

TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**, commencing at **6:30pm**.

ORDINARY COUNCIL AGENDA

25 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, 11 June 2019, and Extraordinary Meeting held on Thursday, 20 June 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

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 5 JUNE 2019 – FILE No SF1387

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Infrastructure and Works

Reference: Item 8.4 to Ordinary Council 26 March 2019 - Minute No 85/19

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee – General – 5 June 2019”, Council:

- (i) approve the installation of centreline BB and S1 line marking on three Taminda streets, being Denison Street between Plain and Barnes Streets, Belmore Street between Plain and Barnes Streets, and Plain Street between Lockheed and Ebsworth Streets;*
- (ii) approve the installation of a no parking zone during school hours on Raglan Street from the school gate mid block north to the corner of Bourke Street, swapping the existing bus zone and no parking zone on Raglan Street to make the new no parking zone continuous on Raglan Street, and supporting Calrossy Anglican School’s decision to close the Brisbane Street internal access road during drop off/pick up times;*
- (iii) approve the installation of the pedestrian refuge midblock on Greg Norman Drive, between Goonoo Goonoo Road and The Ringers Road, as part of the Goonoo Goonoo Cycleway;*
- (iv) approve the closure of the access road on the northern side of Tamworth Town Hall, 1 to 4 August 2019, for an unloading area, a carpark for 15 event parking spaces, to be paid for by the Oxley High School P&C Committee, and a temporary unloading/loading area on the apron in front of the Tamworth Town Hall, for the 2019 Tamworth Antiques and Collectibles Fair;*
- (v) approve the closure of Longyard Drive, Tamworth, between The Ringers Road and Unnamed Road 61, between 8:00am and 3:00pm, from 27 to 30 August 2019, for the running of the 2019 Young Drivers Expo;*
- (vi) approve the installation of two disabled car parks and associated shared zone, one park either side of a disused dead end driveway, beside 500 Peel Street, at the front of The House with No Steps Disability Organisation;*
- (vii) approve correction of BS and BB linemarking on Nundle Road to improve sight distance for overtaking, approximately 6.2 kilometres south of Dungowan Roundabout; and*
- (viii) approve the removal of the bush impeding sight lines on the corner, and installation of a stop sign and associated linemarking, at the intersection of Eagle Avenue and Falcon Drive Calala.*

SUMMARY

The purpose of this report is to advise Council of eight recommendations made by the Tamworth Regional Local Traffic Committee at the meeting held 5 June 2019.

COMMENTARY

Eight formal items reached consensus at the meeting held 5 June 2019. The Minutes are **ATTACHED**, refer **ANNEXURE 1**.

21/2019 - Parking in Barnes Street Taminda

Council has inspected the existing parking arrangements, centre and edge line marking in the Taminda area.

The most current traffic counts were also retrieved for Taminda streets, to assess the count warrant for centre and edge lines.

Of the existing roads in the Taminda area, Denison Street, Belmore Street, Lockheed Street, Plain Street, Barnes Street, Jewry Street and Dampier Street, meet the warrant (2,500 vehicles per day) for a centreline. Of these streets, Denison, Belmore and Plain require additional linemarking, as only areas of centreline marking are present approaching intersections.

Of the existing roads in the Taminda area, Plain Street, Barnes Street, Jewry Street and Dampier Street meet the edgeline marking volume warrants (4,000 vehicles per day), however due to the nature of the roads, edgelines are generally not required, being straight low speed roads.

A summary page of existing parking and linemarking in Taminda is **ATTACHED** refer **ANNEXURE 2**.

COMMITTEE RECOMMENDATION: the Committee support the installation of centreline BB and S1 linemarking on three Taminda area streets, those being Denison Street between Plain and Barnes Streets, Belmore Street between Plain and Barnes Streets, and Plain Street between Lockheed and Ebsworth Streets.

18/2019 - Calrossy Anglican School, Brisbane Street East Tamworth Traffic Management

Council has spoken with Calrossy Anglican School's Director of Operations, Andrew Brechin, who was the original contact regarding the concerns around the school. He has confirmed that the school identified the option of closing the internal access road for drop off and pick up for parents off Brisbane Street. The road will remain open for other things such as deliveries and people attending meetings.

The school is happy with the proposed resolution from the April meeting of the Local Traffic Committee, being to add an additional pickup/drop off area as no parking during school zone hours on Raglan Street and the Brisbane Street parking and existing bus zone and no parking on Raglan to remain as per images below.

School staff will close the Brisbane Street internal access road during drop off/pick up times.



