



# 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**

### 11 JUNE 2024

**JASON COLLINS**  
Executive Manager – Strategy & Performance

# ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, Lands Building,  
Nemingha Room, 25-27 Fitzroy Street, Tamworth  
**TUESDAY 11 JUNE 2024 at 6:30PM**

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**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, Cr Helen Tickle.

**IN ATTENDANCE:** Director Liveable Communities, Director Regional Services, Director Water and Waste, Executive Manager Creative Communities and Experiences and Executive Manager Strategy and Performance.

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**1 APOLOGIES AND LEAVE OF ABSENCE**

NIL

**2 COMMUNITY CONSULTATION**

NIL

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

**MOTION**

**Moved Cr Burke/Cr Southwell**

That the Minutes of the Ordinary Meeting held on Tuesday, 28 May 2024, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**131/24 RESOLVED**

**4 DISCLOSURE OF INTEREST**

**Cr Marc Sutherland** declared a conflict of interest in Item 10.1 – ‘Dolly Parton’s Imagination Library Annual Council Commitment’ of the business paper, for the reason that his son is a recipient of the program. Cr Sutherland further declared 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 TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING MINUTES - 15 MARCH 2024**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Gina Vereker, Director Liveable Communities

##### **AMENDMENT**

##### **Moved Cr Rodda/Cr Mears**

That in relation to the report “Tamworth Regional Council Heritage Working Group Meeting Minutes - 15 March 2024”, Council:

- (i) receive and note the minutes;
- (ii) investigate the design and potential cost of appropriate signage to be erected at Paradise Park advising of the location of nearby toilet facilities;
- (iii) write to:-
  - (a) the Local Member, the Hon. Kevin Anderson recommending the “School House at Hallsville” be sold or gifted to a project such as BackTrack to enable its preservation and/or reuse;
  - (b) Heritage NSW seeking its consent/comment regarding the proposal for a large sign to be erected at the start of King George V Avenue acknowledging its heritage listing.

##### **AMENDMENT LOST**

##### **MOTION**

##### **Moved Cr Tickle/Cr Mears**

That in relation to the report “Tamworth Regional Council Heritage Working Group Meeting Minutes - 15 March 2024”, Council:

- (i) receive and note the minutes;
- (ii) investigate the design and potential cost of appropriate signage to be erected at Paradise Park advising of the location of nearby toilet facilities;
- (iii) dissolve the King George V Avenue Working Group sub-committee and amend the Terms of Reference of the Tamworth Regional Council Heritage Working Group to include a resident/representative from King George V Avenue as a community member; and
- (iv) write to:-
  - (a) the Local Member, the Hon. Kevin Anderson recommending the “School House at Hallsville” be sold or gifted to a project such as BackTrack to enable its preservation and/or reuse;
  - (b) Heritage NSW seeking its consent/comment regarding the proposal for a large sign to be erected at the start of King George V Avenue

acknowledging its heritage listing.

**132/24 RESOLVED**

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 2024 LOCAL GOVERNMENT WATER MANAGEMENT CONFERENCE - GOULBURN 23 TO 25 JULY 2024**

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

#### **MOTION**

##### **Moved Cr Betts/Cr Coates**

That in relation to the report “2024 Local Government Water Management Conference - Goulburn 23 to 25 July 2024”, Council nominates representatives to attend this conference as appropriate.

CR Coates nominated

**133/24 RESOLVED**

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

### **9.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE**

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

#### **MOTION**

##### **Moved Cr Coates/Cr Sutherland**

That in relation to the report “Audit, Risk and Improvement Committee”, Council receive and note the Minutes of the meeting held 2 May 2024.

**134/24 RESOLVED**

## **10 COMMUNITY SERVICES**

### **10.1 DOLLY PARTON'S IMAGINATION LIBRARY ANNUAL COUNCIL COMMITMENT**

**DIRECTORATE: LIVEABLE COMMUNITIES**

**AUTHOR: Lisa Rennie, Executive Assistant**

#### **MOTION**

##### **Moved Cr Betts/Cr Mears**

That in relation to the report "Dolly Parton's Imagination Library Annual Council Commitment", Council:

- (i) allocate \$200,000 from the 2024/2025 and 2025/2026 General Fund to part finance the program for the 2024/2025 and 2025/26 financial years;
- (ii) continue to promote the program across the Tamworth Local Government Area and actively pursue corporate and community sponsorship/donations; and
- (iii) investigate other similar models in an effort to manage ongoing cost increases;
- (iv) write to the Local Member, the Honourable Kevin Anderson requesting that he lobby the State Government for funding to assist with the continued delivery of the program

**135/24 RESOLVED**

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

At 7.07pm, 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 Executive Manager – Strategy & Performance 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, no advice was received.

