



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

27 SEPTEMBER 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 27 SEPTEMBER 2022 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, Acting Director Growth and Prosperity, 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 Stephen Mears who is unable to attend the Meeting due to personal business.

MOTION

Moved Cr Burke/Cr Sutherland

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

267/22 RESOLVED

2 COMMUNITY CONSULTATION

10.2 KOOTINGAL WAR MEMORIAL HALL - SECTION 355 COMMITTEE

Robert Barber – Spoke in opposition to the recommendation

10.2 KOOTINGAL WAR MEMORIAL HALL - SECTION 355 COMMITTEE

Peter Summers – spoke in opposition to the recommendation

7.1 INTERIM HERITAGE ORDER - 4 DARLING STREET

Melinda Gill – Spoke in support of the recommendation

7.1 INTERIM HERITAGE ORDER - 4 DARLING STREET

Juanita Wilson – Spoke in support of the recommendation

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Coates/Cr Southwell

That the Minutes of the Ordinary Meeting held on Tuesday, 13 September 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

268/22 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Mark Rodda declared a conflict of interest in Item 5.1 “Housing Supply Collaboration - Memorandum of Understanding” of the Business Paper, for the reason that one of the parties of the Memorandum of Understanding is his employer, the Department of Planning and Environment. Cr Rodda further stated that it was a less than significant nonpecuniary interest and he would not remain in the Chamber.

Cr Marc Sutherland declared a conflict of interest in Item 5.1 “Housing Supply Collaboration - Memorandum of Understanding” of the Business Paper, for the reason that he is a member of the Local Aboriginal Lands Council. Cr Sutherland further stated that it was a less than significant nonpecuniary interest and he would not remain in the Chamber.

Cr Brooke Southwell declared a conflict of interest in Item 12.6 “Tender T042/2023 – Tamworth BMX Track Upgrade” of the Business Paper, for the reason that her husband is a member of Auscycling who have been mentioned in the report. Cr Southwell further stated that it was a less than significant nonpecuniary interest and she would remain in the Chamber.

5 MAYORAL MINUTE

Cr Mark Rodda left the meeting, the time being 06:49 PM

Cr Marc Sutherland left the meeting, the time being 06:49 PM

5.1 HOUSING SUPPLY COLLABORATION - MEMORANDUM OF UNDERSTANDING

DIRECTORATE:

OFFICE OF THE GENERAL MANAGER

AUTHOR:

Russell Webb, Mayor

MOTION

Moved Cr Webb

That in relation to the report "Housing Supply Collaboration - Memorandum of Understanding ", Council authorise the Mayor and General Manager to sign the Memorandum of Understanding (MoU) and work collaboratively with the Tamworth Local Aboriginal Lands Council, Crown Lands, and Land and Housing Corporation NSW to explore suitable options for additional housing supply in Tamworth.

269/22 RESOLVED

Cr Marc Sutherland returned to the meeting, the time being 06:58 PM

Cr Mark Rodda returned to the meeting, the time being 06:58 PM

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 INTERIM HERITAGE ORDER - 4 DARLING STREET TAMWORTH

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Sam Lobsey, Manager - Development

MOTION

Moved Cr Southwell/Cr Burke

That in relation to the report “Interim Heritage Order - 4 Darling Street Tamworth”, Council:

- (i) resolve that the item “House” at Lot 420 DP 47649, 4 Darling Street, Tamworth is of local heritage significance;
- (ii) resolve to place the item “House” at Lot 420 DP 47649 within Schedule 5 - Environmental heritage of the Tamworth Regional Local Environmental Plan 2010;
- (iii) forward the Planning Proposal to the Department of Planning and Environment (DPE) requesting a Gateway Determination in accordance with Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;
- (iv) request that the Minister for Planning and Environment exercise his plan making powers to delegate to Council the authority to make the plan pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979; and
- (v) upon receipt of a Gateway Determination, publicly exhibit the planning proposal in accordance with the terms of the Gateway Determination.