Image 1 – March meeting – Raglan Street parking arrangements

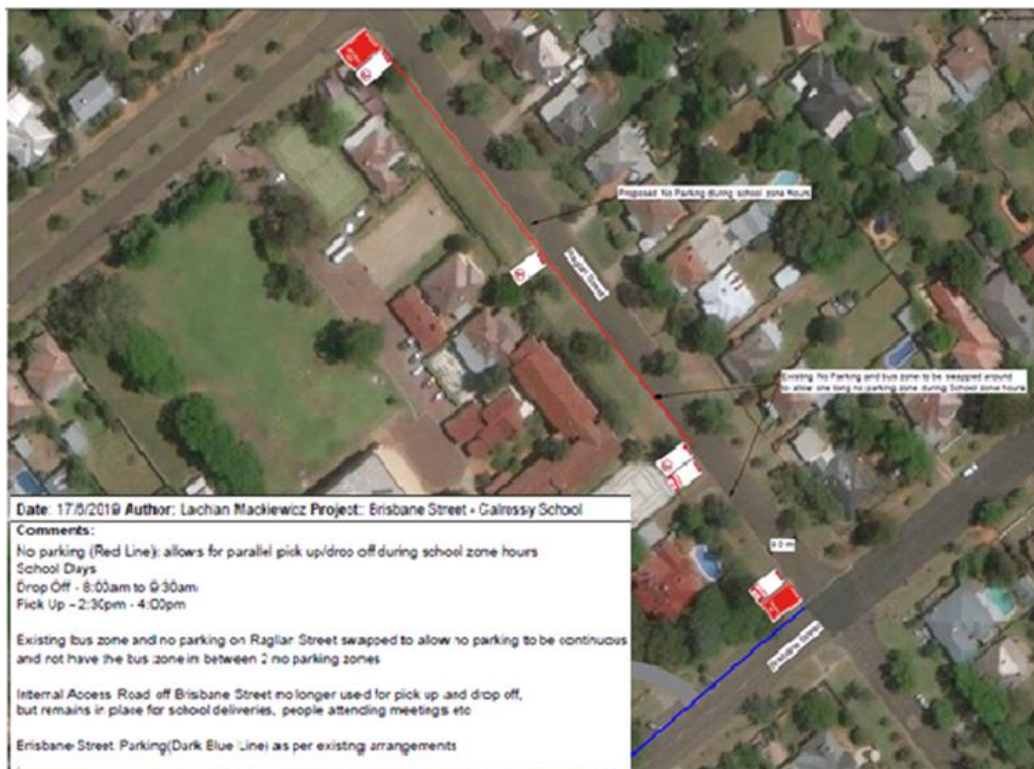


Image 2 – June meeting – Raglan Street parking arrangements

COMMITTEE RECOMMENDATION:

- a) the Committee support the installation of a no parking zone during school hours on Raglan Street, from the school gate mid block north to the corner of Bourke Street;
- b) the Committee support the Calrossy Anglican School closing the Brisbane Street internal access road during drop off/pick up times; and
- c) the Committee support swapping the existing bus zone and no parking zone on Raglan Street to make the new no parking zone continuous on Raglan Street.

5/2019 - Goonoo Goonoo Shared path Pedestrian refuge on Greg Norman Drive, Hillvue

Goonoo Goonoo Cycleway has a pedestrian refuge to be constructed on Greg Norman Drive. This will be installed mid block. Concern was raised at the Council Meeting of 26 March 2019, that this may affect traffic flow during events in the TRECC and AELEC precincts.

Recent traffic counts done on an average day, show 1,340 vehicles westbound and 1,417 vehicles eastbound, with peak hourly flows of approximately three cars per minute in either direction. Greg Norman Drive at one lane can easily carry this volume of traffic.

During events the limiting factor for exit from Greg Norman Drive is the left turn slip lane north and the right turn South onto Goonoo Goonoo Road. During a major event this will see traffic back up through to the roundabout and further, regardless of the pedestrian refuge reducing the road to one lane at the mid block location.



Image 3 – Proposed refuge and signage Greg Norman Drive

COMMITTEE RECOMMENDATION: the Committee support the installation of the pedestrian refuge midblock on Greg Norman Drive, between Goonoo Goonoo Road and The Ringers Road, as part of the Goonoo Goonoo Cycleway.

59/2019 – Tamworth Antique and Collectible Fair 2019 1-4 August 2019

Oxley High School P&C Committee is again proposing to hold the Tamworth Antiques and Collectibles Fair in the Tamworth Town Hall, from Thursday 1 August to Sunday 4 August.

The event will include the closure of the access road, to allow for unloading and loading, 1 to 4 August, along with an unloading area in front of the Hall 1, 2 and 4 August, and the closure of the carpark beside the Hall for 15 car parks, to be paid for by the P&C Committee, on 1, 2, and morning of 3 August 2019.



Image 4 - TCP for Tamworth Antiques and Collectibles Fair 2019

COMMITTEE RECOMMENDATION: the Committee support the closure of the access road on the northern side of Tamworth Hall, 1 to 4 August 2019, for an unloading area, a carpark for 15 event parking spaces, to be paid for by the Oxley High School P&C Committee, and a temporary unloading/loading area on the apron in front of the Tamworth Town Hall, for the 2019 Tamworth Antiques and Collectibles Fair.

60/2019 – 2019 Young Drivers Expo 27 August 2019

The Young Drivers Expo will be held 27-30 August 2019, at TRECC.

This will require a road closure of Longyard Drive, between The Ringers Road and unnamed road 61 (between Jack Smyth Drive and Longyard drive). The closure will be between 8:00am and 3:00pm each day.



Image 5 – TCP for Young Drivers Expo 2019

COMMITTEE RECOMMENDATION: the Committee support the closure of Longyard Drive, Tamworth, between The Ringers Road and Unnamed Road 61, between 8:00am and 3:00pm, from 27 to 30 August 2019, for the running of the 2019 Young Drivers Expo.

61/2019 – Disabled Car parking Spaces at 500 Peel Street Tamworth

The House with No Steps Disability Organisation has moved to a larger premises at 500 Peel Street, which does not have any disabled parking. The organisation has requested two parks, one either side of a disused driveway which dead ends.



Image 6 – Proposed location of disabled parks and shared zone beside 500 Peel Street.

COMMITTEE RECOMMENDATION: the Committee support the installation of two disabled car parks and associated shared zone, one park either side of a disused dead end driveway, beside 500 Peel Street, at the front of The House with No Steps disability organisation.

62/2019 – Linemarking changes Nundle Road past Dungowan chicken sheds

Senior Constable Ken Flemming of Nundle Police Station has identified a section of linemarking on Nundle Road over a crest, past the Dungowan chicken sheds approximately 6.4 kilometres south from the Ogunbil Road/Nundle Road intersection, which presents an issue with overtaking sight distance.

The existing linemarking is BS with the solid line going towards Nundle after the crest with S1 over the crest and approaching the crest from the Dungowan end. Approximate sight distance at the location is 360 metres as taken from the video at the start of the existing BS linemarking going towards the crest from Nundle.



