



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the **Meeting of Tamworth Regional Council** held in the **Lands Building**
Nemingha Room, 25-27 Fitzroy Street, Tamworth

22 NOVEMBER 2022

PAUL BENNETT
GENERAL MANAGER

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Lands Building Nemingha Room,
25-27 Fitzroy Street, Tamworth
TUESDAY 22 NOVEMBER 2022 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 Marc Sutherland, Cr Mark Rodda,.

IN ATTENDANCE: The General Manager, Director Liveable Communities, Acting 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 Helen Tickle who is unable to attend the Meeting due to being out of town on personal business.

MOTION

Moved Cr Betts/Cr Mears

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

350/22 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Coates/Cr Sutherland

That the Minutes of the Ordinary Meeting held on Tuesday, 8 November 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

351/22 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

5.1 DECLARATION OF STATEWIDE ROAD EMERGENCY

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Russell Webb, Mayor

MOTION

Moved Cr Webb

That in relation to the report "Declaration of Statewide Road Emergency", Council joins the Local Government NSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency.

352/22 RESOLVED

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 DRAFT TAMWORTH REGIONAL COUNCIL ENTRANCE STRATEGY

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Sam Eriksson, Sports and Recreation Strategy Officer
Paul Kelly, Manager Sports and Recreation

MOTION

Moved Cr Southwell/Cr Sutherland

That in relation to the report "Draft Tamworth Regional Council Entrance Strategy", Council:

- (i) approve the Draft Tamworth Regional Council Entrance Strategy to be placed on public exhibition for a minimum of 28 days; and
- (ii) request a further report outlining any submissions received during the public exhibition period.

353/22 RESOLVED

8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING - 7 SEPTEMBER AND 5 OCTOBER

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Jonathon Dunlop, Projects Engineer (Rotation)
Murray Russell, Manager Operations and Construction

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report “Tamworth Regional Local Traffic Committee General Meeting - 7 September and 5 October”, Council:

- (i) approve double-B line marking to be installed on Gill Street, Nundle from the starting point of the crest, 72-74 Gill Street, to the intersection of Oakenville Street;
- (ii) approve the installation of a 15 minute parking zone to be installed in front of 10 Gate Street, Kootingal;
- (iii) approve the installation of new accessible parking spaces at the following locations along Manilla Street, between Market Street and Court Street, Manilla:
 - Manilla Library;
 - 168 Manilla Street; and
 - 110 Manilla Street;
- (iv) approve the installation of a Give Way sign, linemarking two holding lines and a single centre line on Manina Way, at the corner of Meadow Banks Drive, Hallsville;
- (v) approve the installation of a Give Way sign on the Goonoo Goonoo Road (Eastern) side approach to the causeway on Burgmanns Lane, Kingswood;
- (vi) approve the National Thunder Rally traffic impacts on Jack Smyth Drive, Ringers Road, Longyard Drive, Greg Norman Drive, Goonoo Goonoo Road, Ebsworth Street, Jewry Street, Dampier Street, Wallamore Road, Goddard Lane, Gunnedah Road, Duri Road, Burgmanns Lane, and The New England Highway between 30 September 2022 and 3 October 2022, as per the supplied traffic management documentation;
- (vii) approve the road closure of Longyard Drive on 27 October 2022 between the hours of 7:30am-9:30am and 1:30pm-3:30pm;
- (viii) approve the Kootingal Triathlon Event and expected road impacts from 15 October 2022 to 18 March 2023;
- (ix) approve the Kootingal Pony Club Combined Driving Event to be held from 8:30am-2:30pm on Gaol Creek Road on 23 October 2022; and
- (x) approve the installation of a No Right Turn sign off Moore Creek Road, North Tamworth adjacent to the Calrossy Anglican School William Cowper Campus' temporary construction access to increase road safety.

354/22 RESOLVED

8.3 DUNGOWAN DAM AND PIPELINE PROJECT - ENVIRONMENTAL IMPACT STATEMENT

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Dungowan Dam and Pipeline Project - Environmental Impact Statement”, Council:

- (i) receive and note the report; and
- (ii) lodge a submission in relation to the EIS including the points listed in the report.

