



# 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

**12 APRIL 2022**

**GINA VEREKER  
ACTING 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 12 APRIL 2022 at 6:30PM

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MINUTES

**PRESENT:** Cr Mark Rodda (Deputy Mayor), Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, Cr Stephen Mears, Cr Helen Tickle.

**IN ATTENDANCE:** Acting General Manager/Director Liveable Communities, Acting Director Growth and Prosperity, Director Regional Services, Acting Director Water and Waste, and Executive Manager Strategy and Performance.

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## **1 APOLOGIES AND LEAVE OF ABSENCE**

An apology was announced as having been received from Mayor Russell Webb who is unable to attend the Meeting due to being unwell.

An apology was announced as having been received from Cr Marc Sutherland who is unable to attend the Meeting due to work commitments.

An apology was announced as having been received from Cr Brooke Southwell who is unable to attend the Meeting due to Personal leave.

### **MOTION**

**Moved Cr Betts/Cr Mears**

That the apology be accepted and Cr Russell Webb, Cr Brooke Southwell and Cr Marc Sutherland be granted leave of absence from the Meeting.

**94/22 RESOLVED**

## **2 COMMUNITY CONSULTATION**

### **9.1 APPLICATION FOR ADDITIONAL SPECIAL VARIATION (ASV) FOR 2022/2023**

Mr David McKinnon spoke in opposition to the recommendation.

## **3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

### **MOTION**

**Moved Cr Betts/Cr Mears**

That the Minutes of the Ordinary Meeting held on Tuesday, 22 March 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**95/22 RESOLVED**

**4 DISCLOSURE OF INTEREST**

Nil

**5 MAYORAL MINUTE**

Nil

**6 NOTICE OF MOTION**

Nil

**OPEN COUNCIL REPORTS**

**7 ENVIRONMENT AND PLANNING**

Nil

Minutes

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 KERB AND GUTTER CONSTRUCTION PRIORITY PROGRAM**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Graeme McKenzie, Manager, Strategy, Assets and Design

#### **MOTION**

##### **Moved Cr Betts/Cr Coates**

That in relation to the report “Kerb and Gutter Construction Priority Program”, Council:

- (i) receive and endorse the Kerb and Gutter Construction Priority Program; and
- (ii) approve that financial contributions from property owners will no longer be required for projects on this program.

**96/22 RESOLVED**

Minutes

## **8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING - 2 MARCH 2022**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Murray Russell, Manager Operations and Construction

### **MOTION**

#### **Moved Cr Betts/Cr Tickle**

That in relation to the report "Tamworth Regional Local Traffic Committee General Meeting - 2 March 2022", Council:

- (i) approve the installation of signage and line marking as per the attached design drawings, including proposed amendments received on 8 March 2022, for a safety upgrade of Pullmans Road and Davidsons Lane, Moore Creek as part of the Hallsville to Moonbi road safety upgrade;
- (ii) approve the closure of Attunga Street, Attunga from 2:30pm to 5:00pm on 25 April 2022, for ANZAC Day memorial events;
- (iii) approve the closure of Gipps Street, West Tamworth between Denison Street and Belmore Street, from 5:45am to 11:00am on 25 April 2022, for ANZAC Day memorial events;
- (iv) approve the closure of Brisbane Street, between Napier Street and Upper Street, East Tamworth from 4:00am to 6:30am on 25 April 2022, for ANZAC Day memorial events;
- (v) approve the rolling closure along Kable Avenue, Hill Street, Peel Street and Fitzroy Street, Tamworth for up to an hour between 9:00am and 11:00am, on 25 April 2022, for ANZAC Day memorial events;
- (vi) approve the closure of Milkmaid Street and Scotland Street, Somerton between 7:00am and 10:00am on 25 April 2022, for ANZAC Day memorial events;
- (vii) approve the closure of Jenkins Street, between Oakenville Street and Innes Street, Nundle from 9:00am to 11:30am on 25 April 2022, for ANZAC Day memorial events;
- (viii) approve the closure of Denman Avenue between Kootingal Public School and Gate Street, Kootingal on 25 April 2022 for ANZAC Day memorial events, time to be advised;
- (ix) approve the closure of Manilla Street between Market Street and Court Street, Manilla on 25 April 2022, for ANZAC Day memorial events, from 5am to 12pm;
- (x) approve the closure of Queen Street, between Maude Street and Market Street, Barraba on 25 April 2022, for ANZAC Day memorial events, time to be advised; and
- (xi) approve the installation of No Stopping 8am-9:30am and 2:30pm to 4pm signs on Boronia Drive between the school driveway and 27 Boronia Drive driveway.

