

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

27 OCTOBER 2020

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

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

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

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

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

Disclosure of Political Donations or Gifts

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

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

AGENDA

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 13 October 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - GENERAL - 2 SEPTEMBER 2020 AND 7 OCTOBER 2020

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Michael Hazelwood, Acting Manager Infrastructure and Works
6 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Local Traffic Committee – General – 2 September 2020 and 7 October 2020”, Council:

- (i) approve the following changes in relation to a bus stop at Treloar Park:*
 - a) the installation of painted medians on Napier Street, East Tamworth, at either end of the bus zone to delineate the bus zone;*

- b) extend the length of the bus zone, 15 metres north of the existing bus shelter; and*
 - c) move the 45 degree parking zone to the southern side of the bus shelter;*
- (ii) approve the installation of Give Way signage on the western approach to the causeway on Duri Dungowan Road, Loomberah;*
- (iii) approve the installation of line marked parking bays on Peel Street between Darling and Bourke Streets, Tamworth;*
- (iv) approve the proposed line marking and signage plan for the Namoi River Crossing Project, Market Street and Barraba Street, Manilla;*
- (v) approve the installation of a No Parking zone on George Street, Moonbi, at the Moonbi Public School;*
- (vi) approve the removal of No Parking and Taxi Zone signage on Showground Road, Taminda pending consultation with taxi companies;*
- (vii) approve the gazettal of the detour route from New Winton Road to Suttons Pit on Country Road for B-Doubles;*
- (viii) approve the installation of the following parking restrictions at the Riverside Sports Fields adjacent to the old netball courts:*
 - a) 30 metres parallel TRC authorised vehicle parking;*
 - b) 45 metres (approximately) for six 60 degree rear angle parking for TRC authorised vehicles; and*
 - c) No Stopping zones opposite and adjacent to the TRC authorised vehicle parking from Monday to Friday 6:00am-4:00pm;*
- (ix) approve the extension of time at the 3 Jenkins Street Nundle Bus Zone, to 3:00pm-5:30pm, to accommodate the preschool pickup service; and*
- (x) approve the proposed Tamworth Triathlon races for the 2020-2021 season.*

SUMMARY

The purpose of this report is to advise Council of two recommendations made by the Tamworth Regional Local Traffic Committee at the meeting held 2 September 2020 and eight recommendations at the 7 October 2020 meeting.

COMMENTARY

The 2 September 2020 meeting minutes are **ATTACHED**, refer **ANNEXURE 1**.

The 7 October 2020 meeting minutes are **ATTACHED**, refer **ANNEXURE 2**.

75/2020 – Napier Street East Tamworth – bus parking concerns

Concerns have been raised that cars park close to the bus stop at Treloar Park, at the corner of Napier and Roderick streets. The bus has to come in at sharp angle to the bus stop. Line marking has been requested to be installed to mitigate this issue occurring.



Image 1

COMMITTEE RECOMMENDATION: the Committee support the following changes in relation to a bus stop at Treloar Park:

- a) the installation of painted medians on Napier Street East Tamworth, at either end of the bus zone to delineate the bus zone;
- b) extending the length of bus zone, 15 metres north of the existing bus shelter;
- c) moving the 45 degree parking zone to the southern side of the bus shelter.

77/2020 - Request for Give Way sign at the long causeway on Duri Dungowan Road, Loomberah

A request has been made for Give Way signage to be installed at the western end of the long causeway, on Duri Dungowan Road, as the road narrows to approximately 2.5-3 metres wide.



Image 2 - Location of the causeway



Image 3 - Western approach – towards Dungowan



Image 4 - Eastern approach – towards Loomberah

COMMITTEE RECOMMENDATION: the Committee support the installation of Give Way signage on the western approach to the causeway on Duri Dungowan Road, Loomberah.

83/2020 – Peel Street Tamworth Disabled Parking and Line Marking

A business owner on Peel Street, between Darling Street and Bourke Street Tamworth, has requested that Council install disabled parking and linemarked parking, adjacent to their business.

The business owner alleges cars with trailers are parallel parking in front of their business whilst visiting adjacent businesses. The nearest Disabled Parking zone, is a dual disabled parking zone, 35 metres away at 201-203 Peel Street.

Peel Street is currently on the program for road rehabilitation this financial year, pending geotechnical investigation.



Image 5

COMMITTEE RECOMMENDATION: the Committee support the installation of linemarked parking bays, on Peel Street between Darling and Bourke Streets Tamworth.

84/2020 – Namoi River Crossing (Manilla) Project Line marking and Signage

A Council Construction Engineer has provided information for construction linemarking and signage plans, for the Namoi River Crossing Project, for consideration and approval.

The plan is **ATTACHED**, refer **ANNEXURE 3**. This plan has been reviewed and approved by the Transport for NSW Project Team.

The project is a new road to be constructed between Market Street and Barraba Street, Manilla, using the Arthur Street and Rowan Street alignments.

The speed zones along the new alignment have already been approved, (refer item 4.2 at the 5 February meeting of the Local Traffic Committee).

