



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

8 OCTOBER 2019

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	5
2	COMMUNITY CONSULTATION	5
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL	5
4	DISCLOSURE OF INTEREST	5
5	MAYORAL MINUTE	5
5.1	GENERAL MANAGER'S CONTRACT OF EMPLOYMENT	5
6	NOTICE OF MOTION	8
6.1	REDUCTION OF POTABLE WATER BY ENCOURAGING THE USE OF RECYCLED GREYWATER AND OTHER MEANS	8
		2 ANNEXURES ATTACHED
	OPEN COUNCIL REPORTS	9
7	ENVIRONMENT AND PLANNING	9
7.1	DRAFT TAMWORTH REGIONAL COUNCIL ENFORCEMENT POLICY	9
		1 ANNEXURES ATTACHED
8	INFRASTRUCTURE AND SERVICES	11
8.1	REGULAR DROUGHT RESPONSE AND WATER SUSTAINABILITY ACTIONS UPDATE.....	11
8.2	CONDITIONS FOR THE OPERATION OF VARIOUS TYPES OF SWIMMING POOLS ON LEVEL 4 AND 5 WATER RESTRICTIONS	23
8.3	EXTENSION OF WATER SAVING REBATE SCHEME TO BUSINESS AND COMMERCIAL WATER USERS	25
9	GOVERNANCE, STRATEGY AND FINANCE	27
9.1	PUBLIC INTEREST DISCLOSURES AND CODE OF CONDUCT COMPLAINTS	27
9.2	SECTION 355 COMMITTEE MINUTES	29
		1 ANNEXURES ATTACHED
9.3	COUNCIL SPECIAL PURPOSE COMMITTEES, WORKING GROUPS, EXTERNAL BOARDS AND ORGANISATIONS	31
		1 ANNEXURES ATTACHED
9.4	DISCLOSURE OF INTEREST RETURNS	33
9.5	REVIEW OF GENERAL POLICY REGISTER	34
		1 ANNEXURES ATTACHED
9.6	REVIEW OF NUNDE AUSTRALIA DAY COMMITTEE	35
		1 ANNEXURES ATTACHED
10	COMMUNITY SERVICES	37
10.1	AIRPORT FEES AND CHARGES AMENDMENT	37

11	REPORTS TO BE CONSIDERED IN CLOSED COUNCIL.....	38
11.1	TENDER T034/2020 ARMIDALE ROAD TRUNK WATER MAIN REHABILITATION	38
11.2	TAMWORTH REGIONAL AIRPORT PASSENGER NUMBERS.....	39
11.3	DESIGN AND CONSTRUCTION OF A NEW HOCKEY FIELD AT THE TAMWORTH HOCKEY CENTRE	39
11.4	PROVISION OF CLEANING SERVICES FOR COUNCIL FACILITIES	39
11.5	COMMUNICATIONS, MARKETING AND PUBLIC RELATIONS - CONSULTANCY SERVICES	40
11.6	REAPPOINTMENT OF THE GENERAL MANAGER, TAMWORTH REGIONAL COUNCIL.....	40

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, 24 September 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**

5.1 GENERAL MANAGER'S CONTRACT OF EMPLOYMENT – FILE NO SF809

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Col Murray, Mayor

RECOMMENDATION

That in relation to the Mayoral Minute “Reappointment of the General Manager, Tamworth Regional Council”, Council:

- (i) receive and note the Mayoral Minute; and*
- (ii) determine this matter in part of this Meeting closed to the public pursuant to Section 10A(2)(a) of the Local Government Act 1993, on the grounds that it relates to personnel matters concerning particular individuals (other than Councillors).*

SUMMARY

The purpose of this report is to record in Open Council the process for the reappointment of the General Manager in accordance with the Local Government Act 1993 (LGA).

COMMENTARY

The General Manager has written to Council, in accordance with Clause 5 of his employment contract, to formally request that Council give consideration to the renewal of his employment contract in conjunction with the performance review in September 2019.

The General Manager commenced employment with Tamworth Regional Council on 6 September 2010, and completed the fourth year of his current five year contract on 5

September 2019. Currently in the last year of the current employment contract the General Manager is seeking a decision from Council to commit to the renewal of an appointment for a further five year performance based contract commencing from 6 September 2020, and ending on 5 September 2025.

The General Manager is not seeking to renegotiate the current remuneration as part of entering a new contract and if agreed, the new contract would commence at the same total remuneration package as would be in effect at the completion of the existing contract.

Section 335 of the Local Government Act 1993 states that:

- 1) The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.
- 2) The general manager has the following particular functions:
 - to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report
 - the day-to-day management of the council
 - to exercise such of the functions of the council as are delegated by the council to the general manager
 - to appoint staff in accordance with an organisation structure and resources approved by the council
 - to direct and dismiss staff
 - to implement the council's equal employment opportunity management plan.
- 3) The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.

Section 338 of the Act states, in part:

- 1) The general manager and other senior staff of a council are to be employed under contracts that are performance-based.
- 2) The term of a contract must not be less than 12 months or more than 5 years (including any option for renewal). A term that is less than 12 months is taken to be for 12 months and a term for more than 5 years is taken to be limited to 5 years".
- 3) Contracts may be renewed from time to time.

The General Manager's current contract commenced on 6 September 2015, and expires on 5 September 2020. The contract contains the following information in relation to the process and timing for consideration of the Renewal of Appointment of the General Manager:

5) Renewal of appointment

- 5.1 At least 9 months before the termination date (or 6 months if the term of employment is for less than 3 years) the employee will apply to Council in writing if seeking re-appointment to the position.
- 5.2 At least 6 months before the termination date (or 3 months if the term of employment is for less than 3 years) Council will respond to the employee's application referred to in subclause 5.1 by notifying the employee in writing of its decision to either offer the

employee a new contract of employment (and on what terms) or decline the employee's application for re-appointment.

- 5.3 At least 3 months before the termination date (or 1 month if the term of employment is for less than 3 years) the employee will notify Council in writing of the employee's decision to either accept or decline any offer made by Council under subclause 5.2.
- 5.4 In the event the employee accepts an offer by Council to enter into a new contract of employment, a new contract of employment will be signed.

In accordance with subclause 5.1 the General Manager wrote to Council on 9 July 2019, seeking reappointment for a further five year term. Council now need to make a determination and respond to the General Manager in accordance with subclause 5.2 before 5 March 2020 (i.e. at least 6 months prior to expiry of the current contract).

In addition, the *Guidelines for the Appointment and Oversight of General Managers* issued by the Office of Local Government states at Section 4 "Renewing a general manager's contract" that;

The terms of the new contract, and in particular the schedules to the new contract, should be set out in the letter of offer. Before offering a new contract, the council should carefully review the terms of the schedules to the new contract.

The governing body of council should ensure that the performance management terms of the new contract adequately reflect its expectations as to the general manager's performance.

The governing body of council should also have regard to the previous performance reviews conducted under previous contracts.