**97/22 RESOLVED**



## **9 GOVERNANCE, STRATEGY AND FINANCE**

### **9.1 APPLICATION FOR ADDITIONAL SPECIAL VARIATION (ASV) FOR 2022/2023**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Rami Abu-Shaqra, Chief Financial Officer

#### **MOTION**

#### **Moved Cr Burke/Cr Betts**

That in relation to the report “Application for Additional Special Variation (ASV) for 2022/2023”, Council applies for a permanent single year special variation to increase the notional rate income for 2022/2023 under Section 508(2) of the Local Government Act 1993 (the Act) by 2%, including the 0.7% rate peg.

**98/22 RESOLVED**

### **9.2 TAMWORTH REGIONAL COUNCIL - PROPOSED 2022/2023 FEES AND CHARGES**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Lauren McPherson, Senior Accountant

#### **MOTION**

#### **Moved Cr Coates/Cr Tickle**

That in relation to the report “Tamworth Regional Council – Proposed 2022/2023 Fees and Charges”, Council approves in principle the fees and charges proposed for the 2022/2023 financial year as per the attached documents for inclusion in the draft 2022/2023 Annual Operational Plan.

**99/22 RESOLVED**

## **10 COMMUNITY SERVICES**

Nil

## **11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL**

At 6.55pm, 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 Tickle/Cr Mears**

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.

**100/22 RESOLVED**

MINUTES

**T087/2022 - SUPPLY AND DELIVERY OF 5 X WIDE AREA MOWERS**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Sebastian Lees, Technical Officer Plant and Supply**

**1 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.

**LANGENS LANE, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT AND TRANSFER OF PROPOSED PART ROAD CLOSURE**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Callum Fletcher, Senior Project Engineer**

**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) 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.

**T114/2022 - COUNTRY ROAD ROUNDABOUT STREET LIGHTING CONSTRUCTION**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Mark Gardiner, Manager Project Planning and Delivery**

**1 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.

## 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 T087/2022 - SUPPLY AND DELIVERY OF 5 x WIDE AREA MOWERS

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Sebastian Lees, Technical Officer Plant and Supply

#### MOTION

##### Moved Cr Mears/Cr Coates

That in relation to the report “T087/2022 - Supply and Delivery of 5 x Wide Area Mowers”, Council award the tender to Peel Outdoors Pty Ltd, ABN 64 083 010 888, for the supply and delivery of five TORO ZMASTER 7500D 96 inch, zero turn mowers for a purchase price of \$267,095 excluding GST.

#### 101/22 RESOLVED

### 12.2 LANGENS LANE, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT AND TRANSFER OF PROPOSED PART ROAD CLOSURE

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer  
1 CONFIDENTIAL ENCLOSURES ENCLOSED

#### MOTION

##### Moved Cr Coates/Cr Tickle

That in relation to the report “Langens Lane, Moore Creek - Land Acquisition for Road Realignment and Transfer of Proposed Part Road Closure”, Council:

- (i) authorise the closure of a section of Langens Lane road reserve adjacent to Lot 1 DP 812140 as shown in the attached plan;
- (ii) authorise the public notification of the road closure proposal;
- (iii) give public notice of the intention to classify the relevant land as operational land;
- (iv) resolve to classify the land as operational land upon closure of the road subject to any submission which may be made on advertising the intention to classify the land as operational land;
- (v) authorise the transfer of that part of the road reserve, should it be closed, to the owner of Lot 1 DP 812140, in compensation for the land being dedicated as a road reserve from this lot;
- (vi) authorise the acquisition of the portion of Lot 1 DP 812140 to be dedicated as a public road as agreed in principle with the owner;
- (vii) authorise the Mayor and General Manager to negotiate an agreement for the matters set out in the body of this report; and
- (viii) authorise the affixing of the Seal of Council to plans and other documents required to give effect to Council’s resolution.

#### 102/22 RESOLVED

**12.3 T114/2022 - COUNTRY ROAD ROUNDABOUT STREET LIGHTING CONSTRUCTION**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Mark Gardiner, Manager Project Planning and Delivery  
1 CONFIDENTIAL ENCLOSURES ENCLOSED

**MOTION**

**Moved Cr Tickle/Cr Betts**

That in relation to the report “T114/2022 - Country Road Roundabout Street Lighting Construction”, Council:

- (i) accept the tender submitted by Midstate Power Pty Ltd, (ABN 47 600 936 552), for a lump sum contract of \$262,200.00 excluding GST for all items associated with construction of the street lighting for the Oxley Highway and Country Road roundabout; and
- (ii) authorise the affixing of the Seal of Council to this Contract.

**103/22 RESOLVED**

**13 RESOLUTIONS PASSED IN CLOSED COUNCIL**

**MOTION**

**Moved Cr Betts/Cr Burke**

That Council move into Open Council.

**104/22 RESOLVED**

At 7.01pm 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 7.01pm.

Cr Mark Rodda, Chairperson

Tuesday, 26 April 2022

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