



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the Meeting of Tamworth Regional Council held in the Council Chambers,
Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth

24 OCTOBER 2023

**PAUL BENNETT
GENERAL MANAGER**

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, Lands Building,
Nemingha Room, 25-27 Fitzroy Street, Tamworth
TUESDAY 24 OCTOBER 2023 at 6.30PM

Table of Contents

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	3
265/23	RESOLVED	3
2	COMMUNITY CONSULTATION.....	3
8.1	TAMWORTH GLOBAL GATEWAY PARK - SUBDIVISION OF STAGES 4-13	3
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL	3
266/23	RESOLVED	3
4	DISCLOSURE OF INTEREST	4
5	MAYORAL MINUTE	4
6	NOTICE OF MOTION.....	4
	OPEN COUNCIL REPORTS	4
7	ENVIRONMENT AND PLANNING.....	4
7.1	LOCALITY BOUNDARY AMENDMENT BETWEEN HILLVUE AND WARRAL	4
267/23	RESOLVED	4
7.2	PROPOSED ROAD NAMES FOR APPROVED TAMWORTH GLOBAL GATEWAY PARK STAGE 3 SUBDIVISION (LOT 97 DEPOSITED PLAN 1286236)	5
268/23	RESOLVED	5
8	INFRASTRUCTURE AND SERVICES.....	6
8.1	TAMWORTH GLOBAL GATEWAY PARK - SUBDIVISION OF STAGES 4-13	6
269/23	RESOLVED	6
8.2	RESOURCE RECOVERY AND WASTE FACILITIES - PAYMENT OPTIONS AND CHANGE TO CLOSING TIMES AT FOREST ROAD WASTE FACILITY	7
270/23	RESOLVED	7
8.3	SUPPLY OF BACKWASH WATER TO LONGYARD GOLF CLUB	7
271/23	RESOLVED	7
8.4	TRELOAR PARK TENNIS REDEVELOPMENT - PROJECT UPDATE AND REQUEST FOR ADDITIONAL FUNDING.....	8

272/23	RESOLVED	8
9	GOVERNANCE, STRATEGY AND FINANCE	8
	9.1 TRANSFER OF RESERVES TO UNRESTRICTED CASH JUNE 30, 2023	8
273/23	RESOLVED	8
	9.2 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - SEPTEMBER 2023	9
274/23	RESOLVED	9
	9.3 COUNCIL INVESTMENTS SEPTEMBER 2023	9
275/23	RESOLVED	9
	9.4 OUR PROGRESS REPORT - JANUARY TO JUNE 2023	9
276/23	RESOLVED	9
	9.5 PUBLIC INTEREST DISCLOSURES AND CODE OF CONDUCT COMPLAINTS	10
277/23	RESOLVED	10
	9.6 KEEP AUSTRALIA BEAUTIFUL - 2023 SUSTAINABLE COMMUNITIES TIDY TOWNS AWARDS	10
278/23	RESOLVED	10
10	COMMUNITY SERVICES	11
	10.1 2023/2024 ANNUAL DONATIONS PROGRAM	11
279/23	RESOLVED	11
11	REPORTS TO BE CONSIDERED IN CLOSED COUNCIL	11
280/23	RESOLVED	11
	TENDER T027/2024 - ACTIVE TRANSPORT PATH CONSTRUCTION PROJECTS	12
	TAMWORTH EFFLUENT REUSE FARM - PROJECT STATUS UPDATE AND REQUEST TO EXTEND TERM OF CURRENT OPERATING AGREEMENT	12
12	CLOSED COUNCIL REPORTS	14
	12.1 TENDER T027/2024 - ACTIVE TRANSPORT PATH CONSTRUCTION PROJECTS	14
281/23	RESOLVED	14
	12.2 TAMWORTH EFFLUENT REUSE FARM - PROJECT STATUS UPDATE AND REQUEST TO EXTEND TERM OF CURRENT OPERATING AGREEMENT	14
282/23	RESOLVED	14
13	RESOLUTIONS PASSED IN CLOSED COUNCIL	15
283/23	RESOLVED	15

PRESENT: Cr Russell Webb (Mayor), Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, Cr Stephen Mears, Cr Brooke Southwell, Cr Marc Sutherland, Cr Mark Rodda.

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

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Helen Tickle who is unable to attend the Meeting due to being out of town on business.

MOTION

Moved Cr Betts/Cr Burke

That the apology be accepted and Cr Helen Tickle be granted leave of absence from the Meeting.

