



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

9 APRIL 2019

**PAUL BENNETT
GENERAL MANAGER**

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 26 March 2019, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

- 4 **DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

- 5 **MAYORAL MINUTE**

Nil

- 6 **NOTICE OF MOTION**

Nil

OPEN COUNCIL REPORTS

- 7 **ENVIRONMENT AND PLANNING**

Nil

- 8 **INFRASTRUCTURE AND SERVICES**

- 8.1 **LESSEE REQUEST FOR CULLING OF KANGAROOS ON COUNCIL OWNED LAND – FILE No E126/2018**

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

Reference: Item 12.1 to Ordinary Council 26 March 2019

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Lessee Request for Culling of Kangaroos on Council Owned Land”, Council not agree to the Lessee’s request to cull Kangaroos on the Council owned Lot 7304 DP 1158146 Tamworth, also referred to as “The Common”, because of the proximity of residential property, the Tamworth Base Hospital and heavily trafficked roads.

SUMMARY

The purpose of this report is to seek direction from Council in relation to a request to allow the culling of kangaroos on Council owned land in Tamworth.

COMMENTARY

At the Council Meeting of 26 March 2019, Council Russell Webb requested a report be presented to Council in relation to this matter. The following is provided in response to this request.

Councillors may recall in September 2018, Council entered into a lease of Council owned land, Lot 7304 DP1158146, sometimes referred to as “The Common” located generally between the Tamworth Base Hospital, Forest Road, Moore Creek Road and the Forest Road Waste Management Centre. See plan of the property below.

The Lessee of the property claims, due to the drought, the property is “overrun” with kangaroos to the point where the Lessee has not been able to run any stock on the property since the lease was signed, because the kangaroos have/are eating all the vegetation the stock would normally eat.

To address this, the Lessee has proposed culling the kangaroos on the property. A number of approvals must be in place before culling can take place and for some of those approvals the consent of the property owner is required. As a result the Lessee has requested Council, as property owner, sign off on relevant forms related to this matter.

The Lessee has spoken to a commercial shooter and arranged for him to do the work should Council agree. Staff posed a number of questions of the shooter and the responses are detailed in italics below:

1. if the cull was approved when would you actually shoot the kangaroos – e.g. at night, during the day? *Shooting would be undertaken at night using a spotlight.*
2. do you have a date when you would start? *As soon as possible*
3. how long would it take – e.g. would you be on site every night for three nights in a row say, or would you do a night and then not come back for a while? *Shoot Friday and Saturday nights, leave it for a week and shoot again on the same nights the following weekend.*
4. The land is close to residential areas, the hospital and two roads. Considering this
 - a. would the nearby neighbours hear shooting? *Yes*
 - b. how do you ensure public safety in general? *No shooting towards roads or houses.*
 - c. would you shoot towards the roads, hospital, and/or residential areas or shoot away from these locations. *Only shoot away from these areas.*
5. do you try and shoot all the kangaroos on the property? *No.*
6. how many kangaroos do you think you will shoot in total? *Not sure, as some will leave the site during and after the first night of culling.*
7. is there any rules about what can be shot and what can't – e.g. only kangaroos over a certain size? *Only take kangaroos over 18 kilograms.*

8. are the carcasses taken away?
 - a. If so how long before they are removed? *Carcasses are removed the same night they are shot.*
 - b. What happens to the carcasses? *Will be sold for consumption.*
9. apart from getting approval from the NSW Government, Office of Environment and Heritage under the Commercial Kangaroo Management Program are there any other approvals required? *No.*



In considering this application Council may also like to consider the following:

- Clause 9.1 of the lease agreement between the Lessee and Council states.
 - 9.1 The Tenant may use the Land for the Business and/or any other agricultural or rural purpose provided that the Tenant has obtained written consent from the Landlord **such consent shall not be unreasonably withheld**, subject to:
 - 9.1.1 appropriate fire and pest control;
 - 9.1.2 local government and town planning controls;

9.1.3 appropriate pollution and environmental controls;

9.1.4 the special conditions as to good farming practice contained in paragraph 11 of this agreement.

- in the event Council refuses to allow the culling of the kangaroos, under the Lease the lessee may refer the matter for mediation as per Clause 27.

27.1. Referral to mediation

27.1.1 If a dispute arises out of or relates to this agreement, or the breach, termination, validity or subject matter thereof, or as to any related claim in restitution or at law, in equity or pursuant to any statute, the parties to the agreement and the dispute expressly agree to endeavour to settle the dispute by mediation administered by the Australian Commercial Disputes Centre (ACDC) before having recourse to arbitration or litigation.

- Alternatively the Lessee may surrender the lease.

In this case Council would forgo any further lease payments until a new lease was signed.

Council should also be aware the operator of the Tamworth Effluent Reuse Farm has also informally discussed the possibility of conducting a cull of Kangaroos on the reuse farm given the high numbers presently on the site, although no formal application has been received to date.

(a) Policy Implications

Nil

(b) Financial Implications

The annual lease payments made for the subject property are **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

In the event the lessee surrendered the lease, Council would forgo these payments until a new lease was signed, assuming a new lease could be signed and that the terms of the new lease and payments were similar to the old one.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Region for the Future – F11 Sound asset management planning

8.2 TAMWORTH ORGANIC RECYCLING FACILITY – FILE NO SF7667

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

Reference: Item 8.3 to Ordinary Council 24 November 2015 - Minute No 344/15
Item 8.5 to Ordinary Council 24 May 2016 - Minute No 137/16
Item 14.4 to Ordinary Council 9 August 2016 - Minute No 241/16

Item 8.5 to Ordinary Council 8 November 2016 Minute No 329/16

Item 8.5 to Ordinary Council 13 February 2018 - Minute No 17/18

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Tamworth Organic Recycling Facility”, Council receive and note the report.

SUMMARY

The purpose of this report is to advise Council on progress with the proposed Tamworth Organics Recycling Facility and potential property procurement options for the facility.