The process of deciding whether or not to offer a general manager a new contract should be that:

- *a performance review is conducted;*
- *findings and recommendations are reported to a closed council meeting in the absence of the general manager;*
- *the closed meeting considers and decides whether or not to offer a new contract and on what terms as set out in the schedules to the contract;*
- *the general manager is then advised of the governing body of council's decision in confidence by the mayor.*

Details of the decision to offer a new contract and a salary package should be reported to an open Council Meeting.

The General Manager's latest performance review was held on 28 August 2019, and a copy of the outcomes is attached to the Mayoral Minute to be considered in closed Council.

This report will be presented in part of the Meeting closed to the public pursuant to Section 10A (2) (a) of the Local Government Act 1993, on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors.

(a) Policy Implications

Nil

(b) Financial Implications

The position of General Manager has been provided for in Council's current and forward Annual Operational Plans.

(c) Legal Implications

Section 334(1) of the Act provides that the Council must appoint a person to be its General Manager. The terms of the contract are specified by the Office of Local Government and Council must use the Standard Contract of Employment issued by the Office of Local Government.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR HELEN TICKLE - REDUCTION OF POTABLE WATER BY ENCOURAGING THE USE OF RECYCLED GREY WATER AND OTHER MEANS – FILE NO SF9210

2 ANNEXURES ATTACHED

MOTION

That in relation to the Notice of Motion “Reduction of Potable Water by Encouraging the Use of Recycled Greywater and Other Means”, Council request the General Manager to:

- (i) urgently progress the development of a Draft Water Sensitive Urban Design (WSUD) Development Control Plan (DCP) to ensure that new development and subdivisions are designed to maximise water conservation, reuse and other measures and that the DCP be reported back to Council; and*
- (ii) prepare a communications and engagement strategy to actively promote the benefits and raise awareness of recycling greywater and include information and education workshops with relevant stakeholders such as plumbers, builders, real estate agents, existing and prospective property owners on Greywater Diversion Device Systems and Greywater Treatment Systems.*

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 8 October 2019.

SUPPORTING INFORMATION

Recent widespread drought and reduced flows in our river systems has placed pressure on drinking water supplies in many areas. There is an obvious desire in the community to reduce reliance on potable water.

This Notice of Motion is proposed with the aim of substantially decreasing the reliance on potable water for uses such as gardening, green space and toilet flushing. Increasing greywater recycling within the Tamworth Regional Council area will contribute to water sustainability into the future.

Current State Government Legislation permits the use of Recycled Greywater and the documents **ATTACHED**, NSW Government Department of Water and Energy Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises May 2008, **ANNEXURE 1**, and 'How Can Greywater be Used?' **ANNEXURE 2**, provide information on its use.

Of course our plan must be implemented in a responsible and sustainable way with the systems being appropriate to the property type.

Cr Helen Tickle

2 October 2019

(a) Policy Implications

The development of a Draft Water Sensitive Urban Design (WSUD) Development Control Plan (DCP) will be reported back to Council.

(b) Financial Implications

The cost associated with the preparation of the DCP and communications and engagement strategy will be taken from the Planning and Compliance Directorate budget and any further costs will come back to Council for approval with the DCP.

(c) Legal Implications

Nil

(d) Community Consultation

The DCP will be placed on public exhibition for Community feedback.

(e) Delivery Program Objective/Strategy

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

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 DRAFT TAMWORTH REGIONAL COUNCIL ENFORCEMENT POLICY – FILE NO SF7143

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Ross Briggs, Manager Environment and Health

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Draft Tamworth Regional Council Enforcement Policy”, Council:

- (i) *endorse the public exhibition of the Draft Tamworth Regional Council Enforcement Policy for a period of 28 days;*
- (ii) *following the public exhibition period and the receipt of community feedback, request a further report on the feedback and any amendments to the Draft Policy for consideration and adoption by Council; and*
- (iii) *following the public exhibition period and the receipt of no community feedback, that the draft Policy is adopted.*

SUMMARY

The purpose of this report is to seek approval from Council for the Draft Tamworth Regional Council Enforcement Policy to be placed on public exhibition for a period of 28 days.

COMMENTARY

To ensure that all compliance activities undertaken by Tamworth Regional Council continue to be conducted in a consistent, accountable and transparent manner, the Draft Enforcement Policy has been developed.

The Draft Tamworth Regional Council Enforcement Policy (Draft policy), as **ATTACHED**, refer **ANNEXURE 1**, aims to ensure that officers of Council undertaking enforcement action are doing so in the best interests of public health and safety and in the best interests of the environment.

The Draft policy aims to provide not only a consistent approach to all enforcement matters but will aim to provide certainty to the officers in the field by providing a set of principles that will be applied to all matters to determine what response is required.

Consistency	Ensuring that similar issues are dealt with in the same way and in a fair and impartial manner.
Customer Service	Working with the business or individual to achieve compliance with the law by being approachable, courteous and communicate effectively and efficiently.
Transparency	Ensuring that Council's intentions and actions are easily understood, coherent and demonstrate impartiality, balance and integrity.
Accountability	Council staff are willing to explain their decisions and make available avenues of complaint or appeal.
Proportionality	Compliance and enforcement responses are proportionate to the significance of the breach and responsiveness.
Targeted	Making sure that resources are focussed primarily on responding to community expectations and those whose unlawful activities give rise to the most serious risks.
Cooperation	Making sure that resources are focussed primarily on responding to community expectations and those whose unlawful activities give rise to the most serious risks.

Guidelines will also be developed that detail how Council staff will undertake compliance and enforcement activities to ensure the above principles are observed.

The guidelines or procedures will also serve to determine the more detailed processes and required enforcement options dependent on the significance of the breach, the public

interest, aggravating or mitigating factors, including actions to restrain or remedy a breach, and appropriate penalty actions to punish/deter offenders, and ensure the integrity of the regulatory system.

These detailed procedural guidelines will be determined by management given their operational nature.

(a) Policy Implications

If adopted the Draft policy will be utilised by all Tamworth Regional Council staff involved in Enforcement and Compliance activities.

(b) Financial Implications

Nil

(c) Legal Implications

If adopted the Draft policy will guide all Enforcement and Compliance actions undertaken by Council. This will hopefully aid in strengthening enforcement matters that proceed to prosecution of offenders.

(d) Community Consultation

The Draft Tamworth Regional Council Enforcement Policy will be placed on public exhibition for 28 days. Any feedback received from the community will be reported on to Council via an additional report. Should there be no feedback received the policy won't be reported back and is adopted.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C3 Safe places to live, work, play and visit.

