

Trading as: NEW ENGLAND WEEDS AUTHORITY

ABN 35 514 007 354

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13 August 2019

Dear Councillors,

You are requested to attend the Ordinary Meeting of the New England Tablelands (Noxious Plants) County Council to be held in the Armidale Office of the Authority at 2/129 Rusden St, Armidale on

Tuesday, 20 August 2019 at 8.30 am.

Yours sincerely

J. J. Ly

John Duggan A/GENERAL MANAGER

AGENDA

ORDINARY MEETING – Commencing at 8:30 am

1	PRESEN	іт	3
2	APOLO	GIES	3
3	DECLAF	RATION OF INTEREST	3
4		MATION OF THE MINUTES OF THE ORDINARY G HELD ON TUESDAY 18 JUNE 2019	3
5		RS ARISING FROM THE MINUTES OF THE ORDINAR G HELD ON TUESDAY 18 JUNE 2019	(3
6	CHAIRM	AN'S REPORT	3
7	GENER	AL MANAGER'S REPORT	7
7.1	ORGAN	SATIONAL MATTERS	7
	7.1.1	INVESTED FUNDS REPORT as at 31st July 2019	7
	7.1.2	PECUNIARY INTEREST RETURNS FOR 2018/2019	10
	7.1.3	NEW ENGLAND WEEDS AUTHORITY - COMPLIANCE AND ENFORCEMENT POLICY AND PROCEDURES 03/17	11
	7.1.4	GLEN INNES SEVERN COUNCIL REQUEST FOR FORMAL MEMBERSHIP OF THE NEW ENGLAND TABLELANDS COUNTY COUNCIL	12
	7.1.5	ANNUAL FINANCIAL STATEMENTS 2018/2019	15
WE		FROL MATTERS	16
	7.1.6	2019/2020 WEEDS ACTION PROGRAM	16
8	NEXT M	EETING TUESDAY 22 nd OCTOBER 2019 AT 8.30 AM	23
9	ATTACH	IMENTS	23
	9.1.1	Compliance and Enforcement Policy 03/17.	23
	9.1.2	Letter to Glen Innes Severn Council from OLG.	23
	9.1.3	Draft MOU with Glen Innes Severn Council.	23
	9.1.4	Draft Annual Financial Statements 2018/ 2019	23

1 PRESENT

2 APOLOGIES

3 DECLARATION OF INTEREST

4 <u>CONFIRMATION OF THE MINUTES OF THE ORDINARY</u> <u>MEETING HELD ON TUESDAY 18 JUNE 2019</u>

5 <u>MATTERS ARISING FROM THE MINUTES OF THE</u> <u>ORDINARY MEETING HELD ON TUESDAY 18 JUNE</u> <u>2019</u>

6 CHAIRMAN'S REPORT

MINUTES OF THE ORDINARY MEETING OF THE NEW ENGLAND PLANTS) COUNTY TABLELANDS (NOXIOUS COUNCIL HELD IN THE RUSDEN STREET. ARMIDALE OFFICE, 129 ARMIDALE ON TUESDAY 18 JUNE 2019 COMMENCING AT 8:40 AM

PRESENT: Councillor M. Dusting - Chairperson, Councillors S. Kermode, L. Martin, A. Murat and J. Galletly.

IN ATTENDANCE: Senior Biosecurity Officer, Mr James Browning

APOLOGIES: General Manager, Mr John Duggan

DECLARATIONS OF INTEREST

There were no declarations of interest.

<u>CONFIRMATION OF MINUTES OF THE ORDINARY MEETING HELD ON</u> <u>TUESDAY 16 APRIL 2019.</u>

<u>22/19 RESOLVED</u> on the motion of Councillors Galletly and Martin that the Minutes of the Ordinary Meeting of the New England Tablelands (Noxious Plants) County Council held on 16 April 2019, copies of which have been distributed to all members, are taken as read and confirmed a true record.

BUSINESS ARISING FROM THE MINUTES OF THE ORDINARY MEETING HELD ON TUESDAY 16 APRIL 2019.

There were no matters arising.

