



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 APRIL 2023

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 11 APRIL 2023 at 6.30PM

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PRESENT: Cr Russell Webb (Mayor), Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, 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, and Executive Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Stephen Mears who is unable to attend the Meeting due to Personal Leave.

MOTION

Moved Cr Betts/Cr Southwell

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

67/23 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Southwell/Cr Burke

That the Minutes of the Ordinary Meeting held on Tuesday, 28 March 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

68/23 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL - STRATHEDEN, OXLEY VALE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Andrew Spicer, Senior Integrated Planner
Reference: Item 7.1 to Ordinary Council 23 November 2021 - Minute No 333/21

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report "Amendment to the Tamworth Regional Local Environmental Plan 2010 - Planning Proposal - Stratheden, Oxley Vale", Council:

- (i) adopt the proposed changes to the Tamworth Regional Local Environmental Plan 2010, as described in this report;
- (ii) exercise the plan-making authority functions authorised by the Minister for Planning and Environment under Section 3.36 of the Environmental Planning and Assessment Act 1979, to amend the Tamworth Regional Local Environmental Plan 2010; and
- (iii) formulate a Development Control Plan (DCP) to guide development on the subject lands.

69/23 RESOLVED

7.2 MANAGING CONFLICT OF INTEREST IN COUNCIL RELATED DEVELOPMENT APPLICATIONS POLICY

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development
Mitchell Gillogly, Team Leader – Development
Assessment

Reference: Item 7.1 to Ordinary Council 28 February 2023 - Minute No. 25/23

MOTION

Moved Cr Sutherland/Cr Betts

That in relation to the report “Managing Conflict of Interest in Council Related Development Applications Policy”, Council:

- (i) note the one submission received during the public exhibition period; and
- (ii) adopt the Managing Conflict of Interest in Council Related Development Application Policy as attached to this report.

70/23 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 2023 LOCAL GOVERNMENT WATER MANAGEMENT CONFERENCE - PARKES - 26-28 JUNE 2023

DIRECTORATE: WATER AND WASTE
AUTHOR: Zoe-Marie West, Executive Assistant - Water and Waste

MOTION

Moved Cr Southwell/Cr Betts

That in relation to the report “2023 Local Government Water Management Conference - Parkes - 26-28 June 2023”, Council nominated Mayor Russell Webb and Councillor Marc Sutherland to attend this conference.

71/23 RESOLVED

8.2 INVESTIGATION INTO THE FEASIBILITY OF A RECREATIONAL LAKE AND PEEL RIVER IMPROVEMENTS IN TAMWORTH

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

Reference: Item 8.3 to Ordinary Council 1 December 2020 - Minute No 372/20
Item 8.2 to Ordinary Council 13 July 2021 - Minute No 194/21

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report "Investigation into the Feasibility of a Recreational Lake and Peel River Improvements in Tamworth", Council:

- (i) in relation to the construction of a weir for creation of a recreation lake, Council receive and note the report
- (ii) undertake works to provide temporary repairs to prevent further scouring of the river bank at the existing causeway across the river with funds to be provided from the general fund
- (iii) continue to investigate a weir across the Peel River including discussion with relevant State Government agencies
- (iv) in relation to Peel River Environmental & Access Improvements:
 - a. distribute the report to relevant Council staff for consideration in future reviews of existing strategies and plans;
 - b. undertake the removal of the disused sewer pipe within the Peel River funded by allocating \$75,000 from the sewer reserve;
 - c. engage a consultant to prepare design options for Council consideration in relation to extending and improving Jewry Street Park. This work will incorporate previously leased sewer operational land and consider options for rehabilitating the existing causeway within the river. Project funded by Sewer reserve. Allocate \$100,000 from the sewer reserve to fund this project;
 - d. investigate the cost to engage a consultant to undertake a detailed ecological survey of the Peel River from Paradise to Jewry Street. This project to be included within the 2023/2024 budget process and align with the action 'Re-naturalise degraded waterways and undertake Peel River Environmental Improvement Works within Tamworth LGA' included within Council's recently adopted Sustainability Strategy; and

request the Director of Water & Waste to present further reports to Council as required in respect to Peel River environmental improvement works.

AMENDMENT

Moved Cr Sutherland/Cr Rodda

That in relation to the report “Investigation into the Feasibility of a Recreational Lake and Peel River Improvements in Tamworth”, Council:

- (i) in relation to the construction of a weir for creation of a recreation lake, Council receive and note the report
- (ii) undertake works to provide temporary repairs to prevent further scouring of the river bank at the existing causeway across the river with funds to be provided from the general fund
- (iii) in relation to Peel River Environmental & Access Improvements:
 - a. distribute the report to relevant Council staff for consideration in future reviews of existing strategies and plans;
 - b. undertake the removal of the disused sewer pipe within the Peel River funded by allocating \$75,000 from the sewer reserve;
 - c. engage a consultant to prepare design options for Council consideration in relation to extending and improving Jewry Street Park. This work will incorporate previously leased sewer operational land and consider options for rehabilitating the existing causeway within the river. Project funded by Sewer reserve. Allocate \$100,000 from the sewer reserve to fund this project;
 - d. investigate the cost to engage a consultant to undertake a detailed ecological survey of the Peel River from Paradise to Jewry Street. This project to be included within the 2023/2024 budget process and align with the action ‘Re-naturalise degraded waterways and undertake Peel River Environmental Improvement Works within Tamworth LGA’ included within Council’s recently adopted Sustainability Strategy; and
 - e. request the Director of Water & Waste to present further reports to Council as required in respect to Peel River environmental improvement works.

