



# 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

**27 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 27 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, Acting Director Corporate and Governance/ Executive Manager Strategy and Performance, Director Planning and Compliance, Director Growth and Prosperity, Director Regional Services, and Director Water and Waste.

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**1 APOLOGIES AND LEAVE OF ABSENCE**

Nil

**2 COMMUNITY CONSULTATION**

**2.1 7.2 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL - ARCADIA ESTATE, TAMWORTH**

Mr Peter Gill addressed Council in opposition of the recommendation.

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

**MOTION**

**Moved Cr Wilson/Cr Impey**

That the Minutes of the Ordinary Meeting held on Tuesday, 13 April 2021, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**94/21 RESOLVED**

**4 DISCLOSURE OF INTEREST**

Cr Inglis declared an interest in Item 7.2 “Amendment to the Tamworth Regional Local Environmental Plan 2010 – Planning Proposal – Arcadia Estate, Tamworth”, for reason that his daughter’s property neighbours the proposed development. Cr Inglis further stated that he has a less than significant, non-pecuniary interest in this matter however he will leave the Chamber and not participate in the debate. Cr Inglis further declared an interest in Item 9.3 “Annual Operational Plan 2020-2021 Budget Variation Report – March 2021” and Item 9.4 “Integrated Planning and Reporting – Exhibition of Draft 2021/22 Annual Operational Plan”, for reason that he is a Director of StateCover Mutual Limited and as Tamworth Regional Council is a member of StateCover Mutual Limited and holds a partly paid share in such entity. Cr Inglis further stated that he has a less than significant, non-pecuniary interest in these matters and will remain in the Chamber and participate in the debate.

**5 MAYORAL MINUTE**

Nil

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## **6 NOTICE OF MOTION**

Nil

## **OPEN COUNCIL REPORTS**

## **7 ENVIRONMENT AND PLANNING**

### **7.1 CRIME PREVENTION WORKING GROUP MEETING - 19 FEBRUARY 2021**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Gino Tiberi, Crime Prevention Officer**

#### **MOTION**

#### **Moved Cr Webb/Cr Wilson**

That, in relation to the report "Crime Prevention Working Group Meeting – 19 February 2021", Council:

- (i) receive and note the Minutes of the Crime Prevention Working Group Meeting held 19 February 2021; and
- (ii) adopt the following recommendations of the Crime Prevention Working Group Meeting:
  - that Council write to the Premier of NSW requesting that additional government and non-government agencies be allocated, and/or encouraged to locate within the West Tamworth precinct similar to Homes North; and
  - that Council forward a letter of support for the Matrix Model Program to the Member for Tamworth, Kevin Anderson.

**95/21 RESOLVED**

Cr Glenn Inglis left the meeting, the time being 6.47pm

**7.2 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL - ARCADIA ESTATE, TAMWORTH**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Mitchell Gillogly, Team Leader – Development Assessment**

**Andrew Spicer, Senior Integrated Planner**

**Reference: Item 7.1 to Ordinary Council 22 August 2017 - Minute No 257/17**

**MOTION**

**Moved Cr Tickle/Cr Impey**

That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 – Planning Proposal – Arcadia Estate, Tamworth”, Council:

- (i) forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting a Gateway Determination in accordance with Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;
- (ii) request that the Minister for Planning, Industry and Environment exercise his plan making powers to delegate to Council the authority to make the plan pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979; and
- (iii) upon receipt of a Gateway Determination, publicly exhibit the planning proposal in accordance with the terms of the Gateway Determination.

**96/21 RESOLVED**

Glenn Inglis returned to the meeting, the time being 7.09pm

**8 INFRASTRUCTURE AND SERVICES**

**8.1 E044/2021 - OXLEY HIGHWAY AND COUNTRY ROAD ROUNDABOUT SCULPTURE**

**DIRECTORATE: REGIONAL SERVICES**

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

**MOTION**

**Moved Cr Betts/Cr Impey**

That in relation to the report “E044/2021 - Oxley Highway and Country Road Roundabout Sculpture”, Council approves Everlon & Co Pty Ltd (ABN 11 558 710 475) to be engaged to design, supply and install the proposed artwork ‘Taking Flight’.

