



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

9 NOVEMBER 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 9 NOVEMBER 2021 at 6:30PM

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Minutes

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

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

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Inglis who is unable to attend the Meeting due to Away from the City on personal business.

MOTION

Moved Cr Betts/Cr Wilson

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

That under Section 234 of the Local Government Act 1993, leave of absence be granted for Cr Murray for the Ordinary Council Meetings of 23 November 2021.

322/21 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Webb/Cr Maxwell

That the Minutes of the Ordinary Meeting held on Tuesday, 26 October 2021, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

323/21 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Charles Impey declared a conflict of interest in Item 10.1 “Disability Access Working Group - Appointment of Community Members” of the Business Paper, for the reason that he was appointed to be the Councillor representative on the Tamworth Regional Youth Council and a member of the Tamworth Regional Youth Council is has been recommended to be appointed to the Disability Access Working Group. Cr Impey further stated that is 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

Nil

8 INFRASTRUCTURE AND SERVICES

Nil

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 TAMWORTH REGIONAL COUNCIL CONSOLIDATED FINANCIAL REPORTS FOR PERIOD ENDED 30 JUNE 2021

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Acting Chief Financial Officer
Reference: Tabled document

MOTION

Moved Cr Betts/Cr Rodda

That in relation to the report "Tamworth Regional Council Consolidated Financial Reports for Period Ended 30 June 2021", Council:

- (i) receive and note the reports as presented; and
- (ii) adopt the proposed allocation of unrestricted cash results to Reserves.

324/21 RESOLVED

9.2 SCHEDULE OF COUNCIL MEETINGS FOR 2022

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

MOTION

Moved Cr Maxwell/Cr Wilson

That in relation to the report “Schedule of Council Meetings for 2022”, Council fix the dates and times for the Council Meetings for 2022, as follows:

	Time	Jan 202 2	Feb 202 2	Mar 202 2	Apr 202 2	May 202 2	June 2022	July 202 2	Aug 2022	Sept 202 2	Oct 2022	Nov 202 2	Dec 2022
Ordinary Council	6:30 pm	5	8	8	12	10	14	12	9	13	11	8	13
		25	22	22	26	24	28	26	23	27		22	

325/21 RESOLVED

10 COMMUNITY SERVICES

10.1 DISABILITY ACCESS WORKING GROUP - APPOINTMENT OF COMMUNITY MEMBERS

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Kay Delahunt, Manager - Cultural and Community Services

MOTION

Moved Cr Tickle/Cr Wilson

That in relation to the report "Disability Access Working Group - Appointment of Community Members", Council:

- i) receive and note the report;
- ii) approve the draft revised Disability Access Working Group Terms of Reference
- iii) appoint the following community members to the Disability Access Working Group:
 1. Judy Coates
 2. Isla Farr
 3. Amanda Fisher
 4. Fiona Hemmings
 5. Danielle Northey
 6. Ilonka Patkos
 7. Catherine Rae
 8. Geoffrey Talbot Sanderson
 9. Dino Santos; and
 10. Luke Wakely

326/21 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 6.49pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

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

MOTION

Moved Cr Maxwell/Cr Webb

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.

327/21 RESOLVED

12.1 FOREST ROAD LANDFILL WEIGHBRIDGE CIVIL WORKS AND ADMINISTRATION BUILDING CONSTRUCTION REQUEST FOR TENDER T051-2022

DIRECTORATE: WATER AND WASTE

AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

Reference: Item 12.2 to Ordinary Council 11 May 2021 - Minute No 131/21

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.

12.2 TENDER T088/2022 - SUPPLY AND DELIVERY OF INDUSTRIAL HARDWARE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Sebastian Lees, Technical Officer Plant and Supply

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 FOREST ROAD LANDFILL WEIGHBRIDGE CIVIL WORKS AND ADMINISTRATION BUILDING CONSTRUCTION REQUEST FOR TENDER T051-2022

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

Reference: Item 12.2 to Ordinary Council 11 May 2021 - Minute No 131/21

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report "Forest Road Landfill Weighbridge Civil Works and Administration Building Construction Request for Tender T051-2022", Council:

- (i) reject the conforming and alternate Tender submitted by Hunter Rail and Civil Pty Ltd for Forest Road Landfill Weighbridge Civil Works and Administration Building Construction Tender (RFT) T051/2022;
- (ii) agree to split the work required into sections and negotiate with interested parties, including Council's Regional Services Directorate, to undertake each section of work; and
- (iii) in the event that insufficient funds are available in the current budget to undertake any section of work, the Director Water and Waste seek Council's approval for additional funding from the waste reserve before that work commences.

328/21 RESOLVED

12.2 TENDER T088/2022 - SUPPLY AND DELIVERY OF INDUSTRIAL HARDWARE

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

MOTION

Moved Cr Betts/Cr Maxwell

That in relation to the report "Tender T088/2022 - Supply and Delivery of Industrial Hardware", Council award the contract to J Blackwood and Son Pty Limited (ABN: 43 000 010 300) and Bunnings Group Limited (ABN: 26 008 672 179) as a panel tender of supply from 1 January 2022 to 31 December 2024.

329/21 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Wilson/Cr Rodda

That Council move into Open Council.

330/21 RESOLVED

At 6.59pm 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 6.59pm.

Cr Col Murray, Chairperson

Tuesday, 9 November 2021

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