



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the Meeting of Tamworth Regional Council held in the Council Chambers, 4th
Floor Ray Walsh House, 437 Peel Street, Tamworth

11 MAY 2021

**PAUL BENNETT
GENERAL MANAGER**

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, 4th Floor Ray
Walsh House, 437 Peel Street, Tamworth
TUESDAY 11 MAY 2021 at 6:30PM

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PRESENT: Cr Col Murray (Mayor), Cr Phil Betts, Cr Charles Impey, Cr Glenn Inglis, Cr Jim Maxwell, Cr Mark Rodda, Cr Helen Tickle, Cr Russell Webb and Cr Juanita Wilson.

IN ATTENDANCE: The General Manager, Director Planning and Compliance, Director Growth and Prosperity, Director Regional Services, Director Water and Waste and Acting Director Corporate and Governance/Executive Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Betts/Cr Maxwell

That the Minutes of the Ordinary Meeting held on Tuesday, 27 April 2021, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

123/21 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 JUNE LONG WEEKEND BASEBALL CARNIVAL FEE WAIVER REQUEST - TAMWORTH BASEBALL INCORPORATED

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

MOTION
Moved Cr Webb/Cr Wilson

That in relation to the report “June Long Weekend Baseball Carnival Fee Waiver Request – Tamworth Baseball Incorporated”, Council approve a complete fee waiver for all fees associated with the event.

124/21 RESOLVED

8.2 UPDATE OF THE SEWER AND WATER RETICULATION BOUNDARIES CONTAINED IN COUNCIL'S POLICY – SEWER AND WATER REIMBURSEMENT OF DEVELOPERS FOR SEWER AND WATER SUPPLY INFRASTRUCTURE OUTSIDE RETICULATION AREAS

DIRECTORATE: WATER AND WASTE
AUTHOR: Jeremy Back, Water Engineer (Strategy)

MOTION
Moved Cr Rodda/Cr Impey

That in relation to the report “Update of the Sewer and Water Reticulation Boundaries Contained in Council’s Policy – Sewer and Water Reimbursement of Developers for Sewer and Water Supply Infrastructure Outside Reticulation Areas”, Council:

- (i) place the updated draft sewer and water reticulation boundary maps attached to this report on public display for a period of not less than 28 days seeking public submissions on the proposed changes;
- (ii) rescind the present reticulation boundary maps and adopt the updated draft reticulation boundary maps if after the period of public display there are no calls for changes to the draft maps; and
- (iii) request the Director Water and Waste prepare a report for Council in the event submissions are received calling for changes to the draft maps.

125/21 RESOLVED

8.3 PROPOSAL TO CLOSE PART LOCKS LANE, SOUTH TAMWORTH

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Melissa Lasker, Executive Assistant Legal Services
Leanne James, Business Support Officer

Reference: Item 8.2 to Ordinary Council 11 June 2013 - Minute No 186/13
Item 8.1 to Ordinary Meeting 14 August 2018 - Minute No 132/18
Item 12.1 to Ordinary Meeting 17 November 2020 - Minute No 359/20

MOTION

Moved Cr Maxwell/Cr Webb

That in relation to the report "Proposal to Close Part Locks Lane, South Tamworth", Council:

- (i) authorise the closure of Locks Lane, South Tamworth, from the Council owned land south of Thibault Street, through to Mathews Street, at the northern end;
- (ii) confirm the previous resolution of Council in this regard;
- (iii) authorise the public notification of the road closure proposal;
- (iv) give public notice of the intention to classify the land as Operational Land;
- (v) resolve to classify the land as Operational Land subject to any submissions which may be made on advertising the intention to classify the land as Operational Land; and
- (vi) authorise the affixing of the Council Seal to the plan of road closure and any other documents required to give effect to Council's resolution.

126/21 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 2020-2021 FACILITY IMPROVEMENT FUND – FILE NO

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

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report "2020-2021 Facility Improvement Fund", Council:

- (i) approve the following funding allocation to the total of \$30,149.00:-

Barraba Sportsground Committee	
Upgrade sportsground watering system	\$10,000.00
Hanging Rock Community Hall Committee	
North Annex Project	\$1,209.00
Limbri Public Hall and Recreation Reserve Local Committee	
Limbri Hall Amenities Upgrade	\$10,000.00
Moonbi Museum Committee	
Museum Cleaning Items (vacuum, microwave, blower)	\$833.00
Moonbi War Memorial Hall and Recreation Reserve Committee	
Sand and reseal Main Hall and Meeting Room floor	\$3,108.00
Piallamore Recreation Reserve Committee	
Boundary Fencing	\$4,999.00
(ii) endorse the roll-over of the balance of funds totalling \$19,851.00 as at 30 June 2021, to the 2021-2022 Facility Improvement Fund.	