COMMENTARY

Currently Council's waste organic processing is limited to the processing of organic green waste at the Forest Road Waste Management Facility. This organic processing facility is licensed with the EPA and processes approximately 15,000 tonnes per annum of green waste. Since late 2015, Council has been working towards the establishment of a new Organics Recycling Facility. The primary drivers for establishing a new Organics Waste Facility include:

- given site constraints in its current location the green waste processing facility is operating close to capacity;
- other organic waste streams such as food wastes and industrial putrescibles are currently disposed within the landfill. It is estimated these additional organic waste streams could be in the order of up to 15,000 tonnes per annum, which could be directed to a new facility, thereby saving valuable landfill space and delaying the need for any future landfill facility;
- the new organics facility will create products with commercial applications, over and above producing mulch, as the current green waste facility does;
- in 2017, Council adopted its *Integrated Waste Management and Resource Recovery Strategy* which identifies a range of initiatives to achieve Council's waste management ambitions. An aim of Council's Strategy is to '*Increase diversion of organic waste from landfill*'. The establishment of an Organics Recycling Facility is key to achieving this aim;
- the new organics facility will allow Council to implement a domestic food and garden organics waste collection system. Recent waste audits completed on Council's general waste bins (red bin) identified that in excess of 30 percent of the bin content was food organics that could be diverted and recycled in to reusable products;
- Council currently does not achieve all of the NSW Waste Avoidance and Resource Recovery (WARR) strategy targets. As Council would be aware, the NSW Government has a waste levy applied within certain areas of NSW. This levy is currently not applied to Tamworth Regional Council. There is uncertainty about the future application of this levy within the waste industry i.e. should this levy be applied to Council's not achieving the WARR targets;

- without moving the current organics processing facility from Forest Road Landfill, the limited available space on site do not allow for further resource recovery activities that Council has identified and included in its 20 year waste management capital works program; and
- without the development of waste processing infrastructure such as the Organics Recycling Facility, Council's sustainability programs i.e. community awareness and education programs are unlikely to be successful because diverted material cannot be processed.

At its Meeting of 13 February 2018, Council resolved to withdraw a development application for a proposed Organics Recycling Facility (DA2017/0229) to be sited on part of Council's Effluent Reuse Farm located on Duri-Wallamore Road. Additionally, Council requested the Director of Water and Waste to investigate alternative project sites and opportunities for an Organics Recycling Facility.

Following the withdrawal of the Development Application it was immediately identified that Council did not have any further property in its ownership that was suited to the Organics Recycling Facility, hence any site would need to be acquired.

To assist Council staff identify possible properties for the original Covered Aerated Static Pile (CASP) composting technology, Pitt and Sherry, consultants were engaged to identify properties that met certain criteria such as:

- land zoning requirements would allow a composting facility with approval;
- distance from the airport (buffer zones of 3km and 8km) to ensure no impacts would occur to the airport;
- distance from the Forest Road Landfill (within 25km and 35km) to ensure travel distance to the new facility would be acceptable for waste transporters;
- land not subject to flooding or floodplains;
- sealed access road suited to heavy vehicles within 1km of the land parcel boundary; and
- a minimum 1km buffer distance from neighbours and sensitive receivers; and minimum site size of 100ha.

The search for suitable properties identified up to 10 properties as being potentially suitable for CASP. These were further reviewed and deemed unsuitable due to a number of factors including the distance being greater than 25km from Forest Road Landfill, increased number of sensitive receivers within 1km of the property and ancillary costs to upgrade services such as roads, electricity and water supply deemed excessive.

In conjunction to undertaking a substantive review of potential properties available that would suit the original CASP method of composting, Waste Operations staff also reviewed the opportunity for more advanced forms of composting methods. The CASP composting methodology was the selected technology for Council's initial proposed site as this Council owned property was suited to the technology given the large distances to neighbouring properties. These distances would ensure the management of any odour associated with the operating process.

As part of the ongoing review of the project, it was recognised that moving to a more advanced composting process with greater operational control on critical environmental aspects such as odour, would increase the available properties that could be utilised. As such, the option of Enclosed Tunnel Composting (ETC) was further developed and incorporated in the search for potential properties.

The ETC process is similar to the original CASP process, however, the initial stage of composting is undertaken within specially designed concrete tunnel structures that allow greater control on the composting environment. In addition, all odorous emissions can be mechanically extracted and directed to an odour removing biofilter to minimise any processing odours. This greater level of control allows a potentially smaller parcel of land to site the facility due to reduced odour emissions that could be generated. As such, the processing facility could be sited on a smaller parcel of land allowing Council more opportunities for sites and potentially a lower property acquisition price. The greater operational control requires additional infrastructure and hence a higher capital construction cost. However, the initial capital investment has a greater asset life so the return on investment compared to the original CASP technology is comparable over a period of 20 years.

ETC is well utilised in NSW with multiple Councils utilising these types of facilities. One of the most recent examples is Dubbo Regional Council's facility that commenced operating in 2018.

As Council is aware in May 2016, Council received \$1.35 million under Round 4 of the NSW Governments Organics Infrastructure (large and small) Grants Program. In August 2018, Round 6 of this grant program closed, and given the potential additional capital expenditure associated with ETC, Council could apply for up to \$3 million in grant funding. Given this opportunity, Council submitted a grant application to the NSW Government for Organics Processing Infrastructure funding through the Waste Less Recycle More Organics Infrastructure (large and small) Grants Program. Council was advised in late February 2019, that its grant application had been successful to the full value of \$3 million. It should be noted that grant funds can be returned if Council elects to not proceed with the development.

The grant application submitted a proposal to establish an Organics Recycling Facility with eventual capacity to receive a potential 50,000 tonne per annum. Initially, the ETC facility would be constructed with a capacity of 35,000 tonnes per annum. The reason for this is additional tunnels can be constructed to increase processing capacity as demand requires over the future 20 years. In doing this, the initial capital cost is reduced and facility utilisation is optimised. Other infrastructure, that cannot be easily modified, such as the receival shed and on site water management structures, are planned to be constructed to cater for ultimate 50,000 tonne per annum capacity. The intention would be for Council's Development Application to reflect both the initial and long term processing capacity.

A number of preliminary steps have been undertaken by Council to advance the establishment of the ETC Organics Recycling Facility, including:

- site assessment and feasibility analysis;
- potential odour analysis;
- identification of optimal processing system;
- identification of supporting infrastructure;
- drafting of an operational management plan for the organics processing facility;
- a cost benefit analysis of the project including third part review;
- financial assessment incorporating the project in to Council's 20 year waste capital works program and recurrent budget to determine the financial implications on waste revenue streams;
- extension of Council's waste collection contract to align with the commencement of organics processing; and

- the identification of a preferred site for the facility and the completion of the following for this site;
 - Desktop Aviation Report completed for Site suitability from a bird strike perspective;
 - odour assessment for the project specific to this site; and
 - two property valuations to assess market value of the property.