270/22 RESOLVED

7.2 DA2022-0567 - PROPOSED CHANGE OF USE FROM MOTEL TO TRANSITIONAL GROUP HOME, INCLUDING MINOR ALTERATIONS AND ADDITIONS ON LOT 10 IN DP 548692 - 303 GOONOO GOONOO ROAD, SOUTH TAMWORTH NSW 2340

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Alice Elsley, Senior Development Assessment Planner

MOTION

Moved Cr Betts/Cr Coates

That Council grant development consent to Development Application No. DA2022-0567 for a Change of Use from a Motel to a Transitional Group Home, including minor Alterations and Additions on Lot 10 in DP 548692 – 303 Goonoo Goonoo Road SOUTH TAMWORTH NSW 2340 subject to the following conditions:

General Conditions of Consent

- 1) Development shall take place in accordance with the attached endorsed plans:
 - a) Architectural Plans prepared by Sorensen Design & Planning, Sheets 1-6, 8 and 10-11 of 11, undated; and
 - b) Statement of Environmental Effects prepared by Perception Planning Pty Ltd, Version 2, dated 21 June 2022;
 - i. except as superseded by the letter re: Response to FIR (Further Information Request) and Submissions, prepared by Perception Planning Pty Ltd, dated 22 August 2022.
- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 3) The development shall be sited and constructed in accordance with the approved site plan. No portion of any proposed structures including any fences or gates shall encroach upon an adjoining property or the road reserve area.
- 4) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
- 5) It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.
- 6) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.
- 7) The Applicant shall consult with, as required:
 - a) Essential Energy;
 - b) Natural Gas Company; and

- c) a Telecommunications carrier;

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).

Prior to the Commencement of Works

- 8) The approved development which is the subject of this development consent must not be commenced until:
 - a) a construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier; and
 - b) the person having the benefit of the development consent has:
 - i) appointed a Principal Certifying Authority for the building work; and
 - ii) notified the Principal Certifying Authority that the person will carry out the building work as an owner-builder, if that is the case;
 - c) the principal certifying authority has, no later than two (2) days before the building work commences;
 - i) notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment;
 - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work;
 - d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i) appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved;
 - ii) notified the Principal Certifying Authority of any such appointment;
 - iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
 - iv) given at least two (2) days notice to the Council of the persons intention to commence the erection of the building.
- 9) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) must be a standard flushing toilet; and
 - b) must be connected to a public sewer; or
 - c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; orthe provision of toilet facilities in accordance with this condition must be

completed before any other work is commenced.

- 10) The developer must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
 - a) the name, address and telephone number of the principal certifying authority for the work;
 - b) the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c) a statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 11) The contractors engaged on the work on Council's assets must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- 12) Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater – Soils and Construction (Landcom 2004). The ESCP is to be submitted to Council and implemented prior to the commencement of any construction works.
- 13) A Traffic Management Plan (TMP) detailing how movements in and out of the site during the construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council. This TMP shall consider both vehicular and pedestrian movements. Where the TMP is of a level of complexity that Traffic Guidance Schemes (TGS's) are required, the TGS's shall be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual.
- 14) Pursuant to Section 68 of the Local Government Act 1993, the following approvals must be obtained:
 - a) Carry out water supply work; and
 - b) Carry out sewer work.

Prior to Issue of a Construction Certificate

- 15) The Principal Certifier is to confirm the windows along the rear wall that are within 1.5 metres of the property boundary are non-openable or automatic closing and protected in accordance with part C3.4 of the Building Code of Australia as conditioned in DA 709/1999, windows that are not openable may then result in the requirement to provide mechanical ventilation in accordance with AS 1668.2. Where the windows are not protected, compliance with this is to be demonstrated on the construction plan set and installed as part of this construction certificate.

- 16) Confirmation must be provided to the Principal Certifier that an automatic smoke detection and alarm system has been installed in accordance with specification E2.2(a) of the Building Code of Australia to all rooms providing sleeping accommodation. This was also a condition of consent from DA 709/1999, non-compliances should be addressed as part of the construction certificate.
- 17) A Fire Safety Schedule must be prepared and issued with the construction certificate in accordance with Clauses 78 and 79 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and include both existing and proposed fire safety measures pertaining to the entire building.

