



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

14 MAY 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 14 MAY 2024 at 6:30PM

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PRESENT: Cr Russell Webb (Mayor), Cr Phil Betts, 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 Regional Services, Director Water and Waste, Executive Manager Creative Communities and Experiences and Executive Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Bede Burke who is unable to attend the Meeting due to personal leave.

MOTION

Moved Cr Betts/Cr Southwell

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

89/24 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Sutherland/Cr Coates

That the Minutes of the Ordinary Meeting held on Tuesday, 23 April 2024, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

90/24 RESOLVED

4 DISCLOSURE OF INTEREST

NIL

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR RUSSELL WEBB - MURRAY DARLING ASSOCIATION - NOMINATION OF CHAIRPERSON FOR MURRAY DARLING REGION 11

MOTION

Moved Cr Webb/Cr Betts

That Council:

- (i) endorses the nomination of Mayor, Cr Russell Webb for the position of Region 11 Chair of the Murray Darling Association; and
- (ii) acknowledges its obligations under Part 5 Section 16 (5) of the Constitution of the Murray Darling Association in the event of the successful election of Cr Webb as Region 11 Chair.

91/24 RESOLVED

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH - STAGE 1 DEVELOPMENT APPLICATION AND CONCEPT DESIGN

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

MOTION

Moved Cr Southwell/Cr Sutherland

That in relation to the report “Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health - Stage 1 Development Application and Concept Design”, Council:

- (i) authorise the General Manager to act as the landowner for the submission of a development application in relation to the project;

- (ii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council's resolution;
- (iii) approve in principle the proposed concept design; and
- (iv) allocate \$200,000 from the Regional Development fund to enable the detailed design to continue.

92/24 RESOLVED

8.2 2024 JUNE LONG WEEKEND BASEBALL CARNIVAL FEE WAIVER REQUEST – TAMWORTH BASEBALL INCORPORATED

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

MOTION

Moved Cr Rodda/Cr Sutherland

That in relation to the report "2024 June Long Weekend Tamworth Baseball Carnival Fee Waiver Request – Tamworth Baseball Incorporated" Council approve a complete fee waiver for all fees associated with the event.

93/24 RESOLVED

8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 10 APRIL 2024

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 Meeting - 10 April 2024", Council:

- (i) approve the proposed modification works at the Goonan Street and Marathon Street intersection in Westdale;
- (ii) approve the proposed footpath crossing of Elbergs Gully on Caroline Street, Bendemeer and the reduction of Havannah Street, Bendemeer to one lane across the low-level bridge for a designated pedestrian crossing;
- (iii) approve the relocation of two No Stopping signs around the Johnston Street and Smith Street intersection in North Tamworth; and
- (iv) approve the relocation of a disabled parking space on White Street, Tamworth

94/24 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 INTEGRATED PLANNING AND REPORTING - EXHIBITION OF DRAFT OUR ANNUAL PLAN AND BUDGET 2024/2025

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Susan Kane, Coordinator - Integrated Planning and Reporting

Reference: Item 9.8 to Ordinary Council 28 November 2023 - Minute No 305/23

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report "Integrated Planning and Reporting - Exhibition of Draft Our Annual Plan and Budget 2024/2025", Council

- (i) approve the Draft Integrated Planning and Reporting suite of documents, listed below, to be placed on public exhibition for 28 days:
 - a. Draft Our Delivery Plan 2023/2024 and Our Annual Plan & Budget 2024/2025;
 - b. Draft Statement of Revenue Policy 2024/2025; and
 - c. Draft Fees and Charges 2024/2025.
- ii) note that a permanent Special Variation has been approved by the Independent Pricing and Regulatory Tribunal of NSW (IPART) for a General Purpose Rate Increase. The Special Variation (SV) application impacts General Fund only, it has no impact on Water or Sewer Funds.
- iii) Two separate General Fund budgets have been prepared and included in the draft Our Annual Plan and Budget for public exhibition. The two budgeting scenarios are as follows:
 - Base Case Scenario excludes the proposed SV. The rate peg increase of 4.9% has been applied to 2024/2025 after which a rate peg increase of 2.5% has been uniformly applied to future years
 - Special Variation scenario which incorporates the requested permanent Special Variation of 18.5% in year 1 inclusive of a 4.9% Rate Peg increase and 15.0% in year 2 inclusive of a forecast 2.5% Rate Peg increase.
- iv) Should a lesser SV increase be adopted by Council, a revised budget will be presented to Council for consultation, public exhibition and subsequent adoption in the new financial year. This budget will require a managed decline in services