CHAIRMAN'S REPORT

The Chair advised of the following:

- The drought conditions continue to have an impact on NEWA's operational activities.
- I attended the meeting of Northern Tablelands Regional Weeds Committee at Inverell on 14 May 2019. The Chairman along with Council staff attended the meeting.
- Private property inspections are way down for all, which is understandable due to the continuing drought conditions.
- The Committee agreed that with WAP funds we can send out a copy of the NT/NW Weeds guide to larger landholders, with a positive letter saying that the weed guide has been updated in accordance with the new Biosecurity Act, and if they see anything new bring it in to the office or contact their local Biosecurity Officer mobiles included on the letter
- The transition of the Tingha area from Armidale Regional to Inverell Shire Council will occur on the 1st July 2019.
- The upcoming 20th NSW Weeds Conference will be held at Newcastle on the 26-29 August.

MINUTES OF THE ORDINARY MEETING OF THE NEW ENGLAND TABLELANDS (NOXIOUS PLANTS) COUNTY COUNCIL HELD IN THE ARMIDALE OFFICE, 129 RUSDEN STREET, ARMIDALE ON TUESDAY 18 JUNE 2019 COMMENCING AT 8:40 AM

1. NEW ENGLAND WEEDS AUTHORITY ANNUAL OPERATIONAL PLAN 2019-2020 (ITEM 7.1.1)

23/19 RESOLVED on the motion of Councillors Murat and Martin that Council in accordance with the provisions of the Local Government Act 1993 and Regulations thereunder, adopt the New England Weeds Authority Annual Operational Plan 2019 – 2020.

2. LOCAL GOVERNMENT REMUNERATION TRIBUNAL (ITEM 7.1.2)

24/19 RESOLVED on the motion of Councillors Galletly and Kermode that the annual fees for Councillors for the 2019/20 financial year be increased by 2.5% over allowances for 2018/19. Councillors will be remunerated \$2,497.00 and the Chairperson \$6,242.00.

3. PUBLIC INTEREST DISCLOSURES REPORT (ITEM 7.1.3)

<u>25/19 RESOLVED</u> on the motion of Councillors Murat and Kermode that:

- 1. That the six- monthly report on Council's compliance with their obligations under the Public Interest Disclosures Act 1994 be received and noted.
- 2. That a copy of the report be forwarded to the NSW Ombudsman.

5. GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (GIPA) (ITEM 7.1.4)

<u>26/19 RESOLVED</u> on the motion of Councillors Kermode and Murat that under the provisions of Section 21 of the Government Information (Public Access) Act 2009, Council adopts the revised New England Tablelands (Noxious Plants) County Council Publication Guide, as attached to the report.

6. REVIEW OF COUNCIL POLICIES (ITEM 7.1.5)

<u>27/19 RESOLVED</u> on the motion of Councillors Martin and Kermode that:

- 1. Council reaffirm the adoption of the following Policies, as attached to the report.
 - Investment Policy No: 01/11
 - Credit Card Policy 02/11
 - Drug and Alcohol Policy No: 03/11
 - Engagement of Contractors Policy No: 04/11
 - Procurement of Goods and Services Policy No: 05/11
 - Annual Leave Policy No: 02/12
 - Gifts and Benefits Policy No: 03/12
 - Records Management Policy No: 01/13
 - Equal Employment Opportunity Policy 03/18

THE ORDINARY MEETING OF THE NEW MINUTES OF ENGLAND COUNTY TABLELANDS (NOXIOUS PLANTS) COUNCIL HELD IN THE RUSDEN STREET. ARMIDALE OFFICE, 129 ARMIDALE ON TUESDAY 18 JUNE 2019 COMMENCING AT 8:40 AM

7. CODE OF MEETING PRACTICE (ITEM 7.1.7)

<u>**28/19 RESOLVED</u>** on the motion of Councillors Galletly and Martin that Council adopt the Code of Meeting Practice.</u>

8. LOCAL GOVERNMENT NSW ANNUAL CONFERENCE (ITEM 7.1.8)

<u>29/19 RESOLVED</u> on the motion of Councillors Kermode and Murat that Council:

- 1. Approve the attendance of two representatives at the 2019 Local Government Annual Conference, those representatives being the Chair as Voting Delegate and the General Manager.
- 2. Approve payment of all expenses associated with the attendance at the Conference in accordance with the Payment of Expenses Policy.