During Works

- 18) Work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:
Monday to Friday: 7.00am to 5.00pm.
Saturday: 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm.
No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.
- 19) The developer shall be responsible to instruct and control their contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
- 20) The developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.
- 21) Erosion and sediment control measures in accordance with the ESCP are to be maintained by the developer at all times.
- 22) The Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.
- 23) The public way (outside of any construction works zone) must not be obstructed by any construction fencing, materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.
- 24) Any damage caused to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 25) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the

developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.

Traffic and Parking

- 26) All parking areas shall be sealed and designed to comply with Australian Standard AS2890.1 'Off-street car parking'.
- 27) On-site parking accommodation shall be provided for a minimum of eight (8) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such parking shall be set out generally in accordance with the details indicated on the submitted plans, except as otherwise required by the conditions of this consent.

Demolition

- 28) Any demolition activities shall be carried out in accordance with AS 2601-2001: The Demolition of Structures.

Inspections

- 29) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulation 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

Prior to Occupation

- 30) The occupation or use of the whole or any part of a new building must not commence unless an occupation certificate has been issued in relation to the building or part.

Prior to Issue of an Occupation Certificate

General

- 31) All works, as required by these conditions of consent shall be completed.
- 32) Landscaping and fencing shall be provided on the site generally in accordance with the endorsed plans. Landscaping shall comprise native and drought tolerant species.
- 33) An Operational Management Plan for the transitional group home must be submitted to the Manager Development at Tamworth Regional Council for approval prior to the release of any Occupation Certificate and shall incorporate the following:
 - ☐ the Operational Management Plan submitted as part of the development application;
 - ☐ details on complaints and resolution process; and
 - ☐ safety and security measures.
- 34) Prior to the issue of an Occupation Certificate, any references to the existing motel within the signage on the site shall be removed.

Fire Safety

- 35) To ensure that the required Fire Safety Measures are provided in accordance

with the building's use and operating in accordance with the appropriate standards, the owner of the building must cause a copy of a Final or Interim fire safety certificate to be given to the person issuing the occupation certificate in accordance with Clause 84 of the Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021 for each measure listed in the fire safety schedule. The certificate must only be in the form specified by Clause 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building. Email address for lodgement of Fire Safety Certificate is - firesafety@fire.nsw.gov.au

- 36) An annual Fire Safety Statement for the Motel must be lodged with Council, Council does not have a current Annual Fire Safety Statement for the Motel.

Utilities

- 37) A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the Local Water Supply Authority) prior to issue of an Occupation Certificate. Council requires the following payments made prior to the issue of a Compliance Certificate.

Headworks (Additional)

- Water = \$1,239.30
- Sewer = \$829.00

Note: The above headworks contributions have been adopted under the 2022/2023 Council Annual Operation Plan. Revised rates adopted in subsequent Annual Operation Plans will apply to Headworks Contributions paid in later financial years

- 38) The occupation or use of the whole or any part of a new building shall not commence unless a section 68 certificate of completion has been issued by Council. The certificate of completion shall not be issued until such time as all relevant conditions of the Section 68 approval have been complied with and all applicable documents received by Council.

Ongoing Use

- 39) The sealing of vehicle crossovers and all vehicular parking areas are to be maintained at all times.
- 40) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 41) All vehicle movements into and out of the premises development site shall be in a forward direction.
- 42) To ensure that the required parking, associated driveways and manoeuvring areas are able to function efficiently for their intended purpose, they shall be maintained clear of obstruction and be used exclusively for the purposes of car parking and vehicle access and under no circumstances are such areas to be used for the storage of goods or waste material.
- 43) The landscaped areas on the site shall be maintained at all times.
- 44) The Operational Management Plan for the transitional group home must be adhered to at all times.

Advice Note(s)

- i. Clause 89 of the Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021 requires the owner of a building to which an essential fire safety measure is applicable to maintain each essential fire safety measure as identified by virtue of a fire safety schedule, to a standard no less than that specified in the schedule inclusive of the entire building.
- ii. Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021 for each measure listed in the schedule for the entire building.

The statement must only be in the form specified by Clause 92 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade. Email address for lodgement of Annual Fire Safety Statement - afss@fire.nsw.gov.au and a copy must also be sent to Council development@tamworth.nsw.gov.au

- iii. At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.
- iv. It is noted that the existing water service connection to the site is 20mm and may therefore need upgrading to meet flow requirements under the latest version of the NCC – Volume 3: Plumbing Code of Australia.