Image 7 – North bound on Nundle Road towards crest



Image 8 – Southbound on Nundle Road away from crest

According to Austroads, on a 100 km/h road establishment sight distance at 100km/h is 930 metres and continuation 490 metres for overtaking a B-double vehicle. It would appear that in this instance the linemarking in this section of Nundle Road has been marked on the basis of Nundle Road being a rural road and using twice the safe stopping distance for that speed, not the overtaking sight distance as per Austroads.

The proposed changes to linemarking based on the investigation would be changing to BS on both approaches to the crest and BB over the crest past the second (southern) entry to the chicken farm.

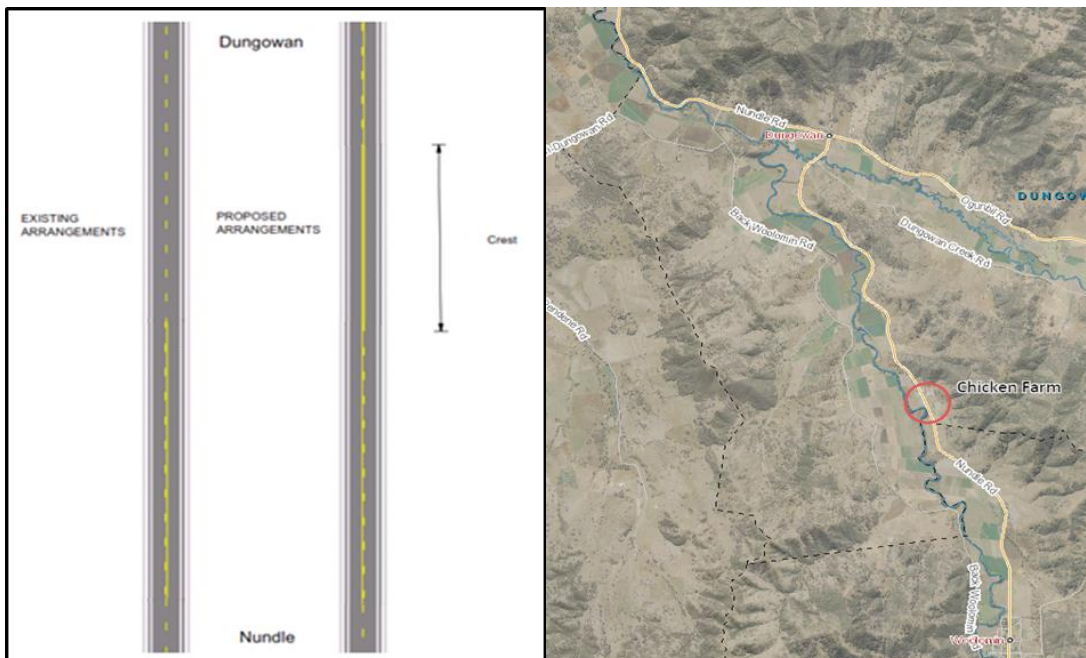


Image 9 - Proposed changes to linemarking arrangements and location on Nundle Road

COMMITTEE RECOMMENDATION: the Committee support correcting BS and BB line marking on Nundle Road to improve sight distance for overtaking, approximately 6.2 kilometres south of Dungowan Roundabout.

63/2019 – Request Stop Sign at Intersection of Eagle Avenue and Falcon Drive Lampada Estate Calala

A request from a member of the public has come in to Council, as the result of a community Facebook page survey in Lampada, regarding a stop sign on the intersection of Eagle Avenue and Falcon Drive Calala.

Upon inspection, there is a large bush like tree growing on the eastern corner of the intersection that is impeding some sight distance. However, further inspection would suggest the 90 metres in a 50km/h area cannot be achieved at both three metres and five metres back from the through line of the intersection, even if this bush was removed.



Image 10 – Bush restricting sight distance

A stop sign at this location meets the warrant for safe intersection sight distance, as 90 metres cannot be achieved.

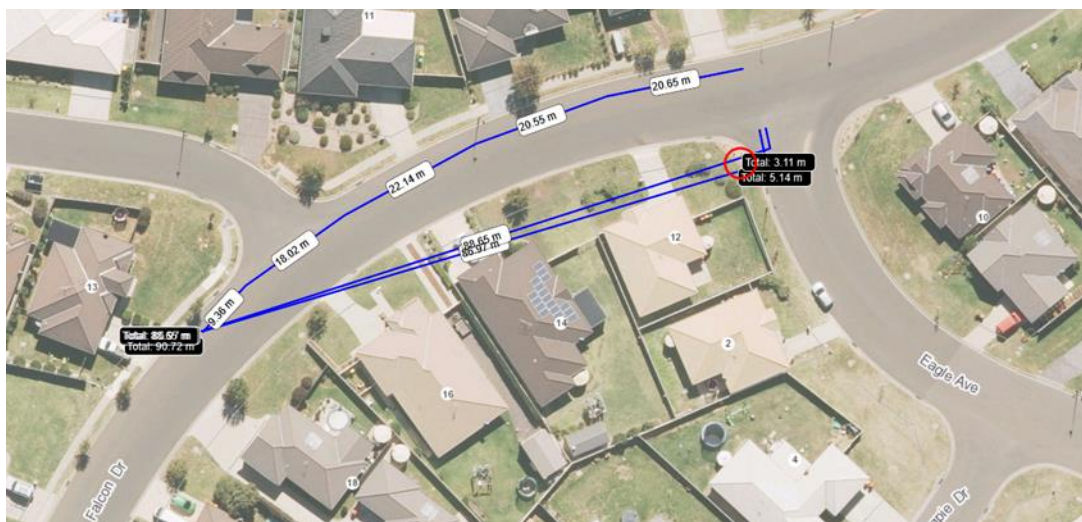


Image 11 – Sight distance check Eagle Avenue/Falcon Drive

COMMITTEE RECOMMENDATION: the Committee support the removal of the bush impeding sight lines on the corner, and installation of a stop sign and associated linemarking, at the intersection of Eagle Avenue and Falcon Drive Calala.

