



# 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**

### 9 JULY 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 9 JULY 2024 at 6:30PM**

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**PRESENT:** Cr Russell Webb (Mayor), Cr Judy Coates, 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**

An apology was announced as having been received from Cr Brooke Sutherland, Cr Stephen Mears, Cr Phil Betts & Cr Bede Burke who were unable to attend the Meeting.

### **MOTION**

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

That the apology be accepted and Cr Brooke Sutherland be granted leave of absence from the Meeting.

That the apology be accepted and Cr Stephen Mears be granted leave of absence from the Meeting.

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

That the apology be accepted and Cr Phil Betts be granted leave of absence from the Meeting.

**158/24 RESOLVED**

## **2 COMMUNITY CONSULTATION**

### **10.4 TAMWORTH REGIONAL CREATIVE COMMUNITIES 2024-2029**

Daniel Gillett - Spoke in Support of the Recommendation

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

### **MOTION**

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

That the Minutes of the Ordinary Meeting held on Tuesday, 25 June 2024, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**159/24 RESOLVED**

#### **4 DISCLOSURE OF INTEREST**

Cr Mark Rodda declared a conflict of interest in Item 10.1- 'Tamworth Regional Museum & Archive Strategy' of the Business Paper, for the reason that he is a Volunteer at the Tamworth Power Station Museum. Cr Rodda 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 - 21 JUNE 2024**

**DIRECTORATE:**

**LIVEABLE COMMUNITIES**

**AUTHOR:**

**Lisa Rennie, Executive Assistant**

##### **MOTION**

**Moved Cr Tickle/Cr Sutherland**

That in relation to the report "Tamworth Regional Council Heritage Working Group Meeting Minutes - 21 June 2024", Council:

- (i) receive and note the minutes;
- (ii) investigate the possibility of issuing an Order in regards to the repair and/or clean-up of the Regent Cinema site (corner Kable Avenue and Brisbane Streets);
- (iii) rename the annual Heritage Assistance Fund program to Heritage Assistance Grant program; and
- (iv) approve the amount of \$12,814.00 remaining from the 2023/2024 Heritage Assistance Fund to be carried over to the 2024/2025 Heritage Assistance Fund.

**160/24 RESOLVED**

**7.2 OBJECTION IN SECTION 82 OF THE LOCAL GOVERNMENT ACT 1993 BY RPS GROUP ON BEHALF OF MAJESTIC LIFESTYLE PTY LTD TO ALLOW CONSTRUCTION OF DWELLINGS ON SITE AS OPPOSED TO MANUFACTURING OFF-SITE.**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Nicole Chegwyn, Team Leader - Building Certification

**MOTION**

**Moved Cr Coates/Cr Sutherland**

That in relation to the report prepared by RPS Group, Australia East Pty Ltd and associated documents for “Section 82 Objection under the Local Government Act 1993 to the Requirements of the Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2021 at Lot 1000 DP 1297855 (formerly Lot 120 DP 1105753 & Lot 2 SP864981), 7 Longyard Drive Hillvue”, Council:

- (i) support the Section 82 objection lodged by Majestic Development Corporation Propriety Limited in relation to facilitating construction of manufactured homes on site at 7 Longyard Drive, Hillvue (excluding dwellings that have already been erected on site); and
- (ii) seek the concurrence of Departmental Chief Executive under Section 23A of the Local Government Act 1993, in accordance with the Section 82 Objection.

**161/24 RESOLVED**

**8**

**INFRASTRUCTURE AND SERVICES**

**8.1 CHANGES TO WASTE VOUCHER ENTITLEMENT PROCESS**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Tess Dawson, Manager, Waste and Resource Recovery

**MOTION**

**Moved Cr Sutherland/Cr Tickle**

That in relation to the report “Changes to Waste Voucher Entitlement Process”, Council notes a change from the issuing of Waste Vouchers once per quarter to issuing four vouchers once in each financial year.

**162/24 RESOLVED**

## **8.2 INCORRECT CHARGING FOR GREEN WASTE SERVICES**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director - Water and Waste  
**Reference:** Item 8.1 Ordinary Council Meeting 10 May 2022

### **MOTION**

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

That in relation to the report “Incorrect Charging for Green Waste Services”, Council:

- (i) receive and note the report; and
- (ii) allocate funds from the Waste Reserve to pay for credits to property owners of property incorrectly charged annual waste charges for green waste kerbside collection services they did not receive.

**163/24 RESOLVED**

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

Nil

## **10 COMMUNITY SERVICES**

### **10.1 TAMWORTH REGION MUSEUM AND ARCHIVE STRATEGY**

**DIRECTORATE:** CREATIVE COMMUNITIES AND EXPERIENCES  
**AUTHOR:** Bridget Guthrie, Director Art Gallery and Museums

### **MOTION**

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

That in relation to the report “Tamworth Region Museum and Archive Strategy”, Council:

- (i) adopt the draft Tamworth Region Museum and Archive Strategy for the purpose of public exhibition;
- (ii) place the draft Strategy on public exhibition for a period of 28 days;
- (iii) determine that should no community feedback be received, the strategy be adopted.

**164/24 RESOLVED**

## **10.2 TAMWORTH REGION PUBLIC ART STRATEGY**

**DIRECTORATE:** CREATIVE COMMUNITIES AND EXPERIENCES  
**AUTHOR:** Bridget Guthrie, Director Art Gallery and Museums

### **MOTION**

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

That in relation to the report “Tamworth Region Public Art Strategy”, Council adopts the draft Tamworth Region Public Art Strategy 2024/2025 to 2028/2029.