8 INFRASTRUCTURE AND SERVICES

8.1 REGULAR DROUGHT RESPONSE AND WATER SUSTAINABILITY ACTIONS UPDATE – FILE NO SF9442

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

RECOMMENDATION

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

- (i) receive and note the water sustainability projects and activities listed in the report; and*
 - (ii) approve the allocation of \$4,000 from the Water Reserve to fund the equipping and installation of CCTV surveillance on bulk water refill stations located in centres currently on Level 5 water restrictions to monitor possible theft and misuse of town water.*
-

SUMMARY

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

COMMENTARY

Current regional water supply situation

The latest update is provided below:

Area	Restrictions	Water Supply	Situation
Barraba	Permanent	Split Rock Dam	Split Rock Dam level is currently sitting at 1.72%.
Bendemeer	Level 3	MacDonald River	Monthly flow in the Macdonald River is currently zero Megalitres. Airlie Road bore is now operational.
Nundle	Level 4	Peel River/Nundle Bore/Crawney Road Bore	Monthly flow in the Peel River is currently zero megalitres. Crawney Road Bore is currently operational.
Manilla	Level 3	Namoi River/Manilla River	Monthly flow in the Namoi River is currently zero megalitres. Manilla River source is being fully utilised.
Attunga	Level 1	Attunga Bores	Bore levels are stable. Bore 1 is at 4.99 and bore 2 is at 5.87 (depth to groundwater). Potential for ground water to dry up quickly once the river stops flowing.
Tamworth/Moonbi-Kootingal	Level 5	Chaffey Dam/Dungowan Dam – Moonbi-Kootingal via Nemingha Pipeline	Chaffey Dam level is currently at 19.82%.

Council's internal water saving projects

Ongoing annual internal funding of \$50k from the 2019/2020 financial year is being utilised to upgrade the water efficiency of internal Council facilities. A substantial amount of synthetic turf is again being installed in this period. The primary outcome of installing this synthetic grass is to save treated water used in irrigation; however, there are also considerable savings in other areas, such as maintenance and other costs associated with natural grass.

The details of the upgrade projects completed or currently under way to date are as follows:

PROJECT	COST (EXC GST)	SAVINGS PER ANNUM
Waterwise synthetic garden at new Bicentennial Park toilets	\$11,220.00	360 kL
Tamworth Town Hall Waterwise synthetic turf out the front	\$5,836.36	200 kL
Kootingal Depot rainwater harvesting (15,000L tank & pump)	\$2,127.27	87.5 kL
5 x Marsupial Park toilet upgrade	\$8,996.00	195 kL
Rainwater tanks Council lab (2 x 22,500L tanks & 2 pumps & install etc)	\$8,920.00	300 kL
Total	\$37,099.63	1.14 Megalitres

**These figures use a savings calculation of 2,000 litres per square metre of live turf per year.*



First phase of low water garden and synthetic turf at Bicentennial Park entrance.

Level 5 water restrictions community awareness

Level 5 water restrictions were introduced in Tamworth/Moonbi-Kootingal on Monday 23 September 2019. Council has begun the roll out of a multi-platform media campaign following the introduction of Level 5 water restrictions, in line with its adopted Drought Communication and Engagement Plan (CEP). The components of the campaign that are currently being rolled out are:

- campaign concept development and elements;
- bus messaging;
- pull up banners;
- cinema message placement;
- outdoor vinyl banners;
- flyers;
- TV advertisements and scheduling;
- radio advertisements and scheduling;
- social media tiles; and
- newspaper/press advertisement placement and design.

The poster features the Tamworth Regional Council logo at the top. Below it, a progress bar shows five levels, with the fifth level (red) highlighted and labeled 'LEVEL 5'. The main heading is 'LEVEL 5 WATER RESTRICTIONS' in white text on a red background, followed by 'TARGET 150L/PERSON/DAY' in black text on a white background. The 'CAN DO'S' section is highlighted in green and includes three bullet points: 'Recycled, greywater and rainwater CAN be used', 'Cleaning of vehicle windows, windscreens, number plates and mirrors can be done for safety and regulatory purposes with BUCKETS ONLY', and 'Potable water can be used for essential health, safety and hygiene needs'. The 'CAN'T DO'S' section is highlighted in red and includes three bullet points: 'ALL residential outdoor use of town water supply is banned', 'Trickle feed tanks that are connected to the town water supply for refilling CANNOT be used for outdoor watering', and 'NO irrigation of outdoor industrial and commercial green spaces'. The bottom of the poster features the website 'tamworth.nsw.gov.au/water' in white text on a blue background.

Tamworth
REGIONAL COUNCIL

WE ARE CURRENTLY ON...

LEVEL 5

LEVEL 5 WATER RESTRICTIONS

TARGET 150L/PERSON/DAY

CAN DO'S

- Recycled, greywater and rainwater **CAN** be used
- Cleaning of vehicle windows, windscreens, number plates and mirrors can be done for safety and regulatory purposes with **BUCKETS ONLY**
- Potable water can be used for essential health, safety and hygiene needs

CAN'T DO'S

- **ALL** residential outdoor use of town water supply is banned
- Trickle feed tanks that are connected to the town water supply for refilling **CANNOT** be used for outdoor watering
- **NO** irrigation of outdoor industrial and commercial green spaces
- Pools **CANNOT** be filled or topped up

tamworth.nsw.gov.au/water

Copy of poster and corflute sign being distributed under Level 5 restrictions.

Weekly information sessions have also been held in the foyer of Ray Walsh House between 10:00am and 1:00pm in order to accommodate residents seeking information at lunchtime during Level 5 water restrictions. These information sessions included distribution of:

- shower timers;
- DL flyers outlining how residents can achieve 150 litres per person per day; and
- home water audit sheets for residents to conduct methodical testing of how much water they use in their home.

Regular media appearances from Sustainability staff on radio and television have also been made in order to raise the profile, awareness and conditions of the current Level 5 water restrictions. Water staff also attended an information stand at the 2019 Annual Tamworth Show.



Sustainability have established a presence to distribute quality water information in the foyer of Ray Walsh House.



VMS messaging boards have been placed at key high vehicle traffic areas throughout Tamworth/Moonbi-Kootingal.



Hard panel signage on approach roads has been replaced in line with water supply situation.

Internal Council audit

Council has engaged Smart Water Advice to conduct water usage audits on 20 of Council's larger water using sites. These sites have now been visited by the water auditors who have liaised with relevant staff and have submitted findings in a draft report. This report is currently being reviewed by Sustainability staff and any water saving opportunities that have been identified by auditors will be considered for implementation. Council sites that have received the audit are:

1	Westdale Wastewater Treatment Plant
2	Australian Equine and Livestock Centre
3	Regional Sporting Complex (Scully Park)
4	Tamworth Memorial Swimming Pool
5	Scully swimming pool
6	Manilla swimming pool
7	Barraba swimming pool
8	Nundle swimming pool
9	Kootingal swimming pool
10	Bicentennial Park
11	Endeavour Park
12	Anzac Park
13	Riverside Sports Complex

14	Botanical Gardens
15	Tamworth Cemetery
16	Belmore Park
17	Tamworth Sports Dome
18	Kootingal Sports Ground
19	Lockheed Street Depot
20	Flynn Street Depot

Drought Action Group

The Drought Action Group continues to meet on a fortnightly basis to develop and implement actions relating to the ongoing drought and low water supply situation. The group is made up of members of the Water area including Headworks and Distribution and includes representatives from other key areas of Council including Regional Services, Communications, Community Engagement and Customer Service. There is now a separate operations group meeting where detailed technical responses and options could be considered and have this group report back to the Drought Action Group, allowing for a more efficient communication between operational and non-operational staff. Recently key staff from Compliance, Environment & Planning and Events have been drafted into the group to cover pertinent issues, including compliance.

