

That in relation to the report “Gore Student Exchange for ANZAC Day”, Council:

- (i) receive and note the report;*
- (ii) agree to host the Gore representative in Tamworth from 24 April – 27 April 2019; and*

- (iii) *authorise Mitchell Brady Encouragement Awardee Lara Graham, to visit Gore for the ANZAC Services from 24 April – 27 April 2019.*

Lara Graham, the Tamworth Mitchell Brady Encouragement Awardee was selected to attend Gore for ANZAC Day. Lara arrived in Gore on 24 April 2019, and was hosted by Julie Mitchell, Gore Sister City Member, and her family. Lara was welcomed by the Gore community and participated in the ANZAC March and was given a tour of our Sister City.

Madison Hamlin was selected by Gore District Council and arrived in Tamworth on 24 April 2019, to be hosted by the Gwalter family. On ANZAC Day, Madison attended the Dawn Service, laid a wreath and led the singing of the New Zealand National Anthem. She then marched with Oxley High School carrying the New Zealand flag, and laid the wreath at the Town Hall Memorial Service with the Acting Mayor. Madison was invited to the RSL Luncheon where she made a speech to the room. On Friday, Madison was given a tour of Tamworth and flew home on 27 April 2019.

Both students gained an understanding and respect for the meaning of ANZAC Day and how it is celebrated in Australia and New Zealand and were grateful for the opportunity. The Gore District Council also found this exchange successful and would like to see the continuation of the program next year.

(a) Policy Implications

The attendance of the ANZAC Exchange Students is part of the Tamworth and Gore Sister City Protocol. A report to Council is required under the Policy after an overseas visit.

(b) Financial Implications

Funding is available through the Governance Division budget. Costs include airfares from Tamworth to Queenstown totalling \$1,500.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.2 PROPOSED NEW EVENT - NATIONAL THUNDER – FILE No SF9603

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Barry Harley, Manager Events

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Proposed New Event – National Thunder”, Council:

- (i) authorise the development and staging of the National Thunder Motorcycle Rally;*
-

- (ii) authorise the advanced expenditure for the event in the 2018/19 budget year of up to \$35,000 utilising unspent funds from existing budgets;*
- (iii) authorise the expenditure of \$82,000 in the 2019/20 budget year utilising funds allocated from existing budgets; and*
- (iv) approve the establishment of an advisory group to assist with the planning of the event.*

SUMMARY

The purpose of this report is to seek Council's approval for the establishment and staging of a new and major annual event for the Tamworth region. This new event - National Thunder Motorcycle Rally (National Thunder) – is forecast to inject one million dollars into the regional economy in its first year. National Thunder will be an all breeds event and the only national motorcycle rally for all manufacturers in Australia. The National Thunder Motorcycle Rally will be themed around bikes, music and food and will feature four days of family, friendly fun that will be also open to broader community of non-riders to enjoy the spectacle. The Australian Equine and Livestock Events Centre (AELEC) precinct will become 'rally central' and will feature entertainment and the Tamworth Regional Entertainment and Conference Centre (TRECC) for a major drawcard act that would be accessible not only to the registered rally participants riders but to the public as well.

COMMENTARY

The National Thunder Motorcycle Rally has been under consideration for some time and many stakeholders have been consulted to deliver this plan. Council's Events team has undertaken extensive research and business plan development.

Given the very successful Harley Davidson National Rally held at AELEC in 2015, Tamworth already has a proven track record for delivering a high calibre event. The venue for that rally – AELEC also proved its worth. In an internal survey of Harley Davidson members, the Tamworth venue was considered the best rally the members had experienced and over 75% voted to return.

Also, Tamworth and the Tamworth Regional Council Events team has a solid reputation in the major events space, successfully delivering each year Australia's largest music festival – the Toyota Country Music Festival. Director Business and Community, John Sommerlad, visited Sturgis, South Dakota USA last year - the home of the world's largest motorcycle rally, now in its 79th year, to explore in detail the possibilities for a Tamworth event. The valuable information gleaned has provided better strategies for the proposed National Thunder event in Tamworth.

This proposed annual event will be open to all manufacturers and brands, and will not only serve the large contingent of rally seekers from Harley Davidson but more importantly will give all the other brands a national purpose and annual destination as well.

The rally, to be held over the Labour Day long weekend in October 2020, and starting on the Friday, will be themed around bikes, music and food. A feature will be a full entertainment program featuring motorcycles, show cars and music. It is proposed to stage as a separate event at TRECC a major concert featuring a national or international drawcard act. This will be the highlight of the music theme.

The National Thunder Motorcycle Rally will provide Tamworth with a major bookend event to compliment the hugely success Toyota Country Music Festival in January each year.

AELEC has proven itself as a versatile venue and provides multiple undercover areas, open space, security and facilities. The event is forecast to generate considerable economic benefit in its first year, particularly for hotels, motels, other accommodation providers, restaurants, coffee shops and retailers.

The Australian Government has previously rolled out drought assistance funding programs and one of these identified events as an opportunity to assist businesses impacted by drought. While the National Thunder event is more than 15 months away, a major event at this time will be a welcome economic boost to the regional economy.