Based on the above, a total project cost estimate for the initial 35,000 processing facility has been estimated at \$15,220,000. This cost estimate includes:

- the acquisition of the preferred property for the site of the Organics Recycling Facility;
- facility constructions costs; and
- provision of process control systems and mobile plant (expected to be funded by the eventual site operating contractor).

As part of the Organics Infrastructure (large and small) Grant, the NSW Environmental Trust required submissions to be made including the completion of a project business case using templates provided by the NSW Environmental Trust. These templates are created by the NSW Treasury to allow the NSW Government to determine the suitability of the submission for grant funding.

Following the submission of the grant, Council engaged *Impact Environmental Consulting Pty Ltd (IEC)* to undertake a review of the project business case established by Council to support the grant funding application. IEC specialises in waste services procurement strategy and designs, contracts and tender processes to ensure that strategic considerations are considered in the final outcomes for local council.

The aims of the business case review included:

- identify the assumed costs and benefits for various components of the business case and whether these costs and benefits are suitable to be relied on for the business case;
- ensure the established business case provides a proposed outcome that is suitable to the community; and
- ensure Council can depend on the business case in order to drive decision making.

As part of their review IEC reviewed the following documents:

- Grant Application;
- Grant Application Budget;
- Project Plan;
- Financial Analysis;
- Cost Benefit Analysis;
- Implementation Plan; and
- Project Timeline.

The business case review concluded that the cost benefit analysis undertaken by Council generated positive outcomes for Net Present Value, Benefit Cost Ratio and Internal Rate of Return measures used. The full business case review is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**.

In addition to the Project Business Case a financial assessment was completed incorporating the project into Council's 20 year Waste Capital Works Program and recurrent budget to determine the financial implications on waste revenue streams. The key aspects of this financial assessment include the following:

- changes to waste incomes and operational costs expected from the introduction of the Organics Recycling Facility;
- funding for all of Council's waste capital works planned for the next 20 years; and
- allowance for major contract increases as required i.e. the next waste collection contract.

On completion of this financial assessment it was identified that there was a waste revenue shortfall to implement the Organics Recycling Facility and complete all planned capital works and maintain all current levels of service. Financial modelling showed that waste rates would need to be increased by 13.3%. For example, current Category 3 waste collection rates (weekly general waste, fortnightly recycling and green waste services) would be required to be increased from \$306 to \$347 per annum. Should Council agree to proceed with the development of an Organics Recycling Facility and the increase in waste rates indicated is realised, then a comparison of the waste rates charged by this Council compared to other Council's that already offer a food and garden organics collection service is shown below.

Council	General Waste Bin Size & Collection Frequency	Recycling Bin Size & Collection Frequency	Organics Bin Size & Collection Frequency	Rates Charge per annum
Orange City	240L Weekly	240L Fortnightly service	240L Weekly service	\$408
Bathurst Regional	240L weekly service	240L Fortnightly service	240L Weekly service	\$394
Wagga City	240L Weekly service	240L Fortnightly service	240L Weekly service	\$384
Dubbo Regional	140L Weekly service	240L Fortnightly service	240L Weekly service	\$378
Armidale Regional	140L Weekly service	2 crates Weekly service	240L Fortnightly	\$355
Tamworth Regional Proposed	240L Fortnightly service	240L Fortnightly service	240L Weekly service	\$347
Tamworth Regional Current	240L Weekly service	240L Fortnightly service	240L Fortnightly service	\$306

It should be noted the above rates are estimated based on maintaining the same levels of overall kerbside bin collections with a transition to the food and garden organics being collected weekly with the general waste bin being collected fortnightly. As part of the preparation of the next waste collection contract, Council will be presented with potential waste collection bin options including size, frequency and collection locations. The options will be presented with estimated cost impacts for Councils consideration.

Should Council agree to continue with the Organics Recycling Facility project it is intended that any waste increases be introduced over a three year period commencing in the 2020/21 financial year.

The current project and grant funding critical milestones are provided below:

- July 2019 – Finalise ETC concept design;
- October 2019 – Finalise environmental assessments and lodge Development Application;
- July 2020 - Development Application approval received; and
- July 2021 – Site constructed and commissioned.

As Council, would be aware the waste collection contract for Tamworth Regional Council was recently extended with the current contractor until July 2021. One of the primary reasons for this is to allow Council, should it choose to do so, to construct an Organics Recycling Facility which will allow Council the option of introducing a food and garden organics collection system at the commencement of the next waste collection contract.

Based on the above it is recommended that Council continue with the development of the Organics Recycling Facility. A report is provided within the confidential part of this business paper in relation to Council's purchase of the preferred property identified to house the proposed facility.

(a) Policy Implications

Nil

(b) Financial Implications

Nil at this time.

(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 BOUNDARY ADJUSTMENT - TRG & JM WATTS – FILE NO LF15379

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Seon Millsteed, Revenue Accountant

RECOMMENDATION

That in relation to the report “Boundary Adjustment – TRG & JM Watts”, Council:

- (i) note the report;*
- (ii) agree to the transfer of the 1.393 hectares of land owned by TRG & JM Watts from Liverpool Plains Shire Council to Tamworth Regional Council; and*
- (iii) write to the Minister of Local Government requesting the consideration of the boundary adjustment.*

SUMMARY

The purpose of this report is to request a Boundary Adjustment involving Liverpool Plains Shire Council and Tamworth Regional Council.

COMMENTARY

In 2004, the then Department of Local Government created Tamworth Regional Council which included parts of the former Barraba and Parry Shire Councils and the whole of the former Manilla and Nundle Shires and Tamworth City Council.

Since 2004, the Gwydir Shire Council, Liverpool Plains Shire Council and Tamworth Regional Council have agreed to a number of boundary amendments which created whole of properties in each shire, eliminating the dissection of existing holdings.

Council received a Notice of Sale/Transfer Report from Land and Property NSW with a date of 23/06/2014 (Dealing No: A1660982) in which Lot 3 DP 1192528 being 13.32 hectares was transferred from The State of New South Wales to the freehold ownership of TRG & JM Watts. Only part of Lot 3 DP 1192528 (being 1.393 hectares) is located within the Liverpool Plains Shire Council local government area.

Council has received correspondence from Liverpool Plains Shire Council advising that owners TRG & JM Watts have formerly requested for the transfer of 1.393 hectares of land from the Liverpool Plains Shire Council local government area to the Tamworth Regional Council local government area where their other holdings are located. Liverpool Plains Shire Council advise that they have no objections to the proposed boundary adjustment between the council areas as per Council resolution 25/15 at the Council Meeting held 24 June 2015.