**97/21 RESOLVED**



## **8.2 2017-2021 SUSTAINABILITY STRATEGY REVIEW**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Tracey Carr, Sustainability Coordinator  
**Reference:** Item 8.6 to Ordinary Council 14 August 2018 - Minute No 137/18

### **MOTION**

#### **Moved Cr Tickle/Cr Wilson**

That in relation to the report “2017-2021 Sustainability Strategy Review”, Council receive and note the report.

**98/21 RESOLVED**

## **8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - GENERAL MEETING - 7 APRIL 2021**

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

### **MOTION**

#### **Moved Cr Betts/Cr Maxwell**

That in relation to the report “Tamworth Regional Local Traffic Committee – General Meeting – 7 April 2020”, Council:

- (i) approve the bus times on Jenkins Street, Nundle to return to the previous times of 7.00am – 7.30am and 4.30pm – 5.15pm on school days;
- (ii) approve the installation of regulatory signs and line marking as part of the reconstruction of the intersection of Lindsays Gap Road and Nundle Road including:
  - installation of a concrete median on Lindsays Gap Road intersection approach;
  - installation of Give Way and Keep Left signage on the Lindsays Gap Road intersection approach, and a Barrier Board on Nundle Road facing Lindsays Gap Road; and
  - linemarking a hold line on the Lindsays Gap Road approach and edge linemarking on the Nundle Road and Lindsays Gap Road intersection approaches.
- (iii) approve the installation of parking meters, regulatory signage and line marking as per the design plan in the White Street carpark extension;
- (iv) approve the procession of vintage and classic vehicles and machinery as part of annual rally of the Manilla Vintage Machinery Group Inc in Manilla as per the following route – from the Manilla Showground via Higgins Avenue, left into River Street, right into Court Street, left into Manilla Street, u-turn at the Market

Street intersection and follow the same route back to the showground;

(v) approve:

- the increase in bus stop hours to 7.00am – 7.00pm, and the installation of new signage on Brisbane Street, adjacent to 315 Peel Street, that advises of increased hours of service; and
- updating relevant signage at bus zones to 7.00am – 7.00pm, within the Council area;

(vi) approve removing the northern median on Kable Avenue, pending positive support from shop owners in The Atrium; and

(vii) approve the installation of a BB centreline on the corner adjacent to 15 Scarborough Close, North Tamworth.

**99/21 RESOLVED**

#### **8.4 ONE TREE HILL WATER SUPPLY RISK ANALYSIS**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Daniel Coe, Manager - Water Operations**

#### **MOTION**

**Moved Cr Wilson/Cr Webb**

That in relation to the report “One Tree Hill Water Supply Risk Analysis”, Council:

- (i) receive and note the report; and
- (ii) agree to reschedule the construction of a new additional reservoir within the One Tree Hill water supply zone until 2026-2027 or until further risk analysis requires the reservoir’s construction.

**100/21 RESOLVED**

#### **8.5 PRE-DROUGHT MANAGEMENT PLAN REVIEW COMMUNITY SURVEY REPORT SUMMARY**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Louise Cadell, Sustainability Officer - Water**

#### **MOTION**

**Moved Cr Betts/Cr Webb**

That in relation to the report “Pre-Drought Management Plan Review Community Survey Report Summary”, Council:

- (i) receive and note the report; and
- (ii) the Pre-Drought Management Plan Review include dam storage level trigger points for water restrictions based on a range of scenarios relating to when

the Chaffey Dam Pipeline can be operated, e.g. 20%, 50%, 75% and 100%.