9. INVESTED FUNDS REPORT (ITEM 8.1.1)

<u>30/19 RESOLVED</u> on the motion of Councillors Murat and Galletly that:

- 1. The report indicating Council's Fund Management position be received and noted.
- 2. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

10. 2018/2019 WEEDS ACTION PROGRAM (ITEM 9.1.1)

<u>31/19 RESOLVED</u> on the motion of Councillors Murat and Kermode that the report on the 2018/2019 Weeds Action Program be received and noted.

<u>11. MATTERS OF URGENCY</u>

There were no matters of urgency.

NEXT MEETING

The next meeting will be held on Tuesday, 20 August 2019 at 8.30 am.

THERE BEING NO FURTHER BUSINESS THE CHAIR DECLARED THE MEETING CLOSED AT 9.20 AM.

7 GENERAL MANAGER'S REPORT

7.1 ORGANISATIONAL MATTERS

7.1.1 INVESTED FUNDS REPORT as at 31st July 2019

Introduction

The Local Government (General) Regulation, Clause 212, requires that the Responsible Accounting Officer must provide Council with a written report setting out all money Council has invested under Section 625 of the Local Government Act 1993, up to the last day of the Month immediately preceding the meeting.

<u>Report</u>

Included in this report are the following items that highlight Council's Investment Portfolio Performance for the period ending 31 July 2019 and an update of the investment environment:

- a) Council's Investments for reporting period 1July to 31 July 2019;
- b) Investment Portfolio Performance and
- c) Investment Commentary.

Financial Impact

The actual interest earned for the July 2019 period is \$2,857.59 bringing the year to date total to \$2,857.59.

a) Council's Investments for reporting period 1 July 2019 – 31 July 2019

Commonwealth Bank Business Online Saver:

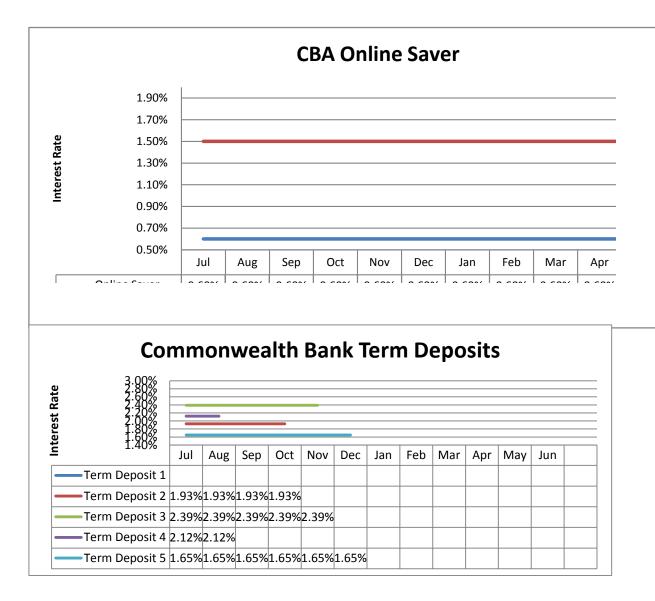
As at	Rate	Balance	Interest
31 July 2019	0.6%	\$5335,860.12	\$51.78

Term Deposits:

Term Deposit	Opened	Due	Rate	Term Deposit	Balance at 31 July 2019	Interest accrued to 31 July
1	1/04/2019	30/07/2019	2.36%	\$500,000.00	\$0.00	\$1,001.92
2	12/06/2019	10/10/2019	1.93%	\$206,903.05	\$206,903.05	\$339.14
3	26/02/2019	25/11/2019	2.39%	\$500,000.00	\$500,000.00	\$1,014.63
4	6/05/2019	5/08/2019	2.12%	\$250,000.00	\$250,000.00	\$450.12
5	30/07/2019	27/12/2019	1.65%	\$500,000.00	\$500,000.00	
					\$1,456,903.05	\$2,805.81

b) Investment Portfolio Performance

Council's Investment Policy provides for the benchmarking of its investments against the 11am Cash Rate and the Australian Financial Markets Association Bank Bill Rate. The following tables detail Council's Investment Portfolio Performance.



c) Investment Commentary

The Investment Portfolio continues to reflect the Reserve Bank's current hold on interest rates at 1.5%.

Certification – Responsible Accounting Officer.

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy

Responsible Accounting Officer: John Duggan

RECOMMENDATION:

- 1. That the report indicating Council's Fund Management position be received and noted.
- 2. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

7.1.2 PECUNIARY INTEREST RETURNS FOR 2018/2019

Introduction

The General Manager is required to report annually on the receipt of pecuniary interest returns.

