



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

5 JANUARY 2022

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

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Council

Meeting Date: 2nd and 4th Tuesday of the month commencing at 6:30pm.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *“the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of an operational plan under section 405*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.”*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Principal Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*

Membership: All Councillors
Quorum: Five members
Chairperson: The Mayor
Deputy Chairperson: The Deputy Mayor

Community Consultation Policy

The first 30 minutes of Open Council Meetings is available for members of the Public to address the Council Meeting or submit questions either verbally or in writing, on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of three minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council or Committee Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day prior to the Meeting to address the Council Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 23 November 2021, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

Nil

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 RETURNING OFFICER

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

RECOMMENDATION

That the advice in relation to the role of the Returning Officer for any election required for the position of Mayor and Deputy Mayor be received and noted and the General Manager act as the Returning Officer.

SUMMARY

The purpose of this report is to advise Council that the General Manager will be the Returning Officer.

COMMENTARY

Schedule 7 of the Local Government (General) Regulation 2021 states that the General Manager (or a person appointed by the General Manager) will act as the Returning Officer for any election required to elect the Mayor and Deputy Mayor

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Schedule 7 of the Local Government (General) Regulation 2021 provides that the General Manager (or a person appointed by the General Manager) is the Returning Officer. Consequently, the General Manager will conduct any election required for the position of Mayor and Deputy Mayor.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.2 METHOD OF VOTING

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

RECOMMENDATION

That the advice in relation to the methods of voting for any election required for the position of Mayor and Deputy Mayor be received and noted.

SUMMARY

The purpose of this report is to inform the Council of the provisions of Schedule 7 of the Local Government (General) Regulation 2021 for any election required to elect the Mayor and Deputy Mayor.

COMMENTARY

The procedures for the election of the Mayor and the Deputy Mayor are as follows:

Schedule 7 Election of mayor by councillors

Part 1 Preliminary

1 Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

2 Nomination

- (1) A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
- (2) The nomination is to be made in writing by two or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the Returning Officer.
- (4) The Returning Officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

3 Election

- (1) If only one Councillor is nominated, that Councillor is elected.
- (2) If more than one Councillor is nominated, Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the Council Meeting at which Council resolves on the method of voting.
- (4) In this clause:
 “ballot” has its normal meaning of secret ballot.
 “open voting” means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only two candidates, the candidate with the higher number of votes is elected.
- (2) If there are only two candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are three or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If three or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, three or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only two candidates remain.
- (4) A further vote is to be taken of the two remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the two remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
 - (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of this Regulation as if it were a ballot-paper referred to in that clause.
 - (3) An informal ballot-paper must be rejected at the count.
-

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause, absolute majority, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are two candidates in, or remaining in, the election and the numbers of votes cast for the two candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are three or more candidates in, or remaining in, the election and the numbers of votes cast for two or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as Mayor or Deputy Mayor) is:

- (a) to be declared to the Councillors at the Council Meeting at which the election is held by the Returning Officer, and
- (b) to be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Schedule 7 of the Local Government (General) Regulation 2021, provides for any election required to elect the Mayor and Deputy Mayor.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.3 DETERMINATION OF VOTING FOR ELECTION OF MAYOR AND DEPUTY MAYOR

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

RECOMMENDATION

That Council elect the Mayor and Deputy Mayor for the ensuing term by Ordinary Ballot.

SUMMARY

The purpose of this report is for Council to determine the voting method to be used in electing the Mayor and Deputy Mayor for the ensuing term.

COMMENTARY

Schedule 7 of the Local Government (General) Regulation 2021 provides that if only one Councillor is nominated for the position of Mayor or Deputy Mayor, that Councillor is elected.

If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

Ballot has its normal meaning of secret ballot and **open voting** means voting by a show of hands or similar means.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Council's past practice has been to conduct the Election for the position of Mayor and Deputy Mayor by ordinary ballot.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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9.4 NOMINATIONS FOR THE POSITION OF MAYOR

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

RECOMMENDATION

That the Returning Officer calls for nominations for the position of Mayor for the ensuing term and if two or more nominations are received, an election be conducted.

SUMMARY

The purpose of this report is to call for and announce nominations received for the position of Mayor for the ensuing two year period.

COMMENTARY

Nomination Forms for the position of Mayor have been distributed and will also be available at the Ordinary Meeting.