In order for the Minister to either approve a request or to refer to the boundary Commission, Council needs to consider the following issues from Section 263 of the *Local Government Act 1993*.

- (a) The financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned:

Response: The current rates paid to Liverpool Plains Shire Council on this parcel of land is \$418.10. The rates that will be applied under Tamworth Regional Council will be \$315.14;

- (b) The community of interest and geographic cohesion in the existing areas and in any proposed new area:

Response: The boundary adjustment will have no effect on the communities in either Liverpool Plains Shire Council or Tamworth Regional Council;

- (c) The existing history and traditional values in the existing areas and the impact of change on them:

Response: There will be no change to the history or values of the existing areas;

- (d) The attitude of the residents and ratepayers of the areas concerned:

Response: The proposal has been requested by the property owner;

- (e) The requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for the area:

Response: This proposal will have no impact on the elected representation for residents and ratepayers of either Council.

- (e1) the impact of any relevant proposal on the ability of the Councils of the areas concerned to provide adequate, equitable and appropriate services and facilities:

Response: Tamworth Regional Council is already providing all the services to this property;

- (e2) the impact of any relevant proposal on the employment of the staff by the Councils of the areas concerned:

Response: No staff will be affected by this proposal; and

- (e3) the impact of any relevant proposal on rural communities in the areas concerned:

Response: There will be no impact on rural communities in the area as a result of this proposal.

(a) Policy Implications

Nil

(b) Financial Implications

As listed in the report, the potential increase/decrease in rate income to either Council is very marginal for 2019/2020.

(c) Legal Implications

A request to the Minister for a Boundary Adjustment must comply with section 263 of the Local Government Act 1993.

(d) Community Consultation

The Boundary Adjustment has been requested by the property owner.

(d) Delivery Program Objective/Strategy

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

9.2 2019 ANZAC DAY MEMORIAL SERVICES WITHIN THE TAMWORTH REGIONAL COUNCIL AREA – FILE NO SF9108

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

RECOMMENDATION

That in relation to the report “2019 Anzac Day Memorial Services within the Tamworth Regional Council Area”, Council nominate Councillor representation at the following locations:

<i>Attunga</i>	<i>Cr</i>
<i>Barraba</i>	<i>Cr</i>
<i>Bendemeer</i>	<i>Cr</i>
<i>Duri</i>	<i>Cr</i>
<i>Kootingal</i>	<i>Cr</i>
<i>Moonbi Masonic Village RFBI</i>	<i>Cr (Monday 23 April)</i>
<i>Manilla</i>	<i>Cr</i>
<i>Manilla Central School</i>	<i>Cr (Thursday 2 May)</i>
<i>Moonbi</i>	<i>Cr (Friday 12 April)</i>
<i>Nundle</i>	<i>Cr</i>
<i>Somerton</i>	<i>Cr</i>
<i>Tamworth</i>	<i>Cr</i>
<i>Gipps Street Memorial</i>	<i>Cr.....</i>

SUMMARY

The purpose of this report is to determine individual Councillors interest in attending the 2019 Anzac Day Memorial Services.

COMMENTARY

Listed below is an itinerary for the locations in the region where Council is aware that ANZAC Services are held. As further information is received it will be brought to the attention of the nominated Councillor for that location.

Attunga Anzac Day Memorial Service

An invitation has been received from the Attunga Anzac Day Committee to attend the Anzac Day March and Memorial Service commencing in front of the Attunga Primary School at 3:00pm, and the Service at the Memorial Gates in Attunga Street, Attunga, to be followed with refreshments served in the Attunga Hall.

Barraba

No formal invitation to Council has been received, however, the Dawn Service normally commences at 6:00am at the Memorial Clock. The March commences at 10:50am from the

corner of Queen and Alice Streets, and arrives at the Memorial Clock at 11:00am for the commencement of the Service. Lunch will be held after the Service.

Bendemeer

No formal invitation to Council has been received, however, the Dawn Service commences at 5:30am at Memorial Gates in Memorial Park (Old New England Highway) and the March commences at 10:45am from the Bendemeer Uniting Church with the Service held at Memorial Park at 11:00am.

Duri

No formal invitation to Council has been received; however, the Service commences at 7:30am and will be conducted by the Salvation Army at the Sportsground Memorial. Coffee, tea and ANZAC biscuits will be served afterwards.

Kootingal

Kootingal ANZAC Day Service

No formal invitation to Council has been received, however, the March from Kootingal School commences at 8:00am (assembly at 7:45am) with the Service at approximately 8:30am at the Memorial in Memorial Park, Denman Avenue. Morning Tea will be held following the Service.

Moonbi Masonic Village RFBI

An invitation has been received from the Moonbi Masonic Village RFBI, to attend a ceremony to be held 23 April 2019, at the Moonbi Masonic Village RFBI starting at 9:30am. It has been advised that Cr Betts traditionally attends this service.

Manilla

Manilla ANZAC Day Service

No formal invitation to Council has been received, however, the March normally commences at 10:45am from the RSL Club with the Service to follow adjacent to the Large Town Hall. Lunch will be held after the Service.

Manilla Central School

No formal invitation to Council has been received, however, the Manilla Central School normally request a representative to attend their Service which will be on Thursday, 2 May 2019, commencing at 10:30am at the Primary Department. A morning tea will follow the Service in the Primary Library.

Moonbi

Moonbi Public School

No formal invitation to Council has been received, however, the Moonbi Public School will be conducting their Service on Friday, 12 April 2018, commencing at 10:00am. Morning Tea will be held following the service.

Nundle

No formal invitation to Council has been received, however, the Nundle Chapter of the Tamworth RSL Sub-branch normally request a Councillor to attend the ANZAC Commemoration Service. The Service will commence at 11:00am in the Nundle School of Arts Memorial Hall. A luncheon at the Nundle Bowling Club will commence at 1:00pm.

Somerton

No formal invitation to Council has been received, however, the March commences from the School at 7:45am, the Commemorative Service will be held at the War Memorial Hall at 8:00am with refreshments following the Service.

Tamworth

An invitation has been received on behalf of the President and members of the Tamworth RSL sub-Branch to attend the ANZAC Day Services and Luncheon.