Large Water Audits business and commercial

All business and commercial Large Water User audit reports conducted by the consultant Smart Water Advice have now been distributed to each business and commercial operation via a face-to-face meeting and/or telephone conference.

Evaporative air conditioners

Evaporative air conditioners can be used on Level 5 water restrictions, but must be operated as efficiently and moderately as possible. Evaporative coolers pass warm air through a wet filter, which cools the air as the water evaporates. This cool air is then distributed throughout the building. Refrigerated or reverse cycle air conditioners do not use water. Evaporative air conditioners, especially those not being used efficiently, can use between 10 to 30 litres per hour, depending on the size of the unit and the level of humidity. In an upcoming newsletter sent to all residents, and a detailed fact sheet, residents will be given tips on operating their evaporative air conditioner as efficiently as possible including:

- get the system checked and maintained regularly by a qualified professional;
- open doors and windows in rooms being cooled and make sure the opening is large enough for air to flow freely outside – insufficient air flow will reduce the cooling effectiveness and put back-pressure on the fan;
- use the timer to control use of system only when it's required, don't run the system all day and all night;
- adjust for humidity by turning off the water and running the fan only on days of high humidity – this can be very effective on still, humid evenings when the outside air is cooling down;
- don't recirculate the bleed-off water back through the system, but it can be diverted to the garden; and

- cover the system over winter as ducted cooling outlets can be a big source of heat loss over winter, increasing heating costs.

Residents are also being advised to have their evaporative air conditioners regularly maintained by a qualified professional. Evaporative air conditioning maintenance tradespeople will have to use a hose to flush, clean and clear the system and get it running at peak efficiency. This is a case of using a little water to save a lot.

Electric fans are also being encouraged as a way to stay comfortable over the hotter months without using water. Likewise, if the resident's system has the option to, they can run just the fan of the evaporative air conditioner, without running the water pump.

Response from business and industry

Examples of business and industry taking measures to assist on Level 5 water restrictions are:

- a hair and beauty salon offering 50% reduction on dry hair treatment products;
- gym and drive-through coffee shop offering to display posters and flyers at their entrances;
- shopping centre offering vacant shop frontage for placement of very large poster transfers to be displayed; and
- staff of an air conditioning company giving freely of their time to assist in educating residents on the efficient use of evaporative cooling.

Compliance

The great majority of residents across the region continue to adhere to the required water restrictions when they are requested to. A breakdown of consumption over the period of Level 4 water restrictions showed that residents were averaging around 200 litres per person, per day which is a highly commendable outcome.

There are still a minority of residents who are either deliberately or inadvertently breaching water restrictions conditions, and Council continues to correspond with these residents in the form of warning letters. In the month prior to the introduction of Level 5 water restrictions on Monday 23 September 2019, 35 first warning letters and two second warning letters were issued, two matters were referred to Compliance, eight reports did not require action and zero fines needed to be issued. It is too early to determine whether water restrictions breach reports have increased or decreased since the introduction of Level 5 water restrictions.



Example of the type of IBC or 'shuttle' container increasing in use across the region.

The use of Intermediate Bulk Containers (IBCs), or 'shuttle' or 'pod' containers has proliferated across the region during the implementation of higher levels of water restriction. Residents are claiming to be sourcing water from bores or rainwater tanks of family members, acquaintances, or other properties and transporting it to properties connected to the treated supply. This is making compliance problematic as it is difficult to verify these sources, and that tanks are not being filled from town supply points. The onus of proof is on these residents and they are being advised that statutory declarations are a way of demonstrating the legitimate source of the water, signed by the owner of the bore or water source. Chlorine testing by Compliance officers could potentially also be used to assess whether water has been sourced from town water supplies.

CCTV surveillance on bulk water refill stations to monitor theft and misuse

There have been escalating reports of individuals accessing bulk water refill stations unlawfully or using the water accessed in breach of current Level 5 water restrictions. There have been instances of individuals accessing the pipe infrastructure behind the refill station to bypass the payment and restricted access points. To prevent this, a metal cage was placed over the pipe infrastructure, but individuals then gained access using specialist tools. There have also been some staff and resident reports that water carters may potentially be accessing restricted water supplies, then stating to customers that the water was sourced from an unrestricted supply. Council has attempted to stop this alleged practice by requesting that water carters issue their customers with a signed receipt explicitly stating the water has been sourced from an unrestricted supply. In order to help monitor and if necessary take appropriate action, it is recommended that \$4,000 be allocated to fund the equipping and installation of CCTV surveillance on bulk water refill stations currently on Level 5 water restrictions. It is proposed that CCTV video be installed at bulk water refill stations currently on Level 5 water restrictions, which includes:

- AELEC;
- Lockheed Street;
- Kootingal; and
- Oxley Anchor.

Video footage gathered at these sites would then be utilised as evidence to prosecute as appropriate.

Drought related Water Operations projects

As no flow has been recorded in the Namoi River since August, the following works have been completed at Manilla to assist in securing the town water supply:

- a ‘temporary’ weir has been built just downstream of the Manilla River intake to allow increased river levels at the intake for the pump station to operate effectively;
- pumping has commenced from the Manilla River to the Namoi River;
- two temporary 48 kilolitre tanks have been installed at the Namoi River pump Station to allow water pumped from the Manilla River to go directly to the tanks and then the pump station to the plant. This minimises losses that have been experienced by pumping the Manilla River water directly behind the weir in the Namoi River; and
- an application has been made to NSW DPI Fisheries to ‘temporarily’ raise the height of the fish ladder at the Namoi River Weir to increase holding capacity behind the weir. Currently the fish ladder sits 200mm below the weir height, and it is proposed to raise the fish ladder to the height of the weir. This will still allow water to flow over the fish ladder just prior to the weir flowing over.

Council has had independent water auditors from Smart Water Advice conduct a full audit of the Attunga Lime Mine. This audit was conducted in order to build a clear picture of how this operation consumes water from the Attunga supply, currently, historically, and their estimated water usage for future operations. This report will be submitted to the Water Operations in order for them to utilise this information to balance and plan for the water requirements of both the Lime Mine and the Attunga township.

State Government drought water projects in Tamworth region

In June 2019, the NSW Government announced a range of water security projects to extend essential town water supply to Tamworth, Moonbi and Kootingal. There have been unprecedented low inflows into the region’s dams, including Chaffey Dam which supplies Tamworth, and WaterNSW and Council are working together to extend water supply to Tamworth, Moonbi and Kootingal during this drought period. These emergency drought response works will be undertaken by WaterNSW in an effort to ensure Tamworth does not run out of water should the severe drought conditions continue into 2020 and include the following:

- installing a temporary weir and temporary pipeline at Dungowan Village to redirect flows to the Council owned Dungowan Pipeline and then to the Tamworth water supply system. This will reduce in stream losses associated with the delivery of water to Council’s Peel River Pump Station and in so doing, assist with maintaining supply for four months while the permanent pipeline is being constructed;
- constructing a permanent pipeline from Chaffey Dam to Dungowan;
- removing the temporary weir and temporary pipeline at Dungowan Village when the permanent pipeline becomes operational; and
- planning for a temporary weir at Jewry Street in Tamworth will also continue. A final decision to proceed with this option will be made in February 2020 as all resources will be dedicated to constructing the temporary weir at Dungowan Village and the new permanent pipeline from Chaffey Dam to Dungowan. Installing a temporary weir at

Jewry Street will enable any tributary inflows from Goonoo Goonoo Creek to be captured, increasing the pool size of water at this location for potential extraction should the severe drought conditions continue.