**101/21 RESOLVED**

### **8.6 UPDATE ON WATER SENSITIVE ESSENTIALS UPTAKE FOLLOWING CHANGES TO THE DEVELOPMENT CONTROL PLAN**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Louise Cadell, Sustainability Officer - Water  
**Reference:** Item 7.2 to Ordinary Council 13 October 2020 - Minute No 304/20

#### **MOTION**

##### **Moved Cr Tickle/Cr Impey**

That in relation to the report "Update on Water Sensitive Essentials uptake following changes to the Development Control Plan", Council:

- (i) receive and note the report;
- (ii) agree to increase the marketing and communications around the Water Sensitive Essentials and Tamworth Regional Development Control Plan fast tracked certification using existing budget allowances; and
- (iii) request a further report on the take up of the Water Sensitive Essentials 12 months after the introduction of Development Control Plan Amendment No.14.

**102/21 RESOLVED**

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

### **9.1 COUNCIL INVESTMENTS MARCH 2021 – FILE NO**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Sherrill Young, Manager Financial Services

#### **MOTION**

##### **Moved Cr Inglis/Cr Webb**

That in relation to the report "Council Investments March 2021", Council receive and note the report.

**103/21 RESOLVED**

## **9.2 SUBMISSION ON REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Jason Collins, Executive Manager - Strategy and Performance

### **MOTION**

#### **Moved Cr Webb/Cr Maxwell**

That in relation to the report “Submission on Remote Attendance by Councillors at Council Meetings”, Council:

- (i) receive and note the report; and
- (ii) endorse a submission to be sent to Office of Local Government supporting the proposal to attend Council Meetings remotely however recommending the following changes:
  - addition of the ability for a Councillor to attend a Meeting via audio visual link in the case of remoteness (e.g. living more than 50km from the Council Chambers);
  - addition of a Councillor being able to attend a Meeting via audio visual link if the Councillor is away on Council related business; and
  - remove the provision that the Councillor must be in NSW or within 100km of the NSW border to attend via audio visual link if the Councillor is away on Council related business or on a prior work commitment.

**104/21 RESOLVED**

## **9.3 ANNUAL OPERATIONAL PLAN 2020-2021 BUDGET VARIATION REPORT - MARCH 2021 – FILE NO**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Sherrill Young, Manager Financial Services  
**Reference:** Item 9.3 to Ordinary Council 23 June 2020 - Minute No 173/20

### **MOTION**

#### **Moved Cr Webb/Cr Betts**

That in relation to the report “Annual Operational Plan 2020-2021 Budget Variation Report – March 2021”, Council note and approve the variations to the existing budget included in the attached Annexure.

**105/21 RESOLVED**

## **9.4 INTEGRATED PLANNING AND REPORTING - EXHIBITION OF DRAFT 2021-2022 ANNUAL OPERATIONAL PLAN**

**DIRECTORATE:** GROWTH AND PROSPERITY

**AUTHOR:** Anna Russell, Acting Manager Strategy and Performance

### **MOTION**

#### **Moved Cr Inglis/Cr Maxwell**

That in relation to the report “Integrated Planning and Reporting – Exhibition of Draft 2021-2022 Annual Operational Plan”, Council:

- (i) place the proposed Draft 2021-2022 Annual Operational Plan on public exhibition for a period of 28 days in accordance with section 402 (6), 404 (4) and 405 (3) of the Local Government Act 1993; and
- (ii) require a further report to be submitted at the completion of the formal exhibition period detailing any submissions received during exhibition for Council’s consideration and final adoption of the Plan.

**106/21 RESOLVED**

## **10 COMMUNITY SERVICES**

### **10.1 TAMWORTH REGION ARTS ADVISORY COMMITTEE (TRAAC) - MINUTES - MEETING 11 MARCH 2021**

**DIRECTORATE:** GROWTH AND PROSPERITY

**AUTHOR:** Bridget Guthrie, Director Tamworth Regional Gallery and Museums

### **MOTION**

#### **Moved Cr Inglis/Cr Wilson**

That in relation to the report “Tamworth Region Arts Advisory Committee (TRAAC) – Meeting – 11 March 2021”, Council receive and note the report.