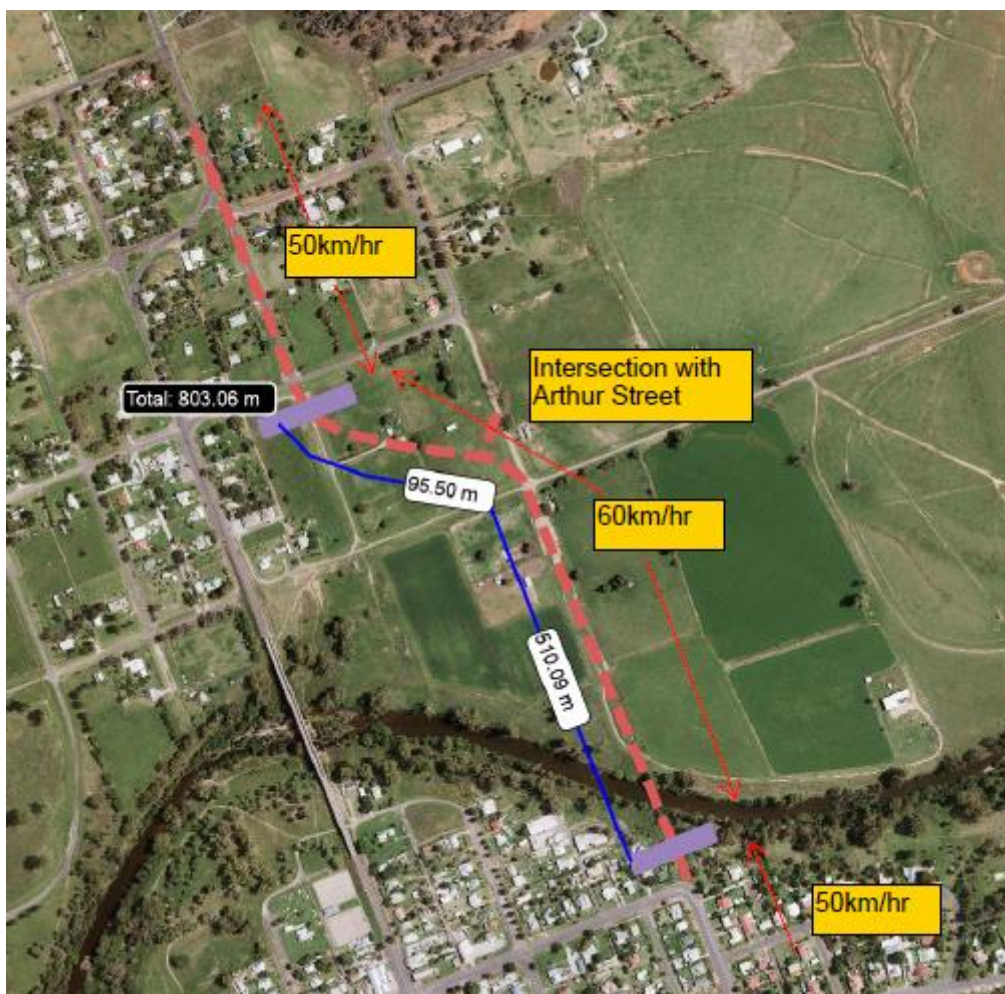


Image 6

COMMITTEE RECOMMENDATION: the Committee support the proposed line marking and signage plan for the Namoi River Crossing Project, Market Street and Barraba Street, Manilla.

85/2020 - Moonbi Public School – drop off and pick up parking arrangements

The Principal of Moonbi Public School has requested Council assistance to improve pedestrian safety at the school, during pick up and drop off times.

The main issue appears to be driver and pedestrian behaviour when using the one-way carpark.

The proposed improvements include installation of:

- pavement markings to designate a pedestrian walkway through the car park;
- pedestrian warning signs in the carpark at the walkway; and
- a No Parking zone adjacent to the school, for student drop off at the school entrance gate.



Image 7

COMMITTEE RECOMMENDATION - the Committee support the installation of a No Parking zone on George Street, Moonbi, at the Moonbi Public School.

86/2020 - Removal of No Parking and Taxi Zone signs on Showground Road Taminda

During a routine maintenance check, a number of signs were found to be missing or due for replacement along Showground Road, adjacent to the Paceway.

Council consulted with the Paceway representative, regarding the ongoing need for the restricted parking zones, and the Paceway confirmed that the restrictions are no longer required.

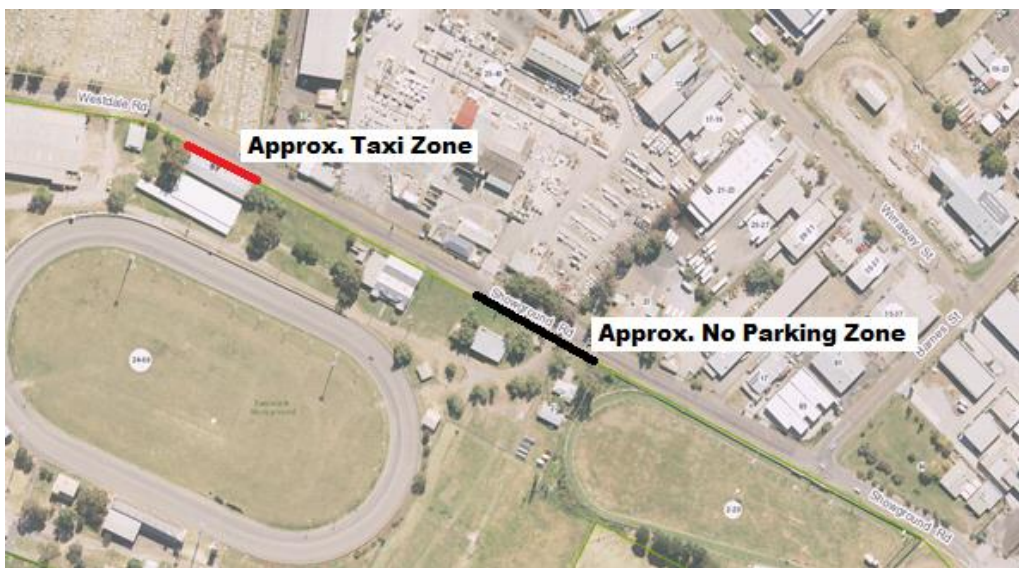


Image 8

COMMITTEE RECOMMENDATION: support the removal of No Parking and Taxi Zone signage on Showground Road Taminda, pending consultation with taxi companies.

