



# 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

**13 FEBRUARY 2024**

**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 13 FEBRUARY 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:** The General Manager, Director Liveable Communities, Acting Director Growth and Prosperity, Director Regional Services, Director Water and Waste, 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 Mears/Cr Betts**

That the Minutes of the Ordinary Meeting held on Tuesday, 12 December 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**1/24 RESOLVED**

**4 DISCLOSURE OF INTEREST**

Cr Coates – declared a non-pecuniary, less than significant interest as her husband is the Chair of the New England North West Business Chamber – Item 5.1. Cr Coates will remain in the chamber .

## **5 MAYORAL MINUTE**

### **5.1 BUSINESS NSW REGIONAL LEADERS PROGRAM**

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

#### **MOTION**

**Moved Cr Webb**

That in relation to the report “Business NSW Regional Leaders Program”, Council participate in the program as a gold member.

**2/24 RESOLVED**

### **5.2 COST SHIFTING ONTO LOCAL GOVERNMENT**

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

#### **MOTION**

**Moved Cr Webb**

That in relation to the report “Cost Shifting onto Local Government”, Council:

- (i) receive and note the findings of the Local Government NSW Cost Shifting report for the 2021/2022 financial year;
- (ii) a copy of the cost shifting report be placed on Council’s website so that our communities can access it; and
- (iii) write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

**3/24 RESOLVED**

### **5.3 DISSOLUTION OF THE NAMOI JOINT ORGANISATION**

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

#### **MOTION**

**Moved Cr Webb**

That in relation to the report “Dissolution of the Namoi Joint Organisation”, Council support the Board in writing to the Minister for Local Government seeking to dissolve the Namoi Joint Organisation on 30 June 2024.

**4/24 RESOLVED**

Minutes

## 6 NOTICE OF MOTION

Nil

## OPEN COUNCIL REPORTS

## 7 ENVIRONMENT AND PLANNING

Nil

## 8 INFRASTRUCTURE AND SERVICES

### 8.1 PROPOSED ATTENDANCE AT WATERREUSE SYMPOSIUM IN DENVER USA

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director - Water and Waste

#### MOTION

##### Moved Cr Betts/Cr Tickle

That in relation to the report "Proposed Attendance at WaterReuse Symposium in Denver USA", Council

- (i) agree to the Manager, Projects, Strategy, and Infrastructure, Mrs Naomi Schipanski, attending, as part of the study delegation, to be led by the Water Services Association of Australia, the WaterReuse Symposium in Denver Colorado and secondary site visits, generally between 8 March 2024 and 25 March 2024; and
- (ii) pay or reimburse costs associated with this trip in accordance with Council's Staff Travel and Accommodation Policy.

**5/24 RESOLVED**

### 8.2 RESOURCE RECOVERY AND WASTE FACILITIES - PROPOSED CHANGES TO GREEN WASTE FEES AT RURAL WASTE FACILITIES

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Tess Dawson, Manager, Waste and Resource Recovery  
**Reference:** Item 8.6 to Ordinary Council 28 November 2023 - Minute No 296/23

#### MOTION

##### Moved Cr Mears/Cr Coates

That in relation to the report "Resource Recovery and Waste Facilities - Proposed Changes to Green Waste Fees at Rural Waste Facilities", Council:

- (i) agree to reduce 2023/2024 fees associated with green waste disposal at rural



- waste facilities as detailed in the report;
- (ii) reduce the fee structure from six classifications for green waste to three classifications as detailed in the report; and
  - (iii) introduce a new minimum charge of \$5.00 for green waste only.

**6/24 RESOLVED**

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

### **9.1 2024 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Lisa May, Office of the General Manager Administrator

#### **MOTION**

##### **Moved Cr Betts/Cr Tickle**

That in relation to the report “2024 National General Assembly of Local Government”, Council:

- (i) nominate the Mayor, Deputy Mayor, Councillor Southerland and Councillor Betts to attend this conference; and
- (ii) determine whether any motions will be submitted for inclusion in the conference business paper.

**7/24 RESOLVED**

## **9.2 BANK GUARANTEE FACILITY LIMIT INCREASE**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Leah Sing, Expenditure Accountant

### **MOTION**

#### **Moved Cr Southwell/Cr Coates**

That in relation to the report “Bank Guarantee Facility Limit Increase”, Council:

- (i) authorises an increase in the bank guarantee limit from \$100,000 to \$300,000;
- (ii) authorises the affixing of the Seal of the Council to all Documents relating to increasing the Bank Guarantee Facility to \$300,000.

**8/24 RESOLVED**

## **9.3 SPONSORSHIP OF START-UP LANE SEGMENT AT AGSMART CONNECT 2024**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Sam Uswatta, Business Analyst  
Anna Newell, Team Leader Economic Development and Investment

### **MOTION**

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

That in relation to the report “Sponsorship of Start-Up Lane Segment at AgSmart Connect 2024”, Council approves: sponsorship of \$10,000 for the ‘Start-Up Lane’ segment at AgSmart Connect 2024 funded from the Event Reserve

**9/24 RESOLVED**

#### **9.4 REVISED INTEGRATED PLANNING & REPORTING 2022/2023 ANNUAL REPORT**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Anna Russell, Manager - Strategy and Performance  
Rami Abu-Shaqra, Chief Financial Officer  
**Reference:** Item 9.11 Ordinary Council 12 December 2023 - Minute No 347 / 23

#### **MOTION**

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

That in relation to the report “Revised Integrated Planning & Reporting 2022/2023 Annual Report”, Council endorses the 2022/2023 Annual Report, as revised.