(a) Policy Implications

Nil

(b) Financial Implications

21/2019 – funded by Infrastructure and Works signs and linemarking budget;

18/2019 – funded by Infrastructure and Works signs and linemarking budget;

5/2019 – funded by the project budget;

59/2019 – funded by the event organiser;

60/2019 – funded by the event organiser;

61/2019 – funded by Infrastructure and Works signs and linemarking budget;

62/2019 – funded by Infrastructure and Works signs and linemarking budget; and

63/2019 – funded by Infrastructure and Works signs and linemarking budget.

(c) Legal Implications

Nil

(d) Community Consultation

Calrossy Anglican School to communicate changes in parking arrangements to their school community.

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 ADOPTION OF THE TAMWORTH REGIONAL COUNCIL DELIVERY PROGRAM AND ANNUAL OPERATIONAL PLAN 2019/20 – FILE No SF9146

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Rick Sanderson, Manager Financial Services

Reference: Item 9.3 to Ordinary Council 30 April 2019 - Minute No 130/19

Item 8.1 to Ordinary Council 28 May 2019 - Minute No 164/19

4 ANNEXURES ATTACHED

Recommendation

That in relation to the report “Adoption of the Tamworth Regional Council Delivery Program and Annual Operational Plan 2019/20”, Council make the following determinations:

- (i) *in accordance with Section 404 and 405 of the Local Government Act 1993, Council adopt the Tamworth Regional Council Delivery Program and Annual Operational Plan 2019/20, as described in ANNEXURE 1, ANNEXURE 2 and ANNEXURE 3, noting amendments made to the exhibited draft, refer ANNEXURE 4;*
 - (ii) *in accordance with Part 9, Division 5, clause 211(2) of the Local Government (General) Regulation 2005, Council approve expenditure and vote funds as detailed in the Tamworth Regional Council Delivery Program and Annual Operational Plan 2019/20, subject to the amendments as outlined in ANNEXURE 4 of this report;*
 - (iii) *Council authorise the affixing of the Seal of the Council to all Loan Documents relating to 2019/20 loan funding as detailed in the Tamworth Regional Council Delivery Program and Annual Operational Plan 2019/20 and Budget as ATTACHED, refer ANNEXURE 1 and 2;*
 - (iv) *that in relation to ordinary rates, Council adopt the 2.7% annual maximum rate peg, as approved by the Independent Pricing and Regulatory Tribunal, and in accordance with Section 494 of the Local Government Act 1993, Council make and levy the ordinary rates for the year 1 July 2019 to 30 June 2020, as ATTACHED, refer ANNEXURE 2;*
 - (v) *that in relation to water supply charges; in accordance with Section 501 and Section 502 of the Local Government Act 1993, Council make and levy the charges in ANNEXURE 2 for Water Supply Services in 2019/20, noting the addition of a single tier water usage charge for council sport and recreation connections per item 8.1 Council Meeting 28/05/2019 resolution 164/19, refer ANNEXURE 2 and 4;*
 - (vi) *that in relation to sewerage service charges; in accordance with Section 501 and Section 502 of the Local Government Act 1993, Council make and levy the charges in ANNEXURE 2 for Sewerage Services in 2019/20;*
 - (vii) *that in relation to waste management charges, in accordance with Section 496 and Section 501 and Section 502 of the Local Government Act 1993, Council make and levy the annual charges in ANNEXURE 2 for Waste Management Services in 2019/20;*
 - (viii) *that in relation to stormwater management service charges, in accordance with Section 496A of the Local Government Act 1993, Council make and impose the charges in ANNEXURE 2 for Stormwater Management Services in 2019/20, to fund works identified in the Tamworth Urban Area Stormwater Management Plan;*
 - (ix) *that in relation to interest on overdue rates and charges, Council make and impose the maximum charge for interest of 7.50% on overdue rates and charges as determined by the Minister for Local Government, in accordance with Section 566 (3) of the Local Government Act 1993; and*
 - (x) *that in relation to the exhibited fees and charges in ANNEXURE 3, fees and charges for services provided by Council as detailed in ANNEXURE 3 of the Tamworth Regional Council Delivery Program and Annual Operational Plan 2019/20 be adopted in accordance with Section 502 of the Local Government Act 1993, and other relevant legislation as described in the annexure, noting amendments made to the exhibited draft, refer ANNEXURE 4.*
-

SUMMARY

At its Ordinary Meeting held 30 April 2019, Council resolved to place the following Integrated Planning and Reporting (IPR) draft documents on public exhibition in accordance with Section 405 of the Local Government Act 1993, for the 2019/20 year:

- Delivery Program 2017-2021 and Annual Operational Plan (AOP) 2019/20;
- Revenue Policy 2019/20; and
- Fees and Charges 2019/20.

Following the completion of the exhibition period and consideration of submissions received, the purpose of this report is to recommend to Council that the Tamworth Regional Council Delivery Program 2017-2021 and Annual Operational Plan 2019/20, including Council's 2019/20 Revenue Policy and Fees and Charges, be adopted.

COMMENTARY

Before the beginning of each financial year Council must adopt an Operational Plan that details the activities to be engaged in by Council during the year as part of the delivery program covering that year. To facilitate the activities Council must also approve and vote funds for expenditure, and adopt the rates, fees and charges to be applied.

The Operational Plan for 2019/20, provides the detail for the third year of the Delivery Program for 2017-2021, which sets the objectives for the four year term of the current Council.