to eliminate ongoing forecast budget deficits and ensure compliance with Section 8b of the Local Government Act 1993.

- (v) Note that there are two rating scenarios in the Statement of Revenue Policy 2024/2025. The first rating scenario excludes the proposed SV increase and details the 4.9% IPART rate peg increase. The second rating scenario incorporates the requested permanent Special Variation of 18.5% in year 1 inclusive of a 4.9% rate peg increase and 15.0% in year 2 inclusive of a forecast 2.5% rate peg increase.
- (vi) Note that due to the Special Variation application lodged with IPART, the Annual Statement of Revenue Policy estimated yield from ordinary rates is subject to the specification of a percentage variation by the minister.

95/24 RESOLVED

9.2 AMENDMENT TO ORDINARY COUNCIL MEETING SCHEDULE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Lisa May, Office of the General Manager Administrator
Reference: Item 9.1 to Ordinary Meeting of 28 November 2023 - Minute No. 298/23

MOTION

Moved Cr Coates/Cr Mears

That in relation to the report "Amendment to Ordinary Council Meeting Schedule", Council amends the Council Meeting schedule to add an Ordinary Meeting to be held on Tuesday, 11 June 2024.

96/24 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL COMMUNITY SAFETY WORKING GROUP MEETING - 22 FEBRUARY 2024 - MINUTES

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

MOTION

Moved Cr Mears/Cr Coates

That in relation to the report “Tamworth Regional Community Safety Working Group Meeting - 22 February 2024 - Minutes”, Council:

- (i) receive and note the Minutes;
- (ii) in regards to the potential establishment of a residential drug and alcohol rehabilitation facility within the Tamworth Region:
 - (a) consider a review of Council owned land to determine any sites that may be suitable for such a facility;
 - (b) investigate any grant funding options that may be available, particularly in relation to potential funding to develop a business case; and
 - (c) write to the NSW Premier, NSW Minister for Health, the Local State Member the Hon. Kevin Anderson, The Hon Anthony D’Adam MLC and The Hon Stephen Lawrence MLC advocating for the establishment of such a facility in Tamworth.

97/24 **RESOLVED**

10.2 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 4 APRIL 2024

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Haley Fenn, Team Leader, Inclusive Community

MOTION

Moved Cr Sutherland/Cr Southwell

That in relation to the report “Tamworth Regional Youth Council - Minutes of the Ordinary Meeting held on 4 April 2024”, Council:-

- (i) receive and note the minutes;
- (ii) issue a letter on behalf of the Tamworth Regional Youth Council in support of the “Fair Treatment for Tamworth Campaign”;
- (iii) endorse Youth Councillors McManus, Duggan, Matthew, Carey, Davies and Elliott joining the “Fair Treatment for Tamworth Campaign” as representatives of the youth of the Tamworth Region;

- (iv) approve the rollover of any unspent budget as at 30 June 2024 allocated towards implementation of the Youth Action Plan to the 2024/2025 financial year; and
- (v) as part of its deliberations on the 2024/2025 budget, support the inclusion of a recurrent amount of \$10,000.00 for the purpose of enabling the Youth Council to fund implementation of the Tamworth Regional Youth Strategy Action Plan 2024-2028 in future years.