An advisory group made up of enthusiasts, manufacturers, retailers, sponsors and volunteers is to be established to assist with the planning and staging of the event. Preliminary discussions have generated considerable interest in this event.

A first year conservative budget based around 2,000 registered bikes and 500 non riding community members could deliver a break-even result, although a small deficit of \$22,000 is forecast in the first year. This is mainly due to establishment cost in year one including the creation of an interactive website, logo and artwork design, increased awareness marketing campaigns and one off signage costs and a conservative revenue budget. The year two forecast with an expected growth in registrations to 3,000 bikes and lowering of establishment costs, would return a positive outcome on investment.

Event impact on the local economy calculated using National Institute of Economic and Industry Research (NIEIR) formulae is a combined economic benefit of \$1,278,489 in year one and \$1,917,733 in year two. Registrations of 5,000 in future years, which isn't outside possibility given numbers achieved by Harley rallies, would inject \$3,195,222 into the economy.

NSW Police have been consulted about this event and have offered assistance and support.

(a) Policy Implications

Nil

(b) Financial Implications

The event costs will be paid for from generated revenue and allocations from existing budgets allocated for the 2019/20 financial year.

(c) Legal Implications

Nil

(d) Community Consultation

An Advisory Group is to be established and a widespread marketing campaign will be undertaken.

(e) Delivery Program Objective/Strategy

A Prosperous Region – P21 Utilise the Destination Tamworth brand to market the Region as a destination for living, working and leisure.

10 COMMUNITY SERVICES

10.1 ABORIGINAL COMMUNITY CONSULTATIVE COMMITTEE FOR TAMWORTH REGIONAL COUNCIL (TACCC) - MEETING MINUTES 15 MAY 2019 – FILE No SF6520

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: Andrea Bruno, Cultural Development Officer

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Aboriginal Community Consultative Committee for Tamworth Regional Council (TACCC) - Meeting Minutes 15 May 2019”, Council receive and note the Minutes.

SUMMARY

The purpose of this report is to present the Minutes of the meeting of the Aboriginal Community Consultative Committee for Tamworth Regional Council held on 15 May 2019, and to provide Council with an overview of the outcomes.

COMMENTARY

A summary of the key items discussed at the Aboriginal Community Consultative Committee for Tamworth Regional Council is **ATTACHED**, refer **ANNEXURE 1**, and summarised as listed below:

- the Tamworth and Armidale Aboriginal Children’s Services CEO, Mykol Paulson, provided an overview of the service;
- the Committee reviewed its efficacy with regards to attracting continued attendance and creating tangible outcomes. The Committee suggested strategies to establish and address the reasons behind the lack of attendance to the meetings by Aboriginal community organisations;
- an ‘Aboriginal Community’ page on the Tamworth Regional Council website is currently under development in order to aid the Aboriginal community’s visibility;
- the Cultural Development Officer provided an update on the planning of National Reconciliation Week 2019, and NAIDOC Day 2019;
- Reconciliation Action Plan (RAP) - Cr Col Murray emphasised TRC’s commitment to seeing the implementation of the Action Plan and actions being met;
- the Tamworth Local Aboriginal Land Council (LALC) was informed it is welcome to invite Councillors to its meetings to create stronger relationships between Councillors and Land Council members;
- the Cultural Development Officer advised that as part of the RAP an Aboriginal employment strategy is being developed; and
- the Chair requested Council lobby for more Aboriginal Cultural Liaison Officers in the Oxley Local Area Command, in response to the district’s growth.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

To foster ongoing communication, Business Papers and Minutes for the Aboriginal Community Consultative Committee for Tamworth Regional Council are disseminated to both the members and organisations they represent.

(e) Delivery Program Objective/Strategy

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

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 PROPOSED ACQUISITION OF LAND – FILE No SF9094

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel
Reference: Item 14.1 to Ordinary Council 12 February 2019 - Minute No 19/19

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

SUMMARY

The purpose of this report is to advise Council of submissions received in relation to the proposed classification of the relevant land and to seek Council's authority for the proposed classification as per the previous resolution.

11.2 PROPOSAL REGARDING MANILLA RIVERGUMS CARAVAN PARK – FILE NO E125/2019

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel

Reference: Item 5.10 to Ordinary Council 23 November 2004 - Minute No 299/04
Item 14.1 to Ordinary Council 22 May 2018 - Minute No 181/18
Item 14.2 to Ordinary Council 30 October 2018 - Minute No 262/18
Item 14.12 to Ordinary Council 30 April 2019 - Minute No 144/19

3 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

This report is to inform Council of the submissions received for E125/2019 Expressions of Interest for the proposed Lease of part of Reserve 82143 – Rivergums Caravan Park, Strafford Street, Manilla.

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

11.3 TENDER T122/2019 - GROUNDS MAINTENANCE FOR WATER AND WASTE FACILITIES FOR TAMWORTH REGIONAL COUNCIL – FILE NO T122/2019

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

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to recommend to Council the award of the contract to perform grounds maintenance at Council's Water, Wastewater and Waste Operational Facilities.

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.