



# 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**

**29 JUNE 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  
**THURSDAY 29 JUNE 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 and Cr Helen Tickle.

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

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## **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 Mears/Cr Southwell**

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

**136/23 RESOLVED**

## **2 COMMUNITY CONSULTATION**

### **9.3 TAMWORTH REGIONAL COUNCIL - INTEGRATED PLANNING AND REPORTING DOCUMENTS FOR 2023/2024**

Jodie Compton addressed the Council and spoke in opposition to the recommendation.

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

### **MOTION**

#### **Moved Cr Betts/Cr Mears**

That the Minutes of the Ordinary Meeting held on Tuesday, 6 June 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**137/23 RESOLVED**

#### **4 DISCLOSURE OF INTEREST**

Cr Brooke Southwell declared an interest in Item 10.2 - Tamworth City Centre Working Group Meeting Minutes - 18 May 2023 – of the Business Paper the reason being her father is a representative on the City Centre Working Group. Cr Southwell further stated that this was a less than significant, non-pecuniary interest and she would remain in the Chamber.

Cr Mark Rodda declared an interest in Item 8.3 - Hockey NSW Under 13 Boy's Field State Championship Sponsorship Request – of the Business Paper the reason being one of his children plays hockey. Cr Rodda further stated that this was a less than significant, non-pecuniary interest and he would remain in the Chamber.

#### **5 MAYORAL MINUTE**

Nil

#### **6 NOTICE OF MOTION**

Nil

### **OPEN COUNCIL REPORTS**

#### **7 ENVIRONMENT AND PLANNING**

##### **7.1 TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING MINUTES - 8 JUNE 2023**

**DIRECTORATE:**  
**AUTHOR:**

**LIVEABLE COMMUNITIES**  
**Gina Vereker, Director Liveable Communities**

##### **MOTION**

**Moved Cr Tickle/Cr Betts**

That in relation to the report "Tamworth Regional Council Heritage Working Group Meeting Minutes - 8 June 2023", Council:

- (i) receive and note the minutes; and
- (ii) approve the amount of \$12,000 remaining from the 2022-23 Heritage Assistance Fund to be carried over to the 2023-24 Heritage Assistance Fund.

**138/23 RESOLVED**

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 URBAN STREET TREE MANAGEMENT PLAN - ADVISORY GROUP - MINUTES - 8 MAY 2023**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Hugh Leckie, Horticulture and Arboriculture Specialist

#### **MOTION**

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

That in relation to the report "Urban Street Tree Management Plan - Advisory Group - Minutes - 8 May 2023", Council receive and note the minutes from the Urban Street Tree Management Plan – Advisory Group.

**139/23 RESOLVED**

### **8.2 WATER IN THE LANDSCAPE INITIATIVE**

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

#### **MOTION**

##### **Moved Cr Betts/Cr Southwell**

That in relation to the report "Water in the Landscape Initiative", Council receive and note the report.

**140/23 RESOLVED**

### **8.3 HOCKEY NSW UNDER 13 BOY'S FIELD STATE CHAMPIONSHIP SPONSORSHIP REQUEST**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Sam Eriksson, Sports and Recreation Strategy Officer  
Paul Kelly, Manager - Sports and Recreation

#### **MOTION**

##### **Moved Cr Southwell/Cr Tickle**

That in relation to the report "Hockey NSW Under 13 Boy's Field State Championship Sponsorship Request", Council:

- (i) decline the request to support the event with a \$10,000 cash contribution; and
- (ii) financially support the event with a fee waiver for costs associated to Council.

**141/23 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

**ITEM WITHDRAWN AT THE REQUEST OF THE MAYOR**

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

#### **9.1 WRITING OFF OF RATES AND CHARGES FOR 2022/2023**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Seon Millstead, Revenue Accountant

##### **MOTION**

##### **Moved Cr Betts/Cr Rodda**

That in relation to the report "Writing Off of Rates and Charges for 2022/2023", Council approve the writing off of Rates and Charges totalling \$115,382.73 in accordance with Section 131 of the Local Government (General) Regulation 2021.

**142/23 RESOLVED**

#### **9.2 DRAFT FRAUD AND CORRUPTION PREVENTION POLICY**

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

##### **MOTION**

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

That in relation to the report "Draft Fraud and Corruption Prevention Policy", Council:

- (i) receive and note the Fraud and Corruption Prevention Plan;
- (ii) authorise the Draft Fraud and Corruption Prevention Policy to be placed on public exhibition for a period of 28 Days; and
- (iii) request a further report to Council to consider any feedback received throughout the public exhibition period and present the final Fraud and Corruption Prevention Policy for formal adoption.