88/2020 – request for B-Double route approval on Country Road, Westdale

A Development Application (DA) has been received for a new solar farm on Country Road.

The route to the farm is not currently a B-Double route. Given that a gravel pit already exists on Country Road, and a Rural Fire Service training centre has DA approval along this road also, it is proposed that the road be Gazetted for B-Doubles up to Suttons Pit.

A route assessment has been completed and passed for a B-Double, with the exception of an intersection check.

The Country Road/Gunnedah Road intersection will be closed for construction at the end of October 2020. A detour will be in place from New Winton Road (as shown below). The new roundabout will be suitable for B-Triple access but will not be constructed for another 12 months.

In the meantime, it is proposed to approve the B-Double route along the New Winton Road detour and Country Road up to Suttons Pit.



Image 9

COMMITTEE RECOMMENDATION: the Committee support the gazettal of the detour route from New Winton Road to Suttons Pit on Country Road for B-Doubles.

89/2020 - Carter Street Taminda– Council staff parking

Council Sport and Recreation staff currently park on the old netball courts at Carter Street. This causes some concerns with interactions with pedestrians on the courts. To ensure there is staff parking available at the site, it is proposed to install TRC authorised vehicle parking as shown below.

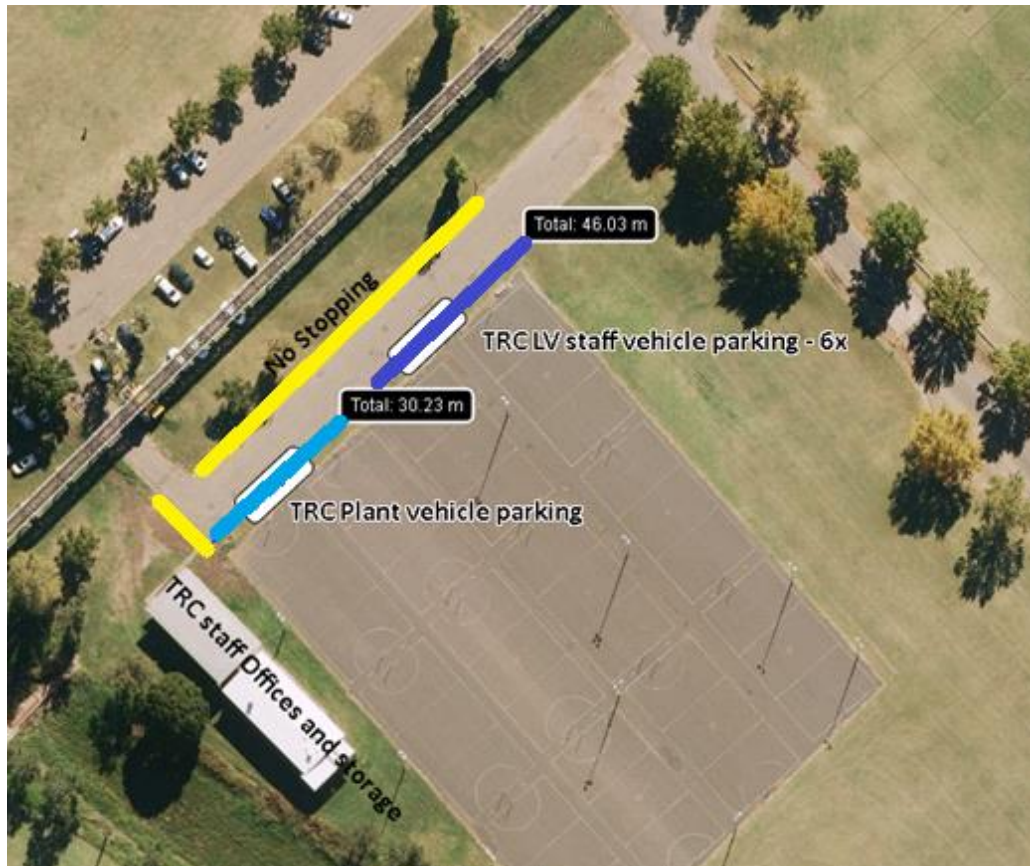


Image 10

COMMITTEE RECOMMENDATION: - the Committee support the installation of:

- 30 metres parallel TRC authorised vehicle parking;
- 45 metres (approximately) for six 60 degree rear angle parking for TRC authorised vehicles; and
- No Stopping zones opposite and adjacent to the TRC authorised vehicle parking; from Monday to Friday 6:00am-4:00pm.

90/2020 - School Bus Zone time extension for Nundle CWA Preschool

Nundle Preschool have requested the bus zone times be extended to 3:00pm-3:30pm or 3:00pm to 5:15pm, to allow a bus service time to carry out preschool children pick up.



Image 10 - 3 Jenkins Street Nundle

COMMITTEE RECOMMENDATION – the Committee support the extension of time at the 3 Jenkins Street Nundle Bus Zone, to 3:00pm-5:30pm, to accommodate the preschool pickup service.