All works will be in accordance with relevant planning and environmental approvals. River flows in the Peel River downstream of Dungowan are expected to cease from 30 November 2019, following the installation of the temporary weir at Dungowan Village. When the permanent pipeline is constructed and operational, releases from Chaffey Dam to the Peel River will be made in accordance with the Peel Valley Water Sharing Plan. Where river flows have ceased, pools within the river bed may remain for varying periods of time, depending on the size and depth of those pools. As the drought continues, critical human needs will remain the top priority. WaterNSW will also be assisting DPI Fisheries with monitoring priority refuge water holes and monitoring water quality for fish and wildlife.

Water NSW will be holding further landholder information sessions to discuss the effect of the identified works at the following times and venues;

Monday 14 October – Dungowan

Session 1: Dungowan Village/Recreation Grounds from 4:00pm - 5:30pm

Session 2: Dungowan Hotel from 7:00pm - 8:30pm

Tuesday 15 October – Tamworth

Session 3: Tamworth Community Hall from 7:00pm - 8:30pm

These information sessions will provide details on:

- final pipeline route and construction timetable;
- progress on the planning and construction of the Dungowan temporary weir;
- possible options for alternate domestic water supply for affected landholders; and
- latest drought outlook.

(a) Policy Implications

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

(b) Financial Implications

Funds have been set aside in the Water and Waste Directorate budget for identified water sustainability projects.

Should Council agree to the installation of CCTV surveillance at some of Council's Bulk Water Filling Stations then an additional \$4,000 be allocated from the Water Reserve to fund this work.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.2 CONDITIONS FOR THE OPERATION OF VARIOUS TYPES OF SWIMMING POOLS ON LEVEL 4 AND 5 WATER RESTRICTIONS – FILE NO SF9210

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

RECOMMENDATION

That in relation to the report “Conditions for the Operation of Various Types of Swimming Pools on Level 4 and 5 Water Restrictions”, Council continue to enforce water restrictions for swimming pools as per the Drought Management Plan on the understanding that swimming pools in residential homes, complexes, estates, aged care facilities and schools should be considered private pools under the Drought Management Plan.

SUMMARY

While Council’s existing Drought Management Plan details how privately owned swimming pools at individual residences, swimming pools at Motels and Hydrotherapy pools are treated under various levels of water restrictions, Council staff have been receiving inquiries about swimming pools at schools, residential complexes, residential estates and residential aged care facilities concerning the filling of these pools are under Level 5 restrictions.

COMMENTARY

Under Council’s current 2015 Drought Management Plan swimming pools fall into one of the following classification types:

- private;
- motel and guest house;
- Council;
- hydrotherapy; and
- commercial and industrial use.

However, questions have been asked about how swimming pools at residential complexes, estates, aged care facilities and schools are categorised. The key question in relation to pools in these complexes is should they be considered as a private pool or is the pool part of a commercial operation. For example the pool at 360 Fitness Club in Beaufort Street Taminda is considered to be part of a commercial operation and therefore restrictions applying to other privately owned pools do not apply in this case.

Examples of pools where the status as part of a commercial operation is unclear include:

- residential community pools – this would include pools like those at The Peak and at The Grange in Tamworth;
- pools at retirement villages – this would include at Broadmeadows Gardens; and

- pools at schools – Both Calrossy Anglican School and Farrer Memorial Agricultural High School have swimming pools.

Following consideration of this issue it is suggested that if patrons of a swimming pool pay an entrance fee at the time of gaining access to a particular pool then that pool should be considered part of commercial operation. It is acknowledged that for some of the pools detailed above residents pay annual fees etc., which allow them to use a pool, however it is considered these fees are used to offset the cost of operation and maintenance of the pool and not designed to make a commercial return on the operation of the pool.

Some of the aged care facilities and residential aged care etc., have pools which it has been suggested could be considered hydrotherapy because of their use and the fact they are heated. It is suggested unless an individual or entity can prove that they are using a pool for substantive medical purposes or treatment such as physiotherapy, occupational therapy or special physical needs, the pool should not be considered a hydrotherapy pool but rather a private pool.

Should Council agree with the recommendation that swimming pools in residential homes, schools, residential complexes, residential estates and residential aged care facilities are all considered to be *private* pools under the Drought Management Plan and as such are not able to be filled or topped up on Level 5 water restrictions unless the water is sourced from an unrestricted supply, then the following provides a summary applicable under Level 4 or 5 water restrictions.

Pool type	Conditions on Level 4 and 5
Tamworth Hospital hydrotherapy	No restrictions to health facilities.
Barraba hydrotherapy	No restrictions to health facilities.
Bullimbal Special School hydrotherapy	No restrictions to health facilities.
Commercial gym	Minimal impact to business and industry.
Schools	Banned unless filling/topping up from unrestricted supply.
Motels and guest houses	Banned unless filling/topping up from unrestricted supply.
Residential home	Banned unless filling/topping up from unrestricted supply.
Residential complex	Banned unless filling/topping up from unrestricted supply.
Residential estate	Banned unless filling/topping up from unrestricted supply.
Residential aged care facilities	Banned unless filling/topping up from unrestricted supply.

Council pools	Special dispensation has been made to fill and operate Scully and Kootingal pools from unrestricted supplies.
---------------	---

(a) Policy Implications

The operation of various types of pools is laid out the Water Restrictions Guide within Council's 2015 Drought Management Plan.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

8.3 EXTENSION OF WATER SAVING REBATE SCHEME TO BUSINESS AND COMMERCIAL WATER USERS – FILE NO SF3219

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

RECOMMENDATION

That in relation to the report “Extension of Water Saving Rebate Scheme to Business and Commercial Water Users”, Council;

- (i) extend the current Residential Water Saving Rebate scheme to business and commercial water users connected to a reticulated water supply operated by Council effective immediately; and*
- (ii) approve the allocation of \$50,000 from the Water Reserve to fund the extension of the rebates scheme.*

SUMMARY

The purpose of this report is to seek Council direction in relation to the possible extension of the current Residential Water Saving Rebate scheme to business and commercial water users connected to a reticulated water supply operated by Council for the installation of water saving products.

COMMENTARY

Council's current Residential Water Saving Rebate Scheme is designed to offset the use of treated water by offering financial assistance to residents to install water-efficient products in and around their existing homes. To date, the scheme has only been open to *residential* applicants connected to the treated water supply who are retrofitting existing homes, or to

residents installing products in new homes where the product is not a requirement of the NSW Building Sustainability Index (BASIX).

With the current drought progressing unabated, and the introduction of Level 5 water restrictions, one initiative that could be considered to encourage business and commercial to invest in new fittings that will reduce water consumption, is the extension of the current Residential Water Saving Rebate scheme to business and commercial water users connected to a reticulated water supply operated by Council.