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Mark Rodda
5. Cr Brooke Southwell
6. Cr Marc Sutherland
7. Cr Helen Tickle
8. Cr Russell Webb

27/1/22

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

Nil

RESOLVED

7.3 TAMWORTH URBAN HEAT ISLAND REPORT

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Louisa Agyare, Integrated Planner

MOTION

Moved Cr Sutherland/Cr Betts

That in relation to the report “Tamworth Urban Heat Island Report”, Council:

- (i) adopt the Tamworth Urban Heat Island Report;
- (ii) make the Report available to Council service divisions, state agencies, and the community;
- (iii) commence implementation of the recommendations in the report:
 - 1. by investigation of relevant grant funding opportunities as they occur including pavement, streetscape treatments and tree canopy improvements;
 - 2. by applicable Council Directorates implementing specific cooling actions and updating current and future Council Delivery Plans as required; and
 - 3. exploring opportunities for inclusion as part of the review of the Tamworth Regional Development Control Plan.

272/22 RESOLVED

7.4 TAMWORTH REGIONAL COUNCIL HERITAGE ASSISTANCE FUND 2022/2023 AND TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING - 13 SEPTEMBER 2022 AND 16 SEPTEMBER 2022

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development

MOTION

Moved Cr Tickle/Cr Southwell

That in relation to the report “Tamworth Regional Council Heritage Assistance Fund 2022/2023 and Tamworth Regional Council Heritage Working Group Meeting - 13 September 2022 and 16 September 2022”, Council:

- (i) receive and note the Minutes of the Tamworth Regional Council Heritage Working Group meetings held 13 September and 16 September 2022;
- (ii) note the Minutes of the Tamworth Regional Council Heritage Working Group of 13 September 2022 recommending that Council give consideration of the listing of 4 Darling Street as an item of local significance in Schedule 5 of the Tamworth Regional Local Environmental Plan 2010;
- (iii) adopt the recommendations of the Tamworth Regional Council Heritage Working Group to offer financial assistance through the Tamworth Regional Council Heritage Assistance Fund to the owners of the following properties:

17 Church Street, Limbri	\$4,000.00
16 Gipps Street, West Tamworth	\$4,000.00
89 Jenkins Street, Nundle (Peel Inn Hotel)	\$3,000.00
140 Carthage Street, East Tamworth	\$2,100.00
86 Marius Street, Tamworth	\$3,000.00
1 Napier Street, East Tamworth	\$2,000.00
159 Carthage Street, East Tamworth	\$4,000.00
100 Carthage Street, East Tamworth	\$1,000.00
“Mumblegum”, 34 Ten Mile Lane, Wallamore (Bithramere Hall)	\$6,000.00
107 Carthage Street, East Tamworth	\$2,000.00
136 Denison Street, West Tamworth	\$1,431.00
Alexander Lane, Manilla (Manilla Services Club)	\$4,000.00
“Ohana”, 89 Soldiers Settlement Road, Bective	\$2,000.00
106 Belmore Street, West Tamworth	\$2,000.00
56 White Street, East Tamworth	\$2,000.00
136 Denison Street, West Tamworth	\$545.00
51 Upper Street, East Tamworth	\$2,000.00
17 Gipps Street, West Tamworth	\$1,000.00

- 155 Manilla Street, Manilla (Royal Hotel) \$4,000.00
- (iv) reassign any funding not accepted above towards the below projects listed in order of priority (in addition to the funding already awarded):
- 17 Church Street, Limbri
- 89 Jenkins Street, Nundle (Peel Inn Hotel)
- 155 Manilla Street, Manilla (Royal Hotel)

273/22 RESOLVED

7.5 DRAFT ENVIRONMENTAL SUSTAINABILITY STRATEGY AND ACTION PLAN 2022-2026

DIRECTORATE: WATER AND WASTE
AUTHOR: Ashleigh Smith, Sustainability Coordinator

MOTION

Moved Cr Sutherland/Cr Burke

That in relation to the report "Draft Environmental Sustainability Strategy and Action Plan 2022-2026", Council:

- (i) place the Draft Environmental Sustainability Strategy and Action Plan 2022-2026 on public exhibition for a period of not less than 28 days; and
- (ii) request the Director, Water and Waste submit a further report with the submissions received.

