



# 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 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 28 MAY 2024 at 6:30PM**

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Minutes

**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, 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**

**9.8 RAY WALSH HOUSE**

Stephen Maher – Spoke opposing the recommendation

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

**MOTION**

**Moved Cr Mears/Cr Sutherland**

That the Minutes of the Ordinary Meeting held on Tuesday, 14 May 2024, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**105/24 RESOLVED**

**4 DISCLOSURE OF INTEREST**

**Cr Marc Sutherland** declared a conflict of interest in item 10.2 “2024 Tamworth NAIDOC Committee Fee Waiver Request” of the Business Paper, for the reason that he is a member of the NAIDOC Committee. Cr Sutherland further declared that this was a less than significant, non-pecuniary interest but would leave the Chamber and not participate in the debate.

**Cr Brooke Southwell** declared a conflict of interest in item 8.2 “Tamworth Regional Local Traffic Committee Meeting – 1 May 2024” of the Business Paper, for the reason that her children attend Tamworth Public School. Cr Southwell further declared that this was a less than significant, non-pecuniary interest but would remain in the Chamber and participate in the debate.

**Cr Brooke Southwell** declared a conflict of interest in item 9.2 “Place Management Update – Section 355 Committee Minutes” of the Business Paper, for the reason that her uncle is the chair of the Piallamore Recreation reserve Committee. Cr Southwell further declared that this was a less than significant , non-pecuniary interest but would remain in the Chamber and participate in the debate.

## **5 MAYORAL MINUTE**

Nil

## **6 NOTICE OF MOTION**

### **6.1 NOTICE OF MOTION – CR STEPHEN MEARS - CLARIFICATION AND CONFIRMATION OF TAMWORTH REGIONAL COUNCIL CODE OF MEETING PRACTICES - KEEPING ORDER AT MEETINGS**

#### **MOTION**

That clarification and confirmation be given of whom may (or may not) call a point of order at a council meeting.

#### **MOTION DEFEATED**

## **OPEN COUNCIL REPORTS**

## **7 ENVIRONMENT AND PLANNING**

### **7.1 REVIEW OF THE TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN 2010 (DRAFT AMENDMENT NO. 17)**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Sam Lobsey, Manager - Development

#### **MOTION**

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

That in relation to the report “Review of the Tamworth Regional Development Control Plan 2010 (Draft Amendment No. 17)”, Council:

- (i) amend “Step 3: General Development Specifications – Other Types of Development Controls” by adding the following dot points under “Small Scale Renewables (Local or Regionally Significant)”:-
  - A Visual Impact Assessment must be prepared (including an assessment of night lighting) of all components of the development on surrounding residences and key locations, scenic or significant vistas and road corridors in the public domain.
  - If the development is located on or adjacent to rural zoned land, provide an Agricultural Impact Assessment, prepared by a suitably qualified person which includes (but not limited to):
    - Land and soil capability mapping;

- Consultation with neighbouring landholders to identify potential project impacts (if any) on immediately adjacent land;
  - A description of project impacts (if any) on immediately adjacent land; and
  - Measures to be implemented to reduce impacts on neighbouring agricultural land.
- (ii) approve the public exhibition of Draft Amendment No. 17 to the Tamworth Regional Development Control Plan 2010 (including the additional points listed in (i) above) for a period of 28 days; and
- (iii) receive a subsequent report at a future meeting of Council to detail the outcomes of the public exhibition process and recommend final adoption of the Plan.

**106/24 RESOLVED**

## **7.2 DRAFT TAMWORTH REGIONAL HOUSING STRATEGY - PROPOSED EXHIBITION**

**DIRECTORATE:**

**LIVEABLE COMMUNITIES**

**AUTHOR:**

**Andrew Spicer, Manager - Future Communities**

### **MOTION**

#### **Moved Cr Mears/Cr Southwell**

That in relation to the report “Draft Tamworth Regional Housing Strategy - Proposed Exhibition”, Council:

- (i) approve the public exhibition of the Draft Tamworth Regional Housing Strategy for a period of 28 days; and
- (ii) receive a subsequent report to a future meeting of Council to detail the outcomes of the public exhibition process with a recommendation as to the potential adoption of the strategy.

**107/24 RESOLVED**

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 COUNTRY VS THE REST OF THE WORLD INTERNATIONAL BOXING FIGHT NIGHT**

**DIRECTORATE:**

**REGIONAL SERVICES**

**AUTHOR:**

**Samuel Eriksson, Sports and Recreation Strategy Officer**

### **MOTION**

#### **Moved Cr Tickle/Cr Coates**

That in relation to the report “Country vs the Rest of the World International Boxing

Fight Night”, Council approve a subsidy for this event in line with Council’s Sport Event Subsidisation Policy.