Under the current residential scheme Council currently pays up to 50% of the purchase/installation cost or a maximum of the following amounts on these products:

Products	Rebate
3-star showerhead	\$20
3-star dual flush toilet	\$150
Swimming pool cover	\$100
2-5 kilolitre rainwater tank	\$250
5 kilolitre or above rainwater tank	\$500

Significant savings could be made from the replacement or installation of water saving products with business and commercial operations. The following are individual water saving estimates for these products:

ESTIMATED WATER SAVINGS FROM PRODUCTS ELIGIBLE UNDER SCHEME		
PRODUCT	ESTIMATED SAVING PER PRODUCT	YEARLY TOTAL SAVINGS (kL) PER PRODUCT
3-star showerhead	9 litres per minute at 4 x five-minute showers per day	65 kL
3-star dual flush toilet	9 litres per flush at 12 flushes per day	39 kL
Swimming pool cover	4000 per month through saved evaporation	48 kL
2-5kL rainwater tank	87.5kL per year, based on 3.5kL tank connected to toilet and/or laundry, and garden – based on 25 effective fills of tank per year	87.5 kL
5kL (or above) rainwater tank	150kL per year, based on 10kL tank connected to toilet and/or laundry, and garden – based on 15 effective fills of tank per year	150 kL

The Residential Water Saving Rebate scheme is scheduled to end on February 28 2020, and Council will be asked to review the scheme at that point. If the scheme was extended to business and commercial operations, the extension of rebates to business and industry would also be reviewed at that time.

(a) Policy Implications

The current Residential Water Saving Rebate Scheme forms part of the 2016 Demand Management Plan, and will be reviewed prior to its expiry on 28 February 2020.

(b) Financial Implications

Whilst the amount Council will have to pay out in rebates is directly related to the number of applications received, it is estimated that \$50,000 would be required initially to cover applications for rebates for business and commercial water users who install water saving products.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 PUBLIC INTEREST DISCLOSURES AND CODE OF CONDUCT COMPLAINTS – FILE No SF801

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

RECOMMENDATION

That in relation to the report “Public Interest Disclosures and Code of Conduct Complaints”, Council receive and note the report.

SUMMARY

The purpose of this report is to advise Council of any Public Interest Disclosures and Code of Conduct complaints made to Council from 1 July 2018 to 30 June 2019.

COMMENTARY

Public Interest Disclosures

Council is required under the Public Interest Disclosures Regulation 2011, to provide information in relation to Public Interest Disclosures in the Annual Report each year and to the

NSW Ombudsman every six months. The following information is required to be published in Council's Annual Report in relation to Public Interest Disclosures:

	1 July 2018 – 30 June 2019
Number of public officials who made PIDs	0
Number of PIDs received	0
Of PIDs received, number primarily about:	0
Corrupt Conduct	0
Maladministration	0
Serious and substantial waste	0
Government information contravention	0
Local government pecuniary interest contravention	0
Number of PIDs finalised	0

Tamworth Regional Council has established an internal reporting policy that is available to all staff on the Council intranet. The Internal Reporting Policy has also been emailed to all staff to ensure they are made aware of Public Interest Disclosures and training is provided in-house to staff throughout the year. Public Interest Disclosures training is provided to new staff members at induction.

Code of Conduct Complaints

Tamworth Regional Council received one Councillor Code of Conduct complaint during the 2018/19 reporting year.

(a) Policy Implications

This report conforms to Council's Code of Conduct and Public Interest Disclosures Policy.

(b) Financial Implications

Nil

(c) Legal Implications

Section 4 (1) of the Public Interest Disclosures Regulation 2011, requires each public authority to provide information in the Annual Report each year and every six months to the NSW Ombudsman.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.2 SECTION 355 COMMITTEE MINUTES – FILE NO SF2256

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Kay Burnes, Senior Place Manager

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Section 355 Committee Minutes”, Council:

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

<i>Nemingha Hall and Reserve Committee - AGM</i>	<i>3 July 2019</i>
<i>Gowrie Progress Association - AGM</i>	<i>15 July 2019</i>
<i>Duri Progress Association - AM</i>	<i>16 July 2019</i>
<i>Bendemeer Town Hall Committee - AGM</i>	<i>23 July 2019</i>
<i>Loomberah Hall Committee - AGM</i>	<i>25 July 2019</i>
<i>Grey Fergie Tractor Muster Committee - AGM</i>	<i>10 August 2019</i>
<i>Nundle Go For Gold Festival Committee - AGM</i>	<i>4 September 2019</i>
<i>Nundle Go For Gold Festival Committee</i>	<i>4 September 2019;</i>

(ii) accept the recommendation of the Nemingha Hall and Reserve Committee’s Annual General Meeting held 3 July 2019, to appoint the following as executive members:

<i>Chairperson</i>	<i>Steven Hawkins</i>
<i>Secretary</i>	<i>Angus Newcombe</i>
<i>Treasurer</i>	<i>Marie Hawkins</i>
<i>Booking Officer</i>	<i>Lyn Ohlback;</i>

(iii) accept the recommendation of the Gowrie Progress Association’s Annual General Meeting held 15 July 2019, to appoint the following as executive members and members:

<i>Chairperson</i>	<i>James Smith</i>
<i>Deputy Chairperson</i>	<i>Graeme Whitten</i>
<i>Secretary</i>	<i>Evelyn Keane</i>
<i>Treasurer</i>	<i>Bet Crago</i>
<i>Members: all above and Tony Orr, Steve Walters, Noel Cook, Phil Gamble, Diann Cook, Narelle Walters, Lyndell Whitten, Mark Griffith, Jaye Griffith, Melissa Gamble and Joan Smith;</i>	

(iv) accept the recommendation of the Duri Progress Association’s Annual General Meeting held 16 July 2019, to appoint the following as executive members:

<i>Chairperson</i>	<i>Darrin Alderson</i>
<i>Deputy Chairperson</i>	<i>Billie Jane Wood</i>
<i>Secretary</i>	<i>Lindsay Donaldson</i>
<i>Treasurer</i>	<i>Priscilla Collins</i>
<i>Media Officer</i>	<i>B Frazer</i>

**Duri Hall Committee: J Alderson, Billie Jane Wood, K Haskins, R McCrea
Gymkhana Conveners: Debbie Craig and David Ware;**

- (v) **accept the recommendation of the Bendemeer Town Hall Committee's Annual General Meeting held 23 July 2019, to appoint the following as executive members and members:**

Chairperson	Kerry Brown
Secretary	Carolann Brown
Assistant Secretary	Margaret Hemmings
Treasurers	Anne and Winston Doak
Booking Officers	Kerry Brown and Winston Doak
Members: all above and Jan Farrell, Glen Wilkinson and Jeanette Dietrich;	

- (vi) **accept the recommendation of the Loomberah Hall Committee's Annual General Meeting held 25 July 2019, to appoint the following as executive members and members:**

Chairperson	Derani Barwick
Secretary	Elizabeth Blackburn
Treasurer	Tanya McKnight
Booking Officer	Rebecca Barwick
Publicity Officer	Karlie Tongue
Members: all above and Rachel Tongue, Janelle Tongue, Ian Pittman and Sophie O'Neill;	