The Returning Officer will call for final lodgement of nominations at the Meeting. After the final call for nominations, the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted.

Mayoral elections are normally held in September every two years. Postponement of the Local Government Election to December 2021 has meant the Mayoral election could not be held until January. Section 230(1) of the Local Government Act determines a Mayor elected by the Councillors holds the Office of Mayor for two years meaning that future Mayoral elections for the ensuing term will be conducted in January 2024.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Section 290(1)(b) of the Local Government Act requires Council to hold the election of the Mayor by the Councillors during the month of September. Section 230(1) of the Local Government Act determines a Mayor elected by the Councillors holds the Office of Mayor for two years.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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9.5 NOMINATIONS FOR THE POSITION OF DEPUTY MAYOR

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

RECOMMENDATION

That the Returning Officer calls for nominations for the position of Deputy Mayor for the ensuing term and if two or more nominations are received, an election be conducted.

SUMMARY

The purpose of this report is to call for and announce nominations received for the position of Deputy Mayor for the ensuing nine month period.

COMMENTARY

Nomination Forms for the position of Deputy Mayor have been distributed and will also be available at the Ordinary Meeting.

The Returning Officer will call for final lodgement of nominations at the Meeting. After the final call for nominations, the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted.

Section 290(1)(b) of the Local Government Act 1993, requires Council to hold the election of the Deputy Mayor by the Councillors during the month of September. The postponement of the September elections has meant a delay in holding the election for Deputy Mayor until the Ordinary Meeting of 5 January 2022. This has resulted in a shorter term for the Deputy Mayor, with the election to be held again in September 2022 and then annually in September moving forward.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Section 290(1)(b) of the Local Government Act 1993, requires Council to hold the election of the Deputy Mayor by the Councillors during the month of September. Section 231 of the Local Government Act 1993, in relation to the Deputy Mayor: (1) The Councillors may elect a person from among their number to be the Deputy Mayor. (2) The person may be elected for the Mayoral term or a shorter term. (3) The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of Mayor. (4) The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is

prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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9.6 METHOD FOR FILLING CASUAL VACANCIES IN COUNCIL

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

RECOMMENDATION

Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Tamworth Regional Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of the Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commission of the Council's decision within seven days of the decision.

SUMMARY

The purpose of this report is to request that Council resolve to fill casual vacancies occurring in the office of a Councillor within 18 months of the election by a countback of votes cast at the election.

COMMENTARY

The Office of Local Government (OLG) circular 21-31 issued on 5 October 2021, Councils were advised that there are a number of key decisions that need to be addressed at the first Meeting of Council. One of those decisions was the method for filling casual vacancies occurring in the office of a Councillor within the first 18 months following the election.

Councils must, by resolution, declare that casual vacancies occurring in the office of a Councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means. Councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election (section 291A of the Act).

(a) Policy Implications

Nil

(b) Financial Implications

By resolving to fill casual vacancies by countback of votes in the first 18 months, Council avoids the potential cost of hosting a by-election should any casual vacancies arise within this timeframe.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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9.7 GOVERNANCE STRUCTURE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

RECOMMENDATION

That Council maintain the current Governance Structure for the ensuing term of two Ordinary Council Meetings held on the second and fourth Tuesday of each month commencing at 6:30pm.

SUMMARY

The purpose of this report is to:

- (i) note that Council is required under section 365 of the Local Government Act 1993 to meet at least 10 times each year, each time in a different month;
- (ii) review the effectiveness and continued relevance of the Meeting structure which operated in the previous term of Council from September 2016; and
- (iii) review the time and date of Council and/or Committee Meetings.

COMMENTARY

Ordinary Meetings of the Council are held on the 2nd and 4th Tuesday of each month commencing at 6:30pm with a target completion time of 9:30pm.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act 1993, 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);
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- the acceptance of tenders to provide services currently provided by members of staff of 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;
- a decision under section 234 to grant leave of absence to the holder of a civic office;
- the making of an application, or the giving of a notice, to the Governor or Minister;
- this power of delegation; and
- 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:

- Mayor and Councillors Annual Fees;
- Payment of Expenses and Provision of Facilities to Mayor and Councillors;
- Delegation of Functions to General Manager and Principal Committees;
- Code of Conduct;
- Code of Meeting Practice;
- Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports;
- Performance of the General Manager; and
- Acceptance of Council Tenders

(a) Policy Implications

It is a matter of Council policy to assess and determine whether the existing Council Meeting structure:

- (i) continues to be relevant;
- (ii) is an effective local governance decision making structure;
- (iv) is focussed on the community; and

- (v) the most appropriate citizen participation and community engagement local governance structure available to Council given local circumstances and dictates.