These documents have been prepared in line with the current Community Strategic Plan and the Resourcing Strategy. As the Resourcing Strategy demonstrates, Council should continue to apply rate peg limits to rates and charges to maintain current service levels and financial sustainability.

The budget tables included in the Plan provide a break down of the source and application of funds by key service functions. This is supported by a highly detailed budget which will be used by management to implement and monitor the plan. Budget progress will be reported by the Quarterly Budget Review Statements following the September, December and March quarters. Budget variations requiring Council approval will be reported monthly. Performance reports will also be provided for all quarters on progress against the actions indicators included in the Delivery Program for the year.

The final versions of these documents are as follows:

- Tamworth Regional Council Delivery Program 2017-2021 and Annual Operational Plan 2019/20, **ATTACHED**, refer **ANNEXURE 1**;
- Tamworth Regional Council Revenue Policy 2019/20, **ATTACHED**, refer **ANNEXURE 2**;
- Tamworth Regional Council Fees and Charges 2019/20, **ATTACHED**, refer **ANNEXURE 3**; and
- Summary of Changes from Draft - a complete list of changes and variances from the draft to the final AOP, including any financial amendments from the initial draft, **ATTACHED**, refer **ANNEXURE 4**.

Modifications to the Schedule of Fees and Charges and budget adjustments requested to reflect operational decisions made since the original drafting of actions and the budget in

March 2019, are also listed in the draft **ATTACHED**, refer **ANNEXURE 4**.

During the exhibition period, Council was advised by the Independent Pricing and Regulatory Tribunal that an application for a special rate variation to provide economic stimulus through new events was not approved. As it was planned to not introduce the variation until 2020/21, this had no impact on the 2019/20 Revenue Policy. The explanation and forecast budget scenario provided in the draft 2019/20 AOP for the proposed variation has now been removed.

2019/20 Revenue Policy

Council's 2019/20 Revenue Policy **ATTACHED**, refer **ANNEXURE 2**, conforms to the legislative requirements of section 405 of the Local Government Act 1993. It is recommended that Council adopt rates and charges based on the 2.7% maximum rate peg, as approved by the NSW Independent Pricing and Regulatory Tribunal, and in accordance with Section 494 of the Local Government Act 1993.

At its Meeting held 28/05/2019, Council resolved to establish a single base rate charge for the use of potable water across Tamworth Regional Council's parks, reserves, pools, road reserves and car parks, to replace the standard three tier non-residential charge. This has been treated as a submission to the draft 2019/20 Annual Operational Plan and included as a new charge within the 2019/20 Revenue Policy.

2019/20 Fees and Charges

It is recommended that the Fees and charges for the services provided by the Council, as detailed in the Fees and Charges 2019/20 as **ATTACHED**, refer **ANNEXURE 3**, be adopted in accordance with Section 502 of the *Local Government Act 1993*, noting the amendments as presented in **ANNEXURE 4**.

The draft plan was put on public exhibition from 1 May 2019 to 30 May 2019.

Council conducted pop-up engagement sessions throughout the region which involved councillors, communications staff and specialist staff being on hand to discuss issues with the general public. Submissions were received by a variety of mechanisms including verbal representation, survey forms, website feedback, email and letter.

Based on the feedback received, in relation to projects, Roads and Transport remains the highest priority for the region followed by Parks/Playgrounds, Tourism/Events, Footpaths/Cycleways, water and waste services and Sports and Recreation.

In regards to general issues, Water Security was the highest priority for residents.

There were seven formal submissions to the Annual Operational Plan received. Three related to the increased CBD car parking fees, while the other four suggested additional projects to be considered for Manilla and Barraba.

The adoption of the Tamworth Regional Council DP/AOP, Revenue Policy and Fees and Charges 2019/20 will provide Council with an outline of the activities and services that it plans to provide over the next financial year. Copies will be made available on Council's website and sent to the Office of Local Government.

(a) Policy Implications

As detailed in **ANNEXURES 1, 2, 3 and 4**.

(b) Financial Implications

As detailed in **ANNEXURES 1, 2, 3 and 4**.

(c) Legal Implications

When adopted, Council's Integrated Planning and Reporting documents for 2019 to 2020, and 2017 to 2021, will meet relevant statutory requirements of the Local Government Act 1993.

(d) Community Consultation

The Local Government Act 1993, requires Council at a minimum, to place the draft Annual Operational Plan on public exhibition for a period of at least 28 days.

The draft Tamworth Regional Council Delivery Plan 2017-2021, Annual Operational Plan 2019/20, Revenue Policy 2019/20 and Fees and Charges 2019/20 were publicly exhibited between 1 May 2019 and 30 May 2019. During the exhibition period Council placed ads (public notices) in the Northern Daily Leader, Barraba Gazette and Manilla Express in accordance with statutory requirements. Hard copies of the document were made available for viewing/collection at all Council Offices and Libraries as well as the Tamworth Community Centre. The draft documents listed above were also placed on Council's website during the exhibition period, along with an electronic feedback form specific to each document to simplify the process. Staff and Councillors also attended a number of public exhibitions at various locations and events across the region during the period.

During the exhibition period, Council was involved in the receipt of issues and comments that were raised regarding services delivered by Tamworth Regional Council. The issues received were documented in Council's customer service system and distributed to the business for resolution.

The feedback received on the above mentioned documents during the exhibition period resulted in minor changes to wording and clearer definitions to explain the plan, fees and charges.

A complete listing of changes and variances from the draft to the final DPAOP, Revenue Policy and Fees and Charges 2019/20 is **ATTACHED**, refer **ANNEXURE 4**.