98/24 RESOLVED

10.3 TAMWORTH REGION PUBLIC ART STRATEGY AND PUBLIC ART POLICY

DIRECTORATE:

CREATIVE COMMUNITIES AND EXPERIENCES

AUTHOR:

Bridget Guthrie, Director Art Gallery and Museums

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “Tamworth Region Public Art Strategy and Public Art Policy”, Council:

- (i) adopt the updated Public Art Policy;
- (ii) adopt the draft Tamworth Region Public Art Strategy for the purpose of public exhibition;
- (iii) place the draft Strategy on public exhibition for a period of 28 days;
- (iv) request a further report on the outcomes of the public exhibition and any recommended changes to the draft strategy in response to submissions received;
- (v) increase the Public Art Fund by \$26,000 in acknowledgement of cost increases that have occurred since 2015; and
- (vi) as part of its deliberations on the 2024/2025 budget, support an annual increase to the Public Art Fund maintenance by the amount of \$47,000 for the specific purpose of enabling timely maintenance of Council’s current and future public art collection.

99/24 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7.41pm, 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 Coates/Cr Southwell

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.

100/24 RESOLVED

12.1 PROPOSED LICENCE OF COUNCIL OWNED LAND - PART LOT 2 DEPOSITED PLAN 1255956

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Kirrilee Ringland, Manager - Property and Legal Services

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 PROPOSED CENTRE-BASED CHILDCARE CENTRE DEVELOPMENT - NSW LAND AND ENVIRONMENT COURT CLASS 1 PROCEEDINGS - SECTION 34 AGREEMENT - 7-9 GORMAN STREET, NORTH TAMWORTH

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Sam Lobsey, Manager - Development

3 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (g) of the local Government Act 1993 on the grounds that the matter and information is advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

12.3 TENDER T054/2024 - FOREST ROAD WASTE MANAGEMENT FACILITY - LEACHATE TREATMENT PLANT

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 8.5 to Ordinary Council 8 August 2023 - Minute No 192/23

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.

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 LICENCE OF COUNCIL OWNED LAND - PART LOT 2 DEPOSITED PLAN 1255956

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Kirrilee Ringland, Manager - Property and Legal Services

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report "Proposed Licence of Council Owned Land - Part Lot 2 Deposited Plan 1255956", Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a Licence Agreement for the use of part of Council's land as set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the Licence Agreement.

101/24 RESOLVED

12.2 PROPOSED CENTRE-BASED CHILDCARE CENTRE DEVELOPMENT - NSW LAND AND ENVIRONMENT COURT CLASS 1 PROCEEDINGS - SECTION 34 AGREEMENT - 7-9 GORMAN STREET, NORTH TAMWORTH

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development
3 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Tickle/Cr Betts

That in relation to the report "Proposed Centre-Based Childcare Centre Development - NSW Land and Environment Court Class 1 Proceedings - Section 34 Agreement - 7-9 Gorman Street, North Tamworth", Council:

- (i) agrees to enter into a Section 34 Agreement with the Applicant, subject to the conditions set out in this report; and
- (ii) authorises the General Manager under delegation to finalise the terms of the Section 34 agreement, and to sign it on Council's behalf.

102/24 RESOLVED

12.3 TENDER T054/2024 - FOREST ROAD WASTE MANAGEMENT FACILITY - LEACHATE TREATMENT PLANT

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

Reference: Item 8.5 to Ordinary Council 8 August 2023 - Minute No 192/23

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report “Tender T054/2024 - Forest Road Waste Management Facility - Leachate Treatment Plant”, Council:

- (i) not accept any tenders as per the details included in the report,
- (ii) allocate \$60,000 from the existing project funding to undertake a pilot leachate treatment trial with the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment,
- (iii) return residual project funding to the waste reserve, and
- (iv) proceed with other recommendations as detailed in the report for leachate management at the Forest Road Waste Management Facility.

103/24 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Southwell/Cr Sutherland

That Council move into Open Council.

104/24 RESOLVED

At 7.56pm 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 7.56pm

Cr Russell Webb, Chairperson

Tuesday, 28 May 2024

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