



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

22 AUGUST 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 22 AUGUST 2023 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 Mark Rodda, Cr Helen Tickle.

IN ATTENDANCE: The General Manager, Director Liveable Communities, Director Growth and Prosperity, Director Regional Services and Director Water and Waste.

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Marc Sutherland who is unable to attend the Meeting due to work commitments.

MOTION

Moved Cr Betts/Cr Mears

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

200/23 RESOLVED

2 COMMUNITY CONSULTATION

7.1 DA2022-0494 - EXPANSION OF AN EXISTING HORSE TRAINING FACILITY, CONTINUED USE OF EXISTING BUILDING AND STRUCTURES, OPERATION OF AN ASSOCIATED TEMPORARY CAMPING GROUND

George Hoddle – spoke in support of the recommendation for approval but requested additional time to negotiate some of the conditions of consent.

7.1 DA2022-0494 - EXPANSION OF AN EXISTING HORSE TRAINING FACILITY, CONTINUED USE OF EXISTING BUILDING AND STRUCTURES, OPERATION OF ASSOCIATED TEMPORARY CAMPING GROUND

Rodger Grant - spoke in support of the recommendation for approval but requested additional time to negotiate some of the conditions of consent.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Coates/Cr Betts

That the Minutes of the Ordinary Meeting held on Tuesday, 8 August 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

201/23 RESOLVED

4 DISCLOSURE OF INTEREST

Councillor Mark Rodda declared an interest in Item 6.1 “Notice of Motion – Cr Mark Rodda – Tamworth Powerstation Museum” of the Business Paper for the reason that he volunteers at the Powerstation Museum. Councillor Rodda further stated 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

6.1 NOTICE OF MOTION – CR MARK RODDA - TAMWORTH POWERSTATION MUSEUM

MOTION

Moved Cr Rodda/Cr Mears

That the General Manager report to Council on details of leases and terms extant on Lot 1 DP 779538, the financial impact to Council should one or more of the buildings be transferred to the Tamworth Power Station Museum, and a time line for the potential transfer of buildings to enable and expedite the expansion of the Powerstation Museum footprint into the adjoining buildings.

202/23 RESOLVED

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 DA2022-0494 - EXPANSION OF AN EXISTING HORSE TRAINING FACILITY, CONTINUED USE OF EXISTING BUILDINGS AND STRUCTURES, OPERATION OF ADDITIONAL EVENTS AND AN ASSOCIATED TEMPORARY CAMPING GROUND

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Alice Elsley, Senior Development Assessment Planner

MOTION

Moved Cr Rodda/Cr Mears

That in relation to Development Application No. DA2022-0494 for the Expansion of an Existing Horse Training Facility, Continued Use of Existing Buildings and Structures, Operation of Additional Events and an Associated Temporary Camping Ground on Lot 43 in DP 245449, 95-161 Spains Lane, KINGSWOOD NSW 2340, the matter be deferred to the Ordinary Council Meeting scheduled for 26 September, 2023.

203/23 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 POSSIBLE LEASE OF LAND AT 8 RESERVOIR ROAD MANILLA

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report "Possible Lease of Land at 8 Reservoir Road Manilla", Council:

- (i) agree to undertake an Expression of Interest process for the possible lease of the property including terms detailed in the body of the report; and
- (ii) request the Director Water and Waste submit a report to Council with the results of the Expression of Interest Process.

204/23 RESOLVED

8.2 UPDATE TO COUNCIL'S URBAN STORMWATER MANAGEMENT PLANS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Aidan Pugh, Senior Stormwater Engineer

**Reference: Item 8.3 to Ordinary Council 26 September 2017 -
Minute No 317/17**

MOTION

Moved Cr Mears/Cr Southwell

That in relation to the report "Update to Council's Urban Stormwater Management Plans", Council:

- (i) resolve to place the draft Urban Stormwater Management Plans for Barraba, Manilla, Moonbi/Kootingal and Tamworth on public exhibition for a period of 28 days; and
- (ii) note that at the conclusion of the exhibition period a further report will come to Council reporting on the outcomes of the public exhibition period.

205/23 RESOLVED

8.3 URBAN STREET TREE MANAGEMENT PLAN - ADVISORY GROUP - MINUTES - 3 JULY 2023

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager - Sports and Recreation

MOTION

Moved Cr Tickle/Cr Mears

That in relation to the report "Urban Street Tree Management Plan - Advisory Group - Minutes - 3 July 2023", Council receive and note the minutes from the Urban Street Tree Management Plan – Advisory Group.

206/23 RESOLVED

8.4 UPDATE TO THE ENGINEERING DESIGN MINIMUM STANDARDS

DIRECTORATE:

REGIONAL SERVICES

AUTHOR:

Aidan Pugh, Senior Stormwater Engineer

Reference:

Item 8.1 to Ordinary Council 12 March 2019 - Minute No 59/19

MOTION

Moved Cr Burke/Cr Tickle

That in relation to the report “Update to the Engineering Design Minimum Standards”, Council:

- (i) adopt the Engineering Design Minimum Standards including the updates detailed in this report; and
- (ii) request a full review of the “Engineering Design Minimum Standards” in two years’ time.

