



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

1 DECEMBER 2020

PAUL BENNETT
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, 1 DECEMBER 2020 at 6:30PM

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Minutes

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

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

ELECTION OF CHAIRPERSON

MOTION

Moved Cr Inglis/Cr Maxwell

That Cr Betts be nominated as Chair for the Meeting.

365/20 RESOLVED

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

2.1 ITEM 8.6 ORGANIC RECYCLING FACILITY EXPRESSION OF INTEREST OUTCOMES AND REQUEST TO PREPARE AND RELEASE A SELECT TENDER

Mr David McKinnon addressed Council in opposition to the recommendation.

2.2 ITEM 8.3 INVESTIGATION INTO THE FEASIBILITY OF A WEIR ACROSS THE PEEL RIVER IN TAMWORTH

Mr Peter Gill addressed Council in support of the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Inglis/Cr Impey

That the Minutes of the Ordinary Meeting held on Tuesday, 17 November 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting, except for Item 8.5 where the DP number will be corrected to be DP 1211619.

366/20 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Charles Impey declared a conflict of interest in Item 8.4 “Possible Funding for Cooperative Research Centres (CRC’s)” of the Business Paper, for the reason that a long term work colleague is employed at the University of Southern Queensland. Cr Impey further stated that it was a less than significant non pecuniary interest and that he would remain in the Chamber and participate in the debate.

Cr Jim Maxwell declared a conflict of interest in Item 7.3 “Development Application for Construction and Use of 5MW Solar Farm and Associated Infrastructure on Lot A DP 442930 and Lot 2214 DP 1177944, 412 Manilla Road, Manilla” of the Business Paper, for the reason that he is a member of the NSW Community Renewable (Manilla) Pty Ltd. Cr Maxwell further stated that it was a less than significant non pecuniary interest and that he would 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 PROPOSED ROAD NAMES - STAGE 11 WINDMILL HILL - SUBDIVISION OF LOT 210 DP 251551 BROWNS LANE, NORTH TAMWORTH DA0238/2015 (RN2021-0003)

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Carolyn Tickle, Development Hub Supervisor

MOTION

Moved Cr Impey/Cr Wilson

That in relation to the report “Proposed Road Names - Stage 11 Windmill Hill – Subdivision of Lot 210 DP 1251551 Browns Lane, North Tamworth”, Council:

- (i) approve in principle the road names ‘Traminer’ Drive, ‘Alsace’ Place and ‘Sauvignon’ Close;
- (ii) advertise the proposed names as required by the Roads Act 1993 Section 162, Roads (General) Regulation 2008, Part 2, Division 2 to enable interested parties the opportunity to make comments; and
- (iii) provided no submissions are made which object to the proposed road names, proceed to publish adopted names in the Government Gazette and notify Australia Post, NSW Land and Property Information, Chief Executive

of the Ambulance Services of NSW, NSW Fire Brigades, NSW Rural Fire Service, NSW Police Force, State Emergency Services and NSW Volunteer Rescue Association Incorporated with sufficient particulars for identification of the roads.

367/20 RESOLVED

7.2 INTRODUCTION OF POLICY - DEFERRAL OF SECTION 64 HEADWORKS PAYMENTS FOR SUBDIVISION DEVELOPMENTS

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Steve Brake, Manager Development Engineering
Reference: Item 4.1 to Extraordinary Council 6 April 2020 - Minute No 90/20

MOTION

Moved Cr Rodda/Cr Tickle

That in relation to the report "Introduction of Policy - Deferral of Section 64 Headworks Payments for Subdivision Developments", Council:

- (i) endorse the public exhibition of the Draft Policy and a new headworks deferral administration fee, for a period of 28 days;
- (ii) in the case that there are no further changes requested to the Draft Policy or no negative submissions received, authorise the adoption of the Draft Policy for inclusion in the General Policy Register and the 2020/2021 Annual Operational Plan Fees and Charges;
- (iii) authorise the reimbursement of Section 64 Water and Sewer Headworks charges that have been paid, for any parcel of unsold land that has been subdivided with a linen release date after 31 March 2020, until the date of adoption of the Draft Policy, or when reported at a future Meeting of Council; and
- (iv) authorise the affixing of the Seal of Council to the legal agreements associated with security of payment.

368/20 RESOLVED

7.3 DEVELOPMENT APPLICATION FOR CONSTRUCTION AND USE OF 5MW SOLAR FARM AND ASSOCIATED INFRASTRUCTURE ON LOT A DP 442930 AND LOT 2214 DP 1177944, 4122 MANILLA ROAD, MANILLA

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Mitchell Gillogly, Development Assessment Planner

MOTION

Moved Cr Tickle/Cr Inglis

That in relation to the report "Development Application for Construction and Use of a

5MW Solar Farm and Associated Infrastructure on Lot A DP 442930 and Lot 2214 DP 1177944, 4122 Manilla Road, Manilla”, Council:

- (i) note that the application is scheduled for an electronic determination by the Northern Regional Planning Panel with a public meeting not required; and
- (ii) determine not to make a submission to the Northern Regional Planning Panel in relation to the application.

