



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**.

LATE ITEMS ORDINARY COUNCIL AGENDA

24 MARCH 2020

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day 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).

LATE AGENDA

5 MAYORAL MINUTE

5.2 COVID-19: INSTRUMENT OF DELEGATION TO THE MAYOR (EMERGENCY ADMINISTRATIVE PROVISIONS) – FILE NO SF7674

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Col Murray, Mayor

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “COVID-19: Instrument of Delegation to the Mayor (Emergency Administrative Provisions)”, Council:

- (i) adopt the Instrument of Delegation to the Mayor dated 24 March 2020, as detailed in the attachment to this report;*
- (ii) direct the General Manager to provide a consolidated report once a month to all Councillors specifying any actions taken under this delegation as adopted by Council; and*
- (iii) request that once activation of the current Business Continuity Plan ceases, a consolidated report to the first available Meeting of Council will be submitted which lists all decisions made under this delegation.*

SUMMARY

The purpose of this report is to provide Delegation to the Mayor as part of a contingency arrangement for decision making outside of Meetings of Council that are to be put in place until such time as the COVID-19 pandemic has ended, or unless terminated by Council before that date.

COMMENTARY

Background

The current Novel Coronavirus (COVID-19) pandemic is continuing to rapidly escalate in the face of best endeavours to mitigate its spread and impacts. Contingent administrative arrangements need to be strengthened in order to protect the interests of Tamworth Regional Council and the community as best as reasonably possible under the circumstances.

COVID-19 has given rise to a humanitarian and economic crisis on a massive scale the like of which has not been seen for the best part of a century or more. Its far reaching impacts are being felt by billions of people and organisations around the globe. These are being well documented daily by other spheres of government and the media.

Tamworth Regional Council has already demonstrated excellent leadership within its community and the local government industry with its responses to date to the challenges of COVID-19. The very high levels of seriousness, urgency and growth in risks and related disruptions require constant reassessment. Agility in dealing with critical decisions around securing and deploying resources is paramount in the current environment.

Council is now facing increased risks around civic governance and resource decision making that are central to ensuring delivery of core services without seriously compromising the health and wellbeing of the community and staff. The business as usual approach to civic

governance may quickly fail if it is not safe enough or otherwise impractical for Council to convene Ordinary or Extraordinary Meetings in the coming months as a result of COVID-19.

Immediate contingency arrangements should be in place or strengthened to protect the interests of the Council and the community as best as reasonably possible under the circumstances. While Council awaits a response from the State Government on a range of administrative and legislative barriers to this that are under its control, it is prudent to grant emergency powers to the Mayor for a limited duration to cover critical contingencies that may arise.

Proposal

It is recommended that a contingency arrangement for decision making **outside of Meetings of Council** be put in place until such time as the pandemic has ended, or unless terminated by Council before that date.

ATTACHED to this report, refer **ATTACHMENT 1**, is a proposed Instrument of Delegation to the Mayor which would enable the Mayor to make decisions of Council in emergency situations after consultation with the General Manager.

Should the Mayor need to exercise this delegation, the General Manager will provide a consolidated report once a month to all Councillors specifying any actions taken under the delegation adopted by Council. Additionally, once activation of the current Business Continuity Plan ceases, a consolidated report to the first available meeting of Council will be submitted which lists all decisions made under this delegation.

Maintaining a proactive approach to contingency planning and risk mitigation for COVID-19 is vital as part of the ongoing program to serve and protect the interests of Council and the community.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

In accordance with s377(1) Local Government Act 1993.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

A Spirit of Community – C14 Meet social justice principles through the provision of accessible and inclusive high-quality, integrated community services that meet current and emerging needs.
