



# 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**

**25 JULY 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 25 JULY 2023 at 6.30PM**

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**PRESENT:** Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, Cr Stephen Mears, Cr Brooke Southwell, Cr Marc Sutherland, Cr Helen Tickle.

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

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**MOTION**

**Moved Cr Tickle/Cr Burke**

That in the absence of the Mayor and Deputy Mayor, Cr Phil Betts be appointed to chair the meeting.

**169/23 RESOLVED**

**1 APOLOGIES AND LEAVE OF ABSENCE**

An apology was announced as having been received from Mayor Russell Webb who is unable to attend the Meeting due to personal leave.

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

**MOTION**

**Moved Cr Burke/Cr Coates**

That the apology be accepted and Mayor Russell Webb be granted leave of absence from the Meeting.

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

**170/23 RESOLVED**

**2 COMMUNITY CONSULTATION**

Nil

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

**MOTION**

**Moved Cr Mears/Cr Southwell**

That the Minutes of the Ordinary Meeting held on Tuesday, 11 July 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**171/23 RESOLVED**

**4 DISCLOSURE OF INTEREST**

Nil

**5 MAYORAL MINUTE**

Nil

**6 NOTICE OF MOTION**

Nil

**OPEN COUNCIL REPORTS**

**7 ENVIRONMENT AND PLANNING**

Nil

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 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 Mears**

That the item be deferred.

**172/23 RESOLVED**

### **8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING - 5 JULY 2023**

**DIRECTORATE:** REGIONAL SERVICES

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

#### **MOTION**

**Moved Cr Tickle/Cr Sutherland**

That in relation to the report "Tamworth Regional Local Traffic Committee General Meeting - 5 July 2023", Council:

- (i) approves the installation of a Stop Sign on Garden Street, Kootingal and the associated line marking; and
- (ii) approves the installation of approaching side road warning signs and No Stopping signs near the intersection of Garden Street and Limbri Road, Kootingal.

**173/23 RESOLVED**

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

### **9.1 2023 NATIONAL ROADS AND TRANSPORT CONGRESS**

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

#### **MOTION**

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

That in relation to the report “2023 National Roads and Transport Congress”, Council nominate Councillor Phil Betts and Councillor Brooke Southwell as representatives to attend the Congress to be held in Canberra on 6 to 7 September 2023.

**174/23 RESOLVED**

### **9.2 COUNCIL INVESTMENTS JUNE 2023**

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

#### **MOTION**

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

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

**175/23 RESOLVED**



### **9.3 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - JUNE 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 Sutherland**

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

**176/23 RESOLVED**

## **10 COMMUNITY SERVICES**

### **10.1 TAMWORTH REGION INCLUSIVE CULTURE ADVISORY COMMITTEE (TRICAC) MEETING - 12 APRIL 2023**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Kay Delahunt, Manager - Cultural and Community Services

#### **MOTION**

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

That in relation to the report “Tamworth Region Inclusive Culture Advisory Committee (TRICAC) Meeting - 12 April 2023”, Council:

- (i) receive and note the minutes;
- (ii) approve the draft updated Tamworth Region Inclusive Culture Advisory Committee Terms of Reference; and
- (iii) invite Expressions of Interest from members of the public to fill the current community member vacancy as well as the two additional positions.

**177/23 RESOLVED**

**10.2 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 29 JUNE 2023**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Gina Vereker, Director Liveable Communities

**MOTION**

**Moved Cr Sutherland/Cr Mears**

That in relation to the report “Tamworth Regional Youth Council - Minutes of the Ordinary Meeting held on 29 June 2023”, Council:-

- (i) receive and note the minutes; and
- (ii) make application for funding under the Youth Opportunities Grant offered by the NSW Government to assist in implementing the Youth Council priority projects being promoting connectivity between schools, increasing opportunity to gain access to the Youthie and a “Youth in Boots” event at the Tamworth Country Music Festival in 2024.

**178/23 RESOLVED**

**10.3 CENTRAL NORTHERN REGIONAL LIBRARY - MINUTES OF THE ORDINARY MEETING HELD ON 5 JULY 2023**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Kay Delahunt, Manager - Cultural and Community Services

**MOTION**

**Moved Cr Coates/Cr Southwell**

That in relation to the report “Central Northern Regional Library - Minutes of the Ordinary Meeting held on 5 July 2023”, Council receive and note the minutes of the Ordinary Meeting of the Central Northern Regional Library (CNRL) held 5 July 2023.

**179/23 RESOLVED**

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

At 6.47pm, 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 Tickle/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.

**180/23 RESOLVED**

Minutes

**TOURISM PRECINCT - PROPOSED SALE OF LAND**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Nicholas Hawkins, Commercial Property Officer  
**Reference:** Item 12.7 to Ordinary Council 27 September 2022 - Minute No. 289/22

**3 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&(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.

**FOREST ROAD WASTE MANAGEMENT FACILITY - LANDFILL GAS AND AUSTRALIAN CARBON CREDIT UNITS**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Tess Dawson, Manager, Waste and Resource Recovery  
**Reference:** Item 8.4 to Ordinary Council 11 October 2016 - Minute No 301-16  
Item 14.2 to Ordinary Council 8 November 2016 - Minute No 339/16  
Item 8.6 to Ordinary Council 8 November 2016 - Minute No 329/16  
Item 12.9 to Ordinary Council 9 February 2021 - Minute No 329/16

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 TOURISM PRECINCT - PROPOSED SALE OF LAND

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Nicholas Hawkins, Commercial Property Officer  
**Reference:** Item 12.7 to Ordinary Council 27 September 2022 - Minute No. 289/22

#### MOTION

##### Moved Cr Sutherland/Cr Burke

That in relation to the report "Tourism Precinct - Proposed Sale of Land", Council:

- (i) authorise the Mayor and General manager to negotiate and enter into a Put and Call Option Deed as set out in the body of this report;
- (ii) receive and note the proposed subdivision of Council land as described in the body of this report;
- (iii) authorise activities as outlined in the body of this report be funded via the Property Acquisition reserve; and
- (iv) authorise the affixing of the Seal of Council to the Put and Call Option Deed, development application plans and any other associated documents pursuant to the matters set out in the body of this report.

**181/23 RESOLVED**

## **12.2 FOREST ROAD WASTE MANAGEMENT FACILITY - LANDFILL GAS AND AUSTRALIAN CARBON CREDIT UNITS**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Tess Dawson, Manager, Waste and Resource Recovery  
**Reference:** Item 8.4 to Ordinary Council 11 October 2016 - Minute No 301-16  
Item 14.2 to Ordinary Council 8 November 2016 - Minute No 339/16  
Item 8.6 to Ordinary Council 8 November 2016 - Minute No 329/16  
Item 12.9 to Ordinary Council 9 February 2021 - Minute No 329/16

### **MOTION**

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

That in relation to the report “Forest Road Waste Management Facility – Landfill Gas and Australian Carbon Credit Units”, Council:

- (i) agree to make application to the Clean Energy Regulator to purchase back 21,534 ACCU's at the price detailed in the report;
- (ii) provide funding from the waste reserve to cover the cost of purchase should Council's application be successful; and
- (iii) request the Director Water and Waste provide further reports on the issues identified as appropriate.

**182/23 RESOLVED**

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

### **MOTION**

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

That Council move into Open Council.

### **183/23 RESOLVED**

At 7.01pm 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 7.02pm.

Cr Phil Betts, Chairperson

Tuesday, 8 August 2023

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