274/22 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 PROPOSED SALE OF DRUMALBYN AND KARA - OGUNBIL ROAD, OGUNBIL – FILE NO

DIRECTORATE:
AUTHOR:

WATER AND WASTE
Bruce Logan, Director Water and Waste

Reference:

Item 14.3 to Ordinary Council 27 September 2016 -
Minute No 293/16
Item 14.5 to Ordinary Council dated 12 June 2018 -
Minute No 202/18
Item 16.11 to Ordinary Council 24 September 2019 -
Minute No 337/19

MOTION

Moved Cr Betts/Cr Southwell

That in relation to the report “Proposed Sale of Drimalbyn and Kara – Ogunbil Road, Ogunbil”, Council plan for the sale of the property/s as the current lease of the property/s comes to an end.

275/22 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 2021/2022 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS FOR AUDIT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Finance Manager

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “2021/2022 General Purpose and Special Purpose Financial Reports for Audit”, for the period ending 30 June 2022, Council:

- (i) resolve to present the Audited General Purpose and Special Purpose Financial Reports, together with the Auditors Reports at a Public Meeting to be held as part of Council’s Meeting on 22 November 2022, in accordance with Section 419 (1) of the Local Government Act 1993;
- (ii) record as an opinion of Council pursuant to Section 413 (2c) of the Local Government Act 1993 (NSW) (as amended), that the General Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2022:
 - (a) have been prepared in accordance with:
 - the Local Government Act 1993 (as amended) and Regulations made thereafter;
 - the Australian Accounting Standards and professional pronouncements; and
 - the Local Government Code of Accounting Practice and Financial Reporting;
 - (b) the General Purpose Financial Report presents fairly Council’s operating result and financial position for the year;
 - (c) the General Purpose Financial Report accords with Council’s accounting and other records; and
 - (d) the signatories are not aware of anything that would make the General Purpose Financial Report false or misleading in any way;
 - (e) has in response to the Local Government Code of Accounting Practice and Financial Reporting 2021/2022 page 54 assessment requirements, determined that they do not control Rural Fire Service equipment assets. In accordance with this assessment all Rural Fire Service Equipment assets have been excluded from these financial reports.
- (iii) record as an opinion of Council pursuant to the Local Government Code of Accounting Practice and Financial Reporting, that the Special Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2022:
 - (a) have been prepared in accordance with:
 - the NSW Government Policy Statement “Application of National

Competition Policy to Local Government”;

- the Division of Local Government Guidelines “Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality”; and Financial Reporting; and
 - the NSW Office of Water “Best-Practice Management of Water Supply and Sewerage Guidelines”.
- (b) the Special Purpose Financial Reports present fairly the operating result and financial position for each of Council’s declared Business Activities for the year;
- (c) the Special Purpose Financial Reports accord with Council’s accounting and other records; and
- (d) present overhead reallocation charges to the water and sewerage businesses as fair and reasonable; and
- (e) the signatories are not aware of anything that would make the Special Purpose Financial Reports false or misleading in any way.

276/22 RESOLVED

9.2 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - AUGUST 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 Coates/Cr Sutherland

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

277/22 RESOLVED

9.3 COUNCIL INVESTMENTS AUGUST 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tiffany Pugh, Rates Accountant

MOTION

Moved Cr Betts/Cr Coates

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

278/22 RESOLVED

9.4 REVIEW OF THE GENERAL POLICY REGISTER

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

Reference: Item 9.8 to Ordinary Council Meeting of 5 January 2022
- Minute No 9/22

MOTION

Moved Cr Burke/Cr Tickle

That in relation to the report “Review of the General Policy Register”, Council:

- (i) endorse the proposed revocation or amendment of the General Policies identified in the Annexures and advertise the proposed changes for a period of 28 days for public comments prior to formal revocation or amendment by Council; and
- (ii) request a further report to Council following the review period to consider any public comments received.