265/23 RESOLVED

2 COMMUNITY CONSULTATION

8.1 TAMWORTH GLOBAL GATEWAY PARK - SUBDIVISION OF STAGES 4-13

Jodie Compton – spoke in opposition to the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Southwell/Cr Burke

That the Minutes of the Ordinary Meeting held on Tuesday, 10 October 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

266/23 RESOLVED

4 DISCLOSURE OF INTEREST

Councillor Brooke Southwell declared an interest in Item 8.4 - Treloar Park Tennis Redevelopment - Project Update and Request for Additional Funding – of the business paper for the reason that her sister-in-law is a member of the board of Wests. Councillor Southwell further stated that this was a less than significant non pecuniary interest and she would remain in the Chamber and participate in the debate.

Councillor Mark Rodda declared an interest in Item 8.4 - Treloar Park Tennis Redevelopment - Project Update and Request for Additional Funding – of the business paper for the reason that the land at Treloar Park is owned by his employer, the Department of Environment Crown Lands. Councillor Rodda further stated that this was a less than significant non pecuniary interest and he would remain in the Chamber and participate in the debate.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 LOCALITY BOUNDARY AMENDMENT BETWEEN HILLVUE AND WARRAL

DIRECTORATE:

LIVEABLE COMMUNITIES

AUTHOR:

Kathleen See-Kee, Development Support Officer

MOTION

Moved Cr Rodda/Cr Coates

That in relation to the report “Locality Boundary Amendment between Hillvue and Warral”, Council extend the locality boundary of Hillvue through to Burgmanns Lane in the locality of Warral.

267/23 RESOLVED

7.2 PROPOSED ROAD NAMES FOR APPROVED TAMWORTH GLOBAL GATEWAY PARK STAGE 3 SUBDIVISION (LOT 97 DEPOSITED PLAN 1286236)

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Kathleen See-Kee, Development Support Officer
Reference: Item 7.2 to Ordinary Council 12 July 2022 - Minute No 204/22

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “Proposed Road Names for approved Tamworth Global Gateway Park Stage 3 Subdivision (Lot 97 Deposited Plan 1286236)”, Council:

- (i) approve in principle the road names: ‘Dhulii’ Drive and ‘Gilaa’ Circuit;
- (ii) advertise the proposed road names as required by the Roads Act 1993 Section 162, Roads Regulation 2018 Part 2 Division 1 Section 7 to enable interested parties the opportunity to make comment; and
- (iii) provided no submissions are made which object to the proposed road names, proceed to publish the adopted names in the Government Gazette.

268/23 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH GLOBAL GATEWAY PARK - SUBDIVISION OF STAGES 4-13

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 8.1 to Ordinary Council 26 October 2021 - Minute No 306/21
Item 8.4 to Ordinary Council 28 March 2023 - Minute No 51/23

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report "Tamworth Global Gateway Park - Subdivision of Stages 4-13", Council:

- (i) authorise the General Manager to act as the landowner for the subdivision of Stages 4-13;
- (ii) approve the dedication of a portion of Council-owned Lot 97 DP 1286236 (or subsequent residual lots) for the purposes of road dedication for internal roads associated with Stages 4-13;
- (iii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council's resolution; and
- (iv) note the current status of Phase 2 stage designs, indicative time frame for the release of future lots, and current sales status.

269/23 RESOLVED

8.2 RESOURCE RECOVERY AND WASTE FACILITIES - PAYMENT OPTIONS AND CHANGE TO CLOSING TIMES AT FOREST ROAD WASTE FACILITY

DIRECTORATE: WATER AND WASTE
AUTHOR: Tess Dawson, Manager, Waste and Resource Recovery

MOTION

Moved Cr Coates/Cr Burke

That in relation to the report “Resource Recovery and Waste Facilities - Payment Options and Change to Closing Times at Forest Road Waste Facility”, Council:

- (i) note the reintroduction of cash at the Forest Road Waste Facility;
- (ii) note the introduction of electronic payments at all of Council’s rural waste facilities by the end of the calendar year; and
- (iii) agree to permanently change the closing time at Forest Road Landfill from 4:45PM to 4:30PM.

270/23 RESOLVED

8.3 SUPPLY OF BACKWASH WATER TO LONGYARD GOLF CLUB

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 8.2 to Ordinary Council 10 October 2023 - Minute No

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “Supply of Backwash Water to Longyard Golf Club”, Council:

- (i) receive and note the report; and
- (ii) authorise the Director Water and Waste to execute the Supply of Backwash Water Agreement as detailed and provided within report with Dromahair Pty Ltd.

271/23 RESOLVED

8.4 TRELOAR PARK TENNIS REDEVELOPMENT - PROJECT UPDATE AND REQUEST FOR ADDITIONAL FUNDING

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Manager - Project Planning and Delivery
Reference: Item 12.4 to Ordinary Council 26 October 2021 - Minute No 317/21

MOTION

Moved Cr Betts/Cr Southwell

That in relation to the report “Treloar Park Tennis Redevelopment – Project Update and Request for Additional Funding”, Council:

- (i) note the project update;
- (ii) confirm the Regional Development Fund as the source of Council’s previously committed \$67,000 ‘in-kind’ contribution to the project; and
- (iii) approve approximately \$150,000 of additional funding from the Regional Development Fund as detailed in the report.