**107/21 RESOLVED**

## **10.2 DOLLY PARTON'S IMAGINATION LIBRARY 2021**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Karina Tyler, Economic Development Officer**

### **MOTION**

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

That in relation to the report “Dolly Parton’s Imagination Library 2021”, Council:

- (i) receive and note the report;
- (ii) allocate \$70,000/year from the Youth Services Reserve to assist in funding the project for the 2021-2022, 2022-2023, 2023-2024 financial years;
- (iii) promote the initiative across the Tamworth Regional Council Local Government Area and actively pursue corporate and community sponsorship of the project; and
- (iv) evaluate the project at the conclusion of the 2023-2024 year to determine future funding.

**108/21 RESOLVED**

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

At 7.56pm, 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 Rodda**

That in relation to Item 11.3 “Expression of Interest for the sale of 87-93 Brisbane Street, Tamworth”, Item 11.7 “Expression of Interest for the sale of Kable Avenue, Tamworth”, Item 11.9 “Nundle “Go For Gold” Festival 2022 - Opportunity for Major Sponsorship”, and Item 11.10 “Chaffey Dam Pipeline Operation”, Council move consideration of the reports into Open Council.

**THE MOTION FAILED DUE TO THE ABSENCE OF A SECONDER**

**REPORTS TO BE CONSIDERED IN CLOSED COUNCIL**

**MOTION**

**Moved Cr Maxwell/Cr Wilson**

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.

**109/21 RESOLVED**

**11.1 TENDER T049/2021 - WHITE STREET CARPARK EXTENSION**

**DIRECTORATE: REGIONAL SERVICES**

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

**Reference: Item 12.4 to Ordinary Council 9 February 2021 - Minute No 19/21**

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.

**11.2 TAMWORTH REGIONAL AIRPORT APRON LIGHTING TENDER - FILE NO T028/2020**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: John Sommerlad, Commercial Director - Airport and Aviation Development**

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 EXPRESSION OF INTEREST FOR THE SALE OF 87-93 BRISBANE STREET, TAMWORTH**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Luke Stevenson, Commercial Property Officer**

**Reference: Item 12.3 to Ordinary Council 1 December 2020 - Minute No 382/20**

**3 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.



**11.4 T115/2021 - PEEL STREET SHARED PATH CONSTRUCTION**

**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.

**11.5 CALALA LANE AND CAMPBELL ROAD INTERSECTION UPGRADE - LAND ACQUISITION**

**DIRECTORATE: REGIONAL SERVICES**

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

**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)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.

**11.6 Q122/2021 - PUBLIC AMENITIES REPLACEMENT PROGRAM - DESIGN AND CONSTRUCTION**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Paul Kelly, Manager Sports and Recreation**

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.

**11.7 EXPRESSION OF INTEREST FOR THE SALE OF KABLE AVENUE, TAMWORTH**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Luke Stevenson, Commercial Property Officer**

**Reference: Item 14.1 to Ordinary Council 25 August 2015 - Minute No 223/15**

**Item 12.7 to Ordinary Council 9 February 2021 - Minute No 21/21**

**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)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.



**11.8 CALALA LANE AND CAMPBELL ROAD INTERSECTION UPGRADE CONSTRUCTION - T097/2021**

**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.

**11.9 NUNDLE GO FOR GOLD FESTIVAL 2022 - OPPORTUNITY FOR MAJOR SPONSORSHIP**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Kay Burnes, Senior Place Manager**

**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.

**11.10 CHAFFEY DAM PIPELINE OPERATION**

**DIRECTORATE: WATER AND WASTE**

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

**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.

**11.11 TAMWORTH REGIONAL COUNCIL ENERGY CONTRACT PROCUREMENT**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Tracey Carr, Sustainability Coordinator**

**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.

**11.12 DETAILED DESIGN OF CALALA WATER TREATMENT PLANT ELECTRICAL UPGRADE**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Daniel Coe, Manager - Water Operations**

**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)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 competitor of Council.

