



# **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**

**13 APRIL 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 13 APRIL 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 Corporate and Governance, Director Planning and Compliance, Director Growth and Prosperity, Director Regional Services, Director Water and Waste and Executive Manager Strategy and Performance.

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

Apologies were announced as having been received from Cr Inglis who is unable to attend the Meeting due to personal business outside of the city, from Cr Maxwell who is unable to attend the Meeting due to personal business outside of the city, and from Cr Webb who is unable to attend the Meeting due to personal reasons.

### **MOTION**

#### **Moved Cr Betts/Cr Wilson**

That the apologies be accepted and Crs Inglis, Maxwell and Webb be granted leave of absence from the Meeting.

**78/21 RESOLVED**

## **2 COMMUNITY CONSULTATION**

### **2.1 8.4 CONTINUED ACCEPTANCE OF MIXED WASTE ORGANIC OUTPUT AT COUNCIL'S FOREST ROAD LANDFILL**

Mr David Mckinnon addressed Council in opposition of the recommendation.

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

### **MOTION**

#### **Moved Cr Betts/Cr Impey**

That the Minutes of the Ordinary Meeting held on Tuesday, 23 March 2021 and Extraordinary Meeting held on Monday, 29 March 2021, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**79/21 RESOLVED**

**4 DISCLOSURE OF INTEREST**

Nil

**5 MAYORAL MINUTE**

**5.1 JOHN WILLIAMSON BRONZE STATUE**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Col Murray, Mayor**

**MOTION**

**Moved Cr Murray/Cr Tickle**

That in relation to the report “John Williamson Bronze Statue”, Council:

- (i) receive and note the report; and
- (ii) underwrite the project while funds are being raised.

**80/21 RESOLVED**

**6 NOTICE OF MOTION**

Nil

**OPEN COUNCIL REPORTS**

**7 ENVIRONMENT AND PLANNING**

Nil

**8 INFRASTRUCTURE AND SERVICES**

**8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - ANZAC DAY 2021 EVENTS**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Murray Russell, Business Improvement Review - Regional Services**

**MOTION**

**Moved Cr Wilson/Cr Rodda**

That in relation to the report “Tamworth Regional Local Traffic Committee – 2021 ANZAC Day events”, Council:

- (i) approve the closure of Attunga Street, Attunga from 2:30pm to 5:00pm on 25 April 2021 for ANZAC Day memorial events;
- (ii) approve the closure of Gipps Street, West Tamworth between Denison Street and Belmore Street from 6:00am to 11:00am on 25 April 2021 for ANZAC Day

memorial events;

- (iii) approve the closure of Brisbane Street, Tamworth between Napier Street and Upper Street from 4:00am to 6:30am on 25 April 2021 for ANZAC Day memorial events;
- (iv) approve the rolling closure of Kable Avenue, White Street, Peel Street and Fitzroy Street, Tamworth for up to half an hour between 9:00am to 11:00am on 25 April 2021 for ANZAC Day memorial events;
- (v) approve the closure of Milkmaid Street and Scotland Street, Somerton between 7:00am to 10:00am on 25 April 2021 for ANZAC Day memorial events;
- (vi) approve the closure of necessary streets in Nundle to accommodate the change of program on 25 April 2021 for ANZAC Day memorial events;
- (vii) approve the closure of Denman Avenue, Kootingal between Kootingal Public School and Gate Street on 25 April 2021 for ANZAC Day memorial events, time to be advised;
- (viii) approve the closure of Manilla Street, Manilla between Market Street and Court Street on 25 April 2021 for ANZAC Day memorial events, time to be advised; and
- (ix) approve the closure of Queen Street, Barraba between Maude Street and Market Street on 25 April 2021 for ANZAC Day memorial events, time to be advised.

