



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the **Meeting of Tamworth Regional Council** held in the **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**

8 JUNE 2021

**GINA VEREKER
ACTING GENERAL MANAGER**

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, 4th Floor Ray
Walsh House, 437 Peel Street, Tamworth
TUESDAY 8 JUNE 2021 at 6:30PM

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PRESENT: Cr Col Murray (Mayor), Cr Phil Betts, Cr Charles Impey, Cr Glenn Inglis, Cr Jim Maxwell, Cr Mark Rodda, Cr Helen Tickle, Cr Russell Webb and Cr Juanita Wilson.

IN ATTENDANCE: Acting General Manager/Director Planning and Compliance, Director Growth and Prosperity, Director Regional Services, Director Water and Waste and Acting Director Corporate and Governance/Executive Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Betts/Cr Impey

That the Minutes of the Ordinary Meeting held on Tuesday, 25 May 2021, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

157/21 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Mark Rodda declared a conflict of interest in “Item 9.1 – Sponsorship of National Rugby League Premiership Game” of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Rodda further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Helen Tickle declared a conflict of interest in “Item 8.4 – Rotary Club of Tamworth First Light Regional Waste Warriors Expo Sponsorship Request” of the Business Paper, for the reason that she is a member of the Rotary Club of Tamworth First Light and also a member of the Waste Water Committee. Cr Tickle further stated that she has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Helen Tickle declared a conflict of interest in “Item 9.1 – Sponsorship Of National Rugby League Premiership Game” of the Business Paper, for the reason that she is a member of the Wests Entertainment Group. Cr Tickle further stated that she has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Juanita Wilson declared a conflict of interest in “Item 9.1 – Sponsorship of National Rugby League Premiership Game” of the Business Paper, for the reason that she is a member of the Wests Entertainment Group. Cr Wilson further stated that she has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Phil Betts declared a conflict of interest in “Item 9.1 – Sponsorship of National Rugby League Premiership Game” of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Betts further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Glenn Inglis declared a conflict of interest in “Item 9.1 – Sponsorship of National Rugby League Premiership Game” of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Inglis further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Russell Webb declared a conflict of interest in “Item 9.1 – Sponsorship of National Rugby League Premiership Game” of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Webb further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Mayor, Cr Col Murray declared a conflict of interest in “Item 9.1 – Sponsorship of National Rugby League Premiership Game” of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Murray further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 2020-2021 FACILITY IMPROVEMENT FUND

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Kay Burnes, Senior Place Manager

MOTION

Moved Cr Rodda/Cr Inglis

That in relation to the report “2020-2021 Facility Improvement Fund”, Council amend Resolution 127/21 for the Ordinary Meeting held 11 May 2021, as follows:

- (i) approve the funding allocation of \$4,999.00 to Moonbi War Memorial Hall and Recreation Reserve Committee for the sand and reseal of the main hall and meeting room floor; and
- (ii) approve the funding allocation of \$3,108.00 to Piallamore Recreation Reserve Committee for the boundary fencing project.

158/21 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 2021 NORTHERN INLAND ACADEMY OF SPORT NATIONAL PRIMARY GAMES FEE WAIVER REQUEST

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation

MOTION

Moved Cr Wilson/Cr Tickle

That in relation to the report “2021 Northern Inland Academy of Sport National Primary Games Fee Waiver Request”, Council approve a complete fee waiver for all fees associated with the National Primary Games.

159/21 RESOLVED

8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - 18 MAY 2021 - EMAILED ITEMS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works - Regional Services

MOTION

Moved Cr Impey/Cr Betts

That in relation to the report “Tamworth Regional Local Traffic Committee – 18 May 2021 – Emailed Items”, Council:

- (i) approve the installation of a 17 metre Bus Zone operating from 7.00am to 7.00pm on Calala Lane, adjacent to 69 and 71 Calala Lane, Calala;
- (ii) approve the traffic control for the running of the Winter Road Racing Program 2021, by the Tamworth Cycle Club, from 8 May 2021 to 16 October 2021, on Saturdays from 1:15pm to 4:30pm on alternate routes in Moore Creek, Attunga and Loomberah; and
- (iii) approve the traffic control for the running of the Gunnedah to Tamworth Graded Scratch Race Cycling Event, by the Tamworth Cycle Club on 20 June 2021, from Osric Street, Gunnedah to Burgmanns Lane (or Criterium Track via Jack Smyth Drive), Hillvue between 8:00am and 4:00pm.