**143/23 RESOLVED**



### **9.3 TAMWORTH REGIONAL COUNCIL - INTEGRATED PLANNING AND REPORTING DOCUMENTS FOR 2023/2024**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services  
Anna Russell, Manager - Strategy and Performance  
**Reference:** Item 9.4 to Ordinary Council 9 May 2023 - Minute No 90/23

#### **MOTION**

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

That in relation to the report "Tamworth Regional Council - Integrated Planning and Reporting Documents for 2023/2024", Council makes the following determinations:

- (i) in accordance with Section 405 of the Local Government Act 1993, Council adopt DRAFT Our Delivery Plan 2023/2025 and Our Annual Plan and Budget 2023/2024 ATTACHED, refer ANNEXURE 1, DRAFT Statement of Revenue Policy 2023/2024 ATTACHED, refer ANNEXURE 2, and DRAFT Our Fees & Charges 2023/2024 ATTACHED, refer ANNEXURE 3;
- (ii) in accordance with Part 9, Division 5, clause 211(2) of the Local Government (General) Regulation 2021, Council approves expenditure and vote funds as detailed in DRAFT Our Delivery Plan 2023/2025 and Our Annual Plan and Budget 2023/2024;
- (iii) Council authorises the affixing of the Seal of the Council to all Loan Documents relating to 2023/2024 loan funding for:
  - the Organics Recycling Facility;
  - Skywalk;
  - Ray Walsh House Remediation;
  - Digital Transformation;as detailed in DRAFT Our Delivery Plan 2023/2025 and Our Annual Plan and Budget 2023/2024, and DRAFT Statement of Revenue Policy 2023/2024, refer ANNEXURE 1 and ANNEXURE 2;
- (iv) in relation to ordinary rates, Council adopts the 3.7% annual maximum rate peg, as approved by the Independent Pricing and Regulatory Tribunal, and in accordance with Section 494 of the Local Government Act 1993, Council make and levy the ordinary rates for the year 1 July 2023 to 30 June 2024, refer ANNEXURE 2;
- (v) in relation to water supply charges; in accordance with Section 501 and Section 502 of the Local Government Act 1993, Council make and levy the charges for Water Supply Services in 2023/2024, refer ANNEXURE 2;
- (vi) in relation to sewerage service charges; in accordance with Section 501 and Section 502 of the Local Government Act 1993, Council make and levy the charges for Sewerage Services in 2023/2024, refer ANNEXURE 2;
- (vii) in relation to waste management charges, in accordance with Section 496 and Section 501 and Section 502 of the Local Government Act 1993, Council make

and levy the annual charges for Waste Management Services in 2023/2024, refer ANNEXURE 2;

- (viii) in relation to stormwater management service charges, in accordance with Section 496A of the Local Government Act 1993, Council make and impose the charges for the purpose of construction of Stormwater Management Services identified in Council's Urban Area Stormwater Management Plan(s), refer ANNEXURE 2;
- (ix) in relation to interest on overdue rates and charges, Council make and impose the maximum charge for interest of 9.0% on overdue rates and charges as determined by the Minister for Local Government, in accordance with Section 566 (3) of the Local Government Act 1993; and
- (x) in relation to the exhibited fees and charge; fees and charges for the actual use of services provided by Council as detailed in DRAFT Our Delivery Plan 2023/2025 and Our Annual Plan and Budget 2023/2024 be adopted in accordance with Section 502 of the Local Government Act 1993, refer ANNEXURE 3.

**144/23 RESOLVED**

#### **9.4 WRITING OFF OF RATES AND CHARGES FOR 2022/2023 SALE OF LAND FOR UNPAID RATES AND CHARGES**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: Seon Millstead, Revenue Accountant**

**Reference: Item 9.4 Report to Ordinary Council 26 July 2022 - Minute No 217/22**

#### **MOTION**

**Moved Cr Betts/Cr Coates**

That in relation to the report "Writing Off of Rates and Charges for 2022/2023 Sale of Land for Unpaid Rates and Charges", Council approve the writing off of Rates and Charges totalling \$127,255.51 in accordance with Section 131 of the Local Government (General) Regulation 2021.

**145/23 RESOLVED**

### **9.5 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - MAY 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 Betts/Cr Tickle**

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

**146/23 RESOLVED**

### **9.6 COUNCIL INVESTMENTS MAY 2023**

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

#### **MOTION**

##### **Moved Cr Southwell/Cr Burke**

That in relation to the report “**Error! No document variable supplied.**”, Council receive and note the report.