Program ANZAC Day 2019, Tamworth

5:30am	ANZAC Day Dawn Service	ANZAC Memorial Gates	Brisbane Street
10:00am	Main March Step Off		
10:45am	Main Service	Memorial Town Hall	Fitzroy Street
12:00pm	Luncheon	All attendees (except official guests) are required to have a paid ticket.	Blazes Showroom - West's League Club

Gipps Street Memorial

An invitation has been received from the Rotary Club of Tamworth West to the ANZAC Day Memorial Service at the Gipps Street Memorial commencing at 7.00am.

(a) Policy Implications

Nil

(b) Financial Implications

Funding for attendance at the above Anzac Day Memorial Services including travel and wreaths is included in the Governance Budget.

(c) Legal Implications

Council's formal approval for the attendance of any Councillor at these Anzac Day Memorial Day Services is required for insurance purposes whilst these Representatives of Council are performing bona fide duties.

(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 CODE OF MEETING PRACTICE – FILE NO SF802

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

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Code of Meeting Practice”, Council:

- (i) endorse the draft Code of Meeting Practice and advertise the proposed Code for a period of 28 days for public comments prior to formal adoption by Council; and*
- (ii) request a further report following the review period to consider any public comments received.*

SUMMARY

The purpose of this report is for Council to endorse the draft Code of Meeting Practice in accordance with the *Local Government Act 1993*, for public exhibition and comment.

COMMENTARY

In August 2016, amendments made to the Local Government Act 1993 (LGA), provided for a model Code of Meeting Practice to be prescribed by the Regulation. The Office of Local Government released the Draft Model Code of Meeting Practice on 6 December 2017, which was open to consultation.

On 14 December 2018, the Model Code of Meeting Practice was prescribed under the Local Government (General) Regulation 2005, and the existing meeting provisions of the Regulation were repealed. Councils have until 14 June 2019, to adopt a new Code of Meeting Practice that must still be on public exhibition for 28 days. Council’s have until 14 December 2019, to webcast meetings of Council and Committees.

The new Tamworth Regional Council Draft Code of Meeting Practice has been developed in consultation with Councillors to determine the non-mandatory provisions and is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Upon adoption, the Code of Meeting Practice will be available to Councillor and staff via the intranet and portal and the public via the internet.

(b) Financial Implications

Nil

(c) Legal Implications

Tamworth Regional Council’s Code of Meeting Practice complies with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*.

(d) Community Consultation

Council’s Code of Meeting Practice must not be inconsistent with the Model Code of Meeting Practice and must be placed on public exhibition for 28 days for public comment.

(e) Delivery Program Objective/Strategy

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

9.4 CODE OF CONDUCT – FILE No SF801

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

Reference: Item 9.5 to Ordinary Council 13 February 2018 - Minute No 23/18

3 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Code of Conduct”, Council:

- (i) adopt the new Code of Conduct;*
- (ii) adopt the Procedures for the Administration of the new Code of Conduct;*
- (iii) note the appointment of the Public Officer as Complaints Coordinator;*
- (iv) endorse the draft Gifts and Benefits Policy and advertise the proposed policy for a period of 28 days for public comments prior to formal adoption by Council; and*
- (v) request a further report following the review period to consider any public comments on the Gifts and Benefits policy.*

SUMMARY

The purpose of this report is to adopt the new Code of Conduct and the Procedures for the Administration of the Code of Conduct.

COMMENTARY

The Office of Local Government released the new Model Code of Conduct on 14 December 2018. The new Model Code must be adopted by Council by 14 June 2019. The new Code of Conduct is **ATTACHED**, refer **ANNEXURE 1**, and the Procedures for the Administration of the Code of Conduct are **ATTACHED**, refer **ANNEXURE 2**. Any sections that are different to the model Code are highlighted yellow.

The key features of the new Code of Conduct framework include:

- it incorporates the pecuniary interest provisions previously contained in the Local Government Act 1993 and Regulation;
- new standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of Council records;
- new rules governing the acceptance of gifts including mandatory reporting;
- a new ongoing disclosure requirement for Councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them;

- Councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

As part of the new Code of Conduct provisions the Gift and Benefits policy was reviewed to be consistent with the new Code **ATTACHED**, refer **ANNEXURE 3**. This policy will now go on public exhibition for 28 days for public comment.

Council is also required under the new Model Code to establish a panel of Conduct Reviewers to review complaints referred to them individually. Conduct Reviewers can be appointed by Council region or Councils can enter into an arrangement with one or more other Councils to share a panel of Conduct Reviewers. Council's Conduct reviewers were appointed on 13 February 2018 for a period of four years.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Section 440 of the Local Government Act 1993, provides that Council must adopt a Code of Conduct that incorporates the provisions of the *Model Code* and may include provisions that supplement the *Model Code* providing any supplementary provisions are consistent with the *Model Code*.

For the purpose of compliance with Section 440 of the Act, the Tamworth Regional Council Code of Conduct incorporates and comprises all parts and provisions of the revised *Model Code of Conduct*.

(d) Community Consultation

The Gifts and Benefits Policy will be publicly advertised for 28 days and appropriate training of all staff in the new Code of Conduct will be undertaken once adopted.

(e) Delivery Program Objective/Strategy

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

9.5 SECTION 355 COMMITTEE MINUTES AND PLACE MANAGEMENT ACTIVITIES – 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 and Place Management Activities”, Council:

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

Moonbi Museum Committee AGM

8 August 2018

<i>Moonbi Museum Committee</i>	<i>8 August 2018</i>
<i>Moonbi Museum Committee</i>	<i>18 August 2018</i>
<i>Moonbi Museum Committee</i>	<i>5 September 2018</i>
<i>Moonbi Museum Committee</i>	<i>7 October 2018</i>
<i>Kootingal Recreational Reserve Committee</i>	<i>17 October 2018</i>
<i>Moonbi Museum Committee</i>	<i>7 November 2018</i>
<i>Kootingal Recreational Reserve Committee</i>	<i>21 November 2018</i>
<i>Moonbi War Memorial Hall and Recreation Reserve Committee</i>	<i>19 December 2018</i>
<i>Tamworth Regional Film and Sound Committee</i>	<i>19 February 2019</i>
<i>Nundle Go For Gold Festival Committee</i>	<i>20 February 2019</i>
<i>Kootingal Recreational Reserve Committee</i>	<i>20 February 2019</i>
<i>Nundle Go For Gold Festival Committee</i>	<i>27 February 2019</i>
<i>Nundle Go For Gold Festival Committee</i>	<i>6 March 2019</i>
<i>Nundle Go For Gold Festival Committee</i>	<i>13 March 2019</i>
<i>Kootingal Recreational Reserve Committee</i>	<i>13 March 2019</i>
<i>Nundle Go For Gold Festival Committee</i>	<i>19 March 2019;</i>