160/21 RESOLVED

8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING – 5 MAY 2021

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works - Regional Services

MOTION

Moved Cr Wilson/Cr Maxwell

That in relation to the report “Tamworth Regional Local Traffic Committee General Meeting – 5 May 2021”, Council:

- (i) approve the installation of edge and centreline marking on Carthage Street, between Brisbane Street and Fitzroy Street, East Tamworth;
- (ii) approve the installation of disability carpark at the following locations:
 - 1) White Street between Peel Street and Marius Street, adjacent to the Tamworth Square shopping centre side entrance/existing Taxi Zone/Loading Zone/disability bays;
 - 2) Kable Avenue (Tamworth Regional Playground), between Roderick Street and White Street, adjacent to Hopscotch Café;
 - 3) Bourke Street, between Peel Street and Dowe Street, adjacent to 13/17 Bourke Street;
 - 4) Byrnes Avenue Carpark 1 (between Hill Street and Roderick Street) within the carpark, in bays nearest the entrance;
 - 5) Byrnes Avenue Carpark 2 (between Roderick Street and Murray Street) within the carpark, in bays nearest the entrance;
 - 6) CWA Hands of Fame Carpark, Kable Avenue, within the carpark, two in bays nearest to the entrance, and two in bays nearest to the Brisbane Street intersection;
 - 7) Peel Street (between Darling Street and Bourke Street) adjacent to Castlereagh Imaging; and
 - 8) approve the relocation of the following existing bay - Bourke Street, between Peel Street and Kable Avenue, currently adjacent to 239 Peel Street, to be relocated within the same block, to a bay where an accessible ramp can be constructed.
- (iii) approve the installation of a Loading Zone bay in the White Street carpark extension, and in the Kable Avenue Regional Playground carpark.

161/21 RESOLVED

Cr Helen Tickle declared a conflict of interest in this Item, for the reason that she is a member of the Rotary Club of Tamworth First Light and also a member of the Waste Water Committee. Cr Tickle further stated that she has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

8.4 ROTARY CLUB OF TAMWORTH FIRST LIGHT REGIONAL WASTE WARRIORS EXPO SPONSORSHIP REQUEST

DIRECTORATE: WATER AND WASTE
AUTHOR: Tracey Carr, Sustainability Coordinator

MOTION

Moved Cr Impey/Cr Betts

That in relation to the report “Rotary Club of Tamworth First Light Regional Waste Warriors Expo Sponsorship Request”, Council:

- (i) agree to Gold Level Sponsorship of the 2021 Regional Waste Warriors Expo, including provision of \$5,000 to organisers; and
- (ii) provide funding for this sponsorship from the Waste Reserve.

162/21 RESOLVED

8.5 NSW GOVERNMENT C776 CONTRACT FOR SMALL SITES ELECTRICITY SUPPLY

DIRECTORATE: WATER AND WASTE
AUTHOR: Tracey Carr, Sustainability Coordinator
Reference: Item 12.11 to Closed Council 27 April 2021 - Minute No 120/21

MOTION

Moved Cr Inglis/Cr Wilson

That in relation to the report “NSW Government Contract for Small Sites Electricity Supply”, Council continue the provision of electricity to Council’s small sites under the NSW Government’s C776 Contract for Small Sites Electricity Supply, until 30 June 2022.

163/21 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

Cr Mark Rodda declared a conflict of interest in this Item of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Rodda further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Helen Tickle declared a conflict of interest in this Item of the Business Paper, for the reason that she is a member of the Wests Entertainment Group. Cr Tickle further stated that she has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Juanita Wilson declared a conflict of interest in this Item of the Business Paper, for the reason that she is a member of the Wests Entertainment Group. Cr Wilson further stated that she has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Phil Betts declared a conflict of interest in this Item of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Betts further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Glenn Inglis declared a conflict of interest in this Item of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Inglis further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Cr Russell Webb declared a conflict of interest in this Item of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Webb further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

Mayor, Cr Col Murray declared a conflict of interest in this Item of the Business Paper, for the reason that he is a member of the Wests Entertainment Group. Cr Murray further stated that he has a less than significant, non-pecuniary interest in this matter and will remain in the Chamber and participate in the debate.

9.1 SPONSORSHIP OF NATIONAL RUGBY LEAGUE PREMIERSHIP GAME

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Jacqueline O'Neill, Director Growth and Prosperity

MOTION

Moved Cr Webb/Cr Betts

That in relation to the report "Sponsorship of National Rugby League Premiership Game", Council approve sponsorship of \$20,000 (excluding GST) for the National Rugby League game to be held on 21 August 2021.

164/21 RESOLVED

9.2 MEMORANDUM OF UNDERSTANDING BETWEEN TAMWORTH REGIONAL COUNCIL AND THE UNIVERSITY OF NEW ENGLAND

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Paul Bennett, General Manager

MOTION

Moved Cr Inglis/Cr Maxwell

That in relation to the report “Memorandum of Understanding between Tamworth Regional Council and the University of New England”, Council authorise the Mayor to sign the memorandum subject to discussions with UNE to ensure that Clause 1.4(b) does not prohibit competition in delivery of education and research services.