Now is the opportunity to review the existing structure and consider alternatives for an effective, efficient, environmentally responsible, sustainable and open system of local government within the Tamworth Regional Council local government area.

(b) Financial Implications

Nil

(c) Legal Implications

The current Council structure satisfies all of the legal requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2021.

(d) Community Consultation

Business Papers for Council Meetings are available by 12:00pm on the Friday prior to the Council Meeting. Public Forum is held on the 2nd Tuesday of every month at 6:00pm by registration only. Community Consultation is held at the start of every Council Meeting by registration only, on items in the Business Paper. Registrations for Public Forum and Community Consultation close at 4:30pm on the Monday prior to the Meeting.

(e) Delivery Program Objective/Strategy

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

9.8 REVIEW OF THE GENERAL POLICY REGISTER

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Review of the General Policy Register”, Council:

(i) formally revoke or amend all previous General Policies; and

(ii) confirm adoption of the updated General Policy Register as identified in ANNEXURE 1.

SUMMARY

The purpose of this report is to advise Council that no public submissions have been received following public exhibition of the General Policy Register and for Council to adopt the updated General Policy Register.

COMMENTARY

Council at its Ordinary Meeting held 24 August 2021, resolved as follows:

That in relation to the report “General Policy Register”, Council:

- (i) *endorse the proposed revocation or amendment of the General Policies identified in the annexure and advertise the proposed changes for a period of 28 days for public comments prior to formal revocation or amendment by Council; and*
- (ii) *request a further report to Council following the review period to consider any public comments received.*

The updated General Policy Register, refer **ANNEXURE 1**, was placed on public exhibition for a period of 28 days and no submissions were received. Several changes and minor formatting errors were recommended by staff and these have also been reflected in the updated General Policy Register. These include:

13.1. and 16.12. Director Planning and Compliance updated to Director Liveable Communities.

9.4. Addition of Policy “Deferral of Water Headworks Payment and Sewer Headworks Payments” as per Council Resolution from Ordinary Council Meeting held 15 December 2020, Minute Number 368/20.

11.6. Minor amendments and formatting changes to Policy “Payment of Expenses and Provision of Facilities to Councillors”

(a) Policy Implications

Policies will be maintained or removed from the General Policy Register as per the original report presented to Council at its meeting held 24 August 2021.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The updated General Policy Register was placed on exhibition for a period of 28 days and no submissions were received.

(e) Delivery Program Objective/Strategy

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

9.9 APPOINTMENT OF CHAIR AND EXTERNAL MEMBERS TO AUDIT, RISK AND IMPROVEMENT COMMITTEE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Karen Litchfield, Internal Auditor

RECOMMENDATION

That in relation to the report “Appointment of Chair and External Members to Audit, Risk and Improvement Committee”, Council:

- (i) appoint Mr Ron Gillard as Chair to the Audit, Risk and Improvement Committee until November 2023;*
- (ii) appoint Mr Andrew Fletcher as an external independent member to the Audit, Risk and Improvement Committee until March 2022;*
- (iii) appoint Mr Michael O’Connor as an external independent member to the Audit, Risk and Improvement Committee until November 2022; and*
- (iv) appoint Mr Jason Masters as an external independent member to the Audit, Risk and Improvement Committee until March 2026.*

SUMMARY

The purpose of this report is to appoint the Chair and external members to the Audit, Risk and Improvement Committee following for the new term of Council.

COMMENTARY

Council is required under S428A of the *Local Governance Act 1993* to have an Audit, Risk and Improvement Committee. Tamworth Regional Council has operated an Audit, Risk and Improvement Committee since 2012, with three independent members and currently staggers the membership of the Committee to ensure continuation of the knowledge of Council operations, financial reporting and structure.

The current Chair of the Committee is Mr Ron Gillard and the external members are Mr Andrew Fletcher and Mr Michael O’Connor. Mr Fletcher’s term on the Committee will end after the February meeting in 2022, and it is recommended to Council that Mr Jason Masters be appointed to the Committee following an expression of interest process. Mr Masters is to commence in February 2022, for an initial term of four years. The appointment to the Audit, Risk and Improvement Committee is to be undertaken at the beginning of a new Council term.