- (ii) *accept the recommendation of the Moonbi Museum Committee’s Annual General Meeting held 8 August 2018, to appoint the following as executive members and members:*

<i>Chairperson</i>	<i>Bill Humphrys</i>
<i>Deputy Chairperson 1</i>	<i>Norm Vincent</i>
<i>Deputy Chairperson 2</i>	<i>Ray Nelson</i>
<i>Secretary - Treasurer</i>	<i>Dorothea Vaux</i>
<i>Museum Manager</i>	<i>Claudette Humphrys</i>
<i>Newsletter Co-editors</i>	<i>Joy Ballard and Lee Rodger</i>
<i>Maintenance Supervisor</i>	<i>Ray Nelson</i>
<i>Assistant Supervisor</i>	<i>Bill Humphrys</i>
<i>Members: Pam Vincent, Gwen Davidson, Mary Attard, Jan Hystek, Brian Betts and Janelle Lewis; and</i>	

- (iii) *receive and note the key outcomes and achievements from the Minutes received and notable outcomes of Place Management activities.*

SUMMARY

The purpose of this report is to:

- (i) present the Minutes of the Section 355 Committee meetings and consider the items for adoption, as recommended by the committees;
- (ii) note the key outcomes, achievements and requests from the Minutes received; and
- (iii) inform notable outcomes of Place Management activities in the community.

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 received 17 sets of Minutes from Section 355 Committees and the Minutes are **ATTACHED**, refer **ANNEXURE 1**, for Council's information.

Notable committee outcomes, achievements and items noted in the Minutes are:

- The Kootingal Recreational Reserve Committee's defibrillator has been returned to the canteen with a new battery.

Notable Place Management activities within the community include:

- The Manilla Future Towns Program is now complete and the project was celebrated at a morning tea Wednesday, 20 March 2019, on site in Rotary Park, Manilla. Manilla was one of 20 towns selected to receive \$50,000 to participate in the Future Towns Program which offered small businesses the opportunity to become digital ready and consider new and innovative ways to undertake place making and place activation activities. The community of Manilla agreed to support both place making and place activation activities as part of the Future Towns Program through establishing an online presence for the town of Manilla and the revamp Rotary Park.

Rotary Park is the main park on entrance to the Manilla town centre and the location of the tourist information board and tourist bus stop. It houses public toilet amenities, a children's playground, benches and seating, as well as a water feature. This project revitalised the park through the painting of a new mural, refurbishment of the existing covered seating area, existing water feature and existing information board and installation of safety lighting.

In addition, a website for the town of Manilla was established to help brand the town and market it as a destination. This website will be used to promote local businesses and events, the towns heritage and things to do when visiting Manilla and can be found at www.manillansw.com.au

The project has achieved its goal to increase awareness of Manilla as a tourist destination, visitation numbers to the community and economic spend in the community. The local community of Manilla has directly benefited from the Future Towns Program through involvement in the decision making process which has instilled a sense of pride ownership of the program outcomes. This process has also strengthened the relationship between Tamworth Regional Council and the local Manilla community.

The Manilla community has also benefited from the increased safety and security of Rotary Park which in turn has seen an increase in usage. Local businesses in particular have benefitted from the marketing and promotional opportunities afforded to them through the Manilla website.

- The Attunga Recreation Ground S355 Committee held its Annual General Meeting on Thursday, 21 March 2019. Minutes to be presented in due course.
- Two applications were submitted for the 2019 Crown Reserves Improvement Funds Program, being:

Manilla Showground – pavilion roof upgrade to a total cost of \$88,000; and

Barraba Showground – building upgrades to a total cost of \$117,000. The application was inclusive of the pavilion floor restumping and upgrade to a total cost of \$89,000 (inclusive of a \$10,000 contribution from the Barraba Showground S355 Committee) plus the upgrade of the Barraba Jockey Club amenities room located at the

showground, to accommodate for both male and female jockeys, to a total cost of \$28,000 (inclusive of a \$10,000 contribution from the Barraba Jockey Club).

- Father Chris Riley AM was the 2019 Nundle Australia Day Ambassador. Father Chris Riley AM, Founder and CEO of Youth Off The Streets, has worked with disadvantaged youth for more than 35 years in a variety of roles including teacher, youth worker, probation officer, residential carer and principal. Father Riley officially founded Youth Off The Streets in 1991.

As CEO of Youth Off The Streets, Father Riley oversees the operation of over 35 programs that employ in excess of 180 staff and involve more than 250 volunteers. He has implemented innovative behaviour modification strategies to help young people deal with a history of trauma, abuse and neglect. Many of these strategies have been adopted by schools across Australia and by Government agencies. Father Chris Riley believes there is no such thing as a “child born bad”, but acknowledges that there are bad environments, circumstances and families that impact negatively on our young. “We must have the courage to demand greatness from our youth.” Following his visit to Nundle in January, he arranged for the Outreach Truck “Youth of the Streets” to visit Nundle on Monday 25 March 2019.

The truck was set up providing young people games and play stations, youth under the program interacted with Nundle and Woolomin community youth and the service members spoke to the visitors about the truck and what services Outreach can offer children within the community.

Council provided the free sausage sizzle. Overall a very successful event attended by 80 persons.

(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 budgets are maintained under the Corporate and Governance 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.

9.6 TAMWORTH GYMNASTICS CLUB INC. REQUEST FOR BANK GUARANTEE EXTENSION – FILE No SF1095

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Rick Sanderson, Manager Financial Services
Reference: Item 9.3 to Ordinary Council 26 April 2016 - Minute No 113/16
2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Gymnastics Club Inc. Request for Bank Guarantee Extension”, Council:

- (i) act as guarantor for a loan of up to \$130,000 for the Tamworth Gymnastics Club Inc.; and*
- (ii) resolve to affix the Council Seal to related loan documents.*

SUMMARY

Council at its Ordinary Meeting held 26 April 2016, received and approved a request from the Tamworth Gymnastics Club for a bank guarantee of \$100,000 in relation to the construction of additional seating and grandstand at the gymnastics facility on Longyard Drive Tamworth. A request to increase the guarantee to \$130,000 has now been received to make further improvements to the facility.