165/21 RESOLVED

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7.05pm, 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 Acting 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 Maxwell/Cr Betts

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.

166/21 RESOLVED

11.1 PROPOSED SALE OF COUNCIL LAND

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Luke Stevenson, Commercial Property Officer

Reference: Item 7.1 to Ordinary Council 9 October 2018

4 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.

11.2 T126/2021 - DEMOLITION OF EXISTING LOW FLOW CAUSEWAY AND CONSTRUCTION OF NEW MULTICELL BOX CULVERT CAUSEWAY AT TANGARATTA CREEK ON WALLAMORE ROAD

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Infrastructure and Works - Regional Services

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(d)iii 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, reveal a trade secret.

11.3 TENDER T071/2021 - DESIGN AND CONSTRUCTION OF TIMBER BRIDGE REPLACEMENTS 2021

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

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.

11.4 PROPOSED LEASE TO NORTH TAMWORTH RUGBY LEAGUE FOOTBALL CLUB INCORPORATED OF LOT 15 IN DEPOSITED PLAN 858511

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

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.

11.5 REQUEST REGARDING RESTRICTION AS TO USE

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

2 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 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 CLOSED COUNCIL REPORTS

12.1 PROPOSED SALE OF COUNCIL LAND

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Luke Stevenson, Commercial Property Officer
Reference: Item 7.1 to Ordinary Council 9 October 2018

MOTION

Moved Cr Rodda/Cr Maxwell

That in relation to the report “Proposed Sale of Council Land”, Council authorise the Mayor and General Manager to enter into discussions to determine the amount of land required and purchase offer.

167/21 RESOLVED

12.2 T126/2021 - DEMOLITION OF EXISTING LOW FLOW CAUSEWAY AND CONSTRUCTION OF NEW MULTICELL BOX CULVERT CAUSEWAY AT TANGARATTA CREEK ON WALLAMORE ROAD

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works - Regional Services

MOTION

Moved Cr Maxwell/Cr Wilson

That in relation to the report “Tender T126/2021 Demolition of Existing Low Flow Causeway and Construction of New Multicell Box Culvert Causeway at Tangaratta Creek on Wallamore Road”, Council reject all tender submissions received for T126/2021 and Tamworth Regional Council carry out the requirements of the proposed contract.

168/21 RESOLVED

12.3 TENDER T071/2021 - DESIGN AND CONSTRUCTION OF TIMBER BRIDGE REPLACEMENTS 2021

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

MOTION

Moved Cr Rodda/Cr Inglis

That in relation to the report “Tender T071/2021 – Design and Construction of Timber Bridge Replacements 2021”, Council:

- (i) accept the tender submitted by Bridge and Civil Pty Ltd (ABN 98 147 030 126) for the lump sum amount of \$4,248,926.00 (excluding GST) for all items associated with the design and construction of five timber bridge replacements within the Tamworth Local Government Area, including the bridge tendered as

- optional;
- (ii) authorise the affixing of the Seal of Council to this Contract;
 - (iii) note the tender included the replacement of two bridges within the Gunnedah Shire Council LGA; and
 - (iv) note the opportunity of negotiating a variation to this contract for the replacement of two bridges within the Liverpool Plains Shire Council Local Government Area.

169/21 RESOLVED

12.4 PROPOSED LEASE TO NORTH TAMWORTH RUGBY LEAGUE FOOTBALL CLUB INCORPORATED OF LOT 15 IN DEPOSITED PLAN 858511

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation

MOTION

Moved Cr Webb/Cr Rodda

That in relation to the report “Proposed Lease to North Tamworth Rugby League Football Club Incorporated of Lot 15 in Deposited Plan 858511”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms to renew the lease to the above organisation as set out herein; and
- (ii) authorise the affixing of the Seal of Council to the lease document and any other associated documentation.

170/21 RESOLVED

12.5 REQUEST REGARDING RESTRICTION AS TO USE

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Inglis/Cr Tickle

That in relation to the report “Request Regarding Restriction as to Use”, Council:

- (i) enter into a Deed of Arrangement authorising the amendment to the Restriction as to Use affecting the property as identified in the body of the report;
- (ii) execute the relevant Real Property Act Form to be registered at New South Wales Land Registry Services to record that Council has exercised its discretion to vary the Restriction as to the Use of the Land as described in the Deed of Agreement;
- (iii) affix the Seal of Council to the Deed of Agreement and the Real Property Act Form identified in resolutions (i) and (ii) above.

171/21 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Betts/Cr Maxwell

That Council move into Open Council.

172/21 RESOLVED

At 7.35pm 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 7.35pm.

Cr Col Murray, Chairperson

Tuesday, 29 June 2021

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