**10/24 RESOLVED**

#### **9.5 ADOPTION OF AN UPDATED OUR RESOURCING PLAN INCLUDING THE 2023/2024 - 2033/2034 LONG TERM FINANCIAL PLAN, AS REVISED AND ASSET MANAGEMENT STRATEGY**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Rami Abu-Shaqra, Chief Financial Officer  
**Reference:** Item 9.8 to Ordinary Council 28 November 2023 - Minute No 305/23

#### **MOTION**

##### **Moved Cr Burke/Cr Mears**

That in relation to the report “Adoption of An Updated Our Resourcing Plan Including The 2023/2024 - 2033/2034 Long Term Financial Plan, As Revised and Asset Management Strategy”, Council:

- (i) adopt the revised Long-Term Financial Plan (LTFP) for 2023/2024 to 2033/2034 and the Asset Management Plan (Strategy) as part of Council’s updated Our Resourcing Plan, ATTACHED, refer ANNEXURE 1; and
- (ii) publish the updated Our Resourcing Plan on Council’s website.

**11/24 RESOLVED**

## **10 COMMUNITY SERVICES**

### **10.1 TAMWORTH CITY CENTRE WORKING GROUP MEETING MINUTES - 16 NOVEMBER 2023**

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

#### **MOTION**

##### **Moved Cr Sutherland/Cr Southwell**

That in relation to the report “Tamworth City Centre Working Group Meeting Minutes - 16 November 2023”, Council receive and note the minutes.

**12/24 RESOLVED**

### **10.2 TAMWORTH REGIONAL YOUTH STRATEGY AND ACTION PLAN 2024-2028**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Hamish Slade, Economic Development Officer/Casual Events Officer

#### **MOTION**

##### **Moved Cr Sutherland/Cr Southwell**

That in relation to the report “Tamworth Regional Youth Strategy and Action Plan 2024-2028”, Council:

- (i) formally adopts the Youth Strategy and Action Plan; and,
- (ii) requests that a report is provided on the results of each Annual Youth Survey for the life of the strategy

**13/24 RESOLVED**

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

At 7:21pm, 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 Tickle/Cr Mears**

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.

### **14/24 RESOLVED**

#### **PROPOSED SUBLEASE AGREEMENT FOR COUNCIL OWNED PROPERTY AT BRIDGE STREET, TAMWORTH**

**DIRECTORATE: GROWTH AND PROSPERITY**  
**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)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 T168/2023 - OUTCOME - DESIGN OF THE TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH**

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: Callum Fletcher, Senior Project Engineer**

**Reference: Item 8.1 to Ordinary Council 8 August 2023 – Minute No 188/23**  
**Item 12.6 to Ordinary Council 12 December 2023 - Minute No 355/23**

**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.

**GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW - 2022/2023**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Russell Webb, Mayor**

**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (a) of the local Government Act 1993 on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors..

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 SUBLEASE AGREEMENT FOR COUNCIL OWNED PROPERTY AT BRIDGE STREET, TAMWORTH

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Nicholas Hawkins, Commercial Property Officer

#### MOTION

##### Moved Cr Mears/Cr Coates

That in relation to the report “Proposed Sublease Agreement for Council Owned Property at Bridge Street, Tamworth”, Council:

- (i) authorise the Mayor and General Manager to consent to a sublease agreement in relation to the lease of the property described in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to a deed of consent or sublease agreement or any other associated documents if required.

15/24 RESOLVED

### 12.2 TENDER T168/2023 - OUTCOME - DESIGN OF THE TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer  
**Reference:** Item 8.1 to Ordinary Council 8 August 2023 – Minute No 188/23  
Item 12.6 to Ordinary Council 12 December 2023 - Minute No 355/23

1 CONFIDENTIAL ENCLOSURES ENCLOSED

#### MOTION

##### Moved Cr Coates/Cr Burke

That in relation to the report “Tender T168/2023 - Outcome - Design of the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health”, Council note the award of the contract under the General Manager’s delegation to CO.OP Studio Pty Ltd for an initial base scope and an optional additional scope pending full project funding allocation.

16/24 RESOLVED



### **12.3 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW - 2022/2023**

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

**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **MOTION**

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

That in relation to the report "General Manager's Annual Performance Review - 2022/2023", Council:

- (i) receive and note the report;
- (ii) formally resolve that the General Manager's performance has been satisfactory; and
- (iii) adjust the General Manager's total remuneration package to reflect the State Award increase received by all other salary and wages staff.

**17/24 RESOLVED**

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

#### **MOTION**

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

That Council move into Open Council.

**18/24 RESOLVED**

At 7:45pm 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 7:46pm.

Russell Webb, Chairperson

Tuesday, 13 February 2024

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