91/2020 - Tamworth Triathlon Series – 2020-2021

The Tamworth Triathlon Club is holding events during 17 October 2020 and 20 March 2021, on alternating fortnights on Saturdays 4:00pm-7:00pm, and Sundays 6:30am-9:30am at Kootingal pool. These events involve an in-pool swim, a footpath run and bike ride on footpath for younger children, and on road ride for older children and adults. The total number of participants is approximately 70, with each event having 20-40 participants. The club have submitted a COVID safety plan. The proposed routes are as per previous years. The race route maps are **ATTACHED**, refer **ANNEXURES 4, 5 and 6** for route details.

COMMITTEE RECOMMENDATION – the committee supports the proposed Tamworth Triathlon races for the 2020-2021 season.

(a) Policy Implications

Nil

(b) Financial Implications

75/2020 – will be funded form the Infrastructure and Works signs and line marking budgets

77/2020 – will be funded form the Infrastructure and Works signs and line marking budgets

83/2020 – will be funded form the Infrastructure and Works signs and line marking budgets

84/2020 – will be funded form the Project budget

85/2020 – will be funded form the Infrastructure and Works signs and line marking budgets

86/2020 – will be funded form the Infrastructure and Works signs and line marking budgets

88/2020 – construction of the detour will be funded from the Project budget

89/2020 – will be funded form the Infrastructure and Works signs and line marking budgets

90/2020 - will be funded form the Infrastructure and Works signs budget

91/2020 – will be funded by the event organiser

(c) Legal Implications

Nil

(d) Community Consultation

75/2020 – Consultation undertaken with Tamworth Bus lines.

85/2020 – Consultation undertaken with Moonbi Public School Principal

86/2020 – Consultation undertaken with Paceway Manager

90/2020 – Consultation undertaken with Nundle Preschool and bus operator through the Nundle Place Manger

(e) Delivery Program Objective/Strategy

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

8.2 OPERATION OF THE CHAFFEY DAM PIPELINE - EXTENSION OF INTERIM APPROVAL

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

Reference: Item 8.1 to Ordinary Council 14 July 2020 - Minute No 186/20

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Operation of the Chaffey Dam Pipeline – Extension of Interim Approval”, Council receive and note the report.

SUMMARY

The NSW Minister for Water, Property and Housing, the Hon. Melinda Pavey MP has extended the approval for Water NSW to operate the Chaffey Dam Pipeline until 21 November 2021.

COMMENTARY

At the Council Meeting of 14 July 2020, Council considered a report which detailed, amongst other things, the NSW Minister for Water, Property and Housing the Hon. Melinda Pavey MP, had issued an Approval/Authorisation in relation to the operation of the Chaffey Dam Pipeline which included the following main points:

- the Approval expires on 1 October 2020, although the relevant NSW Minister may extend the approval any number of times depending on certain conditions;
- the pipeline can only be used when the storage in Chaffey Dam is below 20%;
- environmental releases from the dam into the Peel River will cease when the dam falls below 20% - Phase 2 in the table below; and
- a new approach for environmental water will be implemented based on the following phases:

Table 1 Trigger levels in Chaffey Dam for pipeline operation

Description	Falling storage level trigger	Rising storage level trigger
Phase 1	20.0% and above	20.0% and above
Phase 2	15.0%-19.9%	phase 2 does not apply
Phase 3	10.0%-14.9%	15.0%-19.9%
Phase 4	Below 10.0%	Below 15.0%

- when the dam is in Phase 2, three megalitres per day will be accumulated in the dam storage, up to a maximum of 1,095 ML per annum, for possible release to address environmental issues in the Peel downstream of the dam;
- when the dam is in Phase 3, 1.5 megalitres per day will be accumulated in the dam storage, up to a maximum of 550 ML per annum, for possible release to address environmental issues in the Peel downstream of the dam;
- when the dam is in Phase 4, no further water will be accumulated in the dam storage for possible environmental release;
- a Peel Environmental Water Technical Advisory Group will be established to advise about environmental releases;
- it is not known whether Council will be represented on this group, although it is assumed Council will be;
- environmental water that has not been used within a phase of operation will not be carried into the next phase regardless of whether the phase is an upward or downward movement. This means that the environmental water account will commence at 0 ML

at the start of each phase. This would seem to encourage the use of the accumulated environmental water before the end of each phase; otherwise this water will be no longer be available for release to the environment;

- if a phase of operation spans across water years, the water accrued in the environmental water account within that phase is not forfeited at the end of the water year; and
- borrowing of water within a phase of operation can occur up to one week in advance. The maximum amount of borrow forward is therefore seven times the daily accrual rate for the relevant phase of operation.

Water NSW is the Authorised Person, and as such, is the only entity that can operate the pipeline.