- (vii) **accept the recommendation of the Grey Fergie Tractor Muster Committee's Annual General Meeting held 10 August 2019, to appoint the following as executive members and members:**

Chairperson	Michael Breedon
Deputy Chairperson	Winston Doak
Secretary	Anne Doak
Treasurer	Greg Offord
Members: all above and Jaki Dressing, Verity Treeve, Alison Smith, Steve Payne, Don Keaton, Jenny Keaton, Ken Brett and Anthony King;	

- (viii) **accept the recommendation of the Nundle Go For Gold Festival Committee's Annual General Meeting held 4 September 2019, to appoint the following as executive members and members:**

Chairperson	Nick Bradford
Deputy Chairperson	Megan Trousdale
Secretary	Vacant
Treasurer	Teresa Eather
Publicity/Marketing Officer	Megan Trousdale
Volunteer Coordinator	Megan Carbury
Members: all above and Dwayne Fischer, Carol Lesley, Robert Schofield, Brendan Nawrocki and Pip Joy; and	

- (ix) **accept the recommendation of the Nundle Go For Gold Festival Committee's General Meeting held 4 September 2019, to appoint Harvey Warden as a new member.**

SUMMARY

The purpose of this report is to present the Minutes of the Section 355 Committee meetings and consider the items for adoption, as recommended by the Committees.

COMMENTARY

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

Council receive eight sets of Minutes requiring items for adoption from Section 355 Committees and the Minutes are **ATTACHED**, refer **ANNEXURE 1**, for Council's information.

(a) Policy Implications

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

(b) Financial Implications

Section 355 Committee and Place Management activities and budgets are maintained under the Planning and Compliance Directorate budget.

(c) Legal Implications

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L13 Provide inclusive opportunities for the community to get actively involved in decision-making.

9.3 COUNCIL SPECIAL PURPOSE COMMITTEES, WORKING GROUPS, EXTERNAL BOARDS AND ORGANISATIONS – FILE NO SF2256

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

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, 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) 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;

- (iii) approve the change of name for the Major Plant Selection Working Group to the Plant Committee;***
- (iv) dissolve the Community Projects Working Group; and***
- (v) approve the Tamworth Regional Licensed Premises Reference Group.***

SUMMARY

The purpose of this report is to elect or appoint Councillors as members or representatives on Council's Special Purposes Committees, Working Groups, External Boards, and Organisations.

COMMENTARY

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. The 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, unless Councillors request to review the representation.

The following changes have been made to the 2019/2020 document:

Removal of the Community Projects Working Group from the Register of Council Committees as the Committee has not met since 2012. The Group was set up to coordinate work by Corrective Services, however, this is currently done 'as required' by senior staff/Supervisors within Horticulture and Recreation when opportunities are available.

The Major Plant Selection Working Group has had a name change to the Plant Committee.

Committees that have been added to the Register are:

Tamworth Regional Council Sister City Qinglong Working Group;

Tamworth Regional Licensed Premises Reference Group;

Addition of Regional Arts NSW Committee; and

King George V Avenue Working Group.

(a) Policy Implications

Nil

(b) Financial Implications

Council is a financial member of some of the listed Organisations. Provision has been included in the 2019/2020 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 – L13 Provide inclusive opportunities for the community to get actively involved in decision-making.

9.4 DISCLOSURE OF INTEREST RETURNS – FILE NO SF9229

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Karen Litchfield, Manager Governance
Reference: DOCUMENTS TABLED

RECOMMENDATION

That in relation to the report “Disclosure of Interest Returns”, Council:

- (i) note that Councillors and designated persons have completed and lodged Disclosure of Interest Returns prior to the first Council Meeting after 30 September 2019; and*
- (ii) advise the Office of Local Government accordingly.*

SUMMARY

The purpose of this report is to satisfy the requirements of the Model Code of Conduct and Section 440AAB of the *Local Government Act 1993*, and table Disclosure of Interest Returns from Councillors and designated persons completed and lodged.

COMMENTARY

Section 440AAB requires returns lodged with the General Manager under Section 440AAB must be tabled at a meeting of the Council, being:

- (2) Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.*

Councillors and designated persons have complied with the Model Code of Conduct and Section 440AAB provision of the Act in relation to disclosure of interests with the exception of those persons listed below:

- Luke Powell
- Graeme Mckenzie
- Darren Greentree

The Register of Disclosure of Interest is available for perusal by any Councillor or member of the public.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Model Code of Conduct and Section 440AAB of the *Local Government Act 1993*.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.5 REVIEW OF GENERAL POLICY REGISTER – FILE NO SF1384

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

1 ANNEXURES ATTACHED

RECOMMENDATION

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

- (i) endorse the proposed revocation or amendment of the General Policies identified in the Annexures 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.*

SUMMARY

The purpose of this report is to present the updated policies to Council for endorsement to be placed on public exhibition for 28 days for adoption.

COMMENTARY

A review of the General Policy Register has been undertaken to ensure that the policies are relevant and appropriate for Tamworth Regional Council.

Many policies have been reviewed and these policies need to be adopted by Council before they can be implemented. The changes to each policy are highlighted in red in the **ATTACHED** General Policy Register, refer **ANNEXURE 1**.

The Barraba Home and Community Care (HACC) Exit Criteria Process Policy and the Barraba Home and Community Care (HACC) Community Transport Policy were both removed from the policy register as Council no longer provides HACC services.

The General Policy Register must be placed on public exhibition for 28 days and adopted by Council.

(a) Policy Implications

The General Policy Register provides direction to staff and Council on matters relating to Council operations.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The updated General Policy Register will be placed on exhibition for a period of 28 days.

9.6 REVIEW OF NUNDLE AUSTRALIA DAY COMMITTEE – FILE NO SF2321

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Kay Burnes, Senior Place Manager

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Review of Nundle Australia Day Committee”, Council disband the Nundle Australia Day Committee established under Section 355 of the Local Government Act 1993, and withdraw the delegation under Section 377 of the Act to submit recommendations to Council for the planning, organisation and conduct of Australia Day activities within the town of Nundle:

- (i) that any assets held by the Nundle Australia Day Committee be transferred to Council;*
- (ii) that any liabilities accrued by the Nundle Australia Day Committee be transferred to Council;*
- (iii) that Council call Expressions of Interest from the local community to form an eight person (minimum of four persons) Nundle Australia Day Advisory Panel to review the annual Australia Day award nominations and that the nominations be reported back to Council for resolving the Advisory Panel’s membership; and*
- (iv) write to the members of the Nundle Australia Day Committee and thank them for their contributions.*

SUMMARY

The purpose of this report is to disband the Nundle Australia Day Committee and withdraw a delegation to submit recommendations to Council for the planning, organisation and conduct of Australia Day activities within the town of Nundle. Furthermore, for Council to endorse the call for Expression of Interest to form a Nundle Australia Day Advisory Panel.

COMMENTARY

The Nundle Australia Day Committee, a Section 355 Committee of Council, recently held their Annual General Meeting and discussed the possibility of the Committee becoming an Advisory Panel to determine the Nundle Australia Day award nominations.