Report

Section 449 (3) of the Local Government Act 1993, requires that Councillors and designated persons who hold those positions at the 30 June each year, must lodge a completed Ordinary Pecuniary Interest Return by the following 30 September.

Section 450A of the Act places specific statutory responsibilities on the General Manager in relation to the submission and recording of Pecuniary Interest Returns:

- The General Manager must keep a Register of Returns containing the completed and lodged Returns of Councillors and Designated Persons. The returns must be available for inspection by members of the public.
- The General Manager must arrange for the tabling of the returns lodged, at the first meeting of the Council after the last day of the period of lodgement.

As councillors are aware, returns are already completed for your constituent Councils. However, it is also necessary for Returns to be submitted and held by the New England Tablelands (Noxious Plants) County Council.

All Returns for the period ended 1 July 2018 to 30 June 2019 have been lodged with the General Manager within the statutory timeframe and are now tabled as required.

RECOMMENDATION:

That Council formally records that the Ordinary Returns of Pecuniary Interest required to be submitted by Councillors and the General Manager, for the period 1 July 2019 to 30 June 2020 have been submitted as required and have been tabled in accordance with the provisions of Section 450A of the Local Government Act, 1993.

7.1.3 <u>NEW ENGLAND WEEDS AUTHORITY - COMPLIANCE AND ENFORCEMENT</u> <u>POLICY AND PROCEDURES 03/17</u>

Introduction

Following the introduction of the Biosecurity Act 2015 and Biosecurity Regulation 2017 which came into force on 1 July 2017, replacing amongst other pieces of legislation the Noxious Weeds Act 1993, Council at its August 2017 meeting adopted a Compliance and Enforcement Policy 03/17 which has a requirement to be reviewed annually to ensure it meets all statutory requirements and the needs of the Authority.

<u>Report</u>

The Compliance and Enforcement Policy 03/17, a copy of which is attached to the report for the information of Councillors, sets out the regulatory functions of Council as they relate to the obligations placed on Council by the Biosecurity Act 2015 (the Act) and Biosecurity Regulation 2017. This compels Council to use any or all of the powers conferred upon it by the Act to prevent, eliminate, minimise and manage the biosecurity risk posed or likely to be posed by weeds in relation to land for which it is the local control authority.

The Policy explains the approach Council will take in conducting its regulatory functions to achieve compliance with the Act and drive continual improvement. In addition, it will guide the most effective and efficient use of Council's staff to achieve the best outcomes for Council, our landholders and the wider community.

The Policy amongst other items sets out Council's purpose, outcomes, responses, procedural fairness, rights of appeal, transparency and response to complaints. It will be noted from the Policy that Council will take a *"graduated and proportionate response"* to compliance and enforcement applying the range of provisions available to it in accordance with the Act.

The Policy has been reviewed by staff and with advice from NSW Department of Primary Industries and as part of their Local Government Audit the Authorities Voluntary Compliance Request form has been changed to Compliance Request and also includes Compliance Procedures to ensure the Authority complies with statutory requirements.

<u>Attachments</u> – NEWA Compliance and Enforcement Policy and Procedures 04/17.

RECOMMENDATION:

That Council reaffirm the New England Weeds Authority, Compliance and Enforcement Policy and Procedures 04/17, as attached to the report.

7.1.4 <u>GLEN INNES SEVERN COUNCIL REQUEST FOR FORMAL MEMBERSHIP OF</u> <u>THE NEW ENGLAND TABLELANDS COUNTY COUNCIL</u>

Introduction

Glen Innes Severn Council (GISC)by way of resolution at its Council meeting held on 23rd April 2015 resolved to enter into an agreement for a three (3) year period with New England Weeds Authority (NEWA), for the Authority to exercise all of the Council's functions, powers and responsibilities under the then Noxious Weeds Act 1993 (Section 69) and regulations thereunder (now the Biosecurity Act 2015), including being responsible for the implementation of the NSW Weeds Action Program 2015-2020 (WAP 1520) for their Council area.