355/22 RESOLVED

8.4 THOMAS FOODS INTERNATIONAL REQUEST FOR REDUCTION IN TRADE WASTE CHARGES

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

MOTION

Moved Cr Southwell/Cr Coates

That in relation to the report “Thomas Foods International Request for Reduction in Trade Waste Charges”, Council not agree to any reduction in trade waste charges applicable, including non-compliance charges.

356/22 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS OCTOBER 2022

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

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “Council Investments October 2022”, Council receive and note the report.

357/22 RESOLVED

9.2 UPDATE ON SALE OF LAND FOR UNPAID RATES AND CHARGES

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tiffany Pugh, Rates Accountant
Reference: Item 9.4 to Ordinary Council 26 July 2022 - Minute No 216/22

MOTION

Moved Cr Betts/Cr Mears

In relation to the report "Update on Sale of Land for Unpaid Rates and Charges", Council:

- (i) adopt the auction dates of:
 - a. Wednesday, 01 March 2023, 6pm at the Tamworth Community Centre for Tamworth properties;
 - b. Thursday, 09 March 2023, 11am at the Manilla RSL for Barraba and Manilla properties; and
- (ii) receive and note the updated property listing information.

358/22 RESOLVED

9.3 TAMWORTH REGIONAL COUNCIL CONSOLIDATED FINANCIAL REPORTS FOR PERIOD ENDED 30 JUNE 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Stuart Brandon, Statutory Accountant
Sherrill Young, Finance Manager
Reference: Item 9.1 Ordinary Council 27 September 2022 - Minute No 276/22

Tabled Report

MOTION

Moved Cr Mears/Cr Sutherland

That in relation to the report "Tamworth Regional Council Consolidated Financial Reports for Period Ended 30 June 2022", Council:

- (i) receive and note the reports as presented; and
- (ii) adopt the proposed allocation of unrestricted cash results to Reserves.

359/22 RESOLVED

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

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Sherrill Young, Finance Manager

Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22

MOTION

Moved Cr Betts/Cr Coates

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

360/22 RESOLVED

9.5 2022/2023 QUARTERLY BUDGET REVIEW STATEMENTS TO 30 SEPTEMBER 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Sherrill Young, Finance Manager
Michael Gould, Management Accountant

Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22

MOTION

Moved Cr Southwell/Cr Burke

That in relation to the report “2022/2023 Quarterly Budget Review Statements to 30 September 2022”;

- (i) Council receive and note the report and related statements;
- (ii) Council approve the revotes carried forward to 2022/2023 as per ATTACHMENT 3; and
- (iii) Council receive and note the incomplete works carried forward to 2022/2023 as per ANNEXURE 4.

361/22 RESOLVED

9.6 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING - OCTOBER 2022

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

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “Audit, Risk and Improvement Committee – October 2022”, Council receive and note the Minutes of the meeting held on 31 October 2022.

362/22 RESOLVED

9.7 ADMINISTRATION OF THE SEPTEMBER 2024 ORDINARY ELECTIONS

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tracey Carr, Coordinator Governance and Executive Services

MOTION

Moved Cr Coates/Cr Mears

That in relation to the report “Administration of the September 2024 Ordinary Elections”, Council:

- (i) pursuant to section 296(2) and (3) of the Local Government Act 1993 (NSW) (the Act) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;
- (ii) pursuant to section 296(2) and (3) of the Act, as applied and modified by section 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and
- (iii) pursuant to section 296(2) and (3) of the Act, as applied and modified by section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

363/22 RESOLVED

9.8 INTEGRATED PLANNING AND REPORTING 2021/2022 ANNUAL REPORT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Anna Russell, Manager Strategy and Performance

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “Integrated Planning and Reporting 2021/2022 Annual Report”, Council endorse the 2021/2022 Annual Report.