(a) Policy Implications

External Members are paid a fee plus travel and accommodation in accordance with the Payment to Independent Members of the Audit, risk and Improvement Committee policy.

(b) Financial Implications

Costs associated with the Internal Audit function are included in the 2021/2022 Annual Operational Plan.

(c) Legal Implications

Council is required under S428A of the *Local Government Act 1993* to have an Audit, Risk and Improvement Committee.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.10 COUNCIL SPECIAL PURPOSE COMMITTEES, WORKING GROUPS, EXTERNAL BOARDS AND ORGAISATIONS

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Special Purpose Committees, Working Groups, External Boards and Organisations”, Council:

- (i) determine that the status quo remain, except where vacancies currently exist, and that Councillors be appointed as delegates or representatives for the ensuing 12 month term as detailed and documented in the annexure of this report; or*
- (ii) that depending on the outcome of the election of the Mayor and Deputy Mayor, Council consider the appointment of councillors as representatives and delegates to Council Special Purpose Committees, Working Groups, External Boards and Organisations on an item by item basis; and*
- (iii) approve the amendments Register for Council’s Special Purposes Committees, Working Groups, External Boards and Organisations as detailed in the report below;*

SUMMARY

The purpose of this report is to update the Register for Council’s Special Purposes Committees, Working Groups, External Boards and Organisations based on updated information detailed below and to elect or appoint Councillors as members or representatives on Council’s Special Purposes Committees, Working Groups, External Boards, and Organisations.

COMMENTARY

A review of the Register for Council’s Special Purposes Committees, Working Groups, External Boards and Organisations has been undertaken with the following changes made:

King George V Avenue Working Group has been removed as a standalone committee as it is now a subcommittee of the **Tamworth Regional Council Heritage Working Group**.

The **Tamworth Regional Council Emergency Precinct Working Group** has been removed as it is no longer required.

The **Tamworth Regional Licensed Premises References Group** and the **Tamworth and District Liquor Accord** have been removed as staff no longer attend the committee meetings and the committees report to the **Tamworth Regional Crime Prevention Working Group**.

Northern Inland Regional Waste has been moved to the External Boards, Committees, Working Groups and Organisations (staff representatives only) list as staff are the only representatives required at these meetings.

References to Director and directorate **Planning and Compliance** updated to **Liveable Communities**.

The Register for Council's Special Purposes Committees, Working Groups, External Boards and Organisations is **ATTACHED**, refer **ANNEXURE 1**, and requires the election or appointment of a Councillor as either a member or the Council's representative. As current representation on the committees and working groups is fulfilling Council's community commitment and in the interest of continuity it is recommended that there be no changes to current membership, however due to the recent Local Government Elections, the following Committees now require Councillor appointments:

COUNCIL SPECIAL PURPOSE COMMITTEES

Annual Donations Programme

Current Members: Cr Helen Tickle
Vacant
Vacant

General Managers Performance Review Panel

Current Members: Mayor of the Day
Cr Helen Tickle
Cr Phil Betts
Vacant

Murrumbidgee Poultry Broiler Farm Development Community Liaison Committee

Current Members: Vacant

Tamworth Effluent Reuse Farm Community Liaison Committee

Current Members: Vacant
Vacant

Tamworth Regional Floodplain Management Committee

Current Members: Vacant
Cr Phil Betts
Vacant

COUNCIL WORKING GROUPS

Audit and Risk Committee

Current Members: Vacant

Australian Country Music Hall of Fame

Current Members: Mayor of the Day
Vacant

Disability Access Working Group

Current Members: Cr Helen Tickle - Chairperson
Vacant

Disability Access Working Group

Current Members: Cr Helen Tickle - Chairperson

- Vacant -
- Plant Committee**
Current Members: Vacant
Cr Russell Webb
- Sports Working Group**
Current Members: Cr Mark Rodda - Chairperson
Cr Phil Betts
Cr Russell Webb
Vacant
- Tamworth City Centre Working Group**
Current Members: Mayor of the Day
Cr Phil Betts
Cr Mark Rodda
Vacant
Vacant
- Tamworth Regional Arts Advisory Committee**
Current Members: Vacant - Chairperson
Vacant
Vacant
Vacant
- Tamworth Regional Aviation Strategic Development Steering Group**
Current Members: Mayor of the Day
Cr Phil Betts
Cr Mark Rodda
Vacant
Vacant
- Tamworth Region Inclusive Culture Advisory Committee**
Current Members: Vacant - Chairperson
Cr Russell Webb
Vacant
Cr Phil Betts
Cr Mark Rodda
- Tamworth Regional Council Heritage Working Group**
Current Members: Vacant - Chairperson
Vacant
Cr Mark Rodda
- Tamworth Regional Council Waste Management Working Group**
Current Members: Cr Phil Betts
Vacant
- Tamworth Regional Crime Prevention Working Group**
Current Members: Cr Phil Betts
Cr Mark Rodda
Cr Russell Webb
Vacant
- Tamworth University Strategic Working Group**
Current Members: Mayor of the Day
Vacant
Vacant
- Urban Street Tree Management Plan Advisory Group**
Current Members: Cr Helen Tickle
Vacant
-

Vacant

EXTERNAL BOARDS, COMMITTEES, WORKING GROUPS AND ORGANISATIONS

Arts North West

Current Representatives: Vacant

Aviskills

Current Representatives: Vacant

Central Northern Regional Library

Current Representatives: Vacant
Cr Helen Tickle

New South Wales Public Libraries Association

Current Representatives: Vacant

Northern Regional Planning Panel

Current Representatives: Vacant

North West Regional Weeds Committee

Current Representatives: Vacant

Tamworth Health Committee

Current Representatives: Cr Helen Tickle – delegate
Vacant – alternate delegate

Tamworth Conservatorium of Music

Current Representatives: Mayor of the Day - Representative
Vacant – Alternate Representative

Tamworth Regional State Emergency Service Administrative Committee

Current Representatives: Cr Phil Betts - Delegate
Vacant – Alternate Delegate

Should Council resolve to update the Register for Council's Special Purposes Committees, Working Groups, External Boards and Organisation, all changes will be added to the Amendment Register.

(a) Policy Implications

Nil

(b) Financial Implications

Council is a financial member of some of the listed Organisations. Provision has been included in the 2021/2022 Annual Operation Plan for the Council Delegates to attend and contribute to these Groups as listed.

(c) Legal Implications

A number of the appointments of Councillors, as either members or representatives, are required to satisfy statutory requirements, e.g. Tamworth Regional Rural Fire Service Liaison Committee and Tamworth City Local Traffic Committee.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.11 LOCAL GOVERNMENT ANNUAL CONFERENCE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tracey Carr, Coordinator Governance and Executive Services
1 ANNEXURES ATTACHED
1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Local Government 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

The Local Government NSW (LGNSW) Annual Conference was proposed to go ahead on 28-30 November 2021. The postponement of Local Government elections to 4 December 2021, led to the decision to split the LGNSW Annual Conference into two events, the first being the LGNSW Annual Conference, held online, 29 November 2021 from 9:30am to 10:30am.

The purpose of this report to nominate Councillor delegates to attend the second face to face event, the special LGNSW Annual Conference on the 28 February-2 March 2022.

COMMENTARY

The 2022 LGNSW Annual Conference will be held at the Hyatt Regency, Sydney from Monday, 28 February 2022 to Thursday, 2 March 2022.

A program for the conference is **ENCLOSED**, refer **ENCLOSURE 1**, and conference registrations close Monday, 14 February 2022.

Councils across NSW can submit a range of motions to the special LGNSW Annual Conference. These motions relate to the strategic local government issues which affect members state wide and introduce new or emerging policy issues and actions. The motions are debated and resolved by Conference delegates, with successful resolutions guiding LGNSW’s advocacy priorities for the year ahead. Motions for the 2022 special LGNSW conference are to be submitted via an online portal no later than 30 January 2022. The Motions Submission Guide is **ATTACHED**, refer **ANNEXURE 1**, for reference.

Due to the timing of the LGNSW Conference and the elections, motions will need to be prepared and submitted to the Ordinary Council Meeting of 25 January 2022 to ensure they can be submitted to LGNSW by the 30 January deadline.

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 Thursday, 17 February 2022.

(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 – L21 Transparency and accountability of government.

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

Nil