### **MOTION**

#### **Moved Cr Southwell/Cr Burke**

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.

### **136/24 RESOLVED**

#### **PROPOSED LEASE OF COUNCIL OWNED LAND AT THE TAMWORTH REGIONAL AIRPORT - LOT 29 DEPOSITED PLAN 826112**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Nicholas Hawkins, Commercial Property Officer**

**Reference: Item 15.1 to Ordinary Council 28 March 2017 - Minute No. 76/17**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c)&(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. and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

#### **PROPOSED LEASE OF COUNCIL OWNED LAND AT THE TAMWORTH REGIONAL AIRPORT - LOT 23 DEPOSITED PLAN 826112 AND LOT 54 DEPOSITED PLAN 882054**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Nicholas Hawkins, Commercial Property Officer**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c)&(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. and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

#### **SUPPLY AND DELIVERY OF ONE 8X4 TWIN STEER RIGID HOOKLIFT TRUCK - T060/2024**



**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Stephen Groth, Technical Officer - Fleet and Workshops**

**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.

Minutes

## CLOSED COUNCIL

### Confidential Reports

#### (Section 10A(2) of The Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the Meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the Council or committee.

#### Resolutions passed in Closed Council

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.

## 12 CLOSED COUNCIL REPORTS

### 12.1 PROPOSED LEASE OF COUNCIL OWNED LAND AT THE TAMWORTH REGIONAL AIRPORT - LOT 29 DEPOSITED PLAN 826112

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Nicholas Hawkins, Commercial Property Officer  
**Reference:** Item 15.1 to Ordinary Council 28 March 2017 - Minute No. 76/17

#### MOTION

##### Moved Cr Coates/Cr Tickle

That in relation to the report “Proposed Lease of Council Owned Land at the Tamworth Regional Airport - Lot 29 Deposited Plan 826112”, Council:

- (i) authorise the Mayor and General Manger to negotiate a lease agreement as set out in the body of this report; and
- (ii) authorise the Seal of Council to be affixed to the lease agreement and any other associated documents.

**137/24 RESOLVED**

### 12.2 PROPOSED LEASE OF COUNCIL OWNED LAND AT THE TAMWORTH REGIONAL AIRPORT - LOT 23 DEPOSITED PLAN 826112 AND LOT 54 DEPOSITED PLAN 882054

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Nicholas Hawkins, Commercial Property Officer

#### MOTION

##### Moved Cr Tickle/Cr Coates

That in relation to the report “Proposed Lease of Council Owned Land at the Tamworth Regional Airport - Lot 23 Deposited Plan 826112 and Lot 54 Deposited Plan 882054”, Council:

- (i) authorise the Mayor and General Manger to negotiate a lease agreement as set out in the body of this report; and
- (ii) authorise the Seal of Council to be affixed to the lease agreement and any other associated documents.

**138/24 RESOLVED**

### **12.3 SUPPLY AND DELIVERY OF ONE 8x4 TWIN STEER RIGID HOOKLIFT TRUCK - T060/2024**

**DIRECTORATE:**  
**AUTHOR:**

**REGIONAL SERVICES**  
**Stephen Groth, Technical Officer - Fleet and Workshops**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **MOTION**

##### **Moved Cr Burke/Cr Sutherland**

That in relation to the report "Supply and Delivery of One 8x4 Twin Steer Rigid Hooklift Truck - T060/2024", Council:

- (i) award the tender to J T Fossey (Sales) Pty Ltd (ABN 78 000 178 272) for the changeover amount of \$334,350.00 exclusive of GST; and
- (ii) allow an additional \$14,900.00 exclusive of GST for supply of the optional S & F hydra tarp system bringing the total amount to \$349,250.00 exclusive of GST

**139/24 RESOLVED**

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

### **MOTION**

#### **Moved Cr Coates/Cr Burke**

That Council move into Open Council.

### **140/24 RESOLVED**

At 7.11pm the meeting moved back into Open Council.

In accordance with the Tamworth Regional Council Code of Meeting Practice, Section 14.21, the Executive Manager Strategy and Performance provided a summary of the resolutions passed in Closed Council.

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 7.11pm

Cr Russell Webb, Chairperson

Tuesday, 25 June 2024

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