COMMENTARY

The Tamworth Gymnastics Club Inc. built the gymnastics facility in the Tamworth Regional Sports Complex in 2000, with a loan of \$110,000 for which Council acted as guarantor. The club was able to meet repayments on this original loan without default and had it fully repaid by 2015.

A further loan of \$100,000 was taken out in 2016, with an approved bank guarantee from Tamworth Regional Council, for the construction of additional seating including a grandstand. Repayments for this loan have been met to date without default and the current balance is \$62,748.

The club has now requested if the guarantee could be increased from \$100,000 to \$130,000, to facilitate a further loan of \$70,000. The purpose of this loan is to acquire a new sprung floor, new vaulting table and new set of uneven bars. Included in the **ATTACHED** are the clubs letter of request, refer **ANNEXURE 1**, and Minutes of the meeting where it was agreed to seek the loan, refer **ANNEXURE 2**.

The club has provided all information required to assess this request. The updated financial reports confirm the previous due diligence check that there appears to be ongoing capacity to meet operating costs and the proposed loan repayments.

The request complies with the guidelines of Council’s General Policy 5.4 “Financial Assistance to Community Groups and Organisations” in regard to purpose, as it relates to a community sporting facility located on council owned community land. The policy also limits council’s exposure to such assistance to a total commitment of up to 2% of Council general rate revenue (\$680,000), and up to \$200,000 for an individual organisation.

Council's existing commitments to financial assistance are as follows:

Loans and deferred payment agreements	\$ Nil
Bank Guarantees	\$330,000

The extension of the guarantee would therefore fall within both limits.

(a) Policy Implications

The request meets with the general guidelines provided in Council's general policy "Financial Assistance to Community Groups and Organisations".

(b) Financial Implications

By acting as loan guarantor, Council will become financially responsible for any outstanding loan balance should the club default on repayments. Otherwise there are no actual or opportunity costs associated with this arrangement.

(c) Legal Implications

Council can grant financial assistance under Section 356 of the Local Government Act 1993, to persons for the purpose of exercising its functions, in accordance with a resolution of Council. The request meets with the requirements of this section. If the request is granted, Council will need to disclose this as a contingent liability in the annual financial reports.

The Local Government (General) Regulation 2005, section 400 (4), requires that the Seal of Council must not be affixed to a document unless the document relates to the business of Council and the Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

(d) Community Consultation

Section 356 only requires community consultation where the proposed recipient acts for private gain.

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L21 Represent and advocate community needs

10 COMMUNITY SERVICES

10.1 FINANCIAL SUPPORT OF MEN'S BOWLS NSW AND WOMEN'S BOWLS NSW EVENTS – FILE NO SF5609

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Kate Baker, Co-Ordinator Economic and Destination Development

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report "Financial Support of Men's Bowls NSW and Women's Bowls NSW events" Council approve the allocation of \$6,000 (ex GST) from the General Fund for the purpose of sponsorship of these two events, the Champion of Club Champions and the State Pennant Finals.

SUMMARY

The purpose of this report is to seek Council's approval for financial support for the Men's Bowls NSW and Women's Bowls NSW events, to be held in July and October 2019 respectively. Letter of request from South Tamworth Bowling Club **ATTACHED**, refer **ANNEXURE 1**. Confirmation letter from Bowls NSW to host the events **ATTACHED**, refer **ANNEXURE 2**.

COMMENTARY

The South Tamworth Bowling Club has been successful in its expression of interest to host the 2019 and 2020 NSW Champion of Club Champions. This has been achieved with the assistance of Destination Tamworth staff in their bid preparation.

The Champion of Club Champions event hosts 48 players plus officials and supporters over six days and the State Pennant Finals is 192 players plus officials and supporters over four days.

South Tamworth Bowling Club has committed to the following hosting fees;

Champion of Club Champions	\$12,500 per year for two years; and
State Pennant Finals	\$ 5,500 per year for two years.

Due to the size of these events the South Tamworth Bowling Club will be unable to host all games and will share across other clubs within the city.

The events, while not major, will have an economic benefit to the Local Government area of between \$88,000 and \$179,000 respectively.

The recommendation for financial support from Tamworth Regional Council is a one-off amount of \$6,000. This is based on the recommended hosting costs in the economic impact assessment model.

(a) Policy Implications

Nil

(b) Financial Implications

If approved by Council, an allocation of funds would be sourced from the General Fund.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

10.2 FEE WAIVER REQUEST FROM WESTPAC RESCUE HELICOPTER SERVICE – FILE NO SF8450

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Mickaela Fairall, Senior Business Support Officer
Reference: Item 10.3 to Ordinary Council 13 February 2018 - Minute No 32/18

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Fee Waiver Request from Westpac Rescue Helicopter Service”, Council consider and determine the request.

SUMMARY

The purpose of this report is to advise Council that The Westpac Rescue Helicopter Service (The Service) has requested a further reduction in hire fees for the use of the Tamworth War Memorial Town Hall and its associated costs for the 2019 Tamworth Rescue Helicopter Ball, which is scheduled to be held on Saturday, 4 May 2019.

COMMENTARY

The Service has approached Council for the use of the Tamworth War Memorial Town Hall for the 2019 Tamworth Rescue Helicopter Ball event. The Service has received a written quotation from Entertainment Venues totalling \$7,386.00, for the hire of the venue and associated costs. In the Estimated Quotation provided, The Service has been granted a significant discount \$4,900.00 on Council’s fees and charges for the hire of the Tamworth Town Hall.

On receipt of the Estimated quotation, The Service contacted Council by submitting an application for Waiving of Fees. A copy of the Fee Waiver application and the Entertainment Venues Estimated Quotation is **ATTACHED**, refer to **ANNEXURE 1**.

A representative of The Service has also advised that a partial fee waiver amount would be appreciated.

Council provides substantial support to the Westpac Rescue Helicopter Service. Concessions relating to its base at Tamworth Regional Airport have totalled more than \$141,000 and are ongoing. The Service is also not charged landing fees or for the use of the Instrumental Landing System or for other airport related activities.

(a) Policy Implications

Nil

(b) Financial Implications

If approved by Council, an allocation of funds would be sourced from the General Fund.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

10.3 NAMOI UNLIMITED - 'NAMOI TO NINGBO' CHINA STUDY TOUR 2019 – FILE NO SF8486

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Paul Bennett, General Manager

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Namoi Unlimited – ‘Namoi to Ningbo’ China Study Tour 2019”, Council authorise the Mayor and Council’s Economic Analyst to attend the Namoi Unlimited ‘Namoi to Ningbo’ China Study Tour from 19-26 May 2019.