364/22 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL COMMUNITY SAFETY WORKING GROUP MEETING - 25 AUGUST 2022

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Gino Tiberi, Crime Prevention Officer

MOTION

Moved Cr Southwell/Cr Rodda

That in relation to the report “Tamworth Regional Community Safety Working Group Meeting - 25 August 2022”, Council:

- (i) receive and note the minutes of the Tamworth Regional Community Safety Working Group Meeting held 25 August 2022; and
- (ii) write to Service Station operators within the Tamworth Local Government Area (LGA) that operate 24 hours seven days a week seeking their cooperation in ensuring that fuel pumps are turned off to require pre-payment of fuel after 11:30pm in an effort to better manage late night crime.

365/22 RESOLVED

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

At 7.19pm, 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 Mears

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.

366/22 RESOLVED

AVISKILLS VARIATION OF LEASE - TAMWORTH REGIONAL AIRPORT

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: John Sommerlad, Commercial Director - Airport, Aviation, Events and Projects

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

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)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.

TAMWORTH REGIONAL AIRPORT - SURVEY, DESIGN AND CONSTRUCT GENERAL AVIATION APRON AND ASSOCIATED TAXIWAYS - TENDER T086-2022

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: John Sommerlad, Commercial Director - Airport, Aviation, Events and Projects

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)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 T093/2019 - TAMWORTH REGIONAL COUNCIL RECYCLING
PROCESSING WASTE MANAGEMENT SERVICES**

DIRECTORATE: WATER AND WASTE

AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

**Reference: Item 14.2 to Ordinary Council 22 May 2018 – Minute No 181/18
Item 8.4 to Ordinary Council 26 February 2019 – Minute
No 37/19
Item 8.7 Ordinary Council 26 May 2020 - Minute No
132/20**

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.

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 AVISKILLS VARIATION OF LEASE - TAMWORTH REGIONAL AIRPORT

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: John Sommerlad, Commercial Director - Airport, Aviation, Events and Projects
Reference: Item 8.7 to Ordinary Council 12 August 2014 - Minute No 210/14

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report "Aviskills Variation of Lease - Tamworth Regional Airport", Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of the lease set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the lease agreement and any associated documents.

367/22 RESOLVED

12.2 TAMWORTH REGIONAL AIRPORT - SURVEY, DESIGN AND CONSTRUCT GENERAL AVIATION APRON AND ASSOCIATED TAXIWAYS - TENDER T086-2022

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: John Sommerlad, Commercial Director - Airport, Aviation, Events and Projects
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Southwell/Cr Burke

That in relation to the report "Tamworth Regional Airport - Survey, Design and Construct General Aviation Apron and Associated Taxiways - Tender T086-2022", Council:

- (i) accept the revised Tender as outlined in the recommendation outlined in the body of the report; and
- (ii) authorise the General Manager to sign the contract documents.

368/22 RESOLVED

12.3 TENDER T093/2019 - TAMWORTH REGIONAL COUNCIL RECYCLING PROCESSING WASTE MANAGEMENT SERVICES

DIRECTORATE: WATER AND WASTE
AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

Reference: Item 14.2 to Ordinary Council 22 May 2018 – Minute No 181/18
Item 8.4 to Ordinary Council 26 February 2019 – Minute No 37/19
Item 8.7 Ordinary Council 26 May 2020 - Minute No 132/20

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “Tender T093/2019 - Tamworth Regional Council Recycling Processing Waste Management Services”, Council:

- (i) authorise the Mayor and General Manager on behalf of Council to accept the contract offer from IQRenew for Recyclables Processing Services, including:
 - a. the contract term for six years commencing 1st of December 2022
 - b. other items as detailed in the body of the report, and;
subject to successful negotiation with IQ Renew of:-
 - c. provision of Curby services;
 - d. a Container Deposit Scheme Refund Sharing agreement;
 - e. a 1-year short term recycling material haulage and logistics arrangement;
- (ii) register the newly acquired Small Materials Recycling Facility as a Materials Processing Facility operator with Exchange for Change; and
- (iii) authorise the affixing of the seal of Council to documentation associated with this Agreement/s.

369/22 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Burke/Cr Southwell

That Council move into Open Council.

370/22 RESOLVED

At 7.24pm 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 7.25pm.

Cr Russell Webb, Chairperson

Tuesday, 13 December 2022

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