**108/24 RESOLVED**

**8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 1 MAY 2024**

**DIRECTORATE:**

**REGIONAL SERVICES**

**AUTHOR:**

**Steven Marshall, Strategy, Assets and Design Engineer**

**MOTION**

**Moved Cr Betts/Cr Sutherland**

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting - 1 May 2024”, Council:

- (i) approve the Winter Road Racing Program and the subsequent traffic guidance schemes for Saturday afternoons (1.00pm to 4.30pm) from 13 April 2024 to 27 October 2024;
- (ii) approve the slight relocation of the disabled parking bays, the removal of one car parking space and the installation of some new motorcycle parking bays on Peel Street, Tamworth;
- (iii) approve the parking spaces on Brisbane Street to remain 60 degrees ‘rear to kerb’ and the zoned No Stopping area to be changed to an all-day No Stopping area;
- (iv) approve the road closures of Carter Street, Solander Drive, Locks Lane, Gipps Street and the No. 1 Oval Access Road in Tamworth, on Sunday 4 August 2024, for the running of the Tamworth Running Festival; and
- (v) approve the proposed NSW Junior State Road Cycling Championships and the associated road closures in Loomberah on Saturday 31 August 2024

**109/24 RESOLVED**

**8.3 DRAFT ELECTRIC VEHICLE STRATEGY AND CHARGING ON PUBLIC LAND POLICY**

**DIRECTORATE:**

**WATER AND WASTE**

**AUTHOR:**

**Daniel Lawrence, Sustainability Officer - Energy  
Ashleigh Smith, Sustainability Coordinator**

**Reference:**

**Item 8.4 to Ordinary Council 26 March 2024 – Minute No 52/24**

**MOTION**



### **Moved Cr Tickle/Cr Southwell**

That in relation to the report “Draft Electric Vehicle Strategy and Charging on Public Land Policy”, Council:

- (i) adopt the Draft Electric Vehicle Strategy 2024 - 2027; and
- (ii) adopt the Draft Electric Vehicle Charging on Public Land Policy with the following changes:
  - a. the upfront fee is 50% of the rate detailed in Council Fees and Charges – Tamworth Regional Council | Planning, Building and Development | Development Contributions | Tamworth Regional Section 94 (Direct) Contributions Plans 2013 | CBD Car Parking as amended from time to time;
  - b. the upfront fee only applies for the installation at a new location, additional parking bays or at the commencement of this policy; and
  - c. the lease period is amended from five years to a five-year lease agreement with a five-year option at Councils discretion, with an option to agree to the extension at the beginning of the contract where there is a large upfront cost to the provider for the upgrade of a transformer, substation or similar.

**110/24 RESOLVED**

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

### **9.1 COUNCIL INVESTMENTS APRIL 2024**

**DIRECTORATE:**

**AUTHOR:**

**OFFICE OF THE GENERAL MANAGER**

**Sherrill Young, Manager - Financial Services**

**Robyn Barnes, Accountant**

### **MOTION**

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

That in relation to the report “Council Investments April 2024”, Council receive and note the report.

**111/24 RESOLVED**

### **9.2 PLACE MANAGEMENT UPDATE - SECTION 355 COMMITTEE MINUTES**

**DIRECTORATE:**

**AUTHOR:**

**LIVEABLE COMMUNITIES**

**Jodie Archer, Place Manager**

### **MOTION**

### Moved Cr Coates/Cr Rodda

That in relation to the report “Place Management Update - Section 355 Committee Minutes”, Council:

- (i) receive and note the Minutes of the following Committees

Attunga Public Hall and Youth Hall Committee	13 February 2024
Barraba Sportsground Committee (AGM)	14 November 2023
Barraba Sportsground Committee	14 November 2023
Dungowan Recreation Ground Committee	17 April 2024
Duri Progress Association	19 March 2024
Duri Progress Association	16 April 2024
Grey Fergie Tractor Muster Committee	6 April 2024
Loomberah Hall Committee	27 February 2024
Manilla Matters Committee	14 March 2024
Manilla Matter Committee	11 April 2024
Piallamore Recreation Reserve Committee	28 February 2024
Somerton War Memorial Hall and Recreation Ground Committee	27 June 2024
Tamworth Regional Film and Sound Archive Committee	19 March 2024
Weabonga Hall and Recreation Reserve Local Committee	3 March 2024; and