**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 T049/2021 - WHITE STREET CARPARK EXTENSION

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer  
**Reference:** Item 12.4 to Ordinary Council 9 February 2021 - Minute No 19/21

#### MOTION

##### Moved Cr Inglis/Cr Rodda

That in relation to the report “Tender T049/2021 – White Street Carpark Extension”, Council:

- (i) accept the tender submitted by Roadwork Industries Pty Ltd (ABN 78 636 165 654) for the lump sum amount of \$286,370.00 (excluding GST) for all items associated with the extension of the White Street carpark;
- (ii) authorise the General Manager to sign and affix the Council Seal to the project contract; and
- (iii) approve the allocation of funding from the carpark reserve to fund the additional costs associated with the project.

110/21 RESOLVED

### 12.2 TAMWORTH REGIONAL AIRPORT APRON LIGHTING TENDER - FILE NO T028/2020

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** John Sommerlad, Commercial Director - Airport and Aviation Development

#### MOTION

##### Moved Cr Rodda/Cr Inglis

That in relation to the report “Tamworth Regional Airport Apron Lighting Tender”, Council:

- (i) note the tenders received for this project;
- (ii) accept the fully compliant Tender submission from Shanahan’s Electrical Pty Ltd/Sylvania for the amount detailed in the body of the report; and
- (iii) authorise the General Manager to sign the project contract.

#### AMENDMENT

##### Moved Cr Rodda/Cr Inglis

That in relation to the report “Tamworth Regional Airport Apron Lighting Tender”, Council:

- (i) note the tenders received for this project;
- (ii) accept the fully compliant Tender submission from Shanahan’s Electrical Pty Ltd/Sylvania for the amount detailed in the body of the report; and
- (iii) authorise the General Manager to sign and affix the Council Seal to the project

contract.

**AMENDMENT PASSED**

**THE AMENDMENT BECAME THE MOTION**

**111/21 RESOLVED**

**12.3 EXPRESSION OF INTEREST FOR THE SALE OF 87-93 BRISBANE STREET, TAMWORTH**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Luke Stevenson, Commercial Property Officer  
**Reference:** Item 12.3 to Ordinary Council 1 December 2020 - Minute No 382/20

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

**MOTION**

**Moved Cr Inglis/Cr Webb**

That in relation to the report "Expression of Interest for the sale of 87-93 Brisbane Street, Tamworth", Council:

- (i) receive and note the outcome of the Expression of Interest process; and
- (ii) retain ownership of the property and undertake to renegotiate the current lease to support the ongoing investment into, and preservation of, the building and surrounds.

**112/21 RESOLVED**

**12.4 T115/2021 - PEEL STREET SHARED PATH CONSTRUCTION**

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

**MOTION**

**Moved Cr Wilson/Cr Impey**

That in relation to the report "T115/2021 – Peel Street Shared Path Construction", Council:

- (i) accept the tender submitted by Hunter Rural Contracting Pty Ltd (ABN 30 614 709 796) for construction of the Peel Street shared path between Darling Street and the new Skate Park for a fixed lump sum price of \$223,764 (excluding GST); and
- (ii) authorise the affixing of the Council Seal to this Contract.