Whilst the Section 355 Committee is very obliging and willing to continue to support celebrating Australia Day in Nundle they feel that giving consideration to the existing members all being seniors it would be a much easier task to be an Advisory Panel and eliminate the governance procedures required to be a Section 355 Committee.

The Committee members have indicated that they are more than willing to volunteer their services in the preparation for and during the event on Australia Day.

With the support of the volunteers the delivery of the event by Council staff would not be a significant increase to resourcing. Council will take on the roll of coordinating the local community organisations and community volunteers to deliver the annual Australia Day celebrations. The annual allocated budget for the event is held and managed by Council.

It is recommended to Council that Expressions of Interest be called for community members to be part of an eight person (minimum of four persons) Nundle Australia Day Advisory Panel, with the delegation to review the annual Australia Day Award nominations and make recommendation to Council of the determined recipients. Council will receive the nominations and convene the Advisory Panel to undertake their review and make recommendation.

The term of the Advisory Panel members will be set for a period of three years.

The following process is recommended with the additional process for the transfer of assets and liabilities from Nundle Australia Day Committee:

- that Council withdraw the delegation under Section 377 of the Local Government Act 1993, to the Nundle Australia Day Committee;
 - plan, organise and conduct of Australia Day activities within the village of Nundle;
- that Council transfer any assets held by the Nundle Australia Day Committee to Council;
- that Council transfer any liabilities accrued by the Nundle Australia Day Committee to the Council; and
- Council disband the Nundle Australia Day Committee and the members be thanked.

The Minutes of the Nundle Australia Day Committee's Annual General Meeting held 17 July 2019 are **ATTACHED**, refer **ANNEXURE 1**, for Council's information.

(a) Policy Implications

It is a policy decision of Council to amend any Section 355 Committee's functions and practices having regard to Council's community governance structure and Section 355 of the Local Government Act 1993.

(b) Financial Implications

Nil

(c) Legal Implications

Section 355 of the Local Government Act 1993, enables the Council to appoint a committee to exercise a function on its behalf by way of a Committee of the Council.

This is used in conjunction with Section 377 of the Act to formally delegate functions to the appointed committee.

(d) Community Consultation

Discussions have been held with the existing Section 355 Committee members and they have agreed by minuted resolution to disband as a S355 Committee. The committee members advised the Senior Place Manager that they would be happy to be part of an Advisory Panel to review the annual award nominations.

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L13 Provide inclusive opportunities for the community to get actively involved in decision-making.

10 COMMUNITY SERVICES

10.1 AIRPORT FEES AND CHARGES AMENDMENT – FILE NO SF8134

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: Julie Stewart, Airport Manager

Reference: Item 9.4 to Ordinary Council 26 March 2019 - Minute No 91/19

RECOMMENDATION

That in relation to the report “Airport Fees and Charges Amendment”, Council:

- (i) approve the reinstatement of the fee for Terminal Space Outgoings as part the 2019/2020 Annual Operating Plan – Fees and Charges;*
- (ii) approve for the fee to be placed on public exhibition for a period of 28 days; and*
- (iii) requests a further report outlining any submissions made during this period prior to formal adoption.*

SUMMARY

This report seeks Council’s approval to place on public exhibition the inclusion of the Terminal Space Outgoing Fee, as listed in the 2018/2019 Annual Operation plan, in the 2019/2020 Annual Operation Plan – Fees and Charges. The fee was excluded from the current Annual Operational Plan, and therefore, this amendment is required.

COMMENTARY

Council adopted the 2019/2020 Annual Operating Plan (AOP) in June 2019.

In Council’s previous AOP’s 2017/2018 and 2018/2019, under Airport Buildings and Land; Leasing and Terminal Space, the Airport included a fee for: Terminal Space – Outgoings.

The Terminal Space – Outgoings covers normal outgoings in the leasing environment including a portion of terminal cleaning and maintenance costs calculated on a per square metre rate. The fee for 2017/2018 was \$146 including GST, and for 2018/2019 was \$149 including GST.

A fee of \$153.00 per square metre including GST for 2019/2020 was omitted from the adopted Fees and Charges. This fee remains applicable and an amendment is required for it to be included in the Fees and Charges for the current year.

This previously omitted fee will be advertised publicly for 28 days as required under the Local Government Act 1993.

There has been no loss of revenue to Council to date, as no new agreements have been made.

(a) Policy Implications

Nil

(b) Financial Implications

Revenue collected for terminal space and outgoings is allocated to the Airport reserve.

(c) Legal Implications

Nil

(d) Community Consultation

Section 610F(3b) of the Local Government Act 1993, requires that public notice of proposed fees must be given in accordance with Section 705.

(e) Delivery Program Objective/Strategy

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

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

That the confidential reports as listed be considered in a Meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.

11.1 TENDER T034/2020 ARMIDALE ROAD TRUNK WATER MAIN REHABILITATION – FILE No T034/2020

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to recommend Council decline to accept any of the Tenders

received for the Armidale Road Trunk Water Main Rehabilitation Project.

11.2 TAMWORTH REGIONAL AIRPORT PASSENGER NUMBERS – FILE NO SF77

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Julie Stewart, Airport Manager

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

SUMMARY

The purpose of this report is to update Council on passenger numbers at Tamworth Regional Airport for the first eight months of this calendar year and also provide comparisons to previous periods.

11.3 DESIGN AND CONSTRUCTION OF A NEW HOCKEY FIELD AT THE TAMWORTH HOCKEY CENTRE – FILE NO T002/2020

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works
Reference: Item 8.1 to Ordinary Council meeting of 26 March 2019 - Minute No. 82/19

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 seek Council's approval to award Tender T002/2020 – Design and Construction of a New Hockey Field at the Tamworth Hockey Centre – as part of the NICSE Stage 2 project, under a firm lump sum contract to Tuff Group Holdings (Tuff Group) Pty Ltd.

11.4 PROVISION OF CLEANING SERVICES FOR COUNCIL FACILITIES – FILE NO T147/2019

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager Plant, Fleet and Building Services
1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (d)i of the Local Government Act 1993, on the grounds that the matter and

information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

SUMMARY

Council's existing tender, T112/2017 provision of cleaning services for Council facilities, expires at the end of October 2019. This tender is to form the contract for the next two years with the possibility of a one year extension to three years, based on good performance.

11.5 COMMUNICATIONS, MARKETING AND PUBLIC RELATIONS - CONSULTANCY SERVICES – FILE NO Q013/2020

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Chris Weber, Director Corporate and Governance

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

At times Council requires the use of external contractors to assist with the delivery of communications, marketing and public relations services. This report seeks the endorsement of Council in regard to the use of a preferred suppliers list for communications, marketing and public relations services.

11.6 REAPPOINTMENT OF THE GENERAL MANAGER, TAMWORTH REGIONAL COUNCIL – FILE NO SF9208

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Col Murray, Mayor

2 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (a) of the Local Government Act 1993, on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors.

SUMMARY

This report recommends the reappointment of the General Manager for a further five year term commencing on 6 September 2020, in accordance with the Local Government Act 1993 (LGA) and the "Guidelines for the Appointment and Oversight of General Managers" issued by the Office of Local Government.

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.