



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

28 MARCH 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 28 MARCH 2023 at 6.30PM

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Minutes

PRESENT: Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, Cr Stephen Mears, Cr Brooke Southwell, Cr Marc Sutherland, Cr Mark Rodda, Cr Helen Tickle.

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 Mayor Russell Webb who is unable to attend the Meeting due to a granted leave of absence.

MOTION

Moved Cr Betts/Cr Southwell

That under Section 234 of the Local Government Act 1993, leave of absence be granted for Cr Russell Webb for the Ordinary Council Meeting of 28 March 2023.

45/23 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Betts/Cr Mears

That the Minutes of the Ordinary Meeting held on Tuesday, 14 March 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

46/23 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

5.1 DEFERRAL OF BUSINESS - ORDINARY COUNCIL MEETING 14 MARCH 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Russell Webb, Mayor

MOTION

Moved Cr Rodda

That in relation to the report “Deferral of Business - Ordinary Council Meeting 14 March 2023”, Council receive and note the report.

47/23 RESOLVED

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 ENERGY SUSTAINABILITY SIX MONTHLY REPORT

DIRECTORATE: WATER AND WASTE
AUTHOR: Alfred Davis, Sustainability Officer - Energy

MOTION

Moved Cr Southwell/Cr Sutherland

That in relation to the report “Energy Sustainability Six Monthly Report”, Council receive and note the report.

48/23 RESOLVED

8.2 URBAN STREET TREE MANAGEMENT PLAN - ADVISORY GROUP MINUTES - 20 FEBRUARY 2023

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager - Sports and Recreation

MOTION

Moved Cr Tickle/Cr Southwell

That in relation to the report “Urban Street Tree Management Plan - Advisory Group Minutes - 20 February 2023”, Council receive and note the minutes from the Urban Street Tree Management Plan – Advisory Group.

49/23 RESOLVED

Minutes

8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING - 1 MARCH 2023

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report “Tamworth Regional Local Traffic Committee General Meeting - 1 March 2023”, Council:

- (i) approve the installation of one new disabled car space at 141 Marius Street, one new associated pram ramp and the maximum width car park line marking along both sides of Marius Street Tamworth, between Darling Street and Brisbane Street including the supporting signage;
- (ii) approve the installation of maximum width car park line marking on both sides of Bourke Street, Tamworth, from Kable Avenue to Marius Street including the supporting signage;
- (iii) approve the installation of the missing Give Way sign and line marking (inclusive of a TB, TB1 and a Double B centre line) on Logistics Avenue at the Country Road intersection, Westdale;
- (iv) approve the installation of the missing signs (Roundabout and Keep Left signs) and line marking (Hold lines and Double B Centre lines) on the three approaches to the Rodeo Drive and Stockmans Way roundabout, Hillvue;
- (v) approve the proposed traffic impacts and the proposed traffic management plan associated with the Tamworth ANZAC Day dawn service from 4.00am to 6.30am on 25 April 2023; and
- (vi) approve the proposed traffic impacts and the proposed traffic management plan associated with the Manilla ANZAC Day march from 5.00am to 12.00pm on 25 April 2023.

50/23 RESOLVED

8.4 TAMWORTH GLOBAL GATEWAY PARK - PRECINCT MANAGEMENT AND PHASE 2 PRELIMINARY WORKS FUNDING INCREASE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

Reference: Item 8.1 to Ordinary Council 23 March 2021 - Minute No 52/21
Item 8.1 to Ordinary Council 26 October 2021 - Minute No 306/21
Item 8.4 to Ordinary Council 14 June 2022 - Minute No 161/22
Item 12.1 to Ordinary Council 26 July 2022 – Minute No 219/22

MOTION

Moved Cr Burke/Cr Betts

That in relation to the report "Tamworth Global Gateway Park - Precinct Management and Phase 2 Preliminary Works Funding Increase", Council:

- (i) approve the allocation of \$1,750,000 from the Westdale Land Reserve as the funding source for the Jewry Street Extension project;
- (ii) approve the allocation of \$75,000 from the Westdale Land Reserve to fund the demolition of the Marathon Street farmstead dwelling;
- (iii) approve the allocation of up to \$100,000 from the Civil Construction Reserve to fund the financial close out of Stage 1 Goddard Lane;
- (iv) approve the allocation of up to \$100,000 from the Westdale Land Reserve to fund the financial close out of Stage 1 Goddard Lane;
- (v) approve the allocation of \$250,000 from the Westdale Land Reserve to fund precinct management activities in an operational and maintenance capacity for the next 4 years; and
- (vi) approve the allocation of \$120,000 from the Westdale Land Reserve to increase the funding for Phase 2 design.