272/23 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 TRANSFER OF RESERVES TO UNRESTRICTED CASH JUNE 30, 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services

MOTION

Moved Cr Burke/Cr Sutherland

That in relation to the report “Transfer of Reserves to Unrestricted Cash June 30, 2023”, Council authorise:

- (i) transfer of \$8M from the Plant Replacement Reserve as at June 30, 2023 to Unrestricted Cash;
- (ii) transfer of \$8M back to Unrestricted Cash from the Plant Replacement Reserve in the first quarter of the 2023/2024 financial year

273/23 RESOLVED

9.2 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - SEPTEMBER 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Reference: Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Annual Operational Plan 2023/2024 Budget Variation Report - September 2023”, Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

274/23 RESOLVED

9.3 COUNCIL INVESTMENTS SEPTEMBER 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Lauren McPherson, Senior Accountant

MOTION

Moved Cr Southwell/Cr Mears

That in relation to the report “Council Investments September 2023”, Council receive and note the report.

275/23 RESOLVED

9.4 OUR PROGRESS REPORT - JANUARY TO JUNE 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Anna Russell, Manager - Strategy and Performance

MOTION

Moved Cr Sutherland/Cr Coates

That in relation to the report “Our Progress Report - January to June 2023”, Council receive and adopt Our Progress Report.

276/23 RESOLVED

9.5 PUBLIC INTEREST DISCLOSURES AND CODE OF CONDUCT COMPLAINTS

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

MOTION

Moved Cr Southwell/Cr Coates

That in relation to the report “Public Interest Disclosures and Code of Conduct Complaints”, Council receive and note the report.

277/23 RESOLVED

9.6 KEEP AUSTRALIA BEAUTIFUL - 2023 SUSTAINABLE COMMUNITIES TIDY TOWNS AWARDS

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tracey Carr, Coordinator - Governance and Executive Services

MOTION

Moved Cr Burke/Cr Coates

That in relation to the report “Keep Australia Beautiful - 2023 Sustainable Communities Tidy Towns Awards”, Council nominate Councillor Helen Tickle to attend the 2023 Sustainable Communities Tidy Towns Awards to be held in Scone on 3 to 5 November 2023.

278/23 RESOLVED

10 COMMUNITY SERVICES

10.1 2023/2024 ANNUAL DONATIONS PROGRAM

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

Reference: Item 10.1 to Ordinary Council 9 March 2021 - Minute No. 56/21

MOTION

Moved Cr Southwell/Cr Betts

That in relation to the report "2023/2024 Annual Donations Program", Council:

- (i) approve donations to the total value of \$47,887.90;
- (ii) establish a recurring budget item of \$1,000.00 for North and North West Community Legal Service Inc; and
- (iii) endorse the roll-over of the balance of funds totalling \$10,717.10, to the 2024-2025 Annual Donations Program.

279/23 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7.11pm, 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 Betts/Cr Southwell

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.

280/23 RESOLVED

TENDER T027/2024 - ACTIVE TRANSPORT PATH CONSTRUCTION PROJECTS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Lachlan Mackiewicz, Project Engineer

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

TAMWORTH EFFLUENT REUSE FARM - PROJECT STATUS UPDATE AND REQUEST TO EXTEND TERM OF CURRENT OPERATING AGREEMENT

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

3 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 TENDER T027/2024 - ACTIVE TRANSPORT PATH CONSTRUCTION PROJECTS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Lachlan Mackiewicz, Project Engineer

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “Tender T027/2024 - Active Transport Path Construction Projects”, Council:

- (i) accept the tender submitted by Roadwork Industries Pty Ltd (ABN 78 636 165 654); and
- (ii) authorise the affixing of the Seal of Council to this Contract.

281/23 RESOLVED

12.2 TAMWORTH EFFLUENT REUSE FARM - PROJECT STATUS UPDATE AND REQUEST TO EXTEND TERM OF CURRENT OPERATING AGREEMENT

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

3 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report “Tamworth Effluent Reuse Farm - Project Status Update and Request to Extend Term of Current Operating Agreement”, Council:

- (i) receive and note the report;
- (ii) grant Manuka Chaff Pty Ltd/Underline Ag the five-year contract extension that is available under the current Tamworth Effluent Reuse Farm Operational Project Agreement; and
- (iii) authorise the General Manager to execute a revised Tamworth Effluent Reuse Farm Operational Project Agreement with Manuka Chaff Pty Ltd/Underline Ag which includes the offer of a five-year extension to the Tamworth Effluent Reuse Farm Operational Project Agreement.

282/23 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Coates/Cr Mears

That Council move into Open Council.

283/23 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 Russell Webb, Chairperson

Tuesday, 28 November 2023

- oOo -