**113/21 RESOLVED**

## **12.5 CALALA LANE AND CAMPBELL ROAD INTERSECTION UPGRADE - LAND ACQUISITION**

**DIRECTORATE: REGIONAL SERVICES**

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

**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **MOTION**

#### **Moved Cr Maxwell/Cr Inglis**

That in relation to the report “Calala Lane and Campbell Road Intersection upgrade – Land Acquisition”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of the proposed acquisition of the relevant property;
- (ii) authorise the execution by Council of a Deed of Agreement, Plan of Subdivision for Road Widening and accepting the dedication of the land as a road; and
- (iii) authorise the affixing of the Seal of Council to the Deeds of Agreement, plans and any other documents required to give effect to Council’s resolution.

### **AMENDMENT**

#### **Moved Cr Webb/Cr Maxwell**

That in relation to the report “Calala Lane and Campbell Road Intersection upgrade – Land Acquisition”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of the proposed acquisition of the relevant property;
- (ii) authorise the execution by Council of a Deed of Agreement, Plan of Subdivision for Road Widening and accepting the dedication of the land as a road;
- (iii) authorise the affixing of the Seal of Council to the Deeds of Agreement, plans and any other documents required to give effect to Council’s resolution; and
- (iv) contact NRMA to seek clarification regarding recent comments made in the local media and request that NRMA raise any issues directly with Council in future.

### **AMENDMENT PASSED**

### **THE AMENDMENT BECAME THE MOTION**

**114/21 RESOLVED**

## **12.6 Q122/2021 - PUBLIC AMENITIES REPLACEMENT PROGRAM - DESIGN AND CONSTRUCTION**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Paul Kelly, Manager Sports and Recreation**

### **MOTION**

#### **Moved Cr Maxwell/Cr Wilson**

That in relation to the report “Q122/2021 Public Amenities Replacement Program – Design and Construction”, Council:

- (i) award the quotation submitted by Modus Australia (ABN: 53 147 987 095) for a lump sum contract of \$275,970.00 (excluding GST); and
- (ii) authorise the affixing of the Council Seal to this contract.

**115/21 RESOLVED**

## **12.7 EXPRESSION OF INTEREST FOR THE SALE OF KABLE AVENUE, TAMWORTH**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Luke Stevenson, Commercial Property Officer**

**Reference: Item 14.1 to Ordinary Council 25 August 2015 - Minute No 223/15  
Item 12.7 to Ordinary Council 9 February 2021 - Minute No 21/21**

**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **MOTION**

#### **Moved Cr Wilson/Cr Impey**

That in relation to the report “Expression of Interest for the sale of Kable Avenue, Tamworth”, Council:

- (i) receive and note the outcome of the Expression of Interest process; and
- (ii) determine what action to undertake from the options outlined in the report.

### **AMENDMENT**

#### **Moved Cr Wilson/Cr Impey**

That in relation to the report “Expression of Interest for the sale of Kable Avenue, Tamworth”, Council:

- (i) receive and note the outcome of the Expression of Interest process;
- (ii) advise the proponent that their offer is not accepted; and
- (iii) a Councillor workshop be held to discuss the matter.

### **AMENDMENT PASSED**

#### **THE AMENDMENT BECAME THE MOTION**

**116/21 RESOLVED**

## **12.8 CALALA LANE AND CAMPBELL ROAD INTERSECTION UPGRADE CONSTRUCTION - T097/2021**

**DIRECTORATE: REGIONAL SERVICES**

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

### **MOTION**

#### **Moved Cr Wilson/Cr Impey**

That in relation to the report “Calala Lane and Campbell Road Intersection Upgrade Construction – T097/2021”, Council:

- (i) accept the tender submitted by KCE Pty Ltd (ABN 83 059 721 881) for the lump sum amount of \$1,388,000.00 (excluding GST) for the Calala Lane and Campbell Road Intersection Upgrade;
- (ii) accept the tender submitted for the optional work item submitted by KCE Pty Ltd (ABN 83 059 721 881) for the lump sum amount of \$304,750.88 (excluding GST) for the Campbell Road Kerb and Gutter and pavement Upgrade; and
- (iii) approve the affixing of the Council Seal to a single lump sum Contract for the above work.