- (ii) appoint the following executive members and members to the Barraba Sportsground Committee as an outcome of the Committee’s Annual General Meeting held on 14 November 2023:

Chairperson	Sinclair Hughson
Deputy Chairperson	Ben Crowley
Secretary	Jenny Middlemiss
Treasurer	Alison Gadd
Booking Officer	Sinclair Hughson
Members: Dave Smith (Groundsman), Adam Cabot (Junior Rugby Representative), Simon Koopman (Senior Rugby Representative), Ben Freeman (Touch Footy Representative), Shane Maloney (Central School Representative), Bindy Abel (St Joseph School Representative), Glen Melville, Shayne Middlemiss and Amie Middlemiss.	

**112/24 RESOLVED**

### 9.3 WRITING OFF OF POSTPONED RATES, CONSERVATION AGREEMENTS AND CHARGES FOR 2023/2024 – FILE NO

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Seon Millsteed, Revenue Accountant

### MOTION

**Moved Cr Tickle/Cr Southwell**

That in relation to the report “Writing Off of Postponed Rates, Conservation Agreements and Charges for 2023/2024”, Council approves the writing off of Rates and Charges totalling \$118,955.66 in accordance with Section 131 of the Local Government (General) Regulation 2021.

**113/24 RESOLVED**

**9.4 RISK MANAGEMENT POLICY AND RISK APPETITE STATEMENTS**

**DIRECTORATE:**

**OFFICE OF THE GENERAL MANAGER**

**AUTHOR:**

**Megan Patterson, Manager - Risk and Safety**

**Reference:**

**Item 9.3 to Ordinary Council 9 April 2024 - Minute No. 64/24**

**MOTION**

**Moved Cr Sutherland/Cr Coates**

That in relation to the report “Risk Management Policy and Risk Appetite Statements”, Council:

- (i) Adopt the Risk Management Policy attached to this report; and
- (ii) endorse the Risk Appetite Statements.

**114/24 RESOLVED**

**9.5 2023/2024 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 MARCH 2024.**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services  
Michael Gould, Management Accountant

**Reference:** Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23  
Item 9.1 to Ordinary Council 24 October 2023 - Minute No 273/23

**MOTION**

**Moved Cr Southwell/Cr Mears**

That in relation to the report “2023/2024 Quarterly Budget Review Statements to 31 March 2024.” Council receive and note the report and related statements.

**115/24 RESOLVED**

## **9.6 COUNCILLOR ANNUAL FEES FOR THE 2024/2025 FINANCIAL YEAR**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Lisa May, Coordinator Governance and Executive Services

### **MOTION**

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

That in relation to the report “Councillor Annual Fees for the 2024/2025 Financial Year”, Council fix and determine the annual fee payable to Councillors and Mayor of Tamworth Regional Council for the 2024/2025 remain at the same rate as 2023/2024 until such time as the new Council is elected in September 2024.

**116/24 RESOLVED**

## **9.7 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - APRIL 2024**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services  
**Reference:** Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23

### **MOTION**

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

That in relation to the report “Annual Operational Plan 2023/2024 Budget Variation Report - April 2024”, Council note and approve the variations to the existing budget as listed in ATTACHED refer ANNEXURE 1 to the report.

**117/24 RESOLVED**

## **9.8 RAY WALSH HOUSE**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Paul Bennett, General Manager

### **RECOMMENDATION**

#### **Moved Cr Betts/Cr Sutherland**

That in relation to the report “Ray Walsh House”, Council:

- (i) resolve to not remediate Ray Walsh House for the purpose of reoccupation by Council staff and Council operations;

- (ii) investigate options to improve accommodation for staff over the medium term of up to ten years; and
- (iii) request that the General Manager develop an options paper for the future disposal of Ray Walsh House for further consideration by Council.