279/22 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 25 AUGUST 2022

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Katey Allwell, Team Leader Inclusive Community

MOTION

Moved Cr Sutherland/Cr Southwell

That in relation to the report “Tamworth Regional Youth Council - Minutes of the Ordinary Meeting held on 25 August 2022”, Council receive and note the minutes.

280/22 RESOLVED

10.2 KOOTINGAL WAR MEMORIAL HALL - SECTION 355 COMMITTEE

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “Kootingal War Memorial Hall - Section 355 Committee”, Council:

- (i) dissolve the Kootingal War Memorial Hall Committee established under Section 355 of the Local Government 1993;
- (ii) require that any assets held by the Kootingal War Memorial Hall Committee be transferred to Council;
- (iii) determine that any liabilities held by the Kootingal War Memorial Hall Committee be transferred to Council;
- (iv) write to members of the Committee formally advising of the dissolution of the Committee and giving a period of seven (7) days for removal of items from the Hall and for the Committee to advise Hall hirers that all future bookings are to be completed through Council; and
- (v) thank the current Committee members for the commitment they have displayed in the care and management of the Kootingal War Memorial Hall.

281/22 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 8.11pm, 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 Coates

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.

282/22 RESOLVED

PROPOSED LEASE TO TAMWORTH PIRATES RUGBY CLUB INCORPORATED OF LOT 4 IN DEPOSITED PLAN 211713

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation
Blake Mammarella, Sports Venue - Program Officer

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.

MOONBI GAP ROAD, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT AND TRANSFER OF PROPOSED PART ROAD CLOSURE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer

Reference: Item 12.1 to Ordinary Council 24 May 2022 – Minute No 151/22
4 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.

T046-2023 - UPGRADE OF THREE INTERSECTIONS FOR THE WERRIS CREEK ROAD UPGRADE

DIRECTORATE: REGIONAL SERVICES

**AUTHOR: Lachlan Mackiewicz, Infrastructure and Projects Engineer
Mark Gardiner, Manager Project Planning and Delivery**

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.

TENDER T049/2023 - RELOCATION OF OVERHEAD ELECTRICAL INFRASTRUCTURE FOR JEWRY STREET EXTENSION

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

Reference: Item 8.4 to Ordinary Council 14 June 2022 – Minute No 161/22
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&(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.

TENDER T051-2023 - TGGP TRUNK STORMWATER FINISHING WORKS

DIRECTORATE: REGIONAL SERVICES

**AUTHOR: Callum Fletcher, Senior Project Engineer
Lachlan Mackiewicz, Infrastructure and Projects Engineer**

Reference: Item 8.4 to Ordinary Council 14 June 2022 – Minute No 161/22

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.

TENDER T042/2023 - TAMWORTH BMX TRACK UPGRADE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Mark Gardiner, Manager Project Planning and Delivery

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.

12.7 EXPRESSION OF INTEREST E089-2022 SALE AND ACTIVATION OF FORMER ATHLETICS TRACK

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Luke Stevenson, Commercial Property Officer

5 CONFIDENTIAL ANNEXURES ATTACHED

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 LEASE TO TAMWORTH PIRATES RUGBY CLUB INCORPORATED OF LOT 4 IN DEPOSITED PLAN 211713

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation
Blake Mammarella, Sports Venue - Program Officer

MOTION

Moved Cr Rodda/Cr Coates

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

- (i) authorise the Mayor and General Manager to negotiate the terms of a new lease to Tamworth Pirates Rugby Club Incorporated in accordance with the terms and conditions in the report; and
- (ii) authorise the affixing of the Seal of Council to the lease document and any other associated documentation.

283/22 RESOLVED

12.2 MOONBI GAP ROAD, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT AND TRANSFER OF PROPOSED PART ROAD CLOSURE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 12.1 to Ordinary Council 24 May 2022 – Minute No 151/22

4 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Burke/Cr Tickle

That in relation to the report “Moonbi Gap Road, Moore Creek - Land Acquisition for Road Realignment and Transfer of Proposed Part Road Closure”, Council:

- (i) acknowledge receipt of the submissions as detailed below;
- (ii) authorise the Mayor and General Manager to negotiate the resolution of any matters raised in the submissions; and
- (iii) authorise the closure of the part of the road as detailed in the previous report to Council to proceed, refer to Item 12.1 to Ordinary Council 24 May 2022 – Minute No 151/22.