As per the Council resolution from the Meeting of 14 July 2020, Council wrote to Minister Pavey expressing Council's position that the most appropriate operating regime for the pipeline, long term, is operation at all times and water will only be released into the Peel River from Chaffey Dam for Council's purposes, when the demand for water in Tamworth/Moonbi/Kootingal is above the capacity of the pipeline to supply. Further, water that would otherwise have been lost during delivery of that water via the Peel River to the Peel River Pump Station, should be stored in Chaffey Dam to increase the security of supply for Tamworth/Moonbi/Kootingal. The following points were raised to support Council's position:

- checking the historic Chaffey Dam levels indicates that since 1 January 2002, the level of the dam has been below 20% only 5.8% of the time. This would indicate, in the future, if the 20% limit is adopted long term, the pipeline would only operate around six days in 100. It is considered the expenditure to build the pipeline could not be justified on a cost benefit basis if the pipeline only operated six percent of the time;
- there seems to be a perception that if water for Council's use is delivered via the pipeline then there will be no further releases from Chaffey Dam into the Peel River. This is not true, releases will continue to be provided for:
 - 1) stock and domestic and basic landholder rights to property owners with frontage to the river;
 - 2) high security entitlement holders along the Peel River;
 - 3) general security entitlement holders along the Peel River; and
 - 4) the environment.
- whenever water is released into the river to be delivered to a downstream user (including Council) some of the water is lost, predominantly to the adjacent alluvium. In Council's case, this in-stream loss reduces the security and reliability of Tamworth/Moonbi/Kootingal's water supply, assuming the water that would have been lost when the pipeline is operating, is not retained in the storage for Council's future use;
- every time the pipeline is shut down for an extended period, the quality of the water that sits in the pipeline deteriorates. What to do with this water when the pipeline is recommissioned is problematic, as witnessed during the most recent recommissioning. Additionally, in the absence of the ability to ditch water before the first customer connected to the pipeline, there is a very high possibility that pipeline customers will be delivered inferior quality water;

- alternatively, to avoid poor water quality, every time the pipeline stops operation for an extended period the pipeline should be drained, until operation starts again. At present, there does not appear to be approvals in place to allow this to happen; and
- experience has shown that stopping a pump station, pipeline and associated infrastructure for long periods of time does not mean that recommencing operation is as easy as the flick of a switch. Invariably, maintenance is required before the infrastructure can be put back into service, the majority of which may not have been required if the pump station and pipeline operated for longer periods.

Before the 1 October 2020 deadline, WaterNSW, as the Authorised Person, made application to the Minister for the previous approval to be extended. The Minister has now advised that this extension has been granted, with the approval now valid until 21 November 2021. The new authorisation is **ATTACHED**, refer **ANNEXURE 1**.

Key changes in the new authorisation include:

- the pipeline may be operated during Phase 1 operations for maintenance, flushing or testing purposes;
- Council is listed as a member of the Peel Environmental Water Technical Advisory Group (PEWTA Group);
- the Authorised Person must cause two reviews of the operation of the Authorisation to be undertaken and provide copies of the review reports to the Minister administering the Biodiversity Conservation Act 2016, and Minister administering the Water Supply (Critical Needs) Act 2019, by 28 February 2021 and 28 October 2021 respectively;
- the Authorised Person must address the information requested by the PEWTA Group in the scope of the review report. The scope of the review report must include information on:
 - 1) the days that the pipeline has operated and not operated, the frequency of moving between phases, and the dates when phases changed;
 - 2) the volume of environmental water accrued, whether it has been released and the dates it was released;
 - 3) whether there have been any directions to make emergency water releases and if so the volumes directed, whether the releases were made and the date of the releases;
 - 4) how the operation of the authorisation has contributed to water supply for Tamworth and how Tamworth town supply needs have been met during the term of the authorisation;
 - 5) any technical operational difficulties arising from the conditions;
 - 6) any impacts on hydrology and ecology and the results of monitoring undertaken in accordance with Plans referred to Condition 16;
 - 7) the current water security assessment for Tamworth town water supplies including depletion curves (incorporating flows up to January 2021) for Chaffey Dam and Dungowan Dam;
 - 8) any non-compliance with the conditions or commitments in the Plans referred to in Conditions 16 and 18, and the remedial actions taken to address the non-compliance;

- 9) the consultation the Authorised Person has undertaken with Tamworth Regional Council in preparing this report;
- 10) whether the pipeline is intended to be used in the future including whether the Authorised Person will be seeking an extension of the authorisation and, if so, for how long; and
- 11) any other information requested by the Minister within a reasonable period before 28 February 2021.

Water NSW remains the Authorised Person and will continue to operate the pipeline.

Whilst the new authorisation does not allow the pipeline to be operated at any time, as requested by Council, the change identified in point one above, does allow the pipeline and associated pump station to be operated for maintenance and flushing purposes. Council staff have been in contact with Water NSW to discuss this change, how the current stagnant water in the pipeline will be dealt with and how the pipeline will be operated in the future to prevent recurrence of stagnant water in the pipeline. These discussions have not been concluded at the time of preparing the Council report.

Discussions with WaterNSW concerning the long-term operation of the pipeline continue.

(a) Policy Implications

Nil

(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 MANILLA FREEDOM CAMPING SITE - PROPOSED CARAVAN WASTEWATER DUMP POINT INSTALLATION

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water Operations

Reference: Item 7.3 to Ordinary Council 18 December 2018 - Minute No 326/18

RECOMMENDATION

That in relation to the report “Manilla Freedom Camping Site – Proposed Caravan Wastewater Dump Point Installation”, Council:

- (i) receive and note the report; and***
- (ii) proceed with the installation of a caravan wastewater dump point at the Freedom Camping Site in Manilla.***

SUMMARY

Following a request from Councillor Maxwell, staff have investigated the possibility of installing a caravan wastewater dump point at the Freedom Camping Site in Manilla. The purpose of this report is to seek Council endorsement to proceed with the installation.

COMMENTARY

At its Ordinary Meeting held 18 December 2018, Council endorsed the establishment of the Freedom Camping site at Manilla. The project was initiated by members of the Manilla community with the aim of creating economic benefit and promotion of Manilla across camping networks. Following endorsement by Council, the camping site was provided with solid waste (general and recycling) services in conjunction with access to potable water (single tap).