#### **AMENDMENT**

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

That in relation to the report “Ray Walsh House”, Council:

- (i) defer any decision on the future of Ray Walsh house including remediation, pending wide consultation with the residents of Tamworth Regional Council Local Government Area in accordance with Focus Area 9 – Open and Transparent Leadership, acknowledging our fiduciary duty as Councillors;
- (ii) seek expert advice from other industry professionals and architects, including further quotes for remediation of Ray Walsh House;
- (iii) acknowledge the uncertain economic times and therefore uncertainty of attracting significant grant funds from both State and Commonwealth governments for such significant building projects as the Tamworth PAC for the foreseeable future;
- (iv) deny any delegation for the General Manager to act on behalf of Council in this matter; and
- (v) acknowledge that the building is a significant asset owned by the Tamworth Regional Council community and should not be disposed of to developers.
- (vi)

#### **MOTION TO PUT**

##### **Moved Cr Betts/Cr Sutherland**

#### **118/24 RESOLVED**

##### **COUNCILLORS WHO VOTED *FOR* THE DECISION**

1. Cr Stephen Mears
2. Cr Mark Rodda

##### **COUNCILLORS WHO VOTED *AGAINST* THE DECISION**

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Brooke Southwell
5. Cr Marc Sutherland
6. Cr Helen Tickle
7. Cr Russell Webb

#### **AMENDMENT DEFEATED**

#### **AMENDMENT**

##### **Moved Cr Southwell/Cr Mears**

That in relation to the report “Ray Walsh House”, Council:

- (i) Investigate options to accommodate staff in the medium to long term.

**MOTION TO PUT**

**Moved Cr Burke/Cr Tickle**

**119/24 RESOLVED**

COUNCILLORS WHO VOTED **FOR**  
THE DECISION

1. Cr Stephen Mears
2. Cr Mark Rodda
3. Cr Brooke Southwell

COUNCILLORS WHO VOTED **AGAINST**  
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Marc Sutherland
5. Cr Helen Tickle
6. Cr Russell Webb

**AMENDMENT DEFEATED**

**MOTION**

**Moved Cr Betts/Cr Sutherland**

That in relation to the report “Ray Walsh House”, Council:

- (i) resolve to not remediate Ray Walsh House for the purpose of reoccupation by Council staff and Council operations;
- (ii) investigate options to improve accommodation for staff over the medium term of up to ten years;
- (iii) request that the General Manager develop an options paper for the future disposal of Ray Walsh House for further consideration by Council;
- (iv) that community consultation be undertaken in conjunction with the consideration of the options; and
- (v) make all of the professional reports available in a publicly accessible place for anyone to be able to access, noting that these will no longer be commercial in confidence.

**120/24 RESOLVED**

**9.9 THE AUSTRALIAN WOMEN'S LEADERSHIP SYMPOSIUM - 9 AUGUST 2024**

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

**OFFICE OF THE GENERAL MANAGER**  
**Lisa May, Coordinator Governance and**  
**Executive Services**

**MOTION**

**Moved Cr Coates/Cr Sutherland**

That in relation to the report “The Australian Women's Leadership Symposium - 9 August 2024”, Council approves Councillor Brooke

Southwell to attend.

**121/24**

**RESOLVED**

## **10 COMMUNITY SERVICES**

### **10.1 DRAFT TAMWORTH REGION CREATIVE COMMUNITIES PLAN 2024-2029**

**DIRECTORATE:** LIVEABLE COMMUNITIES

**AUTHOR:** Kay Delahunt, Manager - Learning Communities

#### **MOTION**

##### **Moved Cr Tickle/Cr Southwell**

That in relation to the report “Draft Tamworth Region Creative Communities Plan 2024-2029”, Council:

- (i) approve the public exhibition of the Draft Tamworth Region Creative Communities Plan 2024-2029 for a period of 28 days; and
- (ii) receive a subsequent report to a future meeting of Council detailing the outcomes of the public exhibition process and including a recommendation as to the potential adoption of the Tamworth Region Creative Communities Plan 2024-2029.

**122/24 RESOLVED**

Cr Marc Sutherland left the meeting, the time being 09:01 PM

### **10.2 2024 TAMWORTH NAIDOC COMMITTEE FEE WAIVER REQUEST**

**DIRECTORATE:** LIVEABLE COMMUNITIES

**AUTHOR:** Haley Fenn, Team Leader, Inclusive Community

#### **MOTION**

##### **Moved Cr Tickle/Cr Burke**

That in relation to the report “2024 Tamworth NAIDOC Committee Fee Waiver Request”, Council subsidise the fees associated with the hire of Tamworth Regional Council facilities and services by \$10,000 inclusive of \$6,314.00 community service packaging discount.

**123/24 RESOLVED**

Cr Marc Sutherland returned to the meeting, the time being 09:03 PM



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

At 9.03pm, 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 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.