127/21 RESOLVED

9.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Karen Litchfield, Internal Auditor

MOTION

Moved Cr Inglis/Cr Impey

That in relation to the report "Audit, Risk and Improvement Committee", Council receive and note the Minutes of the meeting held on 20 April 2021.

128/21 RESOLVED

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 6.44pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

The General Manager advised the Chairperson that no written public submissions or representations had been received as to whether or not part of the Meeting should be closed to the public. The Chairperson asked any members of the Council whether any part of the Council Meeting should not be considered in Closed Council.

MOTION

Moved Cr Maxwell/Cr Impey

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.

129/21 RESOLVED

11.1 EXPRESSION OF INTEREST FOR PLAN OF MANAGEMENT CONSULTANCY SERVICES

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Luke Stevenson, Commercial Property Officer

5 CONFIDENTIAL ENCLOSURES ENCLOSED

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

11.2 TENDER T130/2021 - FOREST ROAD LANDFILL WEIGHBRIDGE OPTIMISATION WORKS

DIRECTORATE: WATER AND WASTE

AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

Reference: Item 8.7 to Ordinary Council 13 October 2020 - Minute No 311/20

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The 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.

11.3 TENDER T110/2021 - CONSTRUCTION OF RIVERSIDE AND GIPPS STREET SHARED PATHS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Mark Gardiner, Senior Project Management Engineer

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

11.4 PROPOSAL FOR SALE OF COUNCIL LAND - NORTH TAMWORTH

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Luke Stevenson, Commercial Property Officer

**Reference: Item 7.8 to Ordinary Council 24 April 2012 - Minute No 126/12
Item 12.3 Ordinary Council 9 October 2012 - Minute No 312/12**

2 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c)&(d) 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.

Minutes

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.

12 CLOSED COUNCIL REPORTS

12.1 EXPRESSION OF INTEREST FOR PLAN OF MANAGEMENT CONSULTANCY SERVICES

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Luke Stevenson, Commercial Property Officer

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report “Expression of Interest for Plan of Management Consultancy Services”, Council:

- (i) receive and note the outcome of the Expression of Interest; and
- (ii) appoint Environmental Partnership (NSW) Pty Ltd to prepare Council’s Plans of Management as set out in the body of this report.

130/21 RESOLVED

12.2 TENDER T130/2021 - FOREST ROAD LANDFILL WEIGHBRIDGE OPTIMISATION WORKS

DIRECTORATE: WATER AND WASTE
AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

Reference: Item 8.7 to Ordinary Council 13 October 2020 - Minute No 311/20

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Tickle/Cr Maxwell

That in relation to the report “Tender T130/2021 - Forest Road Landfill Weighbridge Optimisation Works”, Council accept the conforming Tender from Weigh-More Solutions Pty Ltd for Tender T130/2021 - Forest Road Landfill Weighbridge Optimisation Works.

131/21 RESOLVED

12.3 TENDER T110/2021 - CONSTRUCTION OF RIVERSIDE AND GIPPS STREET SHARED PATHS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Senior Project Management Engineer

MOTION

Moved Cr Webb/Cr Wilson

That in relation to the report “Tender T110/2021 – Construction of Riverside and Gipps Street Shared Paths”, Council:

- (i) accept the tender submitted by TPE Enterprises Pty Ltd (ABN 96 643 471 050) for construction of the Riverside and Gipps Street shared paths up to the top of primer seal for a fixed lump sum price of \$240,242.78 (excluding GST); and
- (ii) authorise the affixing of the Council Seal to this contract.

132/21 RESOLVED

12.4 PROPOSAL FOR SALE OF COUNCIL LAND - NORTH TAMWORTH

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Luke Stevenson, Commercial Property Officer

Reference: Item 7.8 to Ordinary Council 24 April 2012 - Minute No 126/12
Item 12.3 Ordinary Council 9 October 2012 - Minute No 312/12

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Webb

That in relation to the report “Proposal for Sale of Council Land – North Tamworth”, Council:

- (i) authorise the Mayor and General Manager to negotiate the matters set out in Option 2 of the body of this report;
- (ii) authorise the affixing of the Seal of Council to any Contracts, Plans or other documentation required to give effect to the matters set out in the body of this report.

133/21 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Betts/Cr Tickle

That Council move into Open Council.

134/21 RESOLVED

At 7.00pm the meeting moved back into Open Council.

In accordance with the Tamworth Regional Council Code of Meeting Practice, Section 14.21, the Chairperson provided a summary of the resolutions passed in Closed Council.

Closure: There being no further business the Ordinary Meeting of Council concluded at 7.00pm.

Cr Col Murray, Chairperson

Tuesday, 25 May 2021

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