369/20 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH TURF PRECINCT MASTERPLAN, STAGE 1

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

MOTION

Moved Cr Rodda/Cr Maxwell

That in relation to the report “Tamworth Turf Precinct Masterplan, Stage 1”, Council adopt Stage 1 of the Tamworth Turf Precinct Masterplan.

370/20 RESOLVED

8.2 2021 COUNTRY CRICKET NSW JANUARY REPRESENTATIVE EVENTS FEE WAIVER REQUEST

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

MOTION

Moved Cr Webb/Cr Rodda

That in relation to the report “2021 Country Cricket NSW January Representative Events Fee Waiver Request”, Council approve a complete fee waiver to the value of \$7,108.53.

371/20 RESOLVED

8.3 INVESTIGATION INTO THE FEASIBILITY OF A WEIR ACROSS THE PEEL RIVER IN TAMWORTH

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

MOTION

Moved Cr Wilson/Cr Webb

That in relation to the report “Investigation into the Feasibility of a Weir Across the Peel River in Tamworth”, Council:

- (i) agree to engage Hunter H2O and subconsultant SMEC to undertake a high-level investigation of one or more weirs across the Peel River; and
- (ii) agree to provide funding of \$50,000 from the Water Reserve to fund this work.

372/20 RESOLVED

8.4 POSSIBLE FUNDING FOR COOPERATIVE RESEARCH CENTRES (CRC's)

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.3 to Ordinary Council 22 September 2020 - Minute No 285/20

MOTION

Moved Cr Wilson/Cr Inglis

That in relation to the report “Possible Funding for Cooperative Research Centres (CRC's)”, Council not provide funding for the One Basin CRC.

373/20 RESOLVED

8.5 MIXED WASTE ORGANICS MATERIAL AGREEMENT RECEIVAL UPDATE

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

MOTION

Moved Cr Inglis/Cr Tickle

That in relation to the report “Mixed Waste Organics Material Agreement Receival Update”, Council note the Agreement between Biomass Solutions (Coffs Harbour) and Tamworth Regional Council for the acceptance and disposal of Mixed Waste Organic Output to Forest Road Landfill will end no later than 31 March 2021.

374/20 RESOLVED

8.6 ORGANIC RECYCLING FACILITY EXPRESSION OF INTEREST OUTCOMES AND REQUEST TO PREPARE AND RELEASE A SELECT TENDER

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

Reference: Item 8.3 to Ordinary Council 24 November 2015 - Minute No 344/15
Item 8.5 to Ordinary Council 24 May 2016 - Minute No 137/16
Item 14.4 to Ordinary Council 9 August 2016 - Minute No 241/16
Item 8.5 to Ordinary Council 8 November 2016 Minute No 329/16
Item 8.5 to Ordinary Council 13 February 2018 - Minute No 17/18
Item 8.2 to Ordinary Council 9 April 2019 - Minute No 103/19
Item 7.2 to Ordinary Council 11 February 2020 - Minute No 3/20
Item 8.5 to Ordinary Council 14 July 2020 - Minute No 190/20

MOTION

Moved Cr Inglis/Cr Wilson

That in relation to the report “Organic Recycling Facility Expression of Interest Outcomes and Request to Prepare and Release a Select Tender”, Council:

- (i) agree to hold the Environment Protection License for the facility regardless of the delivery and operating model;
- (ii) not pursue a delivery model for the project that includes an alliance or partnership type approach;
- (iii) prepare tender documents which allow a range of delivery models to be tendered as detailed in the body of the report; and
- (iv) request tenders based on the documents in (iii) above from the following companies, selected as a result of the Expression of Interest E009/2021:
 - Suez (ABN 18 002 658 255);
 - JR Richards (ABN 86 000 389 793);
 - Kingston (ABN 61 124 250 335);
 - Re-Group (ABN 84 166 255 947); and
 - Remondis (ABN 95 002 429 781).

375/20 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SCHEDULE OF COUNCIL MEETINGS FOR 2021

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicole Hunter, Coordinator Executive Services

MOTION

Moved Cr Webb/Cr Impey

That in relation to the report “Schedule of Council Meetings for 2021” Council fix the dates and times for the Council Meetings for 2021, as follows:

	Time	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	Jun 2021	Jul 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021
Ordinary Council	6:30 pm		9	9	13	11	8	13	10		12	9	14
			23	23	27	25	29	27	24	28	26	23	

376/20 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGION INCLUSIVE CULTURE ADVISORY COMMITTEE (TRICAC) - MEETING - 19 NOVEMBER 2020

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Kay Delahunt, Manager - Cultural and Community Services

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report “Tamworth Region Inclusive Culture Advisory Committee (TRICAC) – Meeting - 19 November 2020”, Council receive and note the minutes.