**81/21 RESOLVED**

## **8.2 IPART'S REVIEW OF WATER NSW'S AND THE WATER ADMINISTRATION MINISTERIAL CORPORATION'S BULK WATER CHARGES TO 30 JUNE 2025**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Bruce Logan, Director Water and Waste**

### **MOTION**

**Moved Cr Wilson/Cr Rodda**

That in relation to the report "IPART's Review of Water NSW's and the Water Administration Ministerial Corporation's Bulk Water Charges to 30 June 2025", Council:

- a. prepare a submission to IPART on its draft determination which generally includes:
  - (i) Council welcomes the general reduction in charges levied by the Water Administration Ministerial Corporation (WAMC);
  - (ii) the increase in prices in the draft determination for Water NSW charges is outrageous. No government owned corporation should be able to increase charges by these levels in a single year;
  - (iii) the Independent Pricing and Regulatory Tribunal (IPART) should reconsider the capacity of users in the Peel to pay increased costs when evidence

demonstrates that the cost of water in the Peel has risen by far greater than CPI for at least the last 15 years. There is limited capacity for consumers to just keep paying more and more for the same commodity;

- (iv) the cost to residential consumers in Tamworth, Moonbi and Kootingal, if the whole increase as suggested in the draft determination is passed on in total by Council, will be \$14.84 for a consumer who in 2021-2022 consumes the average volume of water consumed by residences over the last 5 years;
- (v) if IPART and the NSW Government are determined to adopt the charges as detailed in the draft determination, then the Water NSW charge increases should be capped and the total increase introduced over a number of years;
- (vi) under the draft determination, the cost of raw water in the Peel for High Security license holders will remain almost double the next highest priced valley in the Murray Darling Basin. Council continues to struggle with this huge inequity in pricing across the state, which is not of its making. Council strongly believes the cost of raw water should not be a financial burden for the people of Tamworth, Moonbi and Kootingal and Peel Valley Irrigators. It certainly isn't a burden for consumers in the Murrumbidgee where the cost for the same volume of high security water would be 10 times less than in the Peel;
- (vii) the cost of water from Council's own Dungowan Dam under the draft determination will be \$5.25 per Megalitre, yet water from the state-owned Chaffey Dam will be \$253.55 per Megalitre. Notwithstanding, Council has costs associated with the ownership and operation of Dungowan Dam the huge difference in costs needs further investigation and justification;
- (viii) Council has long been campaigning against the extraordinarily high cost of raw water in the Peel compared to other valleys in the Murray Darling Basin. To this end, Council has repeatedly called for postage stamp pricing for bulk water within NSW. Council makes the following points in support of postage stamp pricing:
  - in the case of supplementary or off allocation flows, where water flows from one valley into another, there is some debate about the charges levied for that water if it is intercepted by a user in a valley that is not the valley the water originated from. For example, if flow in the Peel River results in supplementary or off allocation flows in the Namoi, the Namoi irrigators pay to intercept this water at the Namoi valley costs, even though if the water had been intercepted in the Peel the price to intercept would have been double. Postage stamp pricing does away with this issue;
  - water shepherding rules. In a similar manner to the point above, in the event environmental flows are released from one valley for the purposes of addressing environmental concerns in a downstream valley, how much does the environmental water holder pay for that water. Is it the cost associated with the valley it was released from or the cost associated with the valley it ends up in. Postage stamp pricing would address this issue;
  - legacy issues. The cost of supplying raw water in some valleys is higher because of decisions made by governments before the notion of 'users pays' was conceived. For example, in the Namoi Valley two dams were constructed, Keepit and Split Rock. With the benefit of hindsight, and the desire for users pays, it may have been better to construct one larger dam rather than two. In doing so, the cost of raw water in the Namoi could have



been reduced because no one argues that the operating cost of two separate smaller dams is higher than one larger dam. Present day users who are required to pay for raw water at costs which reflect the cost of operating two dams, or in the case of the Peel, one relatively small storage, were not consulted at the time the decision was made, or able to consider the decision to build the second dam/smaller storage in terms of increased ongoing costs;