The Campervan and Motorhome Club of Australia Limited (CMCA) has previously subsidised the installation of wastewater dump points using funding under the Dump Point Subsidy Program. This program was created by the CMCA to develop a network of key infrastructure for recreational vehicles (RVs) across Australia. The basic needs for self-contained RV travellers are a dump point, access to potable water and a place to park overnight. The NSW Government, in association with CMCA, has the aim of further expanding the Dump Point Program across NSW to support the NSW visitor economy and to reduce the potential negative environmental impacts of unregulated dumping of waste within the community.

Following a request from Councillor Maxwell to investigate the possibility of installing a wastewater dump point at the Manilla Freedom Camp Site, inspections undertaken by Water Operations Staff identified that the installation of a caravan dump point is possible in close vicinity to other services offered on the site. The location selected for the dump point also utilises existing access roads. The proposed location is shown in the image below.



The NSW Government/CMCA Dump Point Subsidy Program provides a Dump-Ezy dump point supplied free of charge to Council, four dump point signs and up to \$3,750 towards the cost of installation. The estimated cost of the installation of the sewer dump point at the

location shown above is estimated to be in the order of \$6,000. The bulk of the cost is made up of the sewer connection to facilitate the dump point, involving connection to the sewer main, which is approximately five metres deep. Installation will also include a water tap for the purposes of cleaning the dump point after use.

Staff have prepared an agreement with the CMCA under the NSW Government/CMCA Dump Point Subsidy Program in which the NSW Government in association with the CMCA will:

- supply Council at no charge one ‘Dump-Ezy’ Dump Point unit and four dump point signs; and
- reimburse Council up to a maximum amount of \$6,000 for the costs incurred in the installation of the “Dump-Ezy’ Dump Point unit and signage. It should be noted that this amount is above the standard \$3,750 offered under the program.

To be eligible for the above funding Council must install the dump point within three months.

The installation of this dump point will add to Council’s five existing free caravan dump points located as follows:

- 77 Cherry Street, Barraba NSW - behind the Council depot;
- 288 Charles Street, Manilla NSW - Coronation Park;
- Gunnedah Road, West Tamworth NSW - 350 metres west of Goddard Lane;
- 477 Goonoo Goonoo Road, South Tamworth NSW - South Tamworth Lions Club Rest Area; and
- 505 Armidale Road, East Tamworth NSW - Rotary Rest Area.

(a) Policy Implications

Nil

(b) Financial Implications

Nil to Council – The agreement with the CMCA under the NSW Government/CMCA Dump Point Subsidy Program will cover the supply and expected installation costs of the dump point.

(c) Legal Implications

Nil

(d) Community Consultation

The CMCA will issue a media release that Council is installing a new caravan dump point at the Freedom Camp Site. Council’s webpage providing details of caravan dump point locations with the Tamworth Regional Council area will be updated.

(e) Delivery Program Objective/Strategy

A Spirit of Community – C11 Provide high-quality open spaces, parks and reserves suitable and accessible to all.

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 CODE OF MEETING PRACTICE

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Karen Litchfield, Manager Governance
Reference: Item 9.6 to Ordinary Council 25 August 2020 - Minute No 252/20

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Code of Meeting Practice”, Council adopt the new Code of Meeting Practice.

SUMMARY

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

COMMENTARY

Council at its Ordinary Meeting held 25 August 2020, endorsed the draft Code of Meeting Practice, and the Code was placed on public exhibition for a period of 28 days with submissions to be accepted for 42 days, in accordance with the Local Government Act 1993. The Code of Meeting Practice complies with the new Model Code of Meeting Practice released by the Office of Local Government. Submissions in relation to the policy were to be received by Friday 16 October 2020. No submissions were received. The Code can now be adopted by Council, **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Upon adoption, the Code of Meeting Practice will be available to staff via the intranet 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* and the Model Code of Meeting Practice.

(d) Community Consultation

The draft Code was placed on public exhibition for community consultation for a period of 28 days with submissions accepted for 42 days, from 4 September to 16 October 2020. The draft Code was available on the website. No submissions were received.

(e) Delivery Program Objective/Strategy

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

9.2 REVIEW OF GENERAL POLICY REGISTER

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Karen Litchfield, Manager Governance
Reference: Item 9.1 to Ordinary Council 25 August 2020 - Minute No 247/20

1 ANNEXURES ATTACHED

RECOMMENDATION

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

- (i) formally revoke or amend all previous General Policies; and*
- (ii) confirm adoption of the updated General Policy Register as identified in ANNEXURE 1.*

SUMMARY

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

COMMENTARY

Council at its Ordinary Meeting held 25 August 2020, resolved as follows:

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

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

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

- 5.2 Change furbish to furnish
- 5.3 Move Policy 5.3 into Section 6 now 6.8
- 6.7 Additional wording to the Objective to provide more clarity over the reason for the Policy.
- 7.1 Update the title of the Director Water and Waste
- 7.2 Update Director from Business and Community to Growth and Prosperity
- 14.1 Change Tamworth City Airport to Tamworth Regional Airport, update CAA to CASA and change Management Plan to Annual Operational Plan.
- 15.3 Remove Policy as this is a Staff Policy in Operational Policy Register.
- 16.2 Remove Policy as it is no longer required.

The Policy can now be adopted by Council, **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

Policies will be maintained or removed from the General Policy Register as required provided appropriate public exhibition periods.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The updated General Policy Register was placed on exhibition for a period of 28 days from 4 September to 2 October 2020, and no submissions were received.