**117/21 RESOLVED**

## **12.9 NUNDLE GO FOR GOLD FESTIVAL 2022 - OPPORTUNITY FOR MAJOR SPONSORSHIP**

**DIRECTORATE: PLANNING AND COMPLIANCE**

**AUTHOR: Kay Burnes, Senior Place Manager**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **MOTION**

#### **Moved Cr Maxwell/Cr Impey**

That in relation to the report “Nundle “Go For Gold” Festival 2022 - Opportunity for Major Sponsorship”, Council endorse the recommendation of the Nundle “Go For Gold” S355 Committee to pursue a major sponsorship package with Engie Australia pertaining to the 2022 Nundle “Go For Gold” Festival, subject to approval of the draft sponsorship package and written clarification to Engie Australia that the acceptance of the S355 Committee sponsorship is for the benefit of the festival and in no way influences Council’s position in relation to the Hills of Gold windfarm proposal.

### **AMENDMENT**

#### **Moved Cr Maxwell/Cr Impey**

That in relation to the report “Nundle “Go For Gold” Festival 2022 - Opportunity for Major Sponsorship”, Council:

- (i) decline the offer of major sponsorship for 2022 Nundle “Go For Gold” Festival as detailed in the report; and
- (ii) assist the Committee with seeking alternate sources of funding including



Government grants and other private sponsorship.

**AMENDMENT PASSED**

**THE AMENDMENT BECAME THE MOTION**

**118/21 RESOLVED**

**12.10 CHAFFEY DAM PIPELINE OPERATION**

**DIRECTORATE: WATER AND WASTE**

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

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**MOTION**

**Moved Cr Inglis/Cr Rodda**

That in relation to the report “Chaffey Dam Pipeline Operation”, Council:

- (i) receive and note the report and;
- (ii) write to the NSW Minister for Water, Property and Housing and the Member for Tamworth reaffirming Council’s position the Chaffey Dam Pipeline should be granted permanent approvals such that it can be operated at any time.

**119/21 RESOLVED**

**12.11 TAMWORTH REGIONAL COUNCIL ENERGY CONTRACT PROCUREMENT**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Tracey Carr, Sustainability Coordinator**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**MOTION**

**Moved Cr Webb/Cr Impey**

That in relation to the report “Tamworth Regional Council Energy Contract Procurement”, Council:

- (i) agree to participate in the Program for Energy and Environmental Risk Solutions (PEERS 3) for electricity procurement at Council’s small and large market sites, including street lighting;
- (ii) delegate authority to the General Manager to sign the Memorandum of Understanding, subject to amendments to the General Manager’s satisfaction, to proceed with Southern Sydney Regional Organisation of Councils (SSROC) PEERS 3 Program; and
- (iii) provide funding for participation in the PEERS 3 program as follows:

	Energy MWh	%	SSROC PEERS 3 Fee
Water Fund	4,094	27%	\$2,362.50



Waste Water Fund	3,387	22%	\$1,925.00
General Fund	7,889	51%	\$4,462.50
Total	15,370	100%	\$8,750.00

**120/21 RESOLVED**

**12.12 DETAILED DESIGN OF CALALA WATER TREATMENT PLANT ELECTRICAL UPGRADE**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Daniel Coe, Manager - Water Operations**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

**MOTION**

**Moved Cr Inglis/Cr Rodda**

That in relation to the report “Detailed Design of Calala Water Treatment Plant Electrical Upgrade”, Council accept the conforming Tender from GHD Pty Ltd, as detailed in the report, to undertake the contracted works.

**121/21 RESOLVED**

**13 RESOLUTIONS PASSED IN CLOSED COUNCIL**

**MOTION**

**Moved Cr Maxwell/Cr Betts**

That Council move into Open Council.

**122/21 RESOLVED**

At 9.05pm 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 9.06pm.

Cr Col Murray, Chairperson

Tuesday, 11 May 2021

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