51/23 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 2023 ANZAC DAY MEMORIAL SERVICES WITHIN THE TAMWORTH REGIONAL COUNCIL AREA

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

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “2023 Anzac Day Memorial Services within the Tamworth Regional Council Area”, Council nominate Councillor Representation at the following locations:

Attunga	Mayor Russell Webb Cr Judy Coates
Barraba	Cr Judy Coates
Bendemeer	Cr Judy Coates
Duri	Cr Stephen Mears
Kootingal	Cr Brooke Southwell
Moonbi Masonic Village RFBI	Cr Phil Betts - Monday, 24 April
Manilla	Cr Marc Sutherland
Manilla Central School	Cr Brooke Southwell
Moonbi	Cr Judy Coates
Nundle	Cr Stephen Mears
Somerton	Cr Bede Burke
Tamworth Dawn Service	Mayor Russell Webb
Tamworth Service	Mayor Russell Webb Cr Helen Tickle
Gipps Street Memorial	Cr Mark Rodda Cr Helen Tickle

52/23 RESOLVED

9.2 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - MOTIONS FOR SUBMISSION

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

Reference: Item 9.2 to Ordinary Council 14 February 2023 - Minute No 7/23

MOTION

Moved Cr Southwell/Cr Betts

That in relation to the report “2023 National General Assembly of Local Government - Motions for Submission”, Council:

- (i) authorise the motion; that the National General Assembly calls on the Australian Government to;
 - a. fund, in conjunction with state government community education of direct and in direct reuse of effluent;
 - b. work with State Governments to improve regulation of indirect and direct potable reuse and recycled water for industrial uses, including across jurisdictions;
 - c. fund investigation of methods to better dispose of the waste stream generated by current reverse osmosis water treatment technologies in inland areas;
- (ii) authorise the motion; that the National General Assembly calls on the Australian Government to urgently address the critical shortfall in Financial Assistance Grants to Local Government, with a particular focus on a significant increase in road funding following the intense climatic and weather events of the past two years;
- (iii) authorise the motion; that the National General Assembly calls on the Federal Government to recognise the significant contribution made by volunteers across Australia in all spheres of life and the value this contribution makes to local communities. In recognising this contribution the National General Assembly acknowledges that volunteers are a significant unpaid resource that delivers services that smaller councils and communities would struggle to replace with paid labour; and
- (iv) authorise the motion; that the National General Assembly calls on the Australian Government to fast track the implementation of the Growing Regions Program so that projects previously submitted under the Building Better Regions Fund (BBRF) can be progressed.

53/23 RESOLVED

9.3 RAY WALSH HOUSE RELOCATION PROJECT - UPDATE AND BUDGET VARIATION APPROVAL

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Paul Bennett, General Manager
Reference: Item 9.2 to Ordinary Council 13 September 2022 - Minute No 260/22

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report “Ray Walsh House Relocation Project - Update and Budget Variation Approval”, Council:

- (i) note and approve the additional budget allocation of \$287,407 from General Fund Unrestricted Cash, for the Ray Walsh House relocation project; and
- (ii) the Ray Walsh House Relocation Project team advise on expected further expenditure, if any, before the project is closed.

54/23 RESOLVED

9.4 COUNCIL INVESTMENTS FEBRUARY 2023

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

MOTION

Moved Cr Betts/Cr Tickle

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

55/23 RESOLVED

9.5 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - FEBRUARY 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Annual Operational Plan 2022/2023 Budget Variation Report - February 2023”, Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

56/23 RESOLVED

Minutes

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL YOUTH COUNCIL - 2022 ACTIVITIES REPORT AND APPOINTMENT OF INCOMING MEMBERS

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Katey Allwell, Team Leader - Inclusive Community

MOTION

Moved Cr Sutherland/Cr Mears

That in relation to the report “Tamworth Regional Youth Council - 2022 Activities Report and Appointment of Incoming Members”, Council:

- (i) receive and note the report;
- (ii) acknowledge and recognise the achievements of the 2022 Youth Council; and
- (iii) appoint the incoming members of the 2023 Tamworth Regional Youth Council:
 - 1) Aimee Morris;
 - 2) Dominic Fawcett;
 - 3) Jake Lynch;
 - 4) Kaida McManus;
 - 5) Lara Cowley;
 - 6) Luke Suter;
 - 7) Megan Swain;
 - 8) Sarah Frazer;
 - 9) Sophia Hanson;
 - 10) Yasutomo Akioka; and
 - 11) Yvonne Sutton.