(e) Delivery Program Objective/Strategy

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

9.2 ANNUAL OPERATIONAL PLAN 2018/19 BUDGET VARIATION REPORT - MAY 2019 – FILE NO SF8575

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Rick Sanderson, Manager Financial Services

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Annual Operational Plan 2018/19 Budget Variation Report – May 2019", Council note and approve the variations to the existing budget included in the attached ANNEXURE.

SUMMARY

Council adopted the original budget included in the Annual Operational Plan for 2018/2019 at the Ordinary Council Meeting held 26 June 2018. Any changes to the budget must be approved by Council at a later Ordinary Meeting. This report seeks Council approval for any required budget variations identified during the month of April 2019, for which there has been no previous specific report or approval.

The Quarterly Budget Review Statements will provide Council with a full review of revised budget forecasts and actual year to date results following the completion of the September, December and March quarters.

COMMENTARY

The annual budget provides Council with the means to control resource allocation and revenues per objectives set in the Annual Operational Plan. It also forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and update of the budget is therefore important for sound financial management.

This monthly report provides a timely endorsement of any variations identified during the previous month and for the reporting of any material differences between budgets and actuals identified by the Responsible Accounting Officer.

A summary of general budget variations is provided below with detailed lists included the **ATTACHED**, refer **ANNEXURE 1**.

General variations identified during May

<i>Division</i>	<i>Operating Income</i>	<i>Operating Expenses</i>	<i>Capital Income</i>	<i>Capital Expenses</i>
Cultural Services	(1,500)	1,500	0	0
Communications & Engagement	0	75,700	0	0
Office of the General Manager	0	0	0	0
Sports & Recreation Services	(1,636)	29,599	0	8,237
Infrastructure & Projects	0	0	0	(542,450)
Water & Wastewater	0	(108,275)	0	12,642
Grand Total	(3,136)	(1,476)	0	(521,571)

Material differences between budget and actual income or expenditure

Nil

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2018/2019:

<i>Fund</i>	<i>Operating Income</i>	<i>Operating Expenses</i>	<i>Capital Income</i>	<i>Capital Expenses</i>
General	(3,136)	106,799	0	(534,213)
Water	0	(108,275)	0	12,642
Sewer	0	0	0	0

(c) Legal Implications

This report is in compliance with the following sections of the Local Government (General) Regulation 2005;

211 Authorisation of expenditure; and

202 Responsible Accounting Officer to maintain system for budgetary control.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.3 COUNCILLOR ANNUAL FEES FOR THE 2019/2020 FINANCIAL YEAR – FILE NO SF828

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Councillor Annual Fees for the 2019/2020 Financial Year”, Council fix and determine the annual fee payable to Councillors and Mayor of Tamworth Regional Council for the 2019/2020 financial year effective from 1 July 2019, at the maximum allowable amount for a Regional Rural Council.

SUMMARY

The purpose of this report is to advise Council on the Local Government Remuneration Tribunal’s decision on the range of fees payable to Councillors and Mayors for 2019/2020.

COMMENTARY

The Local Government Remuneration Tribunal handed down its 2019 report and determinations increasing fees payable to Councillors and Mayors by 2.5%. The full 2019 Annual Review is **ATTACHED**, refer **ANNEXURE 1**.

Tamworth Regional Council is categorised as Regional Rural. Pursuant to s.241 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2019, are determined as follows:

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General	Principal CBD	27,640	40,530	169,100	222,510

Purpose Councils Metropolitan	- Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,140	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils Non-metropolitan	- Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

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

(a) Policy Implications

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

(b) Financial Implications

It has been Council's policy to fix and determine the maximum annual fee payable to a Councillor and the Mayor since formation of Tamworth Regional Council at the maximum amounts determined by the Tribunal. This amount is included in the 2019/20 Operational Plan and Budget.

(c) Legal Implications

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.4 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – FILE NO SF8499

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Local Government NSW Annual Conference”, Council:

- (i) determine issues that are important to Tamworth Regional Council for motions to be drafted and request a further report to be prepared for approval;*
- (ii) authorise the Mayor, Deputy Mayor and two Councillors to attend the Local Government NSW Annual Conference as Voting Delegates together with the General Manager; and*
- (iii) nominate other interested Councillors to attend the Conference as observers in accordance with Council’s Policy for the attendance of observers.*

SUMMARY

This purpose of this report is to determine Council motions to submit to Local Government NSW for the State Conference and to nominate Councillor delegates to attend the Annual Conference on the 14 – 16 October 2019, at The William Inglis Hotel, Warwick Farm.

COMMENTARY

The 2019 Local Government NSW Annual Conference will be held at The William Inglis Hotel, Warwick Farm from Monday 14, to Wednesday 16 October 2019.

Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions, the Motions Submission Guide is **ATTACHED**, refer **ANNEXURE 1**, for reference. Members are encouraged to review the Action Reports from previous conferences before submitting motions for the 2019 Conference. Action reports from previous conferences are available on the Annual Conference page for each year on the LGNSW website. Motions are due by Monday 19 August 2019.

Tamworth Regional Council has been allocated four Voting Delegates, with additional Councillors to attend as observers. Each member must nominate its delegate(s) to the Conference by 20 September 2019.

(a) Policy Implications

Councillor(s) are authorised to attend the Local Government NSW Annual Conference in accordance with Council’s policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

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

(b) Financial Implications

Councillors have been allocated the sum of \$2,000 annually to specifically provide for attendance at the Local Government NSW Annual Conference or the National General Assembly. Authorisation of the attendance of Councillors is by way of a resolution of the Council.

Costs associated with the attendance of Tamworth Regional Council staff at the Conference would be funded from their respective budgets.

(c) Legal Implications

Council’s formal resolution for the attendance of any Delegate is required for insurance purposes whilst the Representatives are performing bona fide Council duties.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L12 Represent and advocate community needs.

9.5 COUNCIL INVESTMENTS MAY 2019 – FILE NO SF8852

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Rick Sanderson, Manager Financial Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments May 2019”, Council receive and note the report.