Consequently, a Memorandum of Understanding was entered into with the GISC as of 1 July 2015 and expiring on 30 June 2018, in terms of the abovementioned resolution. With the expiry of the Memorandum of Understanding on 30 June 2018 advice was received from GISC on how they wish to proceed into the future and NEWA resolved on 19 August 2018:

- 1. That Council amend its constitution so as to allow Glen Innes Severn Council membership of the New England Tablelands County Council.
- 2. That Council welcomes and supports Glen Innes Severn Council in making a written application to the Office of Local Government to become a full member of the New England Tablelands County Council.

<u>Report</u>

GISC received the attached correspondence from the office of Local Government following its request to become a member of the County. The OLG states:

The procedure may only be commenced by the making of a proposal to the Minister for Local Government under section 383(1) of the Act. The proposal may be made by Council, the County Council or by both Councils jointly.

It is important to note that whichever council makes the proposal, that council must pass a resolution authorising the making of the proposal to the Minister. More particularly, the proposal will need to be referred to and endorsed by the council in its resolution(s). The reason for this is that the making of any application under the Act to the Minister is, by reason of section 377(1)(s) of the Act, a non-delegable function of a council.

The OLG further advises that a proposal must be prepared, endorsed by both of the Councils and forwarded to OLG. The proposal needs to address the following criteria:

"(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;

- (b) the community of interest and geographic cohesion in the existing areas and in any proposed new area;
- (c) the existing historical and traditional values in the existing areas and the impact of change on them;
- (d) the attitude of the residents and ratepayers of the areas concerned;
- (e) the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local/eve/, 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 that area;
- (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;
- (e2) the impact of any relevant proposal on the employment of the staff by the councils of the areas concerned;
- (e3) the impact of any relevant proposal on rural communities in the areas concerned;
- (e4) in the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the resulting area or areas into wards;
- (e5) in the case of a proposol for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented;
- (f) such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas".

Time pressures and resources have hampered GISC in preparing a proposal. It is suggested that the General Manager of NEWA prepare a proposal to be adopted jointly by the Councils.

Because the proposal to merge has not been completed and the original Memorandum of Understanding (MOU) has reached its end point, it is important to enter into a further MOU. The new draft MOU incorporates the following changes:

- Updating references from the Noxious Weeds Act to the Biosecurity Act.
- Providing delegations to respective officers under the Biosecurity Act.

The draft MOU is attached to this report and needs to also be endorsed by GISC.

The Chairman, GM and Senior Biosecurity Officer are meeting with Staff and Councillors from GISC on Tuesday 13 August 2019 and will provide a verbal report to the meeting.

Attachments – Draft MOU and Letter from OLG to Glen Innes Severn Council

RECOMMENDATION:

- 1. That NEWA in consultation with Glen Innes Severn Council (GISC) agrees to prepare a draft proposal to OLG to enable GISC to become a full member of the New England Tablelands County Council.
- 2. That Council endorses the draft MOU and authorises the Chair and General Manager to sign the MOU once supported by GISC.
- 3. That the draft proposal be prepared for Councils meeting of 22 October 2019.

FINANCIAL MATTERS

7.1.5 ANNUAL FINANCIAL STATEMENTS 2018/2019

The Draft Annual Financial Statements as at 30 June 2019 have been completed and forwarded to Council's Auditors, the Audit Office of NSW who engaged the local firm, Forsyths Business Services Pty Ltd to carry out the preliminary audit. A copy of the draft Statements is attached to the report for the information of Councillors.

It is pleasing to note that Council recorded an operating surplus of \$139,000 for the year ended 30 June 2019, which well exceeds the original budget estimate of \$1,531 However, this result needs to be taken in context, as much of the surplus can be attributed to the fact that Council received grants totalling \$115,000 which had to be accounted for as income but have not been spent. These funds were received by Council late in May and June 2019 and therefore were included in Council's Annual Financial Statements in accordance with the Local Government Code of Accounting Practice.

Council again, took a proactive approach to carrying out private works for adjoining Local Control Authorities as well as being successful in obtaining grant funding that exceeded expectations which also contributed significantly to the operating surplus.

The Financial Statements performance measures show that in all relevant categories Council has exceeded benchmark ratios, reinforcing the sound financial position of Council.

A Certificate under Section 413(2) (c) of the Local Government Act is required to be signed by the Chairperson and at least one other Councillor, as well as the General Manager/Responsible Accounting Officer, indicating that the Annual Financial Statements fairly represent the position of Council to allow the Auditor to carry out the audit process.