- Council supports requiring monopoly suppliers to provide detailed cost break ups associated with the delivery of bulk water in a particular valley. This can help identify inefficiencies or unnecessary waste. However, Council contends there is no reason why, having calculated the cost of the service in each valley, these costs could not be aggregated and divided by the total amount of water delivered across the state to determine the postage stamp price; and
  - to date, IPART has repeatedly rejected postage stamp pricing for a variety of reasons. Yet in the same draft determination by IPART in relation to charges levied by WAMC, IPART has accepted charges that will see all groundwater customers in the Murray Darling Basin (excluding the Murrumbidgee Valley) pay the same access and usage charges for groundwater, regardless of location. To Council, this seems to be almost a postage stamp price for groundwater across NSW. If postage stamp pricing is able to be applied for groundwater, Council is asking why the same justification can't be applied to surface water, and questioning whether the reasons provided for rejecting postage stamp pricing for surface water previously are actually valid.
- (ix) Groundwater entitlement holders in the Peel Valley Alluvium do not pay any charges to Water NSW, they only pay charges to WAMC. This would suggest Peel Valley alluvium groundwater is in no way linked to the surface water in the Peel River. According to Water NSW's water balance report in the 2019-2020 water year there was 1,601 Megalitres of unaccounted water and in 2018-2019 this figure was 6,070 Megalitres (NB this does not include evaporation). It is considered that all of this unaccounted water is actually being lost through aquifer recharge. This is a significant quantity of water that is being released from the dam for no other purpose than recharge and therefore it could be argued that surface water entitlement holders are subsidising Peel Valley Alluvium groundwater entitlement holders, given they appear to be directly benefiting from the presence of the dam and the release of water from that dam. It is considered IPART should investigate this issue further and if necessary adjust charging more equitably across all consumers who benefit from the presence of Chaffey Dam.
- b. write to the NSW Member for Tamworth Kevin Anderson MP requesting that in the event IPART's Final Determination results in significant price increases for Council and other water license holders in the Peel Valley, the NSW Government not pass on the full increase in charges recommended by IPART.

**82/21 RESOLVED**

### **8.3 BOUNDARY ADJUSTMENT - CALALA LANE SEWER PUMP STATION**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Bruce Logan, Director Water and Waste**

#### **MOTION**

**Moved Cr Wilson/Cr Impey**

That in relation to the report "Boundary Adjustment - Calala Lane Sewer Pump Station", Council agree to the proposed boundary adjustment of Lot 1 DP 629589 and Lot 22 DP 1111432 to allow the augmentation of the Calala Lane Sewer Pump station.

**83/21 RESOLVED**

### **8.4 CONTINUED ACCEPTANCE OF MIXED WASTE ORGANIC OUTPUT AT COUNCIL'S FOREST ROAD LANDFILL**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Bruce Logan, Director Water and Waste**

#### **MOTION**

**Moved Cr Tickle/Cr Betts**

That in relation to the report "Continued acceptance of Mixed Waste Organic Output at Council's Forest Road Landfill", Council:

- (i) continue to accept Mixed Waste Organic Output from Coffs Harbour City Council at Council's Forest Road Landfill, at least until ongoing negotiations between Council and Coffs Harbour City Council, with regard to kerbside recyclable processing, have been concluded; and
- (ii) request that the Director - Water and Waste present another report to Council in relation to this matter once negotiations have concluded.

**84/21 RESOLVED**

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

### **9.1 TAMWORTH REGIONAL COUNCIL - PROPOSED 2021/22 FEES AND CHARGES**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Lauren McPherson, Senior Accountant**

#### **MOTION**

**Moved Cr Wilson/Cr Tickle**

That in relation to the report "Tamworth Regional Council – Proposed 2021-2022

Fees and Charges”, Council approve in principle the fees and charges proposed for the 2021-2022 financial year as per the attached documents for inclusion in the draft 2021-2022 Annual Operational Plan:

**85/21 RESOLVED**

### **9.2 FUNDING OFFER PHASE TWO NSW SHOWGROUNDS STIMULUS PROGRAM**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Mike Rowland, Manager – AELEC Precinct**

#### **MOTION**

**Moved Cr Tickle/Cr Rodda**

That in relation to the report “Funding Offer Phase Two NSW Showgrounds Stimulus Program”, Council authorise the affixing of the Seal of Council to this Deed.