SUMMARY

This report provides an overview of Council Investments for the month of May 2019.

COMMENTARY

In accordance with Section 212 of the Local Government (General) Regulation 2005, the details of all money Council has invested as at 31 May 2019, is **ATTACHED**, refer **ANNEXURE 1**.

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

Institution	On Call	Term Deposit	Floating Rate	Total	% of Total
NAB	7,598,529	42,000,000	0	49,598,529	32.14%
ANZ	0	14,000,000	0	14,000,000	9.07%

BOQ	0	5,000,000	0	5,000,000	3.24%
CBA	0	12,000,000	3,000,000	15,000,000	9.72%
St George	0	22,000,000	0	22,000,000	14.25%
TCorp	14,743,152	0	0	14,743,152	9.55%
Westpac	0	22,000,000	12,000,000	34,000,000	22.03%
TOTAL	22,341,681	117,000,000	15,000,000	154,341,681	

The amount invested at 31 May 2019, has increased by \$5,023,193 since the previous month. Significant cash receipts were received during the month for the Financial Assistance Grant and the fourth rate instalment, offset by an increase in expenditure on capital works.

Council's investments mainly include restricted funds received for specific purposes or held for future renewal works for each of the three main funds, as summarised in the following table:

Fund	Restriction	Amount	%
General	Unrestricted	11,096,503	7.20%
General	Internally Restricted	38,598,616	25.00%
General	Externally Restricted	12,304,451	8.00%
General Fund Total		61,999,570	40.2%
Water	Unrestricted	2,000,000	1.30%
Water	Internally Restricted	22,950,244	14.90%
Water	Externally Restricted	19,785,719	12.80%
Water Fund Total		44,735,963	29.0%
Sewer	Unrestricted	2,000,000	1.30%
Sewer	Internally Restricted	31,670,535	20.50%
Sewer	Externally Restricted	13,935,613	9.00%
Sewer Fund Total		47,606,148	30.8%

Total Investments

154,341,681

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

Unrestricted:

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

Internally Restricted:

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

Externally Restricted:

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

The use of restricted funds is largely controlled by 10 – 20 year asset management plans which are included in the resourcing strategy of Council’s Community Strategic Plan.

(a) Policy Implications

All of Council’s investments are held in accordance with the ‘Tamworth Regional Council Investment Policy’ except for the one term deposit that is now below the minimum rating level due to a recent down grade.

(b) Financial Implications

Investment levels and interest rates are currently on par with the revised estimate calculations.

(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 the:

- Local Government Act 1993 – Section 625;
- Local Government Act 1993 – Order (of Minister) dated 16 November 2000;
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) and 2;
- Local Government (General) Regulation 2005 – Clauses 212 and 215; and
- Local Government Code of Accounting Practice & Financial Reporting – Update No. 15 dated June 2007.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.6 NATIONAL ROADS AND TRAFFIC EXPO – FILE NO SF1037

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

RECOMMENDATION

That in relation to the report “National Roads and Traffic Expo”, Council nominate Cr Impey and other Councillors, as appropriate, to attend the Expo to be held in Melbourne 17-18 September 2019.

SUMMARY

This report is to advise that the National Roads and Traffic Expo will be held on 17-18 September 2019, at the Melbourne Convention and Exhibition Centre, Melbourne.

COMMENTARY

The National Roads and Traffic Expo will be held on 17 and 18 May 2019, at the Melbourne Convention and Exhibition Centre, Melbourne. The Expo will feature information sessions and demonstrations and market leaders and experts from across the country in the fields of infrastructure, traffic management, smart mobility, parking, active transport, partners and stakeholders, and Innovation and Start-up Zone.

(a) Policy Implications

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

(b) Financial Implications

Councillors have been allocated the sum of \$4,500 annually to specifically provide for attendance at Local Government sector conferences, workshops, industry working parties and community non Council functions and events. Authorisation of the attendance of councillors is by way of a resolution of the Council. Authorisation and the payment of the expenses involved will only be provided by Council where the conference, workshop or industry working party is directly related to the councillor's civic functions and responsibilities and/or the Local Government sector.

The cost of the Expo is free, flights and accommodation of approximately \$1200 for two nights depending on accommodation and flights options available at the time of booking.

(c) Legal Implications

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.7 FINANCIAL ASSISTANCE PROGRAM - SECTION 356 OF THE LOCAL GOVERNMENT ACT 1993 – FILE NO SF1384

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Financial Assistance Program – Section 356 of the Local

Government Act 1993”, Council:

- (i) endorse the draft Financial Assistance Program policy and advertise the proposed policy for a period of 28 days for public comments prior to formal adoption by Council; and**
- (ii) request a further report following the review period to consider any public comments on the Financial Assistance Program policy.**

SUMMARY

The purpose of this report is to endorse the draft Financial Assistance Program policy to place on public exhibition on 28 days for comment.

COMMENTARY

The Financial Assistance Program – Section 356 of the Local Government Act 1993, has been reviewed to ensure that the policy reflects the intention of Council in the giving of Financial Assistance **ATTACHED**, refer **ANNEXURE 1**.

The policy contains the legislative context for giving Financial Assistance but also provides further guidelines in relation to Council granting financial assistance.

Changes to the policy include:

- acknowledgement that not all requests for financial assistance will be considered under this policy;
- the General Manager has delegated authority to grant assistance under this policy up to \$500;
- The Director Water and Waste has delegated authority for the waiving of Waste Management Centre Fees;
- clear understanding that Council run programs and events cannot receive assistance under this program;
- educational institutions are not eligible for Waiving of Council Fees and Charges;
- the annual grants program will seek applications in August and September each year and assessments will be undertaken by the panel and recommendations made to Council;
- acquittals will need to be completed and any funding not spend over \$100 will be returned to Council. Failure to acquit a grant will prevent the organisation from receiving any future funding; and
- in relation to the waiving of fees and charges, Planning and Building related applications can be waived in full to a maximum of \$500, Hire of facilities charges will have 50% of the full cost waived up to a maximum of \$500. Organisations that are entitled to receive a discounted rate under Council’s current fees and charges cannot then apply for fee waiver under this policy.