**147/23 RESOLVED**

### **9.7 NATIONAL CUTTING HORSE ASSOCIATION (NCHA) FUTURITY PART FEE WAIVER REQUEST**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Prue Simson, Manager - AELEC Precinct

#### **MOTION**

##### **Moved Cr Betts/Cr Tickle**

That in relation to the report “National Cutting Horse Association (NCHA) Futurity Part Fee Waiver Request”, Council support and approve a part fee waiver for venue hire as detailed in the report.

**148/23 RESOLVED**

**9.8 SPONSORSHIP PROPOSAL FOR NUTRIEN CLASSIC CAMPDRAFT AND SALE AND NUTRIEN GRADUATE CAMPDRAFT**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Prue Simson, Manager - AELEC Precinct

**MOTION**

**Moved Cr Tickle/Cr Burke**

That in relation to the report “Sponsorship Proposal for Nutrien Classic Campdraft and Sale and Nutrien Graduate Campdraft”, Council support the sponsorship proposal and recommendations as noted within the body of the report.

**149/23 RESOLVED**

**9.9 LEGACY CENTENARY CELEBRATIONS FEE WAIVER**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Peter Ross, Manager - Entertainment Venues

**MOTION**

**Moved Cr Betts/Cr Rodda**

That in relation to the report “Legacy Centenary Celebrations Fee Waiver”, Council approves a fee waiver for:

- (i) Tamworth War Memorial Town Hall; and
- (ii) Waler Memorial Pond, Bicentennial Park.

**150/23 RESOLVED**

## **10 COMMUNITY SERVICES**

### **10.1 NEW TAMWORTH REGIONAL YOUTH STRATEGY AND ACTION PLAN**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Hamish Slade, Economic Development Officer

#### **MOTION**

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

That in relation to the report “New Tamworth Regional Youth Strategy and Action Plan”, Council:

- (i) approve the allocation of funds as outlined in the body of the report for the preparation of the strategy; and
- (ii) approve the appointment of the recommended consultancy group to undertake the work.

**151/23 RESOLVED**

### **10.2 TAMWORTH CITY CENTRE WORKING GROUP MEETING MINUTES - 18 MAY 2023**

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

#### **MOTION**

##### **Moved Cr Tickle/Cr Coates**

That in relation to the report “Tamworth City Centre Working Group Meeting Minutes - 18 May 2023”, Council:

- (i) receive and note the minutes;
- (ii) explore options for the naming of Fitzroy Street between Peel Street and Kable Avenue including Aboriginal words for “meeting place”, noting that the Working Group prefers the name “Fitzroy Place” over “Fitzroy Plaza” or “Fitzroy Mall”; and
- (iii) invite Expressions of Interest (EOI) to fill the current vacancies in the Tamworth City Centre Working Group membership.

**152/23 RESOLVED**

### **10.3 TAMWORTH REGIONAL COUNCIL COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2023-2028**

**DIRECTORATE:** LIVEABLE COMMUNITIES

**AUTHOR:** Gino Tiberi, Crime Prevention and Development Compliance Ranger

**Reference:** Item 10.1 to Ordinary Council 11 April 2023 - Minute No 77/23

#### **MOTION**

##### **Moved Cr Rodda/Cr Mears**

That in relation to the report "Tamworth Regional Council Community Safety and Crime Prevention Plan 2023-2028", Council note the submissions received in response to the public exhibition and adopt the Draft Community Safety and Crime Prevention Plan 2023-2028.

**153/23 RESOLVED**

### **10.4 GOLF NSW REQUEST FOR SPONSORSHIP**

**DIRECTORATE:** GROWTH AND PROSPERITY

**AUTHOR:** Linda Bridges, Coordinator Visitor Economy

#### **MOTION**

##### **Moved Cr Tickle/Cr Mears**

That in relation to the report "Golf NSW Request for Sponsorship", Council approves the three-year sponsorship funding request of \$10,000 per year as noted in the body of this report.

**154/23 RESOLVED**

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

At 7:39pm, 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 Mears/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.

### **155/23 RESOLVED**

#### **TENDER T145/2023 – CONSTRUCTION OF MUD DRYING BEDS AT SWAN STREET**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Daniel Coe, Manager - Water and Environmental Operations**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (d)i 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 2021 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 TENDER T145/2023 – CONSTRUCTION OF MUD DRYING BEDS AT SWAN STREET**

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

#### **MOTION**

##### **Moved Cr Betts/Cr Mears**

That in relation to the report “Tender T145/2023 – Construction of Mud Drying Beds at Swan Street”, Council not accept any tenders as per the details included in the report.

**156/23 RESOLVED**

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

#### **MOTION**

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

That Council move into Open Council.

**157/23 RESOLVED**

At 7:42pm 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 7:43pm.

Cr Russell Webb, Chairperson

Tuesday, 11 July 2023

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