**86/21 RESOLVED**

### **9.3 2021 ANZAC DAY MEMORIAL SERVICES WITHIN THE TAMWORTH REGIONAL COUNCIL AREA**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Mickaela Fairall, Executive Assistant to the Office of the General Manager**

#### **MOTION**

**Moved Cr Betts/Cr Wilson**

That in relation to the report “2021 Anzac Day Memorial Services within the Tamworth Regional Council Area”, Council nominate Councillor representation at the following locations:

Attunga	Cr Maxwell
Barraba	Cr Tickle
Bendemeer	Cr Impey
Duri	Cr Inglis
Kootingal	Cr Impey
Moonbi Masonic Village RFBI	Cr Murray (Thursday, 22 April)
Manilla	Cr Maxwell
Manilla Central School	Cr Maxwell (Thursday, 22 April)
Moonbi	Cr Betts
Nundle	Cr Wilson

Somerton	Cr Rodda
Tamworth	Cr Murray
Gipps Street Memorial	To be confirmed

**87/21 RESOLVED**

## **10 COMMUNITY SERVICES**

Nil

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

At 7.05pm, 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 Wilson/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.

**88/21 RESOLVED**

### **12.1 CONSTRUCTION OF LEVEE BANK SHARED PATH - T106/2021**

**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.

### **12.2 PROPOSAL FOR PROMOTIONAL MERCHANDISE**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Kate Baker, Co-Ordinator Economic and Destination  
Development**

**2 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&(d)ii 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. and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

### **12.3 PROPOSED TEMPORARY USE OF A COUNCIL FACILITY**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Jacqueline O'Neill, Director Growth and Prosperity**

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.

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 CONSTRUCTION OF LEVEE BANK SHARED PATH - T106/2021

**DIRECTORATE:** REGIONAL SERVICES

**AUTHOR:** Mark Gardiner, Senior Project Management Engineer

#### **MOTION**

**Moved Cr Tickle/Cr Rodda**

That in relation to the report “Construction of Levee Bank Shared Path -T106/2021”, Council:

- (i) accept the tender submitted by Danste Civil Pty Ltd (ABN 29 603 317 871) for construction of the West Tamworth levee shared path;
- (ii) authorise the Seal of Council be affixed to the Contract.

**89/21 RESOLVED**

### 12.2 PROPOSAL FOR PROMOTIONAL MERCHANDISE

**DIRECTORATE:** GROWTH AND PROSPERITY

**AUTHOR:** Kate Baker, Co-Ordinator Economic and Destination Development

**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **MOTION**

**Moved Cr Impey/Cr Tickle**

That in relation to the report Proposal for Promotional Merchandise that the Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a contract between Council and the supplier in relation to the matters set out in the body of this report; and
- (ii) authorise the General Manager to execute a contract in acceptable terms pursuant to delegation.

**90/21 RESOLVED**

## **LATE REPORT**

#### **MOTION**

**Moved Cr Wilson/Cr Impey**

That in relation to the report “Proposed Temporary Use of a Council Facility”, Council consider the late, urgent report.

**91/21 RESOLVED**

### **12.3 PROPOSED TEMPORARY USE OF A COUNCIL FACILITY**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Jacqueline O'Neill, Director Growth and Prosperity**

#### **MOTION**

**Moved Cr Wilson/Cr Impey**

That in relation to the report "Proposed Temporary Use of a Council Facility", Council:

- (i) Authorise the Mayor and General Manager to negotiate the terms of a temporary agreement for the use of a Council facility as set out in the body of this report;
- (ii) Authorise the affixing of the Seal of Council to the agreement and any associated documents. ;

**92/21 RESOLVED**

### **13 RESOLUTIONS PASSED IN CLOSED COUNCIL**

#### **MOTION**

**Moved Cr Tickle/Cr Wilson**

That Council move into Open Council.

**93/21 RESOLVED**

At 7:29PM 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 7:30PM.

Cr Col Murray, Chairperson

Tuesday, 27 April 2021

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