207/23 RESOLVED

8.5 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - MEETING 2 AUGUST 2023

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 2 August 2023”, Council:

- (i) approve the event and subsequent road closure of The Ringers Road, between Longyard Drive and Jack Smyth Drive, for the period of 1.00pm to 2:30pm daily for the dates of 29 August – 1 September 2023;
- (ii) approve the installation of line marking and signage on Gorman Street, and the installation of No Stopping signs on Piper Street and Johnston Street in North Tamworth;
- (iii) approve the installation of new kerb blisters with associated signage on the eastern side of Cole Road, West Tamworth;
- (iv) approve the installation of new kerb blisters with associated signage on Gunnedah Road, Taminda;
- (v) approve the installation of new kerb blisters and pedestrian fencing with associated signage and line marking on Robert Street, South Tamworth;
- (vi) approve the relocation of No Stopping signs and the installation of new kerb blisters with associated signage on Jean Street, South Tamworth;
- (vii) approve the installation of kerb blisters with associated line marking, signage and pavement markers on Piper Street, East Tamworth;
- (viii) approve the relocation of existing No Stopping signs and the installation of a new pedestrian refuge with associated line marking, signage and pavement markers on Carthage Street and the installation of a new pedestrian refuge, kerb blisters and associated line marking, signage and pavement markers on White Street, East Tamworth;
- (ix) approve the relocation of existing No Stopping signs, the installation of a new kerb ramp on Upper Street and the installation of a new pedestrian refuge with associated line marking, signage and pavement markers on White Street, East Tamworth; and

approve the installation a new pedestrian refuge with associated No Stopping signs, line marking and pavement markers on Upper Street, East Tamworth.

208/23 RESOLVED

8.6 TAMWORTH GLOBAL GATEWAY PARK - ROAD DEDICATION FOR GUDA STREET EXTENSION

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 12.4 to the Ordinary Council 11 February 2020 - Minute No 26/20
Item 8.3 to Ordinary Council 11 August 2020 - Minute No 227/20

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report “Tamworth Global Gateway Park - Road Dedication for Guda Street Extension”, Council:

- (i) approve the dedication of a portion of Council-owned Lot 97 DP 1286236 for the purposes of road dedication associated with extending Guda Street; and
- (ii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council’s resolution.

209/23 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Karen Litchfield, Internal Auditor

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report “Audit, Risk and Improvement Committee”, Council receive and note the Minutes of the meeting held 20 July 2023.

210/23 RESOLVED

9.2 COUNCIL INVESTMENTS JULY 2023

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

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report “Council Investments July 2023”, Council receive and note the report.

211/23 RESOLVED

9.3 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - JULY 2023

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 Betts/Cr Burke

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

212/23 RESOLVED

10 COMMUNITY SERVICES

10.1 PUBLIC ART FUND

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Bridget Guthrie, Director Art Gallery and Museums
Rami Abu-Shaqra, Chief Financial Officer

MOTION

Moved Cr Burke/Cr Coates

That in relation to the report “Public Art Fund”, Council allocates a one off additional \$75,000 for outstanding public art projects and maintenance in the 2023/2024 financial year.

213/23 RESOLVED

10.2 TAMWORTH REGION ARTS ADVISORY COMMITTEE MEETING MINUTES - 6 JULY 2023

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Bridget Guthrie, Director Art Gallery and Museums

MOTION

Moved Cr Southwell/Cr Coates

That in relation to the report “Tamworth Region Arts Advisory Committee Meeting Minutes - 6 July 2023”, Council:

- (i) receive and note the minutes;
- (ii) when executing the Tamworth Entrance Strategy, require that the Tier 2 totems be designed by local artists, where possible; and
- (iii) approve the installation of the Women, Life, Freedom mural on the outer wall of the library/ gallery together with more lighting, and the storyboard in front of the entrance.

214/23 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7:35pm, 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 Betts/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.

215/23 RESOLVED

E171/2023 - EXPRESSION OF INTEREST - PROPOSED LEASE OF LAND FOR MALUA ESTATE

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 8.2 to Ordinary Council 26 October 2021 - Minute 307/21

1 ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (d) 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.

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 **E171/2023 - EXPRESSION OF INTEREST - PROPOSED LEASE OF LAND FOR MALUA ESTATE**

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

Reference: Item 8.2 to Ordinary Council 26 October 2021 - Minute 307/21

MOTION

Moved Cr Burke/Cr Rodda

That in relation to the report “E171/2023 - Expression of Interest - Proposed Lease of Land for Malua Estate”, Council authorise the General Manager to enter into a Lease Agreement for ‘Malua Estate’ with L & E Livestock under terms which include those detailed in the body of the report and including a requirement the lessee clarifies how they will move cattle onto and off the property and manage animal welfare.

216/23 RESOLVED

13 **RESOLUTIONS PASSED IN CLOSED COUNCIL**

MOTION

Moved Cr Southwell/Cr Rodda

That Council move into Open Council.

217/23 RESOLVED

At 8.01pm 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 8.02pm.

Cr Russell Webb, Chairperson
Tuesday, 12 September 2023

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