377/20 RESOLVED

10.2 CENTRAL NORTHERN REGIONAL LIBRARY (CNRL) - MEETING - 11 NOVEMBER 2020

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Kay Delahunt, Manager - Cultural and Community Services

MOTION

Moved Cr Wilson/Cr Tickle

That in relation to the report “Central Northern Regional Library (CNRL) - Meeting – 11 November 2020”, Council:

- (i) receive and note the minutes of the meeting of the Central Northern Regional Library (CNRL) Annual General Meeting and Ordinary Meeting held 11 November 2020; and
- (ii) approve the proposed Tamworth Regional Council contribution for 2021/2022.

378/20 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7.18pm, 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 Murray/Cr Inglis

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.

379/20 RESOLVED

11.1 REQUEST FOR DISCHARGE OF MORTGAGE

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

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.

11.2 SUPPLY AND INSTALLATION OF TRAFFIC BARRIER DURING THE PERIOD 1 DECEMBER 2020 - 30 NOVEMBER 2022

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

11.3 PROPOSED DISPOSAL OF COUNCIL OWNED LAND

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.

11.4 ASSIGNMENT OF SUBLEASE AT HOPSCOTCH CAFE AND RESTAURANT AT TAMWORTH REGIONAL PLAYGROUND, BICENTENNIAL PARK, TAMWORTH

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

**Reference: Item 8.11 to Ordinary Council 12 August 2014 - Minute No 213/14
Item 13.4 to Ordinary Council 28 October 2014 - Minute No 345/14
Item 8.5 to Ordinary Council 25 August 2015 - Minute 212/15
Item 15.2 to Ordinary Council 23 August 2016 - Minute No 257/16
Item 14.1 to Ordinary Council 22 November 2016 - Minute No 372/16
Item 15.2 to Ordinary Council 23 May 2017 - Minute No 156/17
Item 7.3 to Ordinary Council 9 June 2020 - Minute No 160/20**

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c)&(d) 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 REQUEST FOR DISCHARGE OF MORTGAGE

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

MOTION

Moved Cr Inglis/Cr Webb

That in relation to the report “Request for Discharge of Mortgage”, Council:

- (i) authorise the Mayor and General Manager to proceed with the discharge of Mortgage in accordance with the details in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to any documents required to give effect to this resolution.

380/20 RESOLVED

12.2 SUPPLY AND INSTALLATION OF TRAFFIC BARRIER DURING THE PERIOD 1 DECEMBER 2020 - 30 NOVEMBER 2022

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Webb/Cr Tickle

That in relation to the report “Supply and Installation of Traffic Barrier during the Period 1 December 2020 – 30 November 2022”, Council:

- (i) accept the schedule of rates tenders submitted by Irwin Fencing, Western Safety Barriers, McIntosh Fencing, Protection Barriers, Schramm Group, and GRI Road Services, and place all accepted tenderers on the panel tender for the supply and installation of traffic barriers for the period of 1 December 2020 to 30 November 2022; and
- (ii) authorise the affixing of the Seal of Council to each schedule of rates contract with Irwin Fencing, Western Safety Barriers, McIntosh Fencing, Protection Barriers, Schramm Group, and GRI Road Services.

381/20 RESOLVED

12.3 PROPOSED DISPOSAL OF COUNCIL OWNED LAND

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

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report “Proposed Disposal of Council Owned Land”, Council:

- (i) authorise the Mayor and General Manager to progress the negotiation of the sale of the land known as 87-93 Brisbane Street, Tamworth (the former Mechanics Institute) in the manner set out in the body of this report; and
- (ii) requests a further report be brought back to Council prior to the sale, and following advice from Council’s Heritage Advisor.

382/20 RESOLVED

Cr Inglis requested his name be recorded as voting against the Motion.

12.4 ASSIGNMENT OF SUBLEASE AT HOPSCOTCH CAFE AND RESTAURANT AT TAMWORTH REGIONAL PLAYGROUND, BICENTENNIAL PARK, TAMWORTH

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services
Reference: Item 8.11 to Ordinary Council 12 August 2014 - Minute No 213/14
Item 13.4 to Ordinary Council 28 October 2014 - Minute No 345/14
Item 8.5 to Ordinary Council 25 August 2015 - Minute 212/15
Item 15.2 to Ordinary Council 23 August 2016 - Minute No 257/16
Item 14.1 to Ordinary Council 22 November 2016 - Minute No 372/16
Item 15.2 to Ordinary Council 23 May 2017 - Minute No 156/17
Item 7.3 to Ordinary Council 9 June 2020 - Minute No 160/20

MOTION

Moved Cr Tickle/Cr Webb

That in relation to the report “Assignment of Sublease at Hopscotch Café and Restaurant at Tamworth Regional Playground, Bicentennial Park, Tamworth”, Council:

- (i) authorise the Mayor and General Manager to enter into a Deed of Assignment regarding the sublease of the premises as discussed in the body of the report; and
- (ii) authorise the affixing of the Seal of Council to the Deed and all associated documents.

383/20 RESOLVED

13 **RESOLUTIONS PASSED IN CLOSED COUNCIL**

MOTION

Moved Cr Wilson/Cr Tickle

That Council move into Open Council.

384/20 RESOLVED

At 7.52pm 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 7.52pm.

Cr Phil Betts, Chairperson
Tuesday, 15 December 2020

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