SUMMARY

The purpose of this report is to seek Council’s permission for the Mayor, Cr Col Murray, and Council’s Economic Analyst, Alex Wang, to visit China in May as part of the Namoi Unlimited ‘Namoi to Ningbo’ Study Tour to China 2019.

COMMENTARY

The Namoi Unlimited Trade and Investment Strategy includes a Project Plan that incorporates intent to conduct a Study Tour to China for exporters in the Namoi region. The trip was planned for November 2018, however was rescheduled to May 2019.

There is increasing global demand for agricultural products from strong economic growth in Asian markets, Free Trade Agreements, world population growth and concerns over food security. The NSW Government has an objective in its International Engagement Strategy to grow exports of food and fibre from \$7.4 billion (2015-2016) to \$10 billion by 2020.

The NSW Government estimates global demand for food will grow between 59% to 98% by 2050 with significant demand for premium products from Asia’s growing middle class.

The Namoi region is renowned globally for its world class food and fibre producers. The member Councils involved with Namoi Unlimited are working to facilitate and provide exporters with access to an environment that supports and facilitates productivity improvements.

As part of research completed by the Regional Australia Institute, Namoi Unlimited needs to focus on:

- supporting agriculture and innovation in agriculture;
- attracting investment on the right terms;
- understanding global markets;
- developing international relationships; and

- using its economic and branding activity to attract people to live, work and develop businesses in the Namoi.

Identified opportunities in China for the agricultural sector include:

- increasing productivity to grow output and increase the value of the products;
- potential for new niche crops and value-adding;
- intensive production livestock; and
- facilitating new sources of capital from overseas investors.

The 'Namoi to Ningbo' is a coordinated overseas study tour for up to 15-20 exporters looking to obtain invaluable experience about business and export opportunities in China. Namoi Unlimited has the support of the Australia China Council and the NSW Department of Trade and Investment in Shanghai and Guangzhou.

Namoi Unlimited has budgeted and recommended four people to represent them on the tour as follows:

- Cr Jamie Chaffey, Namoi Unlimited Chair;
- Cr Col Murray, Namoi Unlimited Deputy Chair;
- Ms Rebel Thomson, Namoi Unlimited Executive Office; and
- Mr Alex Wang, Tamworth Regional Council's Economic Analyst.

A copy of the proposed itinerary for the tour is **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

The report in relation to overseas travel is being put to Council in accordance with Council policy.

(b) Financial Implications

Funding from the Australia China Council of \$20,000 has been provided for the tour so there will be no cost to Tamworth Regional Council.

(c) Legal Implications

The current directive from the Office of Local Government provides that any Council decision for delegates to undertake overseas travel must be determined at an Ordinary Meeting of the Council in Open Session. Details of overseas travel by official Council representatives are also to be recorded in Council's Annual Report for the respective financial year.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Prosperous Region – P11 Support and facilitate economic development and employment opportunities

11 REPORTS FROM DELEGATES

Nil

12 QUESTIONS ON NOTICE

13 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.

13.1 DESIGN AND CONSTRUCTION OF THE CONNORS CREEK BRIDGE REPLACEMENT – FILE No T089/2019

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Projects
Reference: Item 8.7 to Ordinary Council 9 August 2016 - Minute No 229/16
Item 7.2 to Ordinary Council 18 December 2018 - Minute No 325/18

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c)&(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 and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

SUMMARY

The purpose of this report is to seek Council's acceptance of a tender for the design and construction of the Connors Creek Bridge replacement.

13.2 TENDER T092/2019 SPORTS FIELD LIGHTING - RIVERSIDE 5, PLAIN STREET EASE AND NORTH COMPANIONS OVAL – FILE No T092/2019

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation

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

SUMMARY

The purpose of this report is to seek Council's approval to award Tender T092/2019 Sports Field Lighting – Riverside 5, Plain Street East and North Companions Oval, being delivered as part of the Round 2 Stronger Country Communities Fund projects.

13.3 PROPOSED ACQUISITION OF LAND BY AGREEMENT – FILE NO SF8479

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Kirrilee Ringland, Acting General Counsel

Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18
Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18
Item 14.6 to Ordinary Council 27 November 2018 - Minute No 321/18
Item 14.4 to Ordinary Council 18 December 2018 - Minute No 346/18
Item 14.8 to Ordinary Council 12 February 2019 - Minute No 26/19
Item 14.2 to Ordinary Council 26 February 2019 - Minute No 53/19
Item 14.3 to Ordinary Council 26 March 2019 - Minute No 98/19

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (a)&(c) of the Local Government Act 1993, on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors and 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 advise Council of the agreement that has been reached regarding the land described in the body of this report and authorise Council to proceed with the Acquisition by Agreement.

13.4 EXPRESSION OF INTEREST - BENEFICIAL REUSE OF LANDFILL GAS AT THE FOREST ROAD WASTE MANAGEMENT FACILITY – FILE NO E073/2019

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste
1 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to inform Council of the results of the evaluation of the Expression of Interest (EOI) for the beneficial reuse of land fill gas (LFG) at Council's Forest Road Waste Management facility and to seek Council approval to proceed to selective tendering.

13.5 POSSIBLE PURCHASE OF A PORTION OF PROPERTY FOR ROAD WIDENING AND THE ACQUISITION OF A SEWER EASEMENT - BYLONG ROAD – FILE NO LF30712

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to seek Council direction in relation to the purchase of a portion of a parcel of land in Bylong Road and the acquisition of a sewer easement, to allow for future road widening and the installation of other services to allow the development of the adjacent Arcadia area and Warwick Road area to proceed.

13.6 TAMWORTH ORGANICS RECYCLING FACILITY - PROPERTY PURCHASE – FILE NO SF7667

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

Reference: Item 8.3 to Ordinary Council 24 November 2015 - Minute No 344/15
Item 8.5 to Ordinary Council 24 May 2016 - Minute No 137/16
Item 14.4 to Ordinary Council 9 August 2016 - Minute No 241/16
Item 8.5 to Ordinary Council 8 November 2016 - Minute No 329/16
Item 8.5 to Ordinary Council 13 February 2018 - Minute No 17/18

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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

SUMMARY

The purpose of this report is to recommend Council purchase a property to allow the continued development of Council's Organics Recycling Facility.

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.