**165/24 RESOLVED**

## **10.3 PROPOSED SPONSORSHIP REQUEST FOR 2024-2026 TAMWORTH CUP SHOW JUMPING EVENT**

**DIRECTORATE:** CREATIVE COMMUNITIES AND EXPERIENCES  
**AUTHOR:** Prue Simson, Manager - AELEC Precinct

### **MOTION**

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

That in relation to the report “Proposed Sponsorship Request for 2024-2026 Tamworth Cup Show Jumping Event”, Council support and approve \$30,000 in support to the 2024-2026 Tamworth World Cup Show Jumping Event.

**166/24 RESOLVED**

## **10.4 TAMWORTH REGION CREATIVE COMMUNITIES PLAN 2024-2029**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Kay Delahunt, Manager - Learning Communities

### **MOTION**

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

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

- (i) adopt the Tamworth Region Creative Communities Plan 2024-2029; and
- (ii) refer the Tamworth Region Creative Communities Plan 2024-2029 to future Management Plan processes for budget consideration.

**167/24 RESOLVED**



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

At 7.01pm, 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 Tickle**

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.

### **168/24 RESOLVED**

#### **PROPOSED SUBLEASE TO TAFE COMMISSION - HANGAR 9, TAMWORTH REGIONAL AIRPORT**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Kirrilee Ringland, Manager - Property and Legal Services**

**Reference: Item 8.7 to Ordinary Council 12 August 2014 - Minute No 210/14**

**Item 15.3 to Ordinary Council 9 August 2016 - Minute No - 240/16**

**Item 12.1 to Ordinary Council 22 November 2022 - Minute No - 367/22**

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

#### **PROPOSED LEASE TO PIRATES RUGBY CLUB INCORPORATED OF PART LOT 4 IN DEPOSITED PLAN 211713**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Kirrilee Ringland, Manager - Property and Legal Services**

**Reference: Item 12.1 to Ordinary Council 27 September 2022 - Minute No 283/22**

**Item 12.5 to Ordinary Council 13 December 2022 - Minute No 395/22**

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.

**TENDER T029/2024 - SUPERINTENDENT FOR 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**

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.

**TENDER T105-2024 - SMALL MATERIAL RECOVERY FACILITY - REMOVAL AND DISPOSAL OF DISUSED PLANT AND EQUIPMENT**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Nathan Morgan, Senior Project Engineer**

**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),(c),(d)i&(d)ii of the local Government Act 1993 on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors., 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.

## 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 TO TAFE COMMISSION - HANGAR 9, TAMWORTH REGIONAL AIRPORT**

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

**Reference:** Item 8.7 to Ordinary Council 12 August 2014 - Minute No 210/14  
Item 15.3 to Ordinary Council 9 August 2016 - Minute No - 240/16  
Item 12.1 to Ordinary Council 22 November 2022 - Minute No - 367/22

#### **MOTION**

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

That in relation to the report "Proposed Sublease to TAFE Commission - Hangar 9, Tamworth Regional Airport", Council:

- (i) authorise the Mayor and General Manager to consent to a renewal of the Sublease of the property currently leased by Council known as Hangar 9, Tamworth Regional Airport and more particularly described as Lot 2 in Deposited Plan 1107696;
- (ii) authorise the affixing of the Seal of Council to a Deed of Consent, Sublease and any other documentation if required.

**169/24 RESOLVED**

### **12.2 PROPOSED LEASE TO PIRATES RUGBY CLUB INCORPORATED OF PART LOT 4 IN DEPOSITED PLAN 211713**

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

**Reference:** Item 12.1 to Ordinary Council 27 September 2022 - Minute No 283/22  
Item 12.5 to Ordinary Council 13 December 2022 - Minute No 395/22

#### **MOTION**

##### **Moved Cr Rodda/Cr Coates**

That in relation to the report "Proposed Lease to Pirates Rugby Club Incorporated of Part Lot 4 in Deposited Plan 211713", Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a new Lease to Pirates Rugby Club Incorporated as set out in the body of this report;

- (ii) authorise the affixing of the Seal of Council to the new Lease and any other associated documentation in order to give effect to Council's Resolution.

**170/24 RESOLVED**

**12.3 TENDER T029/2024 - SUPERINTENDENT FOR 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

**MOTION**

**Moved Cr Sutherland/Cr Coates**

That in relation to the report "Tender T029/2024 - Superintendent for the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health", Council:

- (i) accept the tender submitted by RP Infrastructure Pty Ltd (ABN 62 065 072 193) for the schedule of rates outlined in the body of this report for all items associated with acting as Tamworth Regional Council's agent as superintendent for the design finalisation and construction contract relating to the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health; and
- (ii) authorise the affixing of the Seal of Council to this contract.

**171/24 RESOLVED**

**12.4 TENDER T105-2024 - SMALL MATERIAL RECOVERY FACILITY - REMOVAL AND DISPOSAL OF DISUSED PLANT AND EQUIPMENT**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Nathan Morgan, Senior Project Engineer  
**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

**MOTION**

**Moved Cr Tickle/Cr Coates**

That in relation to the report "Tender T105-2024 - Small Material Recovery Facility - Removal and Disposal of Disused Plant and Equipment", Council accept the Tender submitted from TPE ENTERPRISES PTY LTD to undertake the works associated with removal and disposal of disused plant and equipment at the Small Material Recovery Facility, 123B Forest Road.

**172/24 RESOLVED**

**13 RESOLUTIONS PASSED IN CLOSED COUNCIL**

**MOTION**

**Moved Cr Rodda/Cr Tickle**

That Council move into Open Council.

**173/24 RESOLVED**

At 7.08pm 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 7.08pm.

Cr Russell Webb, Chairperson

Tuesday, 23 July 2024

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