### **124/24 RESOLVED**

#### **TENDER T009/2024 DESIGN AND CONSTRUCTION OF BARRABA RUGBY CLUBHOUSE EXTENSION**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Claire Turnor, Projects Engineer

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(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, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

#### **TENDER T082/2024 PROVISION OF BANKING SERVICES**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Stuart Brandon, Statutory Accountant

**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

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.

#### **SUPPLY AND DELIVERY OF ONE VALVE MAINTENANCE TRAILER - T151-2023**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Kellie Martin, Procurement and Asset Supervisor

**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.

**TENDER T098-2024 RURAL WASTE TRANSFER STATION STANDALONE SOLAR INSTALLATIONS**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Benjamin Sharpham, Water Engineer - Roatation  
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) 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.

**SUPPLY AND DELIVERY OF READY MIXED CONCRETE TO TAMWORTH REGIONAL COUNCIL FOR THE PERIOD 1 JULY 2024 TO 30 JUNE 2029 INCLUSIVE - T086-2024**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Darin Beard, Warehouse Supervisor**

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 TENDER T009/2024 DESIGN AND CONSTRUCTION OF BARRABA RUGBY CLUBHOUSE EXTENSION**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Claire Turnor, Projects Engineer

#### **MOTION**

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

That in relation to the report “Tender T009/2024 Design and Construction of Barraba Rugby Clubhouse Extension”, Council:

- (i) decline to accept any of the tender submissions and decline to invite fresh tender submissions;
- (ii) authorise the General Manager to enter into negotiations with the persons identified for that purpose in the report with a view to entering into a contract;
- (iii) delegate authority to the General Manager to execute an agreement arising from those negotiations and execute a contract pending an acceptable outcome; and
- (iv) authorise the affixing of the Seal of Council to such Contract.

**125/24 RESOLVED**

### **12.2 TENDER T082/2024 PROVISION OF BANKING SERVICES**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Stuart Brandon, Statutory Accountant

**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **MOTION**

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

That in relation to the report “Tender T082/2024 Provision of Banking Services”, Council accept the tender submitted by the National Australia Bank for a five year contract to commence from 1 July 2024 with the option for three one year extensions.

**126/24 RESOLVED**

### **12.3 SUPPLY AND DELIVERY OF ONE VALVE MAINTENANCE TRAILER - T151-2023**

**DIRECTORATE:**

**REGIONAL SERVICES**

**AUTHOR:**

**Kellie Martin, Procurement and Asset Supervisor**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **MOTION**

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

That in relation to the report “Supply and Delivery of One Valve Maintenance Trailer - T151-2023”, Council award the tender to Orbinox Pty Ltd trading as SFI, ABN 61 154 483 682, for the supply and delivery of one Wachs/Valvemax Standard LX Valve Maintenance Trailer for a purchase price of \$238,500 excluding GST.

**127/24 RESOLVED**

### **12.4 TENDER T098-2024 RURAL WASTE TRANSFER STATION STANDALONE SOLAR INSTALLATIONS**

**DIRECTORATE:**

**WATER AND WASTE**

**AUTHOR:**

**Benjamin Sharpham, Water Engineer - Roatation  
Daniel Coe, Manager - Water and Environmental  
Operations**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **MOTION**

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

That in relation to the report “Tender T098-2024 Rural Waste Transfer Station Standalone Solar Installations”, Council accepts the tender submission from Polygon Energy as detailed in the body of the report.

**128/24 RESOLVED**

### **12.5 SUPPLY AND DELIVERY OF READY MIXED CONCRETE TO TAMWORTH REGIONAL COUNCIL FOR THE PERIOD 1 JULY 2024 TO 30 JUNE 2029 INCLUSIVE - T086-2024**

**DIRECTORATE:**

**REGIONAL SERVICES**

**AUTHOR:**

**Darin Beard, Warehouse Supervisor**

#### **MOTION**

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

That in relation to the report “Supply and Delivery of Ready Mixed Concrete to Tamworth Regional Council for Period 1 July 2024 to 30 June 2029 Inclusive T086-2024”, Council

- (i) accept the compliant tender submission of Regional Concrete Australia trading as Redimix Concrete, on a price and availability basis, for the

- (ii) period 1 July 2024 - 30 June 2029 inclusive; and  
accept the supplier onboarding process in accordance with the contract.

**129/24 RESOLVED**

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

#### **MOTION**

#### **Moved Cr Mears/Cr Coates**

That Council move into Open Council.

**130/24 RESOLVED**

At 9.10pm 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 9.10pm

Cr Russell Webb, Chairperson

Tuesday, 25 June 2024

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