284/22 RESOLVED

12.3 T046-2023 - UPGRADE OF THREE INTERSECTIONS FOR THE WERRIS CREEK ROAD UPGRADE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Lachlan Mackiewicz, Infrastructure and Projects Engineer
Mark Gardiner, Manager Project Planning and Delivery

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “T046-2023 - Upgrade of Three Intersections for the Werris Creek Road Upgrade”, Council:

- (i) not accept any tenders; and
- (ii) not proceed with these intersection upgrades as part of the current project scope due to current budget limitations and overall project affordability.

285/22 RESOLVED

12.4 TENDER T049/2023 - RELOCATION OF OVERHEAD ELECTRICAL INFRASTRUCTURE FOR JEWRY STREET EXTENSION

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 8.4 to Ordinary Council 14 June 2022 – Minute No 161/22

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Sutherland/Cr Burke

That in relation to the report “Tender T049/2023 - Relocation of Overhead Electrical Infrastructure for Jewry Street Extension”, Council:

- (i) accept the tender submitted by Curry Power Pty Ltd (ABN 67 130 705 252) for the lump sum amount of \$358,861.82 (excluding GST) for all items associated with the relocation of overhead electrical infrastructure for the Jewry Street Extension project; and
- (ii) authorise the affixing of the Seal of Council to this Contract.

286/22 RESOLVED

12.5 TENDER T051-2023 - TGGP TRUNK STORMWATER FINISHING WORKS

DIRECTORATE:

REGIONAL SERVICES

AUTHOR:

**Callum Fletcher, Senior Project Engineer
Lachlan Mackiewicz, Infrastructure and Projects
Engineer**

Reference:

**Item 8.4 to Ordinary Council 14 June 2022 – Minute No
161/22**

MOTION

Moved Cr Southwell/Cr Sutherland

That in relation to the report “Tender T051-2023 - TGGP Trunk Stormwater Finishing Works”, Council:

- (i) accept the tender submitted by TH Solutions Pty Ltd (ABN 96 635 273 040) for the lump sum amount of \$194,062.73 (excluding GST) plus schedule of rate items provided for all items associated with the finishing works for the Tamworth Global Gateway Park Trunk Stormwater project; and
- (ii) authorise the affixing of the Seal of Council to this Contract.

287/22 RESOLVED

12.6 TENDER T042/2023 - TAMWORTH BMX TRACK UPGRADE

DIRECTORATE:

REGIONAL SERVICES

AUTHOR:

Mark Gardiner, Manager Project Planning and Delivery

MOTION

Moved Cr Rodda/Cr Southwell

That in relation to the report “Tender T042/2023 - Tamworth BMX Track Upgrade”, Council:

- (i) accept the tender submitted by Living Recreation Pty Ltd (ABN 29 641 431 110) for all items associated with the upgrade of the Tamworth BMX Track;
- (ii) authorise the affixing of the Seal of Council to this Contract; and
- (iii) subject to relevant Australian Government approval, contribute an additional funding amount of approximately \$250,000 from Local Roads and Community Infrastructure Phase 3 to complete the track upgrade.

288/22 RESOLVED

12.7 EXPRESSION OF INTEREST E089-2022 SALE AND ACTIVATION OF FORMER ATHLETICS TRACK

DIRECTORATE:

GROWTH AND PROSPERITY

AUTHOR:

Luke Stevenson, Commercial Property Officer

5 CONFIDENTIAL ANNEXURES ATTACHED

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “Expression of Interest E089-2022 Sale and Activation of Former Athletics Track”, Council:

- (i) receive the submissions made to Council in relation to the Expression of Interest E089-2022;
- (ii) authorise the Mayor and General Manager to progress the negotiation with the preferred proponent as identified on the terms set out in the body of this report and notify the unsuccessful proponents;
- (iii) authorise the Mayor and General Manager to enter into a preliminary agreement on terms acceptable to Council as set out in the body of this report

289/22 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Southwell/Cr Burke

That Council move into Open Council.

290/22 RESOLVED

At 8.39PM 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 8.40pm.

Cr Russell Webb, Chairperson

Tuesday, 11 October 2022

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