Attachments - Annual Financial Statements 2018/2019.

RECOMMENDATION:

- 1. That the report on the Annual Financial Statements as at 30 June 2019 be received and adopted.
- 2. That the signing of the Certificate under Section 413(2) (c) of the Local Government Act 1993, as detailed in the Attachments to the report, by the Chairperson, Deputy Chairperson and the General Manager/Responsible Accounting Officer be endorsed.

WEED CONTROL MATTERS

7.1.6 <u>2019/2020 WEEDS ACTION PROGRAM</u>

Private Property Inspections – Weeds Action Program 2019/2020

Inspections have focussed on smaller holdings and urban areas due to the ongoing drought conditions. The Authority's routine inspection program will continue when conditions improve.

Serrated Tussock inspections will be carried out in key locations during the winter period.

Tropical Soda Apple inspections and monitoring will be continued to ensure regulatory compliance.

As part of Council's education and extension program for landholders in conjunction with the property inspection notification letters, information will be provided in relation to compliance with the new Biosecurity Act 2015 and Regulation as it relates to weeds.

2019/20 DIVISION	TOTAL PROPERTIES	AVE PER MONTH	TOTAL 2019/20 TO DATE	TOTAL	Total Area Completed %
Guyra (B)	258	22			
Armidale(A)	470	40			
Uralla (A)	147	12			
Walcha (A)	275	23			
Glen Innes	396	33			

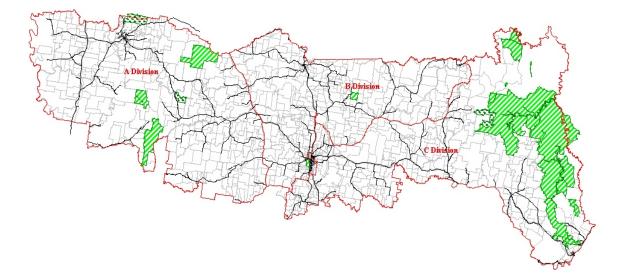
Inspection Targets 2019/2020

Private Property Inspections Nominated Division

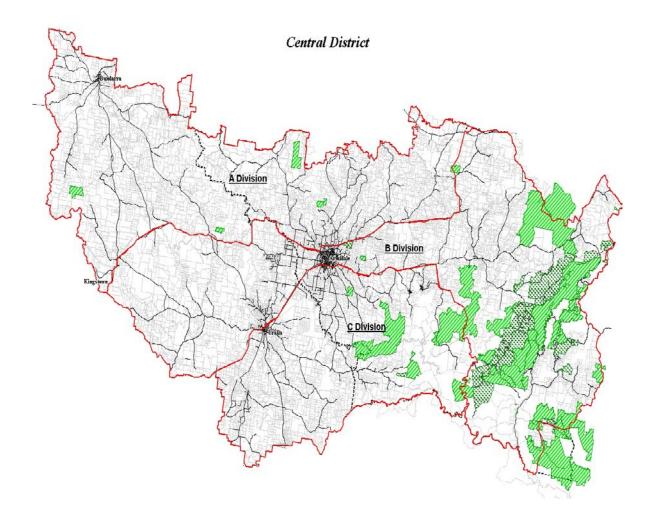
Nominated areas this year are based on the existing inspection program and will be reviewed during the year as part of the Weeds Action Program 2020 – 2025.