This policy with Council’s endorsement will go on public exhibition for 28 days for public comment. A further report will be presented to Council following the period of public exhibition to present any submissions received and to adopt the policy.

(a) Policy Implications

The Financial Assistance Program – Section 356 of the Local Government Act 1993 policy will be included in the General Policy Register.

(b) Financial Implications

A budget for the granting of Financial Assistance is included in the 2019/2020 Annual Operational Plan.

(c) Legal Implications

Nil

(d) Community Consultation

The Financial Assistance Program – Section 356 of the Local Government Act 1993 policy will be publicly advertised for 28 days.

(e) Delivery Program Objective/Strategy

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

10 COMMUNITY SERVICES

10.1 CRIME PREVENTION WORKING GROUP MEETING - 1 MARCH 2019 – FILE No SF2300

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Gino Tiberi, Crime Prevention and Development Compliance Officer

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Crime Prevention Working Group Meeting – 1 March 2019”, Council receive and note the Minutes of the Crime Prevention Working Group Meeting held 1 March 2019.

SUMMARY

The purpose of this report is to present the Minutes of the Crime Prevention Working Group (CPWG) Meeting held 1 March 2019, and provide Council with an overview of the meeting outcomes.

COMMENTARY

The following information provides a summary of the main items discussed at the Crime Prevention Working Group Meeting held on 1 March 2019, as reported in the **ENCLOSED** Minutes, refer **ENCLOSURE 1**.

- The Tamworth and District Liquor Accord (TDLA) reported that they are in the process of submitting an application to the New South Wales Government’s Liquor Accord Grants Program. The application will seek funding in the amount of \$15,000 to support local initiatives that will bring positive improvements to public safety and amenity. If

successful the TDLA will use the funding to promote both the 'Ask for Angela' and 'Designated Driver' programs in our Region.

The extension of the lockout laws from 12:30am to 1:00am appears to have had no negative impact across our region. Evaluation of the impact will continue and discussions around maintaining the extension will be undertaken.

The 2019 Country Music Festival was a success, with no major issues being reported. The TDLA were extremely pleased with the manner in which police operated over this period and thankful for their support.

- Oxley Police District officers reported that the lead up to Christmas was particularly demanding. A number of key offenders were identified and arrested. Overall crime rates are down across major categories when compared to the same period in the previous year.

Considerable police resources continue to be directed toward dealing with Domestic Violence offences. While Domestic Violence is traditionally a difficult issue to manage, improved outcomes have been achieved through the implementation of several initiatives. One such initiative is the 'Suspect Target Management Plan' (STMP). This program allows for a standardised coordinated approach to manage recidivist offenders. The STMP model ensures the most serious domestic violence offenders face the highest level of scrutiny by police, reducing their capacity to re-offend. It is hoped that moving forward, additional resources will be made available in this area.

A constant issue facing police is stealing from motor vehicles. This issue is compounded by the ongoing apathy by some members of the community who leave valuables in their vehicles. Generally, if visible items are left in a vehicle they run a far greater chance of being targeted by offenders. Despite numerous education and awareness programs being run, it appears as though the message is not being heeded across the community.

- A graffiti update was provided outlining results between 1 December 2018 and 28 February 2019. Throughout this period five separate incidents were registered costing Council \$1,724 to remove. This was similar to the same period last year which saw six incidents recorded costing Council \$1,245 to remove. Footage captured from Council owned CCTV has again proven successful in identifying a number of offenders.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Spirit of Community – C31 Create safe environments to live, work and play.

11 QUESTIONS ON NOTICE

11.1 WESTDALE WASTE WATER TREATMENT PLANT SUBMITTED BY COUNCILLOR MARK RODDA

Councillor Mark Rodda has asked the following Questions on Notice:

That a report be presented to Council in relation to the viability and associated costs of recycling the waste water at the Westdale Waste Water Treatment Plant into portable purified water for use in the reticulated water supply.

RESPONSE BY DIRECTOR

12 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.

12.1 PROPOSED PROPERTY ACQUISITION FOR MANILLA LOW LEVEL CROSSING PROJECT – FILE No PROJ2019-0152

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Manager Design and Construction
2 CONFIDENTIAL ENCLOSURES ENCLOSED

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 purpose of a new road as part of the Manilla Low Level Crossing project and to authorise Council's acceptance of the land to be dedicated as road.

12.2 PROPOSED ACQUISITION OF LAND – FILE No SF9402

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel
Reference: Item 14.2 to Ordinary Council 26 March 2019 - Minute No 97/19

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.

12.3 BARRABA PRESCHOOL - LAND TENURE – FILE NO LF6381

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Acting General Counsel

1 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

The purpose of this report is to obtain Council's authorisation for a resolution regarding the tenure of the Barraba Preschool at 146-148 Queen Street Barraba, and being Lots 1, 2 and 3 in DP 62014.

12.4 SOLAR DESIGN AND INSTALLATION - 11 SITES – FILE NO T111/2019

DIRECTORATE: WATER AND WASTE

AUTHOR: Tim Hurcum, Sustainability Officer

Reference: Item 8.6 to Ordinary Council 26 February 2019 - Minute No 39/19

Item 8.2 to Ordinary Council 25 September 2018 - Minute No 198/18

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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 inform Council of the out come of tender T111/2019 the design, supply and installation of solar panels at 11 Council owned sites.

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.