(e) Delivery Program Objective/Strategy

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

9.3 GIFTS AND BENEFITS POLICY

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

Reference: Item 7.7 to Ordinary Council 8 September 2020 - Minute No 271/20

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Gifts and Benefits Policy”, Council approve the Gifts and Benefits Policy.

SUMMARY

The purpose of this report is to seek Council approval for the Gifts and Benefits Policy following Community Consultation.

COMMENTARY

With the release of the updated Model Code of Conduct by the Office of Local Government, the Gifts and Benefits Policy required amendments to ensure it complied with the new Model Code.

Council at its Ordinary Meeting held 8 September 2020, endorsed the draft Policy, and the policy was placed on Public Exhibition for a period of 28 days in accordance with the Local Government Act 1993. Submissions in relation to the policy were to be received by Friday 9 October 2020. No submissions from the public were received. The Policy can now be adopted by Council, **ATTACHED**, refer **ANNEXURE 1**.

(a) Policy Implications

The Policy will be updated in the General Policy Register.

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

The draft Policy was placed on Public Exhibition for Community Consultation for a period of 28 days, from 11 September 2020, to 9 October 2020. The draft Policy was available on the website. No public submissions were received.

(e) Delivery Program Objective/Strategy

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

9.4 COUNCIL INVESTMENTS SEPTEMBER 2020

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments September 2020”, Council receive and note the report.

SUMMARY

This report provides an overview of Council Investments for the month of September 2020.

COMMENTARY

The Reserve Bank has extended the time frame that Authorised Deposit - taking Institutions (ADI's) are able to access low cost funding under a program it calls a Term Funding Facility. This source of funds is to be available from the Reserve Bank until June 2021 (RBA media release 2020-24). This availability of low cost loans whilst helping to stimulate the Australian economy does mean that the outlook for the return on Council investments remains poor for the foreseeable future.

In accordance with Section 212 of the Local Government (General) Regulation 2005, the details of all money Council has invested as at 30 September 2020, is **ATTACHED**, refer **ANNEXURE 1**.

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

Institution	Cash at bank	Financial Assets Amortised Cost	Financial Assets at Fair Value	Total	% of Total
NAB	10,779,271	50,000,000	0	60,779,271	36.00%

ANZ	0	8,000,000	0	8,000,000	4.74%
BOQ	0	5,000,000	0	5,000,000	2.96%
CBA	0	6,000,000	0	6,000,000	3.55%
St George	0	41,500,000	0	41,500,000	24.58%
TCorp	0	0	11,361,503	11,361,503	6.73%
Westpac	0	36,182,237	0	36,182,237	21.44%
TOTAL	10,779,271	146,682,237	11,361,503	168,823,011	

The amount invested at 30 September 2020, has increased by \$2,552,705.96 compared to funds held at 31 August 2020.

Council's investments are mostly comprised of restricted funds that have been received for specific purposes or funds held for future renewal works. The following table provides a summary of investments held by each fund:

Fund	Restriction	Amount	%
General	Unrestricted	7,318,145	4.33%
General	Internally Restricted	36,907,108	21.87%
General	Externally Restricted	11,416,349	6.76%
General Fund Total		55,641,602	32.96%
Water	Unrestricted	2,211,934	1.31%
Water	Internally Restricted	23,145,700	13.71%
Water	Externally Restricted	25,261,589	14.96%
Water Fund Total		50,619,223	29.98%
Sewer	Unrestricted	2,244,467	1.33%
Sewer	Internally Restricted	44,761,907	26.51%
Sewer	Externally Restricted	15,555,812	9.22%
Sewer Fund Total		62,562,186	37.06%
Total Investments		168,823,011	

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

Unrestricted:

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

Internally Restricted:

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

Externally Restricted:

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

The use of restricted funds is largely controlled by 10 – 20 year Asset Management Plans which are included in the Resourcing Strategy of Council’s Community Strategic Plan.

(a) Policy Implications

All of Council’s investments are held in accordance with the ‘Tamworth Regional Council Investment Policy’.

(b) Financial Implications

The low rate of return on investments continues to thwart interest earnings which in turn has a negative impact on funding availability for future projects.

(c) Legal Implications

All of Council’s investments are held in accordance with the ‘Tamworth Regional Council Investment Policy’ which accords with the requirements of:

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

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

9.5 ANNUAL OPERATIONAL PLAN 2020/2021 BUDGET VARIATION REPORT - SEPTEMBER 2020

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services

Reference: Item 9.3 to Ordinary Council 23 June 2020 - Minute No 173/20
2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2020/2021 Budget Variation Report – September 2020”, Council note and approve the variations to the existing budget included in the attached Annexures.

SUMMARY

Council adopted the original budget included in the Annual Operational Plan for 2020/2021 at the Ordinary Council Meeting held 23 June 2020. Any changes to the budget must be approved by Council at a later Ordinary Meeting. This report seeks Council approval for revoted budgets from 2019/2020 and any required budget variations identified during the month of September for which there has been no previous specific report or approval.

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

COMMENTARY

The annual budget provides Council with the means to control resource allocation and revenues per objectives set in the Annual Operational Plan. It also forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and update of the budget is therefore important for sound financial management and for the reporting of any material differences between budgets and actuals identified by the Responsible Accounting Officer.

For the month of September 2020, the majority of budget adjustments identified were capital in nature and funded by grants, with \$1M for the Manilla low level bridge, \$1.6M for various community infrastructure programs and \$460k for the Astronomy Centre. Overall there was a slight decrease in General Fund Reserves due to works being carried out at aquatic facilities and waste reserves saw an increase from additional income from private works.