57/23 RESOLVED

10.2 2022/2023 ANNUAL DONATIONS PROGRAM - DONATION TO TAMWORTH INTERNATIONAL EVENTING

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Gina Vereker, Director Liveable Communities
Reference: Item 10.3 to Ordinary Council 8 November 2022 – Minute No 335/22

MOTION

Moved Cr Tickle/Cr Southwell

That in relation to the report “2022/2023 Annual Donations Program - Donation to Tamworth International Eventing”, Council:

- (i) approve a late donation to the value of \$5,000.00 to Tamworth International Eventing to be used towards the purchase of a Dressage Arena Trailer;
- (ii) endorse the roll-over of the balance of funds totalling \$103.55, to the 2023/2024 Annual Donations Program.

58/23 RESOLVED

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 Betts/Cr Coates

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.

59/23 RESOLVED

STAND TALL EVENT FEE WAIVER REQUEST - NOVEMBER 2023

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Hamish Slade, Economic Development Officer

2 ANNEXURES ATTACHED

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.

PROPOSED LEASE TO TAMWORTH BMX INCORPORATED OF PART OF LOT 17 IN DEPOSITED PLAN 858511

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Blake Mammarella, Sport and Recreation Development Officer

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.

TAMWORTH SHOW 2023 FEE WAIVER

DIRECTORATE: GROWTH AND PROSPERITY

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

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)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.

TENDER T109/2023 – SEWER VENT REPLACEMENT

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental 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) (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.

TENDER T095/2023 – REHABILITATION OF SEWER MAINS BY IN-SITU RELINING

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental 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) (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.

2023 COUNTRY CAPITAL CUP FEE WAIVER REQUEST

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Sam Eriksson, Sports and Recreation Strategy Officer

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 STAND TALL EVENT FEE WAIVER REQUEST - NOVEMBER 2023

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Hamish Slade, Economic Development Officer

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report “Stand Tall Event Fee Waiver Request - November 2023”, Council provide in-kind support.

60/23 RESOLVED

12.2 PROPOSED LEASE TO TAMWORTH BMX INCORPORATED OF PART OF LOT 17 IN DEPOSITED PLAN 858511

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Blake Mammarella, Sport and Recreation Development Officer

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “Proposed lease to Tamworth BMX Incorporated of Part of Lot 17 in Deposited Plan 858511”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a new lease to Tamworth BMX Club Incorporated as set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the lease document and any other associated documentation.

61/23 RESOLVED

12.3 TAMWORTH SHOW 2023 FEE WAIVER

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Jacqueline O'Neill, Director - Growth and Prosperity
3 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report "Tamworth Show 2023 Fee Waiver", Council provides in-kind support to the Tamworth Pastoral and Agricultural Association for the Tamworth Show in March 2023.

62/23 RESOLVED

12.4 TENDER T109/2023 – SEWER VENT REPLACEMENT

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Southwell

That in relation to the report "Tender T109/2023 – Sewer Vent Replacement", Council accept the conforming Tender from Sewer Vent Supplies & Repairs (SVSR), as detailed in the report, to undertake the contracted works.

63/23 RESOLVED

12.5 TENDER T095/2023 – REHABILITATION OF SEWER MAINS BY IN-SITU RELINING

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

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Mears/Cr Burke

That in relation to the report “Tender T095/2023 – Rehabilitation of Sewer Mains by In-situ Relining”, Council accept the tender from Interflow Pty Ltd as the preferred contractor to undertake the contracted works at the rates detailed in the report.

64/23 RESOLVED

Minutes

12.6 2023 COUNTRY CAPITAL CUP FEE WAIVER REQUEST

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Sam Eriksson, Sports and Recreation Strategy Officer

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “2023 Country Capital Cup Fee Waiver Request”, Council subsidises the fees associated with the use of the Tamworth Regional Entertainment and Conference Centre by the amount disclosed in this report.

65/23 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Mears/Cr Betts

That Council move into Open Council.

66/23 RESOLVED

At 7.34PM 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 7.35PM.

Cr Mark Rodda, Chairperson

Tuesday, 11 April 2023

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