AMENDMENT LOST

72/23 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 TAMWORTH REGIONAL COUNCIL - PROPOSED 2023/2024 FEES AND CHARGES

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tiffany Pugh, Rates Accountant

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “Tamworth Regional Council – Proposed 2023/2024 Fees and Charges”, Council approves in principle the fees and charges proposed for the 2023/2024 financial year as per the attached documents for inclusion in the draft 2023/2024 Annual Operational Plan.

73/23 RESOLVED

9.2 ANNUAL OPERATIONAL PLAN PROGRESS REPORT - JULY TO DECEMBER 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Anna Russell, Manager - Strategy and Performance
Reference: Item 9.1 to Ordinary Council 26 June 2018 - Minute No 217/18

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report “Annual Operational Plan Progress Report - July to December 2022”, Council receive and note the report.

74/23 RESOLVED

9.3 COUNCIL INVESTMENTS MARCH 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Jodie McMahon, Accountant

MOTION

Moved Cr Southwell/Cr Tickle

That in relation to the report "Council Investments March 2023", Council receive and note the report.

75/23 RESOLVED

9.4 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - MARCH 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report "Annual Operational Plan 2022/2023 Budget Variation Report - March 2023", Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

76/23 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL COUNCIL COMMUNITY SAFETY AND CRIME PREVENTION MANAGEMENT PLAN 2023-2028

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Gino Tiberi, Crime Prevention and Development Compliance Ranger

MOTION

Moved Cr Southwell/Cr Sutherland

That in relation to the report “Tamworth Regional Council Community Safety and Crime Prevention Management Plan 2023-2028”, Council:

- (i) resolve to place the draft Community Safety and Crime Prevention Management Plan 2023-2028 on public exhibition for a period of 28 days; and
- (ii) at the conclusion of the exhibition period a further report come to Council reporting on the outcomes of the public exhibition period.

77/23 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7.28pm, 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 Burke/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.

78/23 RESOLVED

PROPOSED SALE OF LAND WITHIN MANILLA - RESIDUAL LAND FROM NAMOI RIVER CROSSING PROJECT

DIRECTORATE: REGIONAL SERVICES

**AUTHOR: Callum Fletcher, Senior Project Engineer
Nicholas Hawkins, Commercial Property Officer**

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.

TENDER Q136/2023 - STREET LIGHTING FOR THE JEWRY STREET EXTENSION PROJECT

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

1 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.

12.3 POSSIBLE PURCHASE OF PROPERTY

DIRECTORATE: WATER AND WASTE

AUTHOR: 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)&(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.

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 SALE OF LAND WITHIN MANILLA - RESIDUAL LAND FROM NAMOI RIVER CROSSING PROJECT

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Nicholas Hawkins, Commercial Property Officer

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report "Proposed Sale of Land Within Manilla - Residual Land From Namoi River Crossing Project", Council:

- (i) authorise the General Manager to approve the creation of a sewer easement within Lot 61 DP 1272547;
- (ii) approve the allocation of \$20,000 from the Civil Construction Reserve to fund land sale activities to enable the sale of the lots noted within the body of the report;
- (iii) authorise the Mayor and General Manager to negotiate the sale of land in Manilla that was residual at the completion of the Namoi River Crossing Project as set out in the body of the report; and
- (iv) authorise the affixing of the Seal of Council to any contracts for sale and associated documentation required to complete such a sale.

79/23 RESOLVED

12.2 TENDER Q136/2023 - STREET LIGHTING FOR THE JEWRY STREET EXTENSION PROJECT

DIRECTORATE:

REGIONAL SERVICES

AUTHOR:

Callum Fletcher, Senior Project Engineer

1 ENCLOSURES ENCLOSED

MOTION

Moved Cr Tickle/Cr Burke

That in relation to the report “Tender Q136/2023 - Street Lighting for the Jewry Street Extension Project”, Council:

- (i) accept the tender submitted by Large Industries Pty Ltd T/AS JLE Electrical (ABN 33 119 012 387) for the lump sum amount of \$225,473.35 (excluding GST) for all items associated with the construction of street lighting for the Jewry Street Extension project, including estimated Essential Energy fees and charges; and
- (ii) authorise the affixing of the Seal of Council to this Contract.

80/23 RESOLVED

12.3 POSSIBLE PURCHASE OF PROPERTY

DIRECTORATE:

WATER AND WASTE

AUTHOR:

Daniel Coe, Manager - Water and Environmental Operations

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report “Possible Purchase of Property”, Council:

- (i) agree to purchase the subject land only as detailed in the report;
- (ii) provide funds from the Water Reserve to fund the acquisition and other payments;
- (iii) authorise the affixing of the Seal of Council to the Contract for Sale and Purchase of Land Agreement and any associated documentation to affect the transfer of the land; and
- (iv) resolve to classify the land as Operational Land upon acquisition subject to any submission which may be made on advertising the intention to classify the land as Operational Land

81/23 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Burke/Cr Betts

That Council move into Open Council.

82/23 RESOLVED

At 7:46pm 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 7:47pm.

Cr Russell Webb, Chairperson

Tuesday, 9 May 2023

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