Apart from general variations for September, this report includes revotes from the previous year. These are budget items that were not included in the current Annual Operational Plan as incomplete works and do not qualify as works in progress. As the previous vote of expenditure expired on 30 June 2019, they will require a revote from Council to be completed in the current financial year. The funding source for these works remains unchanged from prior years with \$2,679,559 coming from Reserves and the remaining \$105,726 from Grants and Contributions.

A summary of revotes and general budget variations is provided below with detailed lists included in the **ATTACHED** revotes, refer **ANNEXURE 1**, and general variations **ATTACHED**, refer **ANNEXURE 2**.

Expenditures From 2019/2020 for Revote

Division	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Cultural Services	0	0	0	99,590
Economic & Destination Development	0	26,664	0	0
Direct Mgmt - Business & Community	0	31,871	0	0
Business Systems & Solutions	0	228,373	0	40,936
Compliance	0	5,300	0	0
Integrated Planning	0	0	0	23,177
Plant, Fleet & Buildings	0	162,952	0	0
Sports & Recreation Services	0	171,996	0	98,735
Design & Construction	0	65,716	0	0
Project Costing	0	299,626	0	78,740
Waste Management	0	0	0	33,407
Water & Wastewater	0	0	0	1,329,025
W&W- General Fund Activities	0	86,627	0	2,550
TOTAL	0	1,079,125	0	1,706,160

General variations identified during September 2020

Description	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Cultural Services	(7,000)	7,000	0	0
Economic & Destination Development	(2,000)	2,000	0	0
Sports & Recreation Services	0	0	(582,533)	652,533
Project Costing	0	0	(3,070,000)	3,070,000
Waste Management	(144,982)	0	0	0
Water & Wastewater	(35,444)	13,316	0	4,000
TOTAL	(189,426)	22,316	(3,652,533)	3,726,533

Material differences between budget and actual income or expenditure

Nil

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2019/2020:

<i>Fund</i>	<i>Operating Income</i>	<i>Operating Expenses</i>	<i>Capital Income</i>	<i>Capital Expenses</i>
General	-153,982	1,061,911	-3,652,533	5,426,143
Water	-35,444	39,530	0	6,550
Sewer	0	0	0	0
Total	-189,426	1,101,441	-3,652,533	5,432,693

(c) Legal Implications

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

- 211 Authorisation of expenditure; and
- 202 Responsible Accounting Officer to maintain system for budgetary control.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

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

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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

11.1 PROPOSED LEASE OF COUNCIL PROPERTY

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Reference: Item 15.1 to Ordinary Council 23 August 2016 - Minute No 256/16
 Item 12.8 to Ordinary Council 22 October 2019 - Minute No 392/19

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

SUMMARY

The purpose of this report is to seek Council's authorisation to negotiate and enter into a Lease of the premises known as Calala Cottage, Denison Street Tamworth to the Tamworth Historical Society.

11.2 REQUEST TO EXTEND THE LICENCE FOR PART OF COUNCIL OWNED PREMISES - PEEL HOUSE

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Reference: Item 14.6 to Ordinary Council 12 March 2019 - Minute No 74/19
Item 14.6 to Ordinary Council 30 April 2019 - Minute No 138/19

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

SUMMARY

This report relates to a request from the University of New England (UNE) to extend their current licence agreement for another 12 month period for Level 2 in Peel House, Fitzroy Street, Tamworth to continue to assist small start-up operations in their infancy that require limited floor space and low cost office accommodation.

11.3 LICENCES FOR CAR RENTAL CONCESSIONS AT TAMWORTH REGIONAL AIRPORT

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: John Sommerlad, Commercial Director - Airport and Aviation Development
Reference: Item 14.2 to Ordinary Council 10 October 2017 - Minute No 344/17

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 authorisation for new licence agreements for car rental companies at Tamworth Regional Airport.

11.4 PRIVATE TREATY SALE LAND UNPAID RATES

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services
Reference: Item 14.3 to Ordinary Council 22 May 2018 - Minute No 183/18
1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (b) of the Local Government Act 1993, on the grounds that the matter and information is discussion in relation to the personal hardship of a resident or ratepayer.

SUMMARY

The purpose of this report is to seek Council's authorisation to negotiate and enter into a sale of land for unpaid rates.

11.5 EXPRESSION OF INTEREST - E034/2021 - WATER SUPPLY OPTIONS - FRACTURED ROCK AQUIFER RESOURCE INVESTIGATION

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water Operations
Reference: Item 12.5 to Ordinary Council 14 July 2020 - Minute No 197/20
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

Council's recently adopted Emergency Water Supply Plan for Tamworth, Moonbi and Kootingal recommends, within the next six months, Council consider fractured rock as a water source to augment current supply to Tamworth/Moonbi and Kootingal.

Council at its Meeting of 14 July 2020, endorsed proceeding with an Expression of Interest for external parties to undertake fractured rock aquifer investigations. The purpose of this report is to seek direction from Council in relation to Expressions of Interest received in relation to this matter.

11.6 CHALLENGE COMMUNITY SERVICES KERBSIDE RECYCLABLES PROCESSING PROPOSAL

DIRECTORATE: WATER AND WASTE

AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

Reference: Item 12.8 to Ordinary Council 26 May 2020 - Minute No 151/20

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 update Council in relation to negotiations to engage a third party to undertake kerbside recycling processing across the Council area.

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.