Guyra: B Division 258 properties

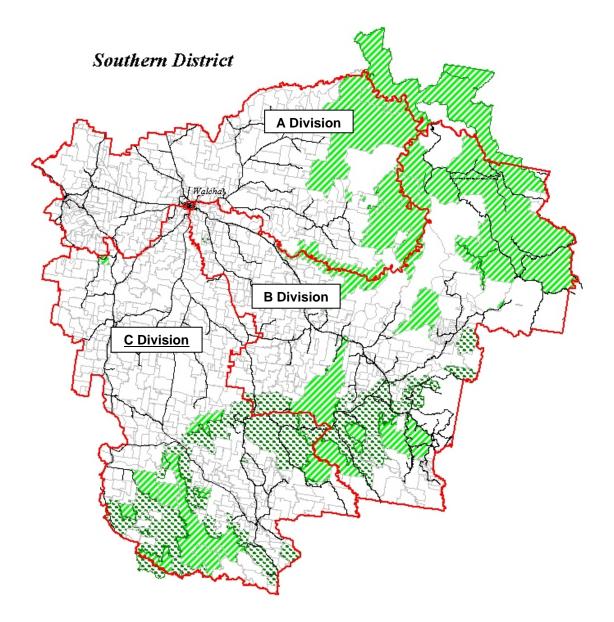
Northern District



Central District A Division ARC 470 properties Uralla 147 properties



Walcha: A Division 275 properties



Specific Inspections

Weeds Action Plan Regional Measurable Outcomes, Inspections/ NEWA

These targets will be based on the amount of funding received from NSW DPI under the Weeds Action Program 2015 – 2020.

Inspections	Number	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun
Nurseries	10				
Rural Outlets	0				
ARTC - No.	3				
ARTC - Ha.	0				
Weekend Markets	5				
Dept of Lands - No.	4				
Dept of Lands - Ha.	0				
Nat Parks/Reserves - No.	4				
Nat Parks/Reserves - Ha.	0				
Aquaria/Pet shops	2				
LH&PA Reserves - No.	5				
LH&PA Reserves - Ha.	0				
Gravel Quarries	40		1		
Machinery Dealers	0				
Grain Handling Sites	0				
Border Crossings	0				
Recreational Areas - No.	10				
Recreational Areas - Ha.	0				
Wetlands	1				
Saleyards	3				
Machinery Washdown Bays	0				
Other	0				
Roadside Truck Stops	0				
No Booklets to New Landowners	55				
Private Property High Risk areas - No.	500				
Private Property High Risk areas - Ha.	100,000				
PP HR Re inspections - No.	100				
PP HR Re inspections - Ha.	20,000				
Roadside Inspections High Risk Pathways - Km.	640				
Roadside Inspections High Risk Pathways - Ha.	12,800				
Waterways High Risk Pathways - No.	20				
Waterways High Risk Pathways - Ha.	4000				
Private Property Inspections - No.	1000				
Private Property Inspections - Ha.	200,000				
Private Property Re Inspections - No.	120				
Private Property Re Inspections - Ha.	22,000				
Private property Waterways - No.	0				
Private property Waterways - Ha.	0				
Roadside Inspections - Km.	3,489				
Roadside Inspections - Ha.	69,780				
Landowners Contacted/ Inspection Process	1,125				
Stakeholders/Coordinated Programs	250				

Other Council Lands - No.	0		
Other Council Lands - Ha.	0		
TSRs - No.	1		
TSRs - Ha.	2		

Weed Recording, Mapping, Survey and Reporting Activities

Date	Activity	Details
	Intramaps	Ongoing

Communication, Education, Extension and Publicity Activities

Extension Activities this year will be carried out in the following areas:

Extension Activity	Council Area	Date Achieved
Armidale Show	Armidale	
Guyra Show	Guyra	
Uralla Show	Uralla	
Walcha Show	Walcha	
Glen Innes Show	Glen Innes	
Weeds Activity	Armidale	
Weeds Activity	Uralla	
Weeds Activity	Glen Innes	
Weeds Activity	Walcha	

Opportunities that become available through our association with Land Care will continue to be utilized. Stands at saleyards, Ag Quip and static displays will also be carried out.

Weeds Action Program Regional Measurable Outcomes, Extension/ NEWA

Extension		Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun
School Visits	2	1			
Field Days	4				
Media Releases	6	2			
Team Talk Meetings	4	2			
Ag Quip	1	1			
Shows/Expos	3				
Landcare Events	4				
Other	3				
Landowners contacted	200				

Staffing

Staff training will be carried out during the year in accordance with the Corporate Training Program.

Date	Activity	Details

Operational Program –

The roadside furniture spray program will commence in September 2019 with the start of the spray season if conditions improve.

RECOMMENDATION:

That the report on the 2019/2020 Weeds Action Program be received and noted.

8 <u>NEXT MEETING TUESDAY 22nd OCTOBER 2019 AT 8.30</u> <u>AM</u>

9 ATTACHMENTS

- 9.1.1 <u>NEWA Compliance and Enforcement Policy 03/17.</u>
- 9.1.2 Letter to Glen Innes Severn Council from OLG.
- 9.1.3 Draft MOU with Glen Innes Severn Council.
- 9.1.4